

HOUSE BILL No. 2648

By Committee on Corrections and Juvenile Justice

2-6

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to assault; battery; definition of law enforcement officer; amending
3 K.S.A. 2017 Supp. 21-5412 and 21-5413 and repealing the existing
4 sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2017 Supp. 21-5412 is hereby amended to read as
8 follows: 21-5412. (a) Assault is knowingly placing another person in
9 reasonable apprehension of immediate bodily harm;

10 (b) Aggravated assault is assault, as defined in subsection (a),
11 committed:

12 (1) With a deadly weapon;

13 (2) while disguised in any manner designed to conceal identity; or

14 (3) with intent to commit any felony.

15 (c) Assault of a law enforcement officer is assault, as defined in
16 subsection (a), committed against:

17 (1) A uniformed or properly identified state, county or city law
18 enforcement officer while such officer is engaged in the performance of
19 such officer's duty; or

20 (2) a uniformed or properly identified university or campus police
21 officer while such officer is engaged in the performance of such officer's
22 duty; or

23 (3) *a federal law enforcement officer as defined in K.S.A. 2017 Supp.*
24 *21-5413, and amendments thereto, while such officer is engaged in the*
25 *performance of such officer's duty.*

26 (d) Aggravated assault of a law enforcement officer is assault of a law
27 enforcement officer, as defined in subsection (c), committed:

28 (1) With a deadly weapon;

29 (2) while disguised in any manner designed to conceal identity; or

30 (3) with intent to commit any felony.

31 (e) (1) Assault is a class C person misdemeanor.

32 (2) Aggravated assault is a severity level 7, person felony.

33 (3) Assault of a law enforcement officer is a class A person
34 misdemeanor.

35 (4) Aggravated assault of a law enforcement officer is a severity level
36 6, person felony. A person convicted of aggravated assault of a law

uniformed or properly identified

1 enforcement officer shall be subject to the provisions of ~~subsection (g)~~ of
2 K.S.A. 2017 Supp. 21-6804(g), and amendments thereto.

3 Sec. 2. K.S.A. 2017 Supp. 21-5413 is hereby amended to read as
4 follows: 21-5413. (a) Battery is:

5 (1) Knowingly or recklessly causing bodily harm to another person;
6 or

7 (2) knowingly causing physical contact with another person when
8 done in a rude, insulting or angry manner.

9 (b) Aggravated battery is:

10 (1) (A) Knowingly causing great bodily harm to another person or
11 disfigurement of another person;

12 (B) knowingly causing bodily harm to another person with a deadly
13 weapon, or in any manner whereby great bodily harm, disfigurement or
14 death can be inflicted; or

15 (C) knowingly causing physical contact with another person when
16 done in a rude, insulting or angry manner with a deadly weapon, or in any
17 manner whereby great bodily harm, disfigurement or death can be
18 inflicted;

19 (2) (A) recklessly causing great bodily harm to another person or
20 disfigurement of another person; or

21 (B) recklessly causing bodily harm to another person with a deadly
22 weapon, or in any manner whereby great bodily harm, disfigurement or
23 death can be inflicted; or

24 (3) (A) committing an act described in K.S.A. 8-1567, and
25 amendments thereto, when great bodily harm to another person or
26 disfigurement of another person results from such act; or

27 (B) committing an act described in K.S.A. 8-1567, and amendments
28 thereto, when bodily harm to another person results from such act under
29 circumstances whereby great bodily harm, disfigurement or death can
30 result from such act.

31 (c) Battery against a law enforcement officer is:

32 (1) Battery, as defined in subsection (a)(2), committed against a:

33 (A) Uniformed or properly identified university or campus police
34 officer while such officer is engaged in the performance of such officer's
35 duty;

36 (B) uniformed or properly identified state, county or city law
37 enforcement officer, other than a state correctional officer or employee, a
38 city or county correctional officer or employee or a juvenile detention
39 facility officer, or employee, while such officer is engaged in the
40 performance of such officer's duty;

41 (C) ~~a federal law enforcement officer while such officer is engaged in~~
42 ~~the performance of such officer's duty;~~

43 (D) judge, while such judge is engaged in the performance of such

uniformed or properly identified

1 judge's duty;

2 ~~(B)(E)~~ attorney, while such attorney is engaged in the performance of
3 such attorney's duty; or

4 ~~(E)(F)~~ community corrections officer or court services officer, while
5 such officer is engaged in the performance of such officer's duty;

6 (2) battery, as defined in subsection (a)(1), committed against a:

7 (A) Uniformed or properly identified university or campus police
8 officer while such officer is engaged in the performance of such officer's
9 duty; or

10 (B) uniformed or properly identified state, county or city law
11 enforcement officer, other than a state correctional officer or employee, a
12 city or county correctional officer or employee or a juvenile detention
13 facility officer, or employee, while such officer is engaged in the
14 performance of such officer's duty; or

15 ~~(C) a fact that law enforcement officer while such officer is engaged in
16 the performance of such officer's duty;~~

17 ~~(E)(D)~~ judge, while such judge is engaged in the performance of such
18 judge's duty;

19 ~~(E)(E)~~ attorney, while such attorney is engaged in the performance of
20 such attorney's duty; or

21 ~~(E)(F)~~ community corrections officer or court services officer, while
22 such officer is engaged in the performance of such officer's duty; or

23 (3) battery, as defined in subsection (a) committed against a:

24 (A) State correctional officer or employee by a person in custody of
25 the secretary of corrections, while such officer or employee is engaged in
26 the performance of such officer's or employee's duty;

27 (B) state correctional officer or employee by a person confined in
28 such juvenile correctional facility, while such officer or employee is
29 engaged in the performance of such officer's or employee's duty;

30 (C) juvenile detention facility officer or employee by a person
31 confined in such juvenile detention facility, while such officer or employee
32 is engaged in the performance of such officer's or employee's duty; or

33 (D) city or county correctional officer or employee by a person
34 confined in a city holding facility or county jail facility, while such officer
35 or employee is engaged in the performance of such officer's or employee's
36 duty.

37 (d) Aggravated battery against a law enforcement officer is:

38 (1) An aggravated battery, as defined in subsection (b)(1)(A)
39 committed against a:

40 (A) Uniformed or properly identified state, county or city law
41 enforcement officer while the officer is engaged in the performance of the
42 officer's duty;

43 (B) uniformed or properly identified university or campus police

uniformed or properly identified

1 officer while such officer is engaged in the performance of such officer's
2 duty;

uniformed or properly identified

3 (C) a federal law enforcement officer while such officer is engaged in
4 the performance of such officer's duty;

5 (E)(D) judge, while such judge is engaged in the performance of such
6 judge's duty;

7 (E)(E) attorney, while such attorney is engaged in the performance of
8 such attorney's duty; or

9 (E)(F) community corrections officer or court services officer, while
10 such officer is engaged in the performance of such officer's duty;

11 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)
12 (C), committed against a:

13 (A) Uniformed or properly identified state, county or city law
14 enforcement officer while the officer is engaged in the performance of the
15 officer's duty;

16 (B) uniformed or properly identified university or campus police
17 officer while such officer is engaged in the performance of such officer's
18 duty;

uniformed or properly identified

19 (C) a federal law enforcement officer while such officer is engaged in
20 the performance of such officer's duty;

21 (E)(D) judge, while such judge is engaged in the performance of such
22 judge's duty;

23 (E)(E) attorney, while such attorney is engaged in the performance of
24 such attorney's duty; or

25 (E)(F) community corrections officer or court services officer, while
26 such officer is engaged in the performance of such officer's duty; or

27 (3) knowingly causing, with a motor vehicle, bodily harm to a:
28 (A) Uniformed or properly identified state, county or city law
29 enforcement officer while the officer is engaged in the performance of the
30 officer's duty; or

31 (B) uniformed or properly identified university or campus police
32 officer while such officer is engaged in the performance of such officer's
33 duty; or

uniformed or properly identified

34 (C) a federal law enforcement officer while such officer is engaged in
35 the performance of such officer's duty.

36 (e) Battery against a school employee is a battery, as defined in
37 subsection (a), committed against a school employee in or on any school
38 property or grounds upon which is located a building or structure used by a
39 unified school district or an accredited nonpublic school for student
40 instruction or attendance or extracurricular activities of pupils enrolled in
41 kindergarten or any of the grades one through 12 or at any regularly
42 scheduled school sponsored activity or event, while such employee is
43 engaged in the performance of such employee's duty.

1 (f) Battery against a mental health employee is a battery, as defined in
2 subsection (a), committed against a mental health employee by a person in
3 the custody of the secretary for aging and disability services, while such
4 employee is engaged in the performance of such employee's duty.
5 (g) (1) Battery is a class B person misdemeanor.
6 (2) Aggravated battery as defined in:
7 (A) Subsection (b)(1)(A) is a severity level 4, person felony;
8 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
9 felony;
10 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
11 felony; and
12 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
13 felony.
14 (3) Battery against a law enforcement officer as defined in:
15 (A) Subsection (c)(1) is a class A person misdemeanor;
16 (B) subsection (c)(2) is a severity level 7, person felony; and
17 (C) subsection (c)(3) is a severity level 5, person felony.
18 (4) Aggravated battery against a law enforcement officer as defined
19 in:
20 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
21 and
22 (B) subsection (d)(2) is a severity level 4, person felony.
23 (5) Battery against a school employee is a class A person
24 misdemeanor.
25 (6) Battery against a mental health employee is a severity level 7,
26 person felony.
27 (h) As used in this section:
28 (1) "Correctional institution" means any institution or facility under
29 the supervision and control of the secretary of corrections;
30 (2) "state correctional officer or employee" means any officer or
31 employee of the Kansas department of corrections or any independent
32 contractor, or any employee of such contractor, whose duties include
33 working at a correctional institution;
34 (3) "juvenile detention facility officer or employee" means any officer
35 or employee of a juvenile detention facility as defined in K.S.A. 2017
36 Supp. 38-2302, and amendments thereto;
37 (4) "city or county correctional officer or employee" means any
38 correctional officer or employee of the city or county or any independent
39 contractor, or any employee of such contractor, whose duties include
40 working at a city holding facility or county jail facility;
41 (5) "school employee" means any employee of a unified school
42 district or an accredited nonpublic school for student instruction or
43 attendance or extracurricular activities of pupils enrolled in kindergarten or

1 any of the grades one through 12;

2 (6) "mental health employee" means: (A) An employee of the Kansas
3 department for aging and disability services working at Larned state
4 hospital, Osawatomie state hospital, Kansas neurological institute and
5 Parsons state hospital and training center and the treatment staff as defined
6 in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and
7 employees of contractors under contract to provide services to the Kansas
8 department for aging, and disability services working at any such
9 institution or facility;

10 (7) "judge" means a duly elected or appointed justice of the supreme
11 court, judge of the court of appeals, judge of any district court of Kansas,
12 district magistrate judge or municipal court judge;

13 (8) "attorney" means a: (A) County attorney, assistant county
14 attorney, special assistant county attorney, district attorney, assistant
15 district attorney, special assistant district attorney, attorney general,
16 assistant attorney general or special assistant attorney general; and (B)
17 public defender, assistant public defender, contract counsel for the state
18 board of indigents' defense services or an attorney who is appointed by the
19 court to perform services for an indigent person as provided by article 45
20 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

21 (9) "community corrections officer" means an employee of a
22 community corrections services program responsible for supervision of
23 adults or juveniles as assigned by the court to community corrections
24 supervision and any other employee of a community corrections services
25 program that provides enhanced supervision of offenders such as house
26 arrest and surveillance programs; ~~and~~

27 (10) "court services officer" means an employee of the Kansas
28 judicial branch or local judicial district responsible for supervising,
29 monitoring or writing reports relating to adults or juveniles as assigned by
30 the court, or performing related duties as assigned by the court; *and*

31 (11) "*federal law enforcement officer*" means a law enforcement
32 officer employed by the United States federal government who, as part of
33 such officer's duties, is permitted to make arrests and to be armed.

34 Sec. 3. K.S.A. 2017 Supp. 21-5412 and 21-5413 are hereby repealed.

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the statute book.