

## HOUSE BILL No. 3004

By Committee on Federal and State Affairs

2-22

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AN ACT concerning crimes and punishment; relating to battery against a law enforcement officer; amending K.S.A. 2001 Supp. 21-3413 and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 21-3413 is hereby amended to read as follows: 21-3413. Battery against a law enforcement officer is a battery, as defined in K.S.A. 21-3412 and amendments thereto:

(a) (1) Committed against a uniformed or properly identified state, county or city law enforcement officer other than a state correctional officer or employee, *a tribal law enforcement officer*, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty;

(2) committed against a state correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(3) committed against a juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(4) committed against a juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(5) committed against a city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(b) Battery against a law enforcement officer as defined in subsection (a)(1) is a class A person misdemeanor. Battery against a law enforcement officer as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a severity level 5, person felony.

(c) As used in this section:

1 (1) "Correctional institution" means any institution or facility under  
2 the supervision and control of the secretary of corrections.

3 (2) "State correctional officer or employee" means any officer or em-  
4 ployee of the Kansas department of corrections or any independent con-  
5 tractor, or any employee of such contractor, working at a correctional  
6 institution.

7 (3) "Juvenile correctional facility officer or employee" means any of-  
8 ficer or employee of the juvenile justice authority or any independent  
9 contractor, or any employee of such contractor, working at a juvenile  
10 correctional facility, as defined in K.S.A. 38-1602 and amendments  
11 thereto.

12 (4) "Juvenile detention facility officer or employee" means any officer  
13 or employee of a juvenile detention facility as defined in K.S.A. 38-1602  
14 and amendments thereto.

15 (5) "City or county correctional officer or employee" means any cor-  
16 rectional officer or employee of the city or county or any independent  
17 contractor, or any employee of such contractor, working at a city holding  
18 facility or county jail facility.

19 (6) "*Tribal law enforcement officer*" means any law enforcement of-  
20 ficer of a native American Indian tribe which has entered into a gaming  
21 compact with the state.

22 Sec. 2. K.S.A. 2001 Supp. 21-3413 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its  
24 publication in the statute book.

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