

SENATE BILL No. 485

By Committee on Judiciary

1-31

AN ACT concerning crimes, criminal procedure 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 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 Sec. 2. K.S.A. 2001 Supp. 21-3413 is hereby repealed.

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

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