

SENATE BILL No. 429

By Senator D. Schmidt

1-16

9 AN ACT concerning firefighters; pertaining to the crime of battery on a
10 firefighter; amending K.S.A. 21-3413 and 21-3415 and repealing the
11 existing sections.
12

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

14 Section 1. K.S.A. 21-3413 is hereby amended to read as follows: 21-
15 3413. (a) Battery against a law enforcement officer is:

16 (1) Battery, as defined in subsection (a)(2) of K.S.A. 21-3412, and
17 amendments thereto, committed against: (A) A uniformed or properly
18 identified university or campus police officer while such officer is engaged
19 in the performance of such officer's duty; or (B) a uniformed or properly
20 identified state, county or city law enforcement officer, other than a state
21 correctional officer or employee, a city or county correctional officer or
22 employee, a juvenile correctional facility officer or employee or a juvenile
23 detention facility officer or employee, while such officer is engaged in the
24 performance of such officer's duty; or (C) *a uniformed or properly iden-*
25 *tified state, county or city firefighter; or*

26 (2) battery, as defined in subsection (a)(1) of K.S.A. 21-3412, and
27 amendments thereto, committed against: (A) A uniformed or properly
28 identified university or campus police officer while such officer is engaged
29 in the performance of such officer's duty; or (B) a uniformed or properly
30 identified state, county or city law enforcement officer, other than a state
31 correctional officer or employee, a city or county correctional officer or
32 employee, a juvenile correctional facility officer or employee or a juvenile
33 detention facility officer or employee, while such officer is engaged in the
34 performance of such officer's duty; or (C) *a uniformed or properly iden-*
35 *tified state, county or city firefighter; or*

36 (3) battery, as defined in K.S.A. 21-3412, and amendments thereto,
37 committed against: (A) A state correctional officer or employee by a per-
38 son in custody of the secretary of corrections, while such officer or em-
39 ployee is engaged in the performance of such officer's or employee's duty;

40 (B) committed against a juvenile correctional facility officer or em-
41 ployee by a person confined in such juvenile correctional facility, while
42 such officer or employee is engaged in the performance of such officer's
43 or employee's duty;

- 1 (C) committed against a juvenile detention facility officer or em-
2 ployee by a person confined in such juvenile detention facility, while such
3 officer or employee is engaged in the performance of such officer's or
4 employee's duty; ~~or~~
- 5 (D) committed against a city or county correctional officer or em-
6 ployee by a person confined in a city holding facility or county jail facility,
7 while such officer or employee is engaged in the performance of such
8 officer's or employee's duty; *or*
- 9 (E) *committed against a uniformed or properly identified state,*
10 *county or city firefighter.*
- 11 (b) Battery against a law enforcement officer as defined in subsection
12 (a)(1) is a class A person misdemeanor. Battery against a law enforcement
13 officer as defined in subsection (a)(2) is a severity level 7, person felony.
14 Battery against a law enforcement officer as defined in subsection (a)(3)
15 is a severity level 5, person felony.
- 16 (c) As used in this section:
- 17 (1) "Correctional institution" means any institution or facility under
18 the supervision and control of the secretary of corrections.
- 19 (2) "State correctional officer or employee" means any officer or em-
20 ployee of the Kansas department of corrections or any independent con-
21 tractor, or any employee of such contractor, working at a correctional
22 institution.
- 23 (3) "Juvenile correctional facility officer or employee" means any of-
24 ficer or employee of the juvenile justice authority or any independent
25 contractor, or any employee of such contractor, working at a juvenile
26 correctional facility, as defined in K.S.A. 2007 Supp. 38-2302, and amend-
27 ments thereto.
- 28 (4) "Juvenile detention facility officer or employee" means any officer
29 or employee of a juvenile detention facility as defined in K.S.A. 2007
30 Supp. 38-2302, and amendments thereto.
- 31 (5) "City or county correctional officer or employee" means any cor-
32 rectional officer or employee of the city or county or any independent
33 contractor, or any employee of such contractor, working at a city holding
34 facility or county jail facility.
- 35 Sec. 2. K.S.A. 21-3415 is hereby amended to read as follows: 21-
36 3415. (a) Aggravated battery against a law enforcement officer is:
- 37 (1) An aggravated battery, as defined in subsection (a)(1)(A) of K.S.A.
38 21-3414 and amendments thereto, committed against: (A) A uniformed
39 or properly identified state, county or city law enforcement officer while
40 the officer is engaged in the performance of the officer's duty; or (B) a
41 uniformed or properly identified university or campus police officer while
42 such officer is engaged in the performance of such officer's duty; (C) *a*
43 *uniformed or properly identified state, county or city firefighter; or*

- 1 (2) an aggravated battery, as defined in subsection (a)(1)(B) or
2 (a)(1)(C) of K.S.A. 21-3414 and amendments thereto, committed against:
3 (A) A uniformed or properly identified state, county or city law enforce-
4 ment officer while the officer is engaged in the performance of the offi-
5 cer's duty; or (B) a uniformed or properly identified university or campus
6 police officer while such officer is engaged in the performance of such
7 officer's duty; or (C) *a uniformed or properly identified state, county or*
8 *city firefighter; or*
- 9 (3) intentionally causing, with a motor vehicle, bodily harm to: (A) A
10 uniformed or properly identified state, county or city law enforcement
11 officer while the officer is engaged in the performance of the officer's
12 duty; or (B) a uniformed or properly identified university or campus po-
13 lice officer while such officer is engaged in the performance of such of-
14 ficer's duty; or (C) *a uniformed or properly identified state, county or city*
15 *firefighter while the firefighter is engaged in the performance of such*
16 *firefighter's duty.*
- 17 (b) (1) Aggravated battery against a law enforcement officer as de-
18 scribed in subsection (a)(1) or (a)(3) is a severity level 3, person felony.
- 19 (2) Aggravated battery against a law enforcement officer as described
20 in subsection (a)(2) is a severity level 4, person felony.
- 21 (3) A person convicted of aggravated battery against a law enforce-
22 ment officer shall be subject to the provisions of subsection (g) of K.S.A.
23 21-4704 and amendments thereto.
- 24 Sec. 3. K.S.A. 21-3413 and 21-3415 are hereby repealed.
- 25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.