

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2043

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning crimes and punishment; relating to aggravated  
2 battery; driving under the influence; amending K.S.A. 2012 Supp. 21-  
3 5413 and repealing the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 21-5413 is hereby amended to read as  
7 follows: 21-5413. (a) Battery is:

8 (1) Knowingly or recklessly causing bodily harm to another person;  
9 or

10 (2) knowingly causing physical contact with another person when  
11 done in a rude, insulting or angry manner;

12 (b) Aggravated battery is:

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

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

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

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

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

27 (3) (A) ~~with no requirement of a culpable mental state, causing great~~  
28 ~~bodily harm to another person or disfigurement of another person while~~  
29 ~~committing an act described in K.S.A. 8-1567, and amendments thereto,~~  
30 **when great bodily harm to another person or disfigurement of another**  
31 **person results from such act; or**

32 (B) ~~with no requirement of a culpable mental state, causing bodily~~  
33 ~~harm to another person in any manner whereby great bodily harm,~~  
34 ~~disfigurement or death can be inflicted while committing an act described~~  
35 ~~in K.S.A. 8-1567, and amendments thereto, **when bodily harm to another**~~  
36 **person results from such act under circumstances whereby great**

1 **bodily harm, disfigurement or death can result from such act .**

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

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

4 (A) Uniformed or properly identified university or campus police  
5 officer while such officer is engaged in the performance of such officer's  
6 duty; or

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

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

14 (A) Uniformed or properly identified university or campus police  
15 officer while such officer is engaged in the performance of such officer's  
16 duty; or

17 (B) uniformed or properly identified state, county or city law  
18 enforcement officer, other than a state correctional officer or employee, a  
19 city or county correctional officer or employee, a juvenile correctional  
20 facility officer or employee or a juvenile detention facility officer, or  
21 employee, while such officer is engaged in the performance of such  
22 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) juvenile correctional facility officer or employee by a person  
28 confined in such juvenile correctional facility, while such officer or  
29 employee is engaged in the performance of such officer's or employee's  
30 duty;

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

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

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

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

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

1 (B) uniformed or properly identified university or campus police  
2 officer while such officer is engaged in the performance of such officer's  
3 duty;

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

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

9 (B) uniformed or properly identified university or campus police  
10 officer while such officer is engaged in the performance of such officer's  
11 duty; or

12 (3) knowingly causing, with a motor vehicle, bodily harm to 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; or

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.

19 (e) Battery against a school employee is a battery, as defined in  
20 subsection (a), committed against a school employee in or on any school  
21 property or grounds upon which is located a building or structure used by a  
22 unified school district or an accredited nonpublic school for student  
23 instruction or attendance or extracurricular activities of pupils enrolled in  
24 kindergarten or any of the grades one through 12 or at any regularly  
25 scheduled school sponsored activity or event, while such employee is  
26 engaged in the performance of such employee's duty.

27 (f) Battery against a mental health employee is a battery, as defined in  
28 subsection (a), committed against a mental health employee by a person in  
29 the custody of the secretary of social and rehabilitation services, while  
30 such employee is engaged in the performance of such employee's duty.

31 (g) (1) Battery is a class B person misdemeanor.

32 (2) Aggravated battery as defined in:

33 (A) Subsection (b)(1)(A) is a severity level 4, person felony;

34 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person  
35 felony;

36 (C) subsection (b)(2)(A) *or* (b)(3)(A) is a severity level 5, person  
37 felony; and

38 (D) subsection (b)(2)(B) *or* (b)(3)(B) is a severity level 8, person  
39 felony.

40 (3) Battery against a law enforcement officer as defined in:

41 (A) Subsection (c)(1) is a class A person misdemeanor;

42 (B) subsection (c)(2) is a severity level 7, person felony; and

43 (C) subsection (c)(3) is a severity level 5, person felony.

1 (4) Aggravated battery against a law enforcement officer as defined  
2 in:

3 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;  
4 and

5 (B) subsection (d)(2) is a severity level 4, person felony.

6 (5) Battery against a school employee is a class A person  
7 misdemeanor.

8 (6) Battery against a mental health employee is a severity level 7,  
9 person felony.

10 (h) As used in this section:

11 (1) "Correctional institution" means any institution or facility under  
12 the supervision and control of the secretary of corrections;

13 (2) "state correctional officer or employee" means any officer or  
14 employee of the Kansas department of corrections or any independent  
15 contractor, or any employee of such contractor, working at a correctional  
16 institution;

17 (3) "juvenile correctional facility officer or employee" means any  
18 officer or employee of the juvenile justice authority or any independent  
19 contractor, or any employee of such contractor, working at a juvenile  
20 correctional facility, as defined in K.S.A. 2012 Supp. 38-2302, and  
21 amendments thereto;

22 (4) "juvenile detention facility officer or employee" means any officer  
23 or employee of a juvenile detention facility as defined in K.S.A. 2012  
24 Supp. 38-2302, and amendments thereto;

25 (5) "city or county correctional officer or employee" means any  
26 correctional officer or employee of the city or county or any independent  
27 contractor, or any employee of such contractor, working at a city holding  
28 facility or county jail facility;

29 (6) "school employee" means any employee of a unified school  
30 district or an accredited nonpublic school for student instruction or  
31 attendance or extracurricular activities of pupils enrolled in kindergarten or  
32 any of the grades one through 12; and

33 (7) "mental health employee" means an employee of the department  
34 of social and rehabilitation services working at Larned state hospital,  
35 Osawatomie state hospital and Rainbow mental health facility, Kansas  
36 neurological institute and Parsons state hospital and training center and the  
37 treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.

38 Sec. 2. K.S.A. 2012 Supp. 21-5413 is hereby repealed.

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