

## HOUSE BILL No. 2313

By Committee on Corrections and Juvenile Justice

2-11

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to assault; battery; unlawful interference with a firefighter; unlawful  
3 interference with an emergency medical services attendant; creating the  
4 crime of unlawful interference with a health care provider; amending  
5 K.S.A. 2014 Supp. 21-5412, 21-5413, 21-6325 and 21-6326 and  
6 repealing the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2014 Supp. 21-5412 is hereby amended to read as  
10 follows: 21-5412. (a) Assault is knowingly placing another person in  
11 reasonable apprehension of immediate bodily harm;

12 (b) Aggravated assault is assault, as defined in subsection (a),  
13 committed:

14 (1) With a deadly weapon;

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

16 (3) with intent to commit any felony.

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

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

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

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

27 (1) With a deadly weapon;

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

29 (3) with intent to commit any felony.

30 (e) *Assault of a health care provider is assault, as defined in*  
31 *subsection (a), committed against a health care provider while such*  
32 *provider is engaged in the performance of such provider's duty.*

33 (f) *Aggravated assault of a health care provider is assault of a health*  
34 *care provider, as defined in subsection (e), committed:*

35 (1) *With a deadly weapon;*

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

1       (3) *with intent to commit any felony.*

2       ~~(g)~~ (1) Assault is a class C person misdemeanor.

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

4       (3) Assault of a law enforcement officer is a class A person  
5 misdemeanor.

6       (4) Aggravated assault of a law enforcement officer is a severity level  
7 6, person felony. A person convicted of aggravated assault of a law  
8 enforcement officer shall be subject to the provisions of ~~subsection (g)~~ of  
9 K.S.A. 2014 Supp. 21-6804(g), and amendments thereto.

10       (5) *Assault of a health care provider is a class A person*  
11 *misdemeanor.*

12       (6) *Aggravated assault of a health care provider is a severity level 6,*  
13 *person felony.*

14       (h) *As used in this section, "health care provider" means:*

15       (1) *A person licensed by the state board of healing arts;*

16       (2) *a person engaged in a postgraduate training program approved*  
17 *by the state board of healing arts;*

18       (3) *an attendant certified by the emergency medical services board;*

19       (4) *a person registered or licensed by the state board of pharmacy;*

20       (5) *a person licensed by the behavioral sciences regulatory board;*

21       (6) *a licensed optometrist, dietician, speech-language pathologist,*  
22 *audiologist, dentist, dental hygienist, practical nurse or professional*  
23 *nurse;*

24       (7) *a person certified by the secretary for aging and disability*  
25 *services as a nurse aide, medication aide or paid nutrition assistant;*

26       (8) *a person performing services for a medical care facility licensed*  
27 *under K.S.A. 65-425 et seq., and amendments thereto, but who does not*  
28 *receive compensation, either directly or indirectly, for those services;*

29       (9) *a person currently enrolled in a postsecondary educational*  
30 *institution, as defined in K.S.A. 74-3201b, and amendments thereto, and*  
31 *performing health care related services for a medical care facility licensed*  
32 *under K.S.A. 65-425 et seq., and amendments thereto; and*

33       (10) *a person currently enrolled in a training program approved by*  
34 *the emergency medical services board pursuant to K.S.A. 65-6111, and*  
35 *amendments thereto.*

36       Sec. 2. K.S.A. 2014 Supp. 21-5413 is hereby amended to read as  
37 follows: 21-5413. (a) Battery is:

38       (1) Knowingly or recklessly causing bodily harm to another person;  
39 or

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

42       (b) Aggravated battery is:

43       (1) (A) Knowingly causing great bodily harm to another person or

1 disfigurement of another person;

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

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

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

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

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

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

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

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

23 (A) Uniformed or properly identified university or campus police  
24 officer while such officer is engaged in the performance of such officer's  
25 duty; or

26 (B) uniformed or properly identified state, county or city law  
27 enforcement officer, other than a state correctional officer or employee, a  
28 city or county correctional officer or employee, a juvenile correctional  
29 facility officer or employee or a juvenile detention facility officer, or  
30 employee, while such officer is engaged in the performance of such  
31 officer's duty; or

32 (2) battery, as defined in subsection (a)(1), 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; or

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, a juvenile correctional  
39 facility officer or employee or a juvenile detention facility officer, or  
40 employee, while such officer is engaged in the performance of such  
41 officer's duty; or

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

43 (A) State correctional officer or employee by a person in custody of

1 the secretary of corrections, while such officer or employee is engaged in  
2 the performance of such officer's or employee's duty;

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

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

10 (D) city or county correctional officer or employee by a person  
11 confined in a city holding facility or county jail facility, while such officer  
12 or employee is engaged in the performance of such officer's or employee's  
13 duty.

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

15 (1) ~~An~~ Aggravated battery, as defined in subsection (b)(1)(A)  
16 committed against a:

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

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

23 (2) ~~an~~ Aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)  
24 (C), committed against a:

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

28 (B) uniformed or properly identified university or campus police  
29 officer while such officer is engaged in the performance of such officer's  
30 duty; or

31 (3) knowingly causing, with a motor vehicle, bodily harm to a:

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

35 (B) uniformed or properly identified university or campus police  
36 officer while such officer is engaged in the performance of such officer's  
37 duty.

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

1 scheduled school sponsored activity or event, while such employee is  
2 engaged in the performance of such employee's duty.

3 (f) Battery against a mental health employee is a battery, as defined in  
4 subsection (a), committed against a mental health employee by a person in  
5 the custody of the secretary for aging and disability services, while such  
6 employee is engaged in the performance of such employee's duty.

7 (g) *Battery against a health care provider is:*

8 (1) *Battery, as defined in subsection (a)(2), committed against a*  
9 *health care provider while such provider is engaged in the performance of*  
10 *such provider's duty;*

11 (2) *battery, as defined in subsection (a)(1), committed against a*  
12 *health care provider while such provider is engaged in the performance of*  
13 *such provider's duty; or*

14 (3) *intentionally causing human bodily fluid to make physical contact*  
15 *with a health care provider while such provider is engaged in the*  
16 *performance of such provider's duty.*

17 (h) *Aggravated battery against a health care provider is:*

18 (1) *Aggravated battery, as defined in subsection (b)(1)(A), committed*  
19 *against a health care provider while such provider is engaged in the*  
20 *performance of such provider's duty;*

21 (2) *aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)*  
22 *(C), committed against a health care provider while such provider is*  
23 *engaged in the performance of such provider's duty; or*

24 (3) *intentionally causing human bodily fluid to make physical contact*  
25 *with a health care provider while such provider is engaged in the*  
26 *performance of such provider's duty and the offender has knowledge that*  
27 *the source of the human bodily fluid is infected with human*  
28 *immunodeficiency virus, hepatitis B or hepatitis C at the time the offense*  
29 *is committed.*

30 ~~(g)~~ (i) (1) Battery is a class B person misdemeanor.

31 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

43 (4) Aggravated battery against a law enforcement officer as defined

1 in:

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

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

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

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

9 (7) *Battery against a health care provider as defined in:*

10 (A) *Subsection (g)(1) is a class A person misdemeanor; and*

11 (B) *subsection (g)(2) or (g)(3) is a severity level 7, person felony.*

12 (8) *Aggravated battery against a health care provider as defined in:*

13 (A) *Subsection (h)(1) is a severity level 3, person felony; and*

14 (B) *subsection (h)(2) or (h)(3) is a severity level 4, person felony.*

15 ~~(H)~~ (j) As used in this section:

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

18 (2) "state correctional officer or employee" means any officer or  
19 employee of the Kansas department of corrections or any independent  
20 contractor, or any employee of such contractor, working at a correctional  
21 institution;

22 (3) "juvenile correctional facility officer or employee" means any  
23 officer or employee of the juvenile justice authority or any independent  
24 contractor, or any employee of such contractor, working at a juvenile  
25 correctional facility, as defined in K.S.A. 2014 Supp. 38-2302, and  
26 amendments thereto;

27 (4) "juvenile detention facility officer or employee" means any officer  
28 or employee of a juvenile detention facility as defined in K.S.A. 2014  
29 Supp. 38-2302, and amendments thereto;

30 (5) "city or county correctional officer or employee" means any  
31 correctional officer or employee of the city or county or any independent  
32 contractor, or any employee of such contractor, working at a city holding  
33 facility or county jail facility;

34 (6) "school employee" means any employee of a unified school  
35 district or an accredited nonpublic school for student instruction or  
36 attendance or extracurricular activities of pupils enrolled in kindergarten or  
37 any of the grades one through 12; ~~and~~

38 (7) "mental health employee" means an employee of the Kansas  
39 department for aging and disability services working at Larned state  
40 hospital, Osawatomie state hospital and Rainbow mental health facility,  
41 Kansas neurological institute and Parsons state hospital and training center  
42 and the treatment staff as defined in K.S.A. 59-29a02, and amendments  
43 thereto;

1 (8) "health care provider" means:

2 (A) A person licensed by the state board of healing arts;

3 (B) a person engaged in a postgraduate training program approved  
4 by the state board of healing arts;

5 (C) an attendant certified by the emergency medical services board;

6 (D) a person registered or licensed by the state board of pharmacy;

7 (E) a person licensed by the behavioral sciences regulatory board;

8 (F) a licensed optometrist, dietician, speech-language pathologist,  
9 audiologist, dentist, dental hygienist, practical nurse or professional  
10 nurse;

11 (G) a person certified by the secretary for aging and disability  
12 services as a nurse aide, medication aide or paid nutrition assistant;

13 (H) a person performing services for a medical care facility licensed  
14 under K.S.A. 65-425 et seq., and amendments thereto, but who does not  
15 receive compensation, either directly or indirectly, for those services;

16 (I) a person currently enrolled in a postsecondary educational  
17 institution, as defined in K.S.A. 74-3201b, and amendments thereto, and  
18 performing health care related services for a medical care facility licensed  
19 under K.S.A. 65-425 et seq., and amendments thereto; and

20 (J) a person currently enrolled in a training program approved by the  
21 emergency medical services board pursuant to K.S.A. 65-6111, and  
22 amendments thereto; and

23 (9) "human bodily fluid" means any naturally produced secretion or  
24 waste product generated by the human body and shall include, but not be  
25 limited to, any quantity of human blood, urine, saliva, mucus, vomitus,  
26 seminal fluid or feces.

27 Sec. 3. K.S.A. 2014 Supp. 21-6325 is hereby amended to read as  
28 follows: 21-6325. (a) Unlawful interference with a firefighter is  
29 knowingly:

30 (1) Interfering with any firefighter while *such firefighter is* engaged in  
31 the performance of such firefighter's ~~duties~~ duty; or

32 (2) obstructing, interfering with or impeding the efforts of any  
33 firefighter to reach the location of a fire or other emergency.

34 (b) Unlawful interference with a firefighter is a class-B A person  
35 misdemeanor.

36 (c) A person who violates the provisions of this section may also be  
37 prosecuted for, convicted of, and punished for assault or battery.

38 Sec. 4. K.S.A. 2014 Supp. 21-6326 is hereby amended to read as  
39 follows: 21-6326. (a) Unlawful interference with an emergency medical  
40 services attendant is knowingly:

41 (1) Interfering with any attendant while *such attendant is* engaged in  
42 the performance of such attendant's ~~duties~~ duty; or

43 (2) obstructing, interfering with or impeding the efforts of any

1 attendant to reach the location of an emergency.

2 (b) Unlawful interference with an emergency medical services  
3 attendant is a class ~~B~~ A person misdemeanor.

4 (c) As used in this section, "attendant" means the same as in K.S.A.  
5 65-6112, and amendments thereto.

6 (d) A person who violates the provisions of this section may also be  
7 prosecuted for, convicted of, and punished for assault or battery.

8 New Sec. 5. (a) Unlawful interference with a health care provider is  
9 knowingly interfering with any health care provider while such provider is  
10 engaged in the performance of such provider's duty.

11 (b) Unlawful interference with a health care provider is a class A  
12 person misdemeanor.

13 (c) As used in this section, "health care provider" means:

14 (1) A person licensed by the state board of healing arts;

15 (2) a person engaged in a postgraduate training program approved by  
16 the state board of healing arts;

17 (3) a person registered or licensed by the state board of pharmacy;

18 (4) a person licensed by the behavioral sciences regulatory board;

19 (5) a licensed optometrist, dietician, speech-language pathologist,  
20 audiologist, dentist, dental hygienist, practical nurse or professional nurse;

21 (6) a person certified by the secretary for aging and disability services  
22 as a nurse aide, medication aide or paid nutrition assistant;

23 (7) a person performing services for a medical care facility licensed  
24 under K.S.A. 65-425 et seq., and amendments thereto, but who does not  
25 receive compensation, either directly or indirectly, for those services;

26 (8) a person currently enrolled in a postsecondary educational  
27 institution, as defined in K.S.A. 74-3201b, and amendments thereto, and  
28 performing health care related services for a medical care facility licensed  
29 under K.S.A. 65-425 et seq., and amendments thereto; and

30 (9) a person currently enrolled in a training program approved by the  
31 emergency medical services board pursuant to K.S.A. 65-6111, and  
32 amendments thereto.

33 (d) A person who violates the provisions of this section may also be  
34 prosecuted for, convicted of, and punished for assault and battery.

35 (e) This section shall be part of and supplemental to the Kansas  
36 criminal code.

37 Sec. 6. K.S.A. 2014 Supp. 21-5412, 21-5413, 21-6325 and 21-6326  
38 are hereby repealed.

39 Sec. 7. This act shall take effect and be in force from and after its  
40 publication in the statute book.