

SENATE BILL No. 12

By Committee on Judiciary

1-13

1 AN ACT concerning crimes and punishment; relating to battery; amending
2 K.S.A. 2014 Supp. 21-5413 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2014 Supp. 21-5413 is hereby amended to read as
6 follows: 21-5413. (a) Battery is:

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

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

11 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

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

35 (A) Uniformed or properly identified university or campus police
36 officer while such officer is engaged in the performance of such officer's

1 duty; or

2 (B) uniformed or properly identified state, county or city law
3 enforcement officer, other than a state correctional officer or employee, a
4 city or county correctional officer or employee, ~~a juvenile correctional~~
5 ~~facility officer or employee~~ or a juvenile detention facility officer, or
6 employee, while such officer is engaged in the performance of such
7 officer's duty; or

8 (C) judge, while such judge is engaged in the performance of such
9 judge's duty;

10 (D) attorney, while such attorney is engaged in the performance of
11 such attorney's duty; or

12 (E) court services officer, while such court services officer is engaged
13 in the performance of such court services officer's duty;

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

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

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

24 (C) judge, while such judge is engaged in the performance of such
25 judge's duty;

26 (D) attorney, while such attorney is engaged in the performance of
27 such attorney's duty; or

28 (E) court services officer, while such court services officer is engaged
29 in the performance of such court services officer's duty; or

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

31 (A) State correctional officer or employee by a person in custody of
32 the secretary of corrections, while such officer or employee is engaged in
33 the performance of such officer's or employee's duty;

34 (B) ~~juvenile correctional facility~~ state correctional officer or
35 employee by a person confined in such juvenile correctional facility, while
36 such officer or employee is engaged in the performance of such officer's or
37 employee's duty;

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

41 (D) city or county correctional officer or employee by a person
42 confined in a city holding facility or county jail facility, while such officer
43 or employee is engaged in the performance of such officer's or employee's

1 duty.

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

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

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

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

11 (C) *judge, while such judge is engaged in the performance of such*
12 *judge's duty;*

13 (D) *attorney, while such attorney is engaged in the performance of*
14 *such attorney's duty; or*

15 (E) *court services officer, while such court services officer is engaged*
16 *in the performance of such court services officer's duty;*

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

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

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

25 (C) *judge, while such judge is engaged in the performance of such*
26 *judge's duty;*

27 (D) *attorney, while such attorney is engaged in the performance of*
28 *such attorney's duty; or*

29 (E) *court services officer, while such court services officer is engaged*
30 *in the performance of such court services officer's 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) (1) Battery is a class B person misdemeanor.

8 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

20 (4) Aggravated battery against a law enforcement officer as defined
21 in:

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

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

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

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

29 (h) As used in this section:

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

32 (2) "state correctional officer or employee" means any officer or
33 employee of the Kansas department of corrections or any independent
34 contractor, or any employee of such contractor, *whose duties include*
35 *working at a correctional institution;*

36 ~~(3) "juvenile correctional facility officer or employee" means any~~
37 ~~officer or employee of the juvenile justice authority or any independent~~
38 ~~contractor, or any employee of such contractor, working at a juvenile~~
39 ~~correctional facility, as defined in K.S.A. 2014 Supp. 38-2302, and~~
40 ~~amendments thereto;~~

41 ~~(4)~~ (3) "juvenile detention facility officer or employee" means any
42 officer or employee of a juvenile detention facility as defined in K.S.A.
43 2014 Supp. 38-2302, and amendments thereto;

1 (5) (4) "city or county correctional officer or employee" means any
2 correctional officer or employee of the city or county or any independent
3 contractor, or any employee of such contractor, *whose duties include*
4 *working at a city holding facility or county jail facility;*

5 (6) (5) "school employee" means any employee of a unified school
6 district or an accredited nonpublic school for student instruction or
7 attendance or extracurricular activities of pupils enrolled in kindergarten or
8 any of the grades one through 12; ~~and~~

9 (7) (6) "mental health employee" means: (A) An employee of the
10 Kansas department for aging and disability services working at Larned
11 state hospital, Osawatomie state hospital and Rainbow mental health
12 facility, Kansas neurological institute and Parsons state hospital and
13 training center and the treatment staff as defined in K.S.A. 59-29a02, and
14 amendments thereto; and (B) *an employee of a contractor who is under*
15 *contract to provide services to the Kansas department for aging and*
16 *disability services working at any such institution or facility;*

17 (7) "judge" means *a duly elected or appointed justice of the supreme*
18 *court, judge of the court of appeals, judge of any district court of Kansas,*
19 *district magistrate judge or municipal court judge;*

20 (8) "attorney" means *a county attorney, assistant county attorney,*
21 *district attorney, assistant district attorney, attorney general or assistant*
22 *attorney general; and*

23 (9) "court services officer" means *an employee of the Kansas judicial*
24 *branch or local judicial district responsible for supervising, monitoring or*
25 *writing reports relating to adults or juveniles as assigned by the court, or*
26 *performing related duties as assigned by the court.*

27 Sec. 2. K.S.A. 2014 Supp. 21-5413 is hereby repealed.

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