

Battery Against a Law Enforcement Officer; Criminal History; Aggravated Battery When Driving Under the Influence; Search Warrants; HB 2055

HB 2055 amends law related to battery against a law enforcement officer, determination of criminal history, aggravated battery when driving under the influence (DUI), and the items that may be included in a search warrant. The bill also makes technical corrections to statutory references.

Battery Against a Law Enforcement Officer

The bill amends the crime of battery against a law enforcement officer to include battery against a judge engaged in the performance of the judge's duty, an attorney engaged in the performance of the attorney's duty, or a court services or community corrections officer in the performance of such officer's duty. The bill similarly amends the crime of aggravated battery against a law enforcement officer.

The bill defines "judge" to include appellate justices and judges, district court judges, district magistrate judges, and municipal judges. "Attorney" is defined to include county, assistant county, and special assistant county attorneys; district, assistant district, and special assistant district attorneys; the attorney general, assistant attorneys general, and special assistant attorneys general; and public defenders, assistant public defenders, State Board of Indigents' Defense Services contract counsel, or attorneys appointed to represent indigent persons. "Court services officer" is defined to include an employee of the Judicial Branch or local judicial district who supervises, monitors, writes reports, or performs related duties as assigned by the court. "Community corrections officer" is defined to include an employee of a community correctional services program who supervises adults or juveniles as assigned by the court or provides enhanced supervision of offenders.

The bill amends references to "juvenile correctional facility officer or employee" to reflect the reorganization of juvenile justice services within the Kansas Department of Corrections. The bill strikes a reference to the Rainbow Mental Health Facility and clarifies that the definition of "mental health employee" includes Kansas Department for Aging and Disability Services contractors.

Criminal History Determination; Aggravated Battery While DUI

The bill amends one of the statutes governing the determination of an offender's criminal history to establish a procedure for classifying out-of-state misdemeanor convictions. The comparable Kansas offense shall be used to classify the out-of-state conviction as a class A, B, or C misdemeanor. If the comparable Kansas offense is a felony, the conviction shall be classified as a class A misdemeanor. If there is no comparable Kansas offense, the conviction will not be included in the criminal history.

The bill also amends this statute with provisions known as Mija Stockman's Law, which creates a special rule for determining criminal history for a conviction of aggravated battery when a person is DUI and great bodily harm to another person or disfigurement of another person results from such act. The rule provides that, for the purposes of determining an

offender's criminal history, the first prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication of DUI, commercial DUI, or DUI test refusal shall count as one nonperson felony. Each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication of these offenses shall count as one person felony.

The bill adds commercial DUI and DUI test refusal to prior convictions, diversions, or juvenile adjudications that count as person felonies in determining the criminal history for a conviction of involuntary manslaughter while DUI.

Search Warrants

The bill amends the statute governing search warrants to add a provision allowing the search or seizure of any thing that can be seized under the Fourth Amendment to the *U.S. Constitution*. The bill also adds a specific provision allowing the search or seizure of biological material, DNA, cellular material, blood, hair, or fingerprints.