

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2648

By Committee on Corrections and Juvenile Justice

2-6

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to assault; battery; definition of law enforcement officer; amending  
3 K.S.A. 2017 Supp. 21-5412 and 21-5413 and repealing the existing  
4 sections.

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

7 Section 1. K.S.A. 2017 Supp. 21-5412 is hereby amended to read as  
8 follows: 21-5412. (a) Assault is knowingly placing another person in  
9 reasonable apprehension of immediate bodily harm;

10 (b) Aggravated assault is assault, as defined in subsection (a),  
11 committed:

12 (1) With a deadly weapon;

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

14 (3) with intent to commit any felony.

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

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

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

23 (3) **a uniformed or properly identified federal law enforcement**  
24 **officer as defined in K.S.A. 2017 Supp. 21-5413, and amendments thereto,**  
25 **while such officer is engaged in the performance of such officer's duty.**

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

28 (1) With a deadly weapon;

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

30 (3) with intent to commit any felony.

31 (e) (1) Assault is a class C person misdemeanor.

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

33 (3) Assault of a law enforcement officer is a class A person  
34 misdemeanor.

35 (4) Aggravated assault of a law enforcement officer is a severity level  
36 6, person felony. A person convicted of aggravated assault of a law

1 enforcement officer shall be subject to the provisions of ~~subsection (g)~~ of  
2 K.S.A. 2017 Supp. 21-6804(g), and amendments thereto.

3 Sec. 2. K.S.A. 2017 Supp. 21-5413 is hereby amended to read as  
4 follows: 21-5413. (a) Battery is:

5 (1) Knowingly or recklessly causing bodily harm to another person;  
6 or

7 (2) knowingly causing physical contact with another person when  
8 done in a rude, insulting or angry manner.

9 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

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

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

41 (C) ~~a-uniformed or properly identified federal law enforcement~~  
42 ~~officer while such officer is engaged in the performance of such officer's~~  
43 ~~duty;~~

- 1       ~~(C)~~(D) judge, while such judge is engaged in the performance of such  
2 judge's duty;
- 3       ~~(D)~~(E) attorney, while such attorney is engaged in the performance of  
4 such attorney's duty; or
- 5       ~~(E)~~(F) community corrections officer or court services officer, while  
6 such officer is engaged in the performance of such officer's duty;
- 7       (2) battery, as defined in subsection (a)(1), committed against a:
- 8       (A) Uniformed or properly identified university or campus police  
9 officer while such officer is engaged in the performance of such officer's  
10 duty; ~~or~~
- 11       (B) uniformed or properly identified state, county or city law  
12 enforcement officer, other than a state correctional officer or employee, a  
13 city or county correctional officer or employee or a juvenile detention  
14 facility officer, or employee, while such officer is engaged in the  
15 performance of such officer's duty; *or*
- 16       (C) ~~a~~ **uniformed or properly identified federal law enforcement**  
17 *officer while such officer is engaged in the performance of such officer's*  
18 *duty;*
- 19       ~~(C)~~(D) judge, while such judge is engaged in the performance of such  
20 judge's duty;
- 21       ~~(D)~~(E) attorney, while such attorney is engaged in the performance of  
22 such attorney's duty; or
- 23       ~~(E)~~(F) community corrections officer or court services officer, while  
24 such officer is engaged in the performance of such officer's duty; or
- 25       (3) battery, as defined in subsection (a) committed against a:
- 26       (A) State correctional officer or employee by a person in custody of  
27 the secretary of corrections, while such officer or employee is engaged in  
28 the performance of such officer's or employee's duty;
- 29       (B) state correctional officer or employee by a person confined in  
30 such juvenile correctional facility, while such officer or employee is  
31 engaged in the performance of such officer's or employee's duty;
- 32       (C) juvenile detention facility officer or employee by a person  
33 confined in such juvenile detention facility, while such officer or employee  
34 is engaged in the performance of such officer's or employee's duty; or
- 35       (D) city or county correctional officer or employee by a person  
36 confined in a city holding facility or county jail facility, while such officer  
37 or employee is engaged in the performance of such officer's or employee's  
38 duty.
- 39       (d) Aggravated battery against a law enforcement officer is:
- 40       (1) An aggravated battery, as defined in subsection (b)(1)(A)  
41 committed against a:
- 42       (A) Uniformed or properly identified state, county or city law  
43 enforcement officer while the officer is engaged in the performance of the

1 officer's duty;

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

5 ~~(C) **uniformed or properly identified federal law enforcement**~~  
6 ~~officer while such officer is engaged in the performance of such officer's~~  
7 ~~duty;~~

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

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

12 ~~(F)~~ community corrections officer or court services officer, while  
13 such officer is engaged in the performance of such officer's duty;

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

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

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

22 ~~(C) **uniformed or properly identified federal law enforcement**~~  
23 ~~officer while such officer is engaged in the performance of such officer's~~  
24 ~~duty;~~

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

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

29 ~~(F)~~ community corrections officer or court services officer, while  
30 such officer is engaged in the performance of such 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; *or*

38 ~~(C) **uniformed or properly identified federal law enforcement**~~  
39 ~~officer while such officer is engaged in the performance of such officer's~~  
40 ~~duty.~~

41 (e) Battery against a school employee is a battery, as defined in  
42 subsection (a), committed against a school employee in or on any school  
43 property or grounds upon which is located a building or structure used by a

1 unified school district or an accredited nonpublic school for student  
2 instruction or attendance or extracurricular activities of pupils enrolled in  
3 kindergarten or any of the grades one through 12 or at any regularly  
4 scheduled school sponsored activity or event, while such employee is  
5 engaged in the performance of such employee's duty.

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

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

11 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

23 (4) Aggravated battery against a law enforcement officer as defined  
24 in:

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

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

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

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

32 (h) As used in this section:

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

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

39 (3) "juvenile detention facility officer or employee" means any officer  
40 or employee of a juvenile detention facility as defined in K.S.A. 2017  
41 Supp. 38-2302, and amendments thereto;

42 (4) "city or county correctional officer or employee" means any  
43 correctional officer or employee of the city or county or any independent

1 contractor, or any employee of such contractor, whose duties include  
2 working at a city holding facility or county jail facility;

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

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

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

18 (8) "attorney" means a: (A) County attorney, assistant county  
19 attorney, special assistant county attorney, district attorney, assistant  
20 district attorney, special assistant district attorney, attorney general,  
21 assistant attorney general or special assistant attorney general; and (B)  
22 public defender, assistant public defender, contract counsel for the state  
23 board of indigents' defense services or an attorney who is appointed by the  
24 court to perform services for an indigent person as provided by article 45  
25 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

26 (9) "community corrections officer" means an employee of a  
27 community correctional services program responsible for supervision of  
28 adults or juveniles as assigned by the court to community corrections  
29 supervision and any other employee of a community correctional services  
30 program that provides enhanced supervision of offenders such as house  
31 arrest and surveillance programs; ~~and~~

32 (10) "court services officer" means an employee of the Kansas  
33 judicial branch or local judicial district responsible for supervising,  
34 monitoring or writing reports relating to adults or juveniles as assigned by  
35 the court, or performing related duties as assigned by the court; *and*

36 (11) *"federal law enforcement officer" means a law enforcement*  
37 *officer employed by the United States federal government who, as part of*  
38 *such officer's duties, is permitted to make arrests and to be armed.*

39 Sec. 3. K.S.A. 2017 Supp. 21-5412 and 21-5413 are hereby repealed.

40 Sec. 4. This act shall take effect and be in force from and after its  
41 publication in the statute book.