

**HOUSE BILL No. 2284**

By Committee on Corrections and Juvenile Justice

2-13

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 healthcare provider; amending  
5 K.S.A. 2018 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 New Section 1. (a) Unlawful interference with a healthcare provider  
10 is knowingly interfering with any healthcare provider while such provider  
11 is engaged in the performance of such provider's duty.

12 (b) Unlawful interference with a healthcare provider is a class A  
13 person misdemeanor.

14 (c) As used in this section, "healthcare 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 by  
17 the state board of healing arts;

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

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

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

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

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

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

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

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

36 (e) This section shall be a part of and supplemental to the Kansas

1 criminal code.

2 Sec. 2. K.S.A. 2018 Supp. 21-5412 is hereby amended to read as  
3 follows: 21-5412. (a) Assault is knowingly placing another person in  
4 reasonable apprehension of immediate bodily harm;

5 (b) Aggravated assault is assault, as defined in subsection (a),  
6 committed:

7 (1) With a deadly weapon;

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

9 (3) with intent to commit any felony.

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

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

15 (2) 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 (3) a uniformed or properly identified federal law enforcement officer  
19 as defined in K.S.A. 2018 Supp. 21-5413, and amendments thereto, while  
20 such officer is engaged in the performance of such officer's duty.

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

23 (1) With a deadly weapon;

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

25 (3) with intent to commit any felony.

26 (e) *Assault of a healthcare provider is assault, as defined in*  
27 *subsection (a), committed against a healthcare provider while such*  
28 *provider is engaged in the performance of such provider's duty.*

29 (f) *Aggravated assault of a healthcare provider is assault of a*  
30 *healthcare provider, as defined in subsection (e), committed:*

31 (1) *With a deadly weapon;*

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

33 (3) *with intent to commit a felony.*

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

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

36 (3) Assault of a law enforcement officer is a class A person  
37 misdemeanor.

38 (4) Aggravated assault of a law enforcement officer is a severity level  
39 6, person felony. A person convicted of aggravated assault of a law  
40 enforcement officer shall be subject to the provisions of K.S.A. 2018  
41 Supp. 21-6804(g), and amendments thereto.

42 (5) *Assault of a healthcare provider is a class A person misdemeanor.*

43 (6) *Aggravated assault of a healthcare provider is a severity level 6,*

- 1 *person felony.*
- 2 *(h) As used in this section, "healthcare provider" means:*
- 3 *(1) A person licensed by the state board of healing arts;*
- 4 *(2) a person engaged in a postgraduate training program approved*  
 5 *by the state board of healing arts;*
- 6 *(3) an attendant certified by the emergency medical services board;*
- 7 *(4) a person registered or licensed by the state board of pharmacy;*
- 8 *(5) a person licensed by the behavioral sciences regulatory board;*
- 9 *(6) a licensed optometrist, dietician, speech-language pathologist,*  
 10 *audiologist, dentist, dental hygienist, practical nurse or professional*  
 11 *nurse;*
- 12 *(7) a person certified by the secretary for aging and disability*  
 13 *services as a nurse aide, medication aide or paid nutrition assistant;*
- 14 *(8) a person performing services for a medical care facility licensed*  
 15 *under K.S.A. 65-425 et seq., and amendments thereto, but who does not*  
 16 *receive compensation, either directly or indirectly, for those services;*
- 17 *(9) a person currently enrolled in a postsecondary educational*  
 18 *institution, as defined in K.S.A. 74-3201b, and amendments thereto, and*  
 19 *performing healthcare related services for a medical care facility licensed*  
 20 *under K.S.A. 65-425 et seq., and amendments thereto; and*
- 21 *(10) a person currently enrolled in a training program approved by*  
 22 *the emergency medical services board pursuant to K.S.A. 65-6111, and*  
 23 *amendments thereto.*
- 24 Sec. 3. K.S.A. 2018 Supp. 21-5413 is hereby amended to read as  
 25 follows: 21-5413. (a) Battery is:
- 26 (1) Knowingly or recklessly causing bodily harm to another person;  
 27 or
- 28 (2) knowingly causing physical contact with another person when  
 29 done in a rude, insulting or angry manner.
- 30 (b) Aggravated battery is:
- 31 (1) (A) Knowingly causing great bodily harm to another person or  
 32 disfigurement of another person;
- 33 (B) knowingly causing bodily harm to another person with a deadly  
 34 weapon, or in any manner whereby great bodily harm, disfigurement or  
 35 death can be inflicted; or
- 36 (C) knowingly causing physical contact with another person when  
 37 done in a rude, insulting or angry manner with a deadly weapon, or in any  
 38 manner whereby great bodily harm, disfigurement or death can be  
 39 inflicted;
- 40 (2) (A) recklessly causing great bodily harm to another person or  
 41 disfigurement of another person;
- 42 (B) recklessly causing bodily harm to another person with a deadly  
 43 weapon, or in any manner whereby great bodily harm, disfigurement or

1 death can be inflicted; or

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

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

9 (4) committing an act described in K.S.A. 8-1567, and amendments  
 10 thereto, when great bodily harm to another person or disfigurement of  
 11 another person results from such act while:

12 (A) In violation of any restriction imposed on such person's driving  
 13 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes  
 14 Annotated, and amendments thereto;

15 (B) such person's driving privileges are suspended or revoked  
 16 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and  
 17 amendments thereto; or

18 (C) such person has been deemed a habitual violator as defined in  
 19 K.S.A. 8-285, and amendments thereto, including at least one violation of  
 20 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any  
 21 city in this state, any resolution of any county in this state or any law of  
 22 another state, which ordinance, resolution or law declares to be unlawful  
 23 the acts prohibited by that statute.

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

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

26 (A) Uniformed or properly identified university or campus police  
 27 officer while such officer is engaged in the performance of such officer's  
 28 duty;

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

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

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

38 (E) community corrections officer or court services officer, while  
 39 such officer is engaged in the performance of such officer's duty;

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

41 (A) Uniformed or properly identified university or campus police  
 42 officer while such officer is engaged in the performance of such officer's  
 43 duty; or

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

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

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

10 (E) community corrections officer or court services officer, while  
 11 such officer is engaged in the performance of such officer's duty; or

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

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

16 (B) state correctional officer or employee by a person confined in  
 17 such juvenile correctional facility, while such officer or employee is  
 18 engaged in the performance of such officer's or employee's duty;

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

22 (D) city or county correctional officer or employee by a person  
 23 confined in a city holding facility or county jail facility, while such officer  
 24 or employee is engaged in the performance of such officer's or employee's  
 25 duty.

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

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

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

32 (B) uniformed or properly identified university or campus police  
 33 officer while such officer is engaged in the performance of such officer's  
 34 duty;

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

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

39 (E) community corrections officer or court services officer, while  
 40 such officer is engaged in the performance of such officer's duty;

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

43 (A) Uniformed or properly identified state, county or city law

1 enforcement officer while the officer is engaged in the performance of the  
2 officer's duty;

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

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

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

10 (E) community corrections officer or court services officer, while  
11 such officer is engaged in the performance of such officer's 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 for aging and disability services, while such  
30 employee is engaged in the performance of such employee's duty.

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

32 (1) *Battery, as defined in subsection (a)(2), committed against a*  
33 *healthcare provider while such provider is engaged in the performance of*  
34 *such provider's duty;*

35 (2) *battery, as defined in subsection (a)(1), committed against a*  
36 *healthcare provider while such provider is engaged in the performance of*  
37 *such provider's duty; or*

38 (3) *intentionally causing human bodily fluid to make physical contact*  
39 *with a healthcare provider while such provider is engaged in the*  
40 *performance of such provider's duty.*

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

42 (1) *Aggravated battery, as defined in subsection (b)(1)(A), committed*  
43 *against a healthcare provider while such provider is engaged in the*

- 1 *performance of such provider's duty;*
- 2 (2) *aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)*
- 3 *(C), committed against a healthcare provider while such provider is*
- 4 *engaged in the performance of such provider's duty; or*
- 5 (3) *intentionally causing human bodily fluid to make physical contact*
- 6 *with a healthcare provider while such provider is engaged in the*
- 7 *performance of such provider's duty, and the offender has knowledge that*
- 8 *the source of the human bodily fluid is infected with human*
- 9 *immunodeficiency virus, hepatitis B or hepatitis C at the time the offense*
- 10 *is committed.*
- 11 (i) (1) Battery is a class B person misdemeanor.
- 12 (2) Aggravated battery as defined in:
- 13 (A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;
- 14 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
- 15 felony;
- 16 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
- 17 felony; and
- 18 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
- 19 felony.
- 20 (3) Battery against a law enforcement officer as defined in:
- 21 (A) Subsection (c)(1) is a class A person misdemeanor;
- 22 (B) subsection (c)(2) is a severity level 7, person felony; and
- 23 (C) subsection (c)(3) is a severity level 5, person felony.
- 24 (4) Aggravated battery against a law enforcement officer as defined
- 25 in:
- 26 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
- 27 and
- 28 (B) subsection (d)(2) is a severity level 4, person felony.
- 29 (5) Battery against a school employee is a class A person
- 30 misdemeanor.
- 31 (6) Battery against a mental health employee is a severity level 7,
- 32 person felony.
- 33 (7) *Battery against a healthcare provider as defined in:*
- 34 (A) *Subsection (g)(1) is a class A person misdemeanor; and*
- 35 (B) *subsection (g)(2) or (g)(3) is a severity level 7, person felony.*
- 36 (8) *Aggravated battery against a healthcare provider as defined in:*
- 37 (A) *Subsection (h)(1) is a severity level 3, person felony; and*
- 38 (B) *subsection (h)(2) or (h)(3) is a severity level 4, person felony.*
- 39 ~~(h)~~(j) As used in this section:
- 40 (1) "Correctional institution" means any institution or facility under
- 41 the supervision and control of the secretary of corrections;
- 42 (2) "state correctional officer or employee" means any officer or
- 43 employee of the Kansas department of corrections or any independent

1 contractor, or any employee of such contractor, whose duties include  
2 working at a correctional institution;

3 (3) "juvenile detention facility officer or employee" means any officer  
4 or employee of a juvenile detention facility as defined in K.S.A. 2018  
5 Supp. 38-2302, and amendments thereto;

6 (4) "city or county correctional officer or employee" means any  
7 correctional officer or employee of the city or county or any independent  
8 contractor, or any employee of such contractor, whose duties include  
9 working at a city holding facility or county jail facility;

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

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

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

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

33 (9) "community corrections officer" means an employee of a  
34 community correctional services program responsible for supervision of  
35 adults or juveniles as assigned by the court to community corrections  
36 supervision and any other employee of a community correctional services  
37 program that provides enhanced supervision of offenders such as house  
38 arrest and surveillance programs; ~~and~~

39 (10) "court services officer" means an employee of the Kansas  
40 judicial branch or local judicial district responsible for supervising,  
41 monitoring or writing reports relating to adults or juveniles as assigned by  
42 the court, or performing related duties as assigned by the court;

43 (11) "healthcare provider" means:

- 1       (A) *A person licensed by the state board of healing arts;*  
 2       (B) *a person engaged in a postgraduate training program approved*  
 3 *by the state board of healing arts;*  
 4       (C) *an attendant certified by the emergency medical services board;*  
 5       (D) *a person registered or licensed by the state board of pharmacy;*  
 6       (E) *a person licensed by the behavioral sciences regulatory board;*  
 7       (F) *a licensed optometrist, dietician, speech-language pathologist,*  
 8 *audiologist, dentist, dental hygienist, practical nurse or professional*  
 9 *nurse;*  
 10       (G) *a person certified by the secretary for aging and disability*  
 11 *services as a nurse aide, medication aide or paid nutrition assistant;*  
 12       (H) *a person performing services for a medical care facility licensed*  
 13 *under K.S.A. 65-425 et seq., and amendments thereto, but who does not*  
 14 *receive compensation, either directly or indirectly, for those services;*  
 15       (I) *a person currently enrolled in a postsecondary educational*  
 16 *institution, as defined in K.S.A. 74-3201b, and amendments thereto, and*  
 17 *performing healthcare related services for a medical care facility licensed*  
 18 *under K.S.A. 65-425 et seq., and amendments thereto; and*  
 19       (J) *a person currently enrolled in a training program approved by the*  
 20 *emergency medical services board pursuant to K.S.A. 65-6111, and*  
 21 *amendments thereto; and*  
 22       (12) *"human bodily fluid" means any naturally produced secretion or*  
 23 *waste product generated by the human body and shall include, but not be*  
 24 *limited to, any quantity of human blood, urine, saliva, mucus, vomitus,*  
 25 *seminal fluid or feces.*

26       Sec. 4. K.S.A. 2018 Supp. 21-6325 is hereby amended to read as  
 27 follows: 21-6325. (a) Unlawful interference with a firefighter is  
 28 knowingly:

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

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

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

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

37       Sec. 5. K.S.A. 2018 Supp. 21-6326 is hereby amended to read as  
 38 follows: 21-6326. (a) Unlawful interference with an emergency medical  
 39 services attendant is knowingly:

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

42       (2) obstructing, interfering with or impeding the efforts of any  
 43 attendant to reach the location of an emergency.

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

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

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

7 Sec. 6. K.S.A. 2018 Supp. 21-5412, 21-5413, 21-6325 and 21-6326  
8 are hereby repealed.

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