

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2620**

As Amended by House Committee on Judiciary

**Brief\***

HB 2620, as amended, would create the crime of interference with the conduct of a hospital, which would be defined as:

- Conduct at or in a hospital so as to knowingly deny an employee of the hospital to enter, to use the facilities of, or to leave any such hospital;
- Knowingly impeding any employee of a hospital from the performance of such employee's duties or activities through the use of restraint, abduction, coercion, or intimidation, or by force and violence or threat thereof; or
- Knowingly refusing to leave a hospital upon being requested to leave by the employee charged with maintaining order in such hospital, if such person is committing, threatens to commit, or incites others to commit any act that did, or would if completed, disrupt, impair, interfere with, or obstruct the mission, processes, procedures, or functions of the hospital.

The bill also would create the crime of aggravated interference with the conduct of a hospital, which would be defined as any of the above conduct when in possession of any weapon included in the crimes of criminal use of weapons or criminal carrying of a weapon.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

For purposes of the new crimes, the bill would define “employee” to mean a person employed by, providing healthcare services at, volunteering at, or participating in an educational course of instruction as a hospital; and would define “hospital” to mean the same as defined in statutes governing the licensing, inspection, and regulation of hospitals.

Interference with the conduct of a hospital would be a class A nonperson misdemeanor, and aggravated interference with the conduct of a hospital would be a severity level 6 person felony.

The bill also would amend the crime of battery to define battery against a healthcare provider as a battery committed against a healthcare provider while such provider is engaged in the performance of such provider’s duty. “Healthcare provider” would be defined to mean a person who is licensed, registered, certified, or otherwise authorized by the State of Kansas to provide healthcare services in this state and employed or providing healthcare services at a hospital.

Battery against a healthcare provider would be a class A person misdemeanor.

## **Background**

The bill was introduced by Representatives Featherston, Concannon, Burroughs, Byers, Clifford, Eplee, Haswood, Hoyer, Timothy Johnson, Meyer, Neelly, Ousley, Poskin, Susan Ruiz, Schmidt, Schreiber, Vaughn, Wolfe Moore, and Xu.

## ***House Committee on Judiciary***

In the House Committee hearing on February 10, 2022, representatives of AdventHealth Shawnee Mission, Ascension Via Christi Hospitals Wichita, Kansas Hospital

Association, Kansas State Nurses Association, NMC Health, Saint Luke's Health System, Stormont Vail Health; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and a physician and three nurses testified as **proponents** of the bill. Generally, proponents stated violence in health care facilities and against health care workers has risen over the past decade, which is harming employees, disrupting care, and affecting staffing levels. Written-only proponent testimony was provided by a physician, a nurse, and representatives of the Kansas County and District Attorneys Association and the Kansas Emergency Nurses Association. No other testimony was provided.

On February 15, 2022, the House Committee amended the bill to define "employee" and modify the definition of "healthcare provider."

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission estimates enactment of the bill could have an effect on prison admissions and bed space, but the effect cannot be determined because the bill would create new factual circumstances that are not currently tracked. The Department of Corrections indicates enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts due to the new crimes, which could increase the time spent by court personnel handling such cases. The misdemeanor penalties could require more supervision of offenders by court services officers. Enactment of the bill could result in the collection of additional docket fees, supervision fees, and fines assessed in cases filed under the bill's provisions, but a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Crimes; interference with the conduct of a hospital; battery against a healthcare provider