

**HOUSE BILL No. 2023**

By Representatives Concannon and Hawkins

1-11

Proposed Amendments to HB 2023 - clinics  
House Judiciary Committee  
Prepared by the Office of Revisor of Statutes  
February 14, 2023

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes against the public peace; ~~creating the crime of interference~~  
3 with the conduct of a ~~hospital~~; relating to battery; increasing the  
4 criminal penalty for battery of a healthcare provider; amending K.S.A.  
5 2022 Supp. 21-5413 and repealing the existing section.  
6

healthcare facility

7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) Interference with the conduct of a ~~hospital~~ is:

9 (1) Conduct at or in a hospital so as to knowingly deny an employee  
10 of the ~~hospital~~ to enter, to use the facilities of or to leave any such ~~hospital~~;

11 (2) knowingly impeding an employee of a ~~hospital~~ from the  
12 performance of such employee's duties or activities through the use of  
13 restraint, abduction, coercion or intimidation or by force and violence or  
14 threat thereof; or

healthcare facility

15 (3) knowingly refusing to leave a ~~hospital~~ upon being requested to  
16 leave by the employee charged with maintaining order in such ~~hospital~~, if  
17 such person is committing, threatens to commit or incites others to commit  
18 any act that did, or would if completed, disrupt, impair, interfere with or  
19 obstruct the mission, processes, procedures or functions of the ~~hospital~~.

20 (b) Aggravated interference with the conduct of a hospital is  
21 interference with the conduct of a hospital as defined in subsection (a)  
22 when in possession of any weapon as described in K.S.A. 2022 Supp. 21-  
23 6301 or 21-6302, and amendments thereto.

24 (c) (1) Interference with the conduct of a ~~hospital~~ is a class A  
25 nonperson misdemeanor.

26 (2) Aggravated interference with the conduct of a ~~hospital~~ is a  
27 severity level 6, person felony.

28 (d) As used in this section:

29 (1) "Employee" means an individual employed by, providing  
30 healthcare services at, volunteering at or participating in an educational  
31 course of instruction at a ~~hospital~~; and

"healthcare facility" means any facility or portion thereof operated in  
whole or in part for the purpose of providing inpatient or outpatient  
healthcare services by a healthcare provider as defined in K.S.A.  
40-3401, and amendments thereto

32 (2) ~~"hospital" means the same as defined in K.S.A. 65-425, and~~  
33 ~~amendments thereto.~~

34 (e) This section shall be a part of and supplemental to the Kansas  
35 criminal code.

36 Sec. 2. K.S.A. 2022 Supp. 21-5413 is hereby amended to read as

1 follows: 21-5413. (a) Battery is:  
2 (1) Knowingly or recklessly causing bodily harm to another person;  
3 or  
4 (2) knowingly causing physical contact with another person when  
5 done in a rude, insulting or angry manner.  
6 (b) Aggravated battery is:  
7 (1) (A) Knowingly causing great bodily harm to another person or  
8 disfigurement of another person;  
9 (B) knowingly causing bodily harm to another person with a deadly  
10 weapon, or in any manner whereby great bodily harm, disfigurement or  
11 death can be inflicted; or  
12 (C) knowingly causing physical contact with another person when  
13 done in a rude, insulting or angry manner with a deadly weapon, or in any  
14 manner whereby great bodily harm, disfigurement or death can be  
15 inflicted;  
16 (2) (A) recklessly causing great bodily harm to another person or  
17 disfigurement of another person;  
18 (B) recklessly causing bodily harm to another person with a deadly  
19 weapon, or in any manner whereby great bodily harm, disfigurement or  
20 death can be inflicted; or  
21 (3) (A) committing an act described in K.S.A. 8-1567, and  
22 amendments thereto, when great bodily harm to another person or  
23 disfigurement of another person results from such act; or  
24 (B) committing an act described in K.S.A. 8-1567, and amendments  
25 thereto, when bodily harm to another person results from such act under  
26 circumstances whereby great bodily harm, disfigurement or death can  
27 result from such act; or  
28 (4) committing an act described in K.S.A. 8-1567, and amendments  
29 thereto, when great bodily harm to another person or disfigurement of  
30 another person results from such act while:  
31 (A) In violation of any restriction imposed on such person's driving  
32 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes  
33 Annotated, and amendments thereto;  
34 (B) such person's driving privileges are suspended or revoked  
35 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and  
36 amendments thereto; or  
37 (C) such person has been deemed a habitual violator as defined in  
38 K.S.A. 8-285, and amendments thereto, including at least one violation of  
39 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any  
40 city in this state, any resolution of any county in this state or any law of  
41 another state, which ordinance, resolution or law declares to be unlawful  
42 the acts prohibited by that statute.  
43 (c) Battery against a law enforcement officer is:

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

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

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

3 (C) uniformed or properly identified federal law enforcement officer  
4 while such officer is engaged in the performance of such officer's duty.

5 (e) Battery against a school employee is a battery; as defined in  
6 subsection (a); committed against a school employee in or on any school  
7 property or grounds upon which is located a building or structure used by a  
8 unified school district or an accredited nonpublic school for student  
9 instruction or attendance or extracurricular activities of pupils enrolled in  
10 kindergarten or any of the grades one through 12 or at any regularly  
11 scheduled school sponsored activity or event, while such employee is  
12 engaged in the performance of such employee's duty.

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

17 (g) *Battery against a healthcare provider is a battery as defined in*  
18 *subsection (a) committed against a healthcare provider while such*  
19 *provider is engaged in the performance of such provider's duty.*

20 (h) (1) Battery is a class B person misdemeanor.

21 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

33 (4) Aggravated battery against a law enforcement officer as defined  
34 in:

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

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

38 (5) Battery against a school employee is a class A person  
39 misdemeanor.

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

42 (7) *Battery against a healthcare provider is a class A person*  
43 *misdemeanor.*

- 1       ~~(h)~~(i) As used in this section:
- 2       (1) "Correctional institution" means any institution or facility under  
3 the supervision and control of the secretary of corrections;
- 4       (2) "state correctional officer or employee" means any officer or  
5 employee of the Kansas department of corrections or any independent  
6 contractor, or any employee of such contractor, whose duties include  
7 working at a correctional institution;
- 8       (3) "juvenile detention facility officer or employee" means any officer  
9 or employee of a juvenile detention facility as defined in K.S.A. 38-2302,  
10 and amendments thereto;
- 11       (4) "city or county correctional officer or employee" means any  
12 correctional officer or employee of the city or county or any independent  
13 contractor, or any employee of such contractor, whose duties include  
14 working at a city holding facility or county jail facility;
- 15       (5) "school employee" means any employee of a unified school  
16 district or an accredited nonpublic school for student instruction or  
17 attendance or extracurricular activities of pupils enrolled in kindergarten or  
18 any of the grades one through 12;
- 19       (6) "mental health employee" means: (A) An employee of the Kansas  
20 department for aging and disability services working at Larned state  
21 hospital, Osawatomie state hospital, Kansas neurological institute and  
22 Parsons state hospital and training center and the treatment staff as defined  
23 in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and  
24 employees of contractors under contract to provide services to the Kansas  
25 department for aging and disability services working at any such  
26 institution or facility;
- 27       (7) "judge" means a duly elected or appointed justice of the supreme  
28 court, judge of the court of appeals, judge of any district court of Kansas,  
29 district magistrate judge or municipal court judge;
- 30       (8) "attorney" means a: (A) County attorney, assistant county  
31 attorney, special assistant county attorney, district attorney, assistant  
32 district attorney, special assistant district attorney, attorney general,  
33 assistant attorney general or special assistant attorney general; and (B)  
34 public defender, assistant public defender, contract counsel for the state  
35 board of indigents' defense services or an attorney who is appointed by the  
36 court to perform services for an indigent person as provided by article 45  
37 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;
- 38       (9) "community corrections officer" means an employee of a  
39 community correctional services program responsible for supervision of  
40 adults or juveniles as assigned by the court to community corrections  
41 supervision and any other employee of a community correctional services  
42 program that provides enhanced supervision of offenders such as house  
43 arrest and surveillance programs;

1 (10) "court services officer" means an employee of the Kansas  
2 judicial branch or local judicial district responsible for supervising,  
3 monitoring or writing reports relating to adults or juveniles as assigned by  
4 the court, or performing related duties as assigned by the court; ~~and~~

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

8 (12) ~~"healthcare provider" means an individual who is licensed,  
9 registered, certified or otherwise authorized by the state of Kansas to  
10 provide healthcare services in this state and employed by or providing  
11 healthcare services at a hospital as defined in K.S.A. 65-425, and  
12 amendments thereto.~~

the same as defined in K.S.A. 40-3401

13 Sec. 3. K.S.A. 2022 Supp. 21-5413 is hereby repealed.

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