

**HOUSE BILL No. 2034**

By Committee on Judiciary

1-11

1 AN ACT concerning crimes and punishment; relating to aggravated  
2 battery; amending K.S.A. 2016 Supp. 21-5413 and repealing the  
3 existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 21-5413 is hereby amended to read as  
7 follows: 21-5413. (a) Battery is:

8 (1) Knowingly or recklessly causing bodily harm to another person;  
9 or

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

12 (b) Aggravated battery is:

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

15 (B) knowingly causing bodily harm to another person with a deadly  
16 weapon, or in any manner whereby great bodily harm, disfigurement or  
17 death can be inflicted; ~~or~~

18 (C) *except as provided in subsection (b)(1)(D)*, knowingly causing  
19 physical contact with another person when done in a rude, insulting or  
20 angry manner with a deadly weapon, or in any manner whereby great  
21 bodily harm, disfigurement or death can be inflicted; *or*

22 (D) *knowingly impeding the normal breathing or circulation of the*  
23 *blood by applying pressure on the throat or neck of another person or by*  
24 *blocking the nose or mouth of another person:*

25 (i) *Resulting in great bodily harm to another person or disfigurement*  
26 *of another person; or*

27 (ii) *when done in a rude, insulting or angry manner;*

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

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

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

36 (B) committing an act described in K.S.A. 8-1567, and amendments

1 thereto, when bodily harm to another person results from such act under  
2 circumstances whereby great bodily harm, disfigurement or death can  
3 result from such act.

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

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

6 (A) Uniformed or properly identified university or campus police  
7 officer while such officer is engaged in the performance of such officer's  
8 duty;

9 (B) uniformed or properly identified state, county or city law  
10 enforcement officer, other than a state correctional officer or employee, a  
11 city or county correctional officer or employee or a juvenile detention  
12 facility officer, or employee, while such officer is engaged in the  
13 performance of such officer's duty;

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

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

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

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

21 (A) Uniformed or properly identified university or campus police  
22 officer while such officer is engaged in the performance of such officer's  
23 duty; ~~or~~

24 (B) uniformed or properly identified state, county or city law  
25 enforcement officer, other than a state correctional officer or employee, a  
26 city or county correctional officer or employee or a juvenile detention  
27 facility officer, or employee, while such officer is engaged in the  
28 performance of such officer's duty;

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

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

33 (E) 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) judge, while such judge is engaged in the performance of such  
16 judge's duty;

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

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

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

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

26 (B) 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 (C) judge, while such judge is engaged in the performance of such  
30 judge's duty;

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

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

35 (3) knowingly causing, with a motor vehicle, bodily harm to a:

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

39 (B) uniformed or properly identified university or campus police  
40 officer while such officer is engaged in the performance of such officer's  
41 duty.

42 (e) Battery against a school employee is a battery, as defined in  
43 subsection (a), committed against a school employee in or on any school

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

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

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

12 (2) Aggravated battery as defined in:

13 (A) Subsection (b)(1)(A) *or (b)(1)(D)(i)* is a severity level 4, person  
14 felony;

15 (B) subsection (b)(1)(B) ~~or~~, (b)(1)(C) *or (b)(1)(D)(ii)* is a severity  
16 level 7, person felony;

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

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

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

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

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

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

25 (4) Aggravated battery against a law enforcement officer as defined  
26 in:

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

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

30 (5) Battery against a school employee is a class A person  
31 misdemeanor.

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

34 (h) As used in this section:

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

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

41 (3) "juvenile detention facility officer or employee" means any officer  
42 or employee of a juvenile detention facility as defined in K.S.A. 2016  
43 Supp. 38-2302, and amendments thereto;

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

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

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

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

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

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

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

38 Sec. 2. K.S.A. 2016 Supp. 21-5413 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its  
40 publication in the statute book.