House Bill No. 2284

By Committee on Corrections and Juvenile Justice

2-13

AN ACT concerning crimes, punishment and criminal procedure; relating to assault; battery; unlawful interference with a firefighter; unlawful interference with an emergency medical services attendant; creating the crime of unlawful interference with a healthcare provider; amending K.S.A. 2018 Supp. 21-5412, 21-5413, 21-6325 and 21-6326 and repealing the existing sections.

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

New Section 1. (a) Unlawful interference with a healthcare provider is knowingly interfering with any healthcare provider while such provider is engaged in the performance of such provider's duty.

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

(c) As used in this section, "healthcare provider" means:

(1) A person licensed by the state board of healing arts;

(2) A person engaged in a postgraduate training program approved by the state board of healing arts;

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

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

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

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

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

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

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

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

(e) This section shall be a part of and supplemental to the Kansas
Sec. 2. K.S.A. 2018 Supp. 21-5412 is hereby amended to read as follows: 21-5412. (a) Assault is knowingly placing another person in reasonable apprehension of immediate bodily harm;

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

(1) With a deadly weapon;

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

(3) with intent to commit any felony.

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

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

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

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

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

(1) With a deadly weapon;

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

(3) with intent to commit a felony.

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

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

(1) With a deadly weapon;

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

(3) with intent to commit a felony.

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

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

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

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

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

(6) Aggravated assault of a healthcare provider is a severity level 6,
person felony.

(h) As used in this section, "healthcare provider" means:

(1) A person licensed by the state board of healing arts;

(2) a person engaged in a postgraduate training program approved by the state board of healing arts;

(3) an attendant certified by the emergency medical services board;

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

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

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

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

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

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

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

Sec. 3. K.S.A. 2018 Supp. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

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

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

(b) Aggravated battery is:

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

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

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

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

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

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

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

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

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

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

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

c) Battery against a law enforcement officer is:

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

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

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

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

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

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

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

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or
(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

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

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

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

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

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

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

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

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

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

(1) an Aggravated battery, as defined in subsection (b)(1)(A) committed against a:

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

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

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

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

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

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

(A) Uniformed or properly identified state, county or city law
enforcement officer while the officer is engaged in the performance of the
officer's duty;
(B) uniformed or properly identified university or campus police
officer while such officer is engaged in the performance of such officer's
duty;
(C) judge, while such judge is engaged in the performance of such
judge's duty;
(D) attorney, while such attorney is engaged in the performance of
such attorney's duty; or
(E) community corrections officer or court services officer, while
such officer is engaged in the performance of such officer's duty; or
(3) knowingly causing, with a motor vehicle, bodily harm to a:
(A) Uniformed or properly identified state, county or city law
enforcement officer while the officer is engaged in the performance of the
officer's duty; or
(B) uniformed or properly identified university or campus police
officer while such officer is engaged in the performance of such officer's
duty.
(e) Battery against a school employee is a battery, as defined in
subsection (a), committed against a school employee in or on any school
property or grounds upon which is located a building or structure used by a
unified school district or an accredited nonpublic school for student
instruction or attendance or extracurricular activities of pupils enrolled in
kindergarten or any of the grades one through 12 or at any regularly
scheduled school sponsored activity or event, while such employee is
engaged in the performance of such employee's duty.
(f) Battery against a mental health employee is a battery, as defined in
subsection (a), committed against a mental health employee by a person in
the custody of the secretary for aging and disability services, while such
employee is engaged in the performance of such employee's duty.
(g) Battery against a health care provider is:
(1) Battery, as defined in subsection (a)(2), committed against a
healthcare provider while such provider is engaged in the performance of
such provider's duty;
(2) battery, as defined in subsection (a)(1), committed against a
healthcare provider while such provider is engaged in the performance of
such provider's duty; or
(3) intentionally causing human bodily fluid to make physical contact
with a healthcare provider while such provider is engaged in the
performance of such provider's duty.
(h) Aggravated battery against a health care provider is:
(1) Aggravated battery, as defined in subsection (b)(1)(A), committed
against a healthcare provider while such provider is engaged in the
performance of such provider's duty;

(2) aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a healthcare provider while such provider is engaged in the performance of such provider's duty; or

(3) intentionally causing human bodily fluid to make physical contact with a healthcare provider while such provider is engaged in the performance of such provider's duty, and the offender has knowledge that the source of the human bodily fluid is infected with human immunodeficiency virus, hepatitis B or hepatitis C at the time the offense is committed.

(i) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Battery against a healthcare provider as defined in:

(A) Subsection (g)(1) is a class A person misdemeanor; and

(B) subsection (g)(2) or (g)(3) is a severity level 7, person felony.

(8) Aggravated battery against a healthcare provider as defined in:

(A) Subsection (h)(1) is a severity level 3, person felony; and

(B) subsection (h)(2) or (h)(3) is a severity level 4, person felony.

(4h)(j) As used in this section:

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

(2) "State correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent
contractor, or any employee of such contractor, whose duties include
working at a correctional institution;
(3) "juvenile detention facility officer or employee" means any officer
or employee of a juvenile detention facility as defined in K.S.A. 2018
Supp. 38-2302, and amendments thereto;
(4) "city or county correctional officer or employee" means any
correctional officer or employee of the city or county or any independent
contractor, or any employee of such contractor, whose duties include
working at a city holding facility or county jail facility;
(5) "school employee" means any employee of a unified school
district or an accredited nonpublic school for student instruction or
attendance or extracurricular activities of pupils enrolled in kindergarten or
any of the grades one through 12;
(6) "mental health employee" means: (A) An employee of the Kansas
department for aging and disability services working at Larned state
hospital, Osawatomie state hospital, Kansas neurological institute and
Parsons state hospital and training center and the treatment staff as defined
in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and
employees of contractors under contract to provide services to the Kansas
department for aging and disability services working at any such
institution or facility;
(7) "judge" means a duly elected or appointed justice of the supreme
court, judge of the court of appeals, judge of any district court of Kansas,
district magistrate judge or municipal court judge;
(8) "attorney" means a: (A) County attorney, assistant county
attorney, special assistant county attorney, district attorney, assistant
district attorney, special assistant district attorney, attorney general,
assistant attorney general or special assistant attorney general; and (B)
public defender, assistant public defender, contract counsel for the state
board of indigents' defense services or an attorney who is appointed by the
court to perform services for an indigent person as provided by article 45
of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;
(9) "community corrections officer" means an employee of a
community correctional services program responsible for supervision of
adults or juveniles as assigned by the court to community corrections
supervision and any other employee of a community correctional services
program that provides enhanced supervision of offenders such as house
arrest and surveillance programs; and
(10) "court services officer" means an employee of the Kansas
judicial branch or local judicial district responsible for supervising,
monitoring or writing reports relating to adults or juveniles as assigned by
the court, or performing related duties as assigned by the court;
(11) "healthcare provider" means:
(A) A person licensed by the state board of healing arts;
(B) a person engaged in a postgraduate training program approved by the state board of healing arts;
(C) an attendant certified by the emergency medical services board;
(D) a person registered or licensed by the state board of pharmacy;
(E) a person licensed by the behavioral sciences regulatory board;
(F) a licensed optometrist, dietician, speech-language pathologist, audiologist, dentist, dental hygienist, practical nurse or professional nurse;
(G) a person certified by the secretary for aging and disability services as a nurse aide, medication aide or paid nutrition assistant;
(H) a person performing services for a medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto, but who does not receive compensation, either directly or indirectly, for those services;
(I) a person currently enrolled in a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, and performing healthcare related services for a medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto; and
(J) a person currently enrolled in a training program approved by the emergency medical services board pursuant to K.S.A. 65-6111, and amendments thereto; and
(12) "human bodily fluid" means any naturally produced secretion or waste product generated by the human body and shall include, but not be limited to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal fluid or feces.

Sec. 4. K.S.A. 2018 Supp. 21-6325 is hereby amended to read as follows: 21-6325. (a) Unlawful interference with a firefighter is knowingly:
(1) Interfering with any firefighter while such firefighter is engaged in the performance of such firefighter's duties; or
(2) obstructing, interfering with or impeding the efforts of any firefighter to reach the location of a fire or other emergency.
(b) Unlawful interference with a firefighter is a class B person misdemeanor.
(c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for assault or battery.

Sec. 5. K.S.A. 2018 Supp. 21-6326 is hereby amended to read as follows: 21-6326. (a) Unlawful interference with an emergency medical services attendant is knowingly:
(1) Interfering with any attendant while such attendant is engaged in the performance of such attendant's duties; or
(2) obstructing, interfering with or impeding the efforts of any attendant to reach the location of an emergency.
(b) Unlawful interference with an emergency medical services attendant is a class B person misdemeanor.

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

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

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

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