

SENATE BILL No. 12

By Committee on Judiciary

1-13

1 AN ACT concerning crimes and punishment; relating to battery; amending
2 K.S.A. 2014 Supp. 21-5413 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2014 Supp. 21-5413 is hereby amended to read as
6 follows: 21-5413. (a) Battery is:

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

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

11 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

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

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

1 duty; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (D) city or county correctional officer or employee by a person

1 confined in a city holding facility or county jail facility, while such officer
2 or employee is engaged in the performance of such officer's or employee's
3 duty.

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

5 (1) An aggravated battery, as defined in subsection (b)(1)(A)
6 committed against a:

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

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

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

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

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

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

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

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

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

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

32 (E) **community corrections officer or court services officer, while**
33 **~~such court services officer is engaged in the performance of such court~~**
34 **~~services 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) 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 (h) As used in this section:

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

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

40 ~~(3) "juvenile correctional facility officer or employee" means any~~
41 ~~officer or employee of the juvenile justice authority or any independent~~
42 ~~contractor, or any employee of such contractor, working at a juvenile~~
43 ~~correctional facility, as defined in K.S.A. 2014 Supp. 38-2302, and~~

1 ~~amendments thereto;~~

2 ~~(4)~~ (3) "juvenile detention facility officer or employee" means any
3 officer or employee of a juvenile detention facility as defined in K.S.A.
4 2014 Supp. 38-2302, and amendments thereto;

5 ~~(5)~~ (4) "city or county correctional officer or employee" means any
6 correctional officer or employee of the city or county or any independent
7 contractor, or any employee of such contractor, *whose duties include*
8 *working at a city holding facility or county jail facility;*

9 ~~(6)~~ (5) "school employee" means any employee of a unified school
10 district or an accredited nonpublic school for student instruction or
11 attendance or extracurricular activities of pupils enrolled in kindergarten or
12 any of the grades one through 12; ~~and~~

13 ~~(7)~~ (6) "mental health employee" means: (A) An employee of the
14 Kansas department for aging and disability services working at Larned
15 state hospital, Osawatomie state hospital ~~and Rainbow mental health~~
16 ~~facility~~, Kansas neurological institute and Parsons state hospital and
17 training center and the treatment staff as defined in K.S.A. 59-29a02, and
18 amendments thereto; ~~and (B) an employee of a contractor who is~~
19 **contractors and employees of contractors under contract to provide**
20 **services to the Kansas department for aging and disability services**
21 **working at any such 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 ~~or~~,
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**
31 **the court to perform services for an indigent person as provided by**
32 **article 45 of chapter 22 of the Kansas Statutes Annotated, and**
33 **amendments thereto;**

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

40 ~~(9)~~ (10) "court services officer" means an employee of the Kansas
41 judicial branch or local judicial district responsible for supervising,
42 monitoring or writing reports relating to adults or juveniles as assigned by
43 the court, or performing related duties as assigned by the court.

1 Sec. 2. K.S.A. 2014 Supp. 21-5413 is hereby repealed.

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