

**SENATE BILL No. 220**

By Committee on Judiciary

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to battery; increasing the penalty for battery against a utility worker;  
3 amending K.S.A. 2020 Supp. 21-5413 and repealing the existing  
4 section.

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

7 Section 1. K.S.A. 2020 Supp. 21-5413 is hereby amended to read as  
8 follows: 21-5413. (a) Battery is:

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

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

13 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

1 another person results from such act while:

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

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

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

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

15 (1) Battery, as defined in subsection (a)(2), 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;

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 or a juvenile detention  
22 facility officer, or employee, while such officer is engaged in the  
23 performance of such officer's duty;

24 (C) uniformed or properly identified federal law enforcement officer  
25 while such officer is engaged in the performance of such officer's duty;

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

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

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

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

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

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

41 (C) uniformed or properly identified federal law enforcement officer  
42 while such officer is engaged in the performance of such officer's duty;

43 (D) judge, while such judge is engaged in the performance of such

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

1 duty;

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

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

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

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

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

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

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

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

19 (e) Battery against a ~~school-covered~~ employee is a battery, as defined  
20 in subsection (a), committed against *one of the following classes of*  
21 *employee, while such employee is engaged in the performance of such*  
22 *employee's duty:*

23 (1) A school employee in or on any school property or grounds upon  
24 which is located a building or structure used by a unified school district or  
25 an accredited nonpublic school for student instruction or attendance or  
26 extracurricular activities of pupils enrolled in kindergarten or any of the  
27 grades one through 12 or at any regularly scheduled school sponsored  
28 activity or event, ~~while such employee is engaged in the performance of~~  
29 ~~such employee's duty;~~

30 ~~(f) Battery against a mental health employee is a battery, as defined in~~  
31 ~~subsection (a), committed against~~ (2) a mental health employee by a  
32 person in the custody of the secretary for aging and disability services;  
33 ~~while such employee is engaged in the performance of such employee's~~  
34 ~~duty; or~~

35 (3) *a utility worker.*

36 ~~(g)~~(f) (1) Battery is a class B person misdemeanor.

37 (2) Aggravated battery as defined in:

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

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

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

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

1 felony.

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

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

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

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

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

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

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

11 (5) Battery against a ~~school~~ covered employee as defined in:

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

13 ~~(6) Battery against a mental health employee~~ (B) subsection (e)(2)  
14 or (e)(3) is a severity level 7, person felony.

15 ~~(g)~~ (g) As used in this section:

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

18 (2) "state correctional officer or employee" means any officer or  
19 employee of the Kansas department of corrections or any independent  
20 contractor, or any employee of such contractor, whose duties include  
21 working at a correctional institution;

22 (3) "juvenile detention facility officer or employee" means any officer  
23 or employee of a juvenile detention facility as defined in K.S.A. 2020  
24 Supp. 38-2302, and amendments thereto;

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

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

33 (6) "mental health employee" means:

34 (A) An employee of the Kansas department for aging and disability  
35 services working at Larned state hospital, Osawatomie state hospital,  
36 Kansas neurological institute and Parsons state hospital and training center  
37 and the treatment staff as defined in K.S.A. 59-29a02, and amendments  
38 thereto; and

39 (B) contractors and employees of contractors under contract to  
40 provide services to the Kansas department for aging and disability services  
41 working at any such institution or facility;

42 (7) "judge" means a duly elected or appointed justice of the supreme  
43 court, judge of the court of appeals, judge of any district court of Kansas,

1 district magistrate judge or municipal court judge;

2 (8) "attorney" means a:

3 (A) County attorney, assistant county attorney, special assistant  
4 county attorney, district attorney, assistant district attorney, special  
5 assistant district attorney, attorney general, assistant attorney general or  
6 special assistant attorney general; and

7 (B) public defender, assistant public defender, contract counsel for the  
8 state board of indigents' defense services or an attorney who is appointed  
9 by the court to perform services for an indigent person as provided by  
10 article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments  
11 thereto;

12 (9) "community corrections officer" means an employee of a  
13 community correctional services program responsible for supervision of  
14 adults or juveniles as assigned by the court to community corrections  
15 supervision and any other employee of a community correctional services  
16 program that provides enhanced supervision of offenders such as house  
17 arrest and surveillance programs;

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

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

25 (12) *"utility worker" means an employee of a Kansas registered*  
26 *utility company providing utility services such as electric, natural gas,*  
27 *broadband or cable services, water service, utility line clearance or line*  
28 *locate services.*

29 Sec. 2. K.S.A. 2020 Supp. 21-5413 is hereby repealed.

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