

HOUSE BILL No. 2023

By Representatives Concannon and Hawkins

1-11

Proposed Amendments to HB 2023 - remove battery
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.~~

strike

6
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
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
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~~

Remove Sections 2 and 3 from the bill and renumber
sections accordingly

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.~~
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.

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