AN ACT concerning crimes, criminal procedure and punishment; relating to care and treatment facilities; battery; traffic in contraband; amending K.S.A. 2013 Supp. 21-5413 and 21-5914 and repealing the existing sections.

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

Section 1. K.S.A. 2013 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; or

(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.

(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; 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, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty; or
(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, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, 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) juvenile correctional facility 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;
(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; or
(B) uniformed or properly identified university or campus police 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; or
   (B) uniformed or properly identified university or campus police 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 of social and rehabilitation services at a care and treatment facility, while such employee is engaged in the performance of such employee's duty.
(g) (1) Battery is a class B person misdemeanor.
   (2) Aggravated battery as defined in:
      (A) subsection (b)(1)(A) 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.

(h) 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, working at a correctional institution;

(3) "juvenile correctional facility officer or employee" means any officer or employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(4) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(5) "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, working at a city holding facility or county jail facility;

(6) "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; and

(7) "mental health employee" means an employee of the department of social and rehabilitation services working at Larned state hospital, Osawatomie state hospital and Rainbow mental health facility, 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 or subcontractor of a care and treatment facility; and

(8) "care and treatment facility" means Larned state hospital, Osawatomie state hospital and Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center, the state security hospital provided for under K.S.A. 76-1305 et seq., and amendments thereto, and any facility operated for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto.

Sec. 2. K.S.A. 2013 Supp. 21-5914 is hereby amended to read as
follows: 21-5914. (a) Traffic in contraband in a correctional institution or care and treatment facility is, without the consent of the administrator of the correctional institution or care and treatment facility:

(1) Introducing or attempting to introduce any item into or upon the grounds of any correctional institution or care and treatment facility;
(2) taking, sending, attempting to take or attempting to send any item from any correctional institution or care and treatment facility;
(3) any unauthorized possession of any item while in any correctional institution or care and treatment facility;
(4) distributing any item within any correctional institution or care and treatment facility;
(5) supplying to another who is in lawful custody any object or thing adapted or designed for use in making an escape; or
(6) introducing into an institution in which a person is confined any object or thing adapted or designed for use in making any escape.

(b) Traffic in contraband in a correctional institution or care and treatment facility is a:

(1) Severity level 6, nonperson felony, except as provided in subsection (b)(2) or (b)(3);
(2) severity level 5, nonperson felony, if such items are:
(A) Firearms, ammunition, explosives or a controlled substance which is defined in K.S.A. 2013 Supp. 21-5701, and amendments thereto, except as provided in subsection (b)(3);
(B) defined as contraband by rules and regulations adopted by the secretary of social and rehabilitation services for aging and disability services, in a care and treatment facility by an employee of a care and treatment facility, except as provided in subsection (b)(3); or
(C) defined as contraband by rules and regulations adopted by the commissioner of the juvenile justice authority, in a juvenile correctional facility by an employee of a juvenile correctional facility, except as provided by subsection (b)(3); and
(3) severity level 4, nonperson felony if:
(A) Such items are firearms, ammunition or explosives, in a correctional institution by an employee of a correctional institution or in a care and treatment facility by an employee of a care and treatment facility; or
(B) a violation of subsection (a)(5) or (a)(6) by an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services to the department of
corrections.

(c) The provisions of subsection (b)(2)(A) shall not apply to the possession of a firearm or ammunition by a person licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, in a parking lot open to the public if the firearm or ammunition is carried on the person while in a vehicle or while securing the firearm or ammunition in the vehicle, or stored out of plain view in a locked but unoccupied vehicle.

(d) As used in this section:

(1) "Correctional institution" means any state correctional institution or facility, conservation camp, state security hospital, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail;

(2) "Care and treatment facility" means the state security hospital provided for under K.S.A. 76-1305 et seq., and amendments thereto, and any facility operated by the department of social and rehabilitation services for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto; and

(3) "Lawful custody" means the same as in K.S.A. 2013 Supp. 21-5912, and amendments thereto.

Sec. 3. K.S.A. 2013 Supp. 21-5413 and 21-5914 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.