

SENATE BILL No. 334

By Committee on Judiciary

1-30

1 AN ACT concerning crimes and punishment; relating to interference with
2 law enforcement; battery; amending K.S.A. 2013 Supp. 21-5413 and
3 21-5904 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2013 Supp. 21-5904 is hereby amended to read as
7 follows: 21-5904.(a) Interference with law enforcement is:

8 (1) Falsely reporting to a law enforcement officer, law enforcement
9 agency or state investigative agency:

10 (A) That a particular person has committed a crime, knowing that
11 such information is false and intending that the officer or agency shall act
12 in reliance upon such information;

13 (B) any information, knowing that such information is false and
14 intending to influence, impede or obstruct such officer's or agency's duty;
15 *or*

16 ~~(C) that a crime has been committed or any information concerning a~~
17 ~~crime or suspected crime, knowing that such information is false and~~
18 ~~intending that the officer or agency shall act in reliance upon such~~
19 ~~information; or~~

20 ~~(D)~~ (C) any information concerning the death, disappearance or
21 potential death or disappearance of a child under the age of 13, knowing
22 that such information is false and intending that the officer or agency shall
23 act in reliance upon such information;

24 (2) concealing, destroying or materially altering evidence with the
25 intent to prevent or hinder the apprehension or prosecution of any person;
26 *or*

27 (3) knowingly obstructing, resisting or opposing any person
28 authorized by law to serve process in the service or execution or in the
29 attempt to serve or execute any writ, warrant, process or order of a court,
30 or in the discharge of any official duty.

31 (b) Interference with law enforcement as defined in:

32 (1) Subsection (a)(1)(A) is a:

33 (A) Class A nonperson misdemeanor ~~in the case of a misdemeanor,~~
34 ***except as provided in subsection (b)(1)(B); and***

- 1 (B) severity level 8, nonperson felony in the case of a felony;
2 (2) subsection (a)(1)(B) is a:
3 (A) Class A nonperson misdemeanor ~~in the case of a misdemeanor,~~
4 **except as provided in subsection (b)(2)(B)**; and
5 (B) severity level 9, nonperson felony in the case of a felony;
6 ~~(3) subsection (a)(1)(C) is a class A misdemeanor;~~
7 ~~(4) (3) subsection (a)(1)(D) (a)(1)(C) is a severity level 8, nonperson~~
8 ~~felony;~~
9 ~~(5) (4) subsection (a)(2) is a:~~
10 (A) Class A nonperson misdemeanor ~~in the case of a misdemeanor,~~
11 **except as provided in subsection (b)(4)(B)**; and
12 (B) severity level 8, nonperson felony in the case of a felony; and
13 (6) subsection (a)(3) is a:
14 (A) Severity level 9, nonperson felony in the case of a felony, or
15 resulting from parole or any authorized disposition for a felony; and
16 (B) class A nonperson misdemeanor in the case of a misdemeanor, or
17 resulting from any authorized disposition for a misdemeanor, or a civil
18 case.
19 Sec. 2. K.S.A. 2013 Supp. 21-5413 is hereby amended to read as
20 follows: 21-5413. (a) Battery is:
21 (1) Knowingly or recklessly causing bodily harm to another person;
22 or
23 (2) knowingly causing physical contact with another person when
24 done in a rude, insulting or angry manner;
25 (b) Aggravated battery is:
26 (1) (A) Knowingly causing great bodily harm to another person or
27 disfigurement of another person;
28 (B) knowingly causing bodily harm to another person with a deadly
29 weapon, or in any manner whereby great bodily harm, disfigurement or
30 death can be inflicted; or
31 (C) knowingly causing physical contact with another person when
32 done in a rude, insulting or angry manner with a deadly weapon, or in any
33 manner whereby great bodily harm, disfigurement or death can be
34 inflicted;
35 (2) (A) recklessly causing great bodily harm to another person or
36 disfigurement of another person; or
37 (B) recklessly causing bodily harm to another person with a deadly
38 weapon, or in any manner whereby great bodily harm, disfigurement or
39 death can be inflicted; or
40 (3) (A) committing an act described in K.S.A. 8-1567, and
41 amendments thereto, when great bodily harm to another person or
42 disfigurement of another person results from such act; or
43 (B) committing an act described in K.S.A. 8-1567, and amendments

1 thereto, when bodily harm to another person results from such act under
2 circumstances whereby great bodily harm, disfigurement or death can
3 result from such act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (B) ~~juvenile correctional facility~~ *state correctional* officer or
42 employee by a person confined in such juvenile correctional facility, while
43 such officer or employee is engaged in the performance of such officer's or

1 employee's duty;

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

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

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

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

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

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

18 (C) *judge, while such judge is engaged in the performance of such*
19 *judge's duty; ~~or~~*

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

22 **(E) court services officer, while such court services officer is**
23 **engaged in the performance of such court services officer's duty;**

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

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

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

32 (C) *judge, while such judge is engaged in the performance of such*
33 *judge's duty; ~~or~~*

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

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

38 (3) knowingly causing, with a motor vehicle, bodily harm to 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; or

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 (e) Battery against a school employee is a battery, as defined in
3 subsection (a), committed against a school employee in or on any school
4 property or grounds upon which is located a building or structure used by a
5 unified school district or an accredited nonpublic school for student
6 instruction or attendance or extracurricular activities of pupils enrolled in
7 kindergarten or any of the grades one through 12 or at any regularly
8 scheduled school sponsored activity or event, while such employee is
9 engaged in the performance of such employee's duty.

10 (f) Battery against a mental health employee is a battery, as defined in
11 subsection (a), committed against a mental health employee by a person in
12 the custody of the ~~secretary of social and rehabilitation~~ **{for aging and**
13 **disability}** services, while such employee is engaged in the performance of
14 such employee's duty.

15 (g) (1) Battery is a class B person misdemeanor.

16 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (h) As used in this section:

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

40 (2) "State correctional officer or employee" means any officer or
41 employee of the Kansas department of corrections or any independent
42 contractor, or any employee of such contractor, *whose duties include*
43 *working at a correctional institution;*

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

6 (4) (3) "juvenile detention facility officer or employee" means any
7 officer or employee of a juvenile detention facility as defined in K.S.A.
8 2013 Supp. 38-2302, and amendments thereto;

9 (5) (4) "city or county correctional officer or employee" means any
10 correctional officer or employee of the city or county or any independent
11 contractor, or any employee of such contractor, *whose duties include*
12 *working at a city holding facility or county jail facility;*

13 (6) (5) "school employee" means any employee of a unified school
14 district or an accredited nonpublic school for student instruction or
15 attendance or extracurricular activities of pupils enrolled in kindergarten or
16 any of the grades one through 12; ~~and~~

17 (7) (6) "mental health employee" means: **(A)** an employee of the
18 *Kansas department of social and rehabilitation for aging and disability*
19 *services working at Larned state hospital, Osawatomie state hospital and*
20 *Rainbow mental health facility, Kansas neurological institute and Parsons*
21 *state hospital and training center and the treatment staff as defined in*
22 *K.S.A. 59-29a02, and amendments thereto; and (B) an employee of a*
23 *contractor who is under contract to provide services to the Kansas*
24 *department for aging and disability services working at any such*
25 *institution or facility};*

26 (7) "judge" means a duly elected or appointed justice of the supreme
27 court, judge of the court of appeals, judge of any district court of Kansas,
28 district magistrate judge or municipal court judge; ~~and~~

29 (8) "attorney" means a county attorney, assistant county attorney,
30 district attorney, assistant district attorney, attorney general or assistant
31 attorney general; **and**

32 (9) "court services officer" means an employee of the Kansas
33 judicial branch or local judicial district responsible for supervising,
34 monitoring or writing reports relating to adults or juveniles as assigned
35 by the court, or performing related duties as assigned by the court.

36 Sec. 3. K.S.A. 2013 Supp. 21-5413 and 21-5904 are hereby repealed.

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