

HOUSE BILL No. 2034

By Committee on Judiciary

1-11

1 AN ACT concerning crimes and punishment; relating to aggravated
2 battery; amending K.S.A. 2016 Supp. 21-5413 and repealing the
3 existing section.

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

6 Section 1. K.S.A. 2016 Supp. 21-5413 is hereby amended to read as
7 follows: 21-5413. (a) Battery is:

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

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

12 (b) Aggravated battery is:

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

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

18 (C) *except as provided in subsection (b)(1)(D)*, knowingly causing
19 physical contact with another person when done in a rude, insulting or
20 angry manner with a deadly weapon, or in any manner whereby great
21 bodily harm, disfigurement or death can be inflicted; *or*

22 (D) *knowingly impeding the normal breathing or circulation of the*
23 *blood by applying pressure on the throat or neck of another person or by*
24 *blocking the nose or mouth of another person:*

25 (i) *Resulting in great bodily harm to another person or disfigurement*
26 *of another person; or*

27 (ii) *when done in a rude, insulting or angry manner;*

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

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

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

36 (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;

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

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

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

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

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

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

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

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

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

33 (E) 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) judge, while such judge is engaged in the performance of such
16 judge's duty;

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

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

21 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)
22 (C), 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) judge, while such judge is engaged in the performance of such
30 judge's duty;

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

33 (E) community corrections officer or court services officer, while
34 such officer is engaged in the performance of such 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) *or (b)(1)(D)(i)* is a severity level 4, person
14 felony;

15 (B) subsection (b)(1)(B) ~~or~~, (b)(1)(C) *or (b)(1)(D)(ii)* is a severity
16 level 7, person felony;

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

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

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

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

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

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

25 (4) Aggravated battery against a law enforcement officer as defined
26 in:

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

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

30 (5) Battery against a school employee is a class A person
31 misdemeanor.

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

34 (h) As used in this section:

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

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

41 (3) "juvenile detention facility officer or employee" means any officer
42 or employee of a juvenile detention facility as defined in K.S.A. 2016
43 Supp. 38-2302, and amendments thereto;

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

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

9 (6) "mental health employee" means: (A) An employee of the Kansas
10 department for aging and disability services working at Larned state
11 hospital, Osawatomie state hospital, Kansas neurological institute and
12 Parsons state hospital and training center and the treatment staff as defined
13 in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and
14 employees of contractors under contract to provide services to the Kansas
15 department for aging and disability services working at any such
16 institution or facility;

17 (7) "judge" means a duly elected or appointed justice of the supreme
18 court, judge of the court of appeals, judge of any district court of Kansas,
19 district magistrate judge or municipal court judge;

20 (8) "attorney" means a: (A) County attorney, assistant county
21 attorney, special assistant county attorney, district attorney, assistant
22 district attorney, special assistant district attorney, attorney general,
23 assistant attorney general or special assistant attorney general; and (B)
24 public defender, assistant public defender, contract counsel for the state
25 board of indigents' defense services or an attorney who is appointed by the
26 court to perform services for an indigent person as provided by article 45
27 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

28 (9) "community corrections officer" means an employee of a
29 community correctional services program responsible for supervision of
30 adults or juveniles as assigned by the court to community corrections
31 supervision and any other employee of a community correctional services
32 program that provides enhanced supervision of offenders such as house
33 arrest and surveillance programs; and

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

38 Sec. 2. K.S.A. 2016 Supp. 21-5413 is hereby repealed.

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