

HOUSE BILL No. 2477

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning crimes and punishment; relating to aggravated
2 battery; amending K.S.A. 2013 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. 2013 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) knowingly causing physical contact with another person when
19 done in a rude, insulting or angry manner with a deadly weapon, or in any
20 manner whereby great bodily harm, disfigurement or death can be
21 inflicted;

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

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

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

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

34 (4) (A) *knowingly impeding the normal breathing or circulation of*
35 *the blood by applying pressure on the throat or neck of another person or*
36 *by blocking the nose or mouth of another person with a dangerous*

1 *instrument or a deadly weapon; or*

2 *(B) knowingly impeding the normal breathing or circulation of the*
3 *blood by applying pressure on the throat or neck of another person or by*
4 *blocking the nose or mouth of another person.*

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

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

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

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

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

17 (A) Uniformed or properly identified university or campus police
18 officer while such officer is engaged in the performance of such officer's
19 duty; or

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

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

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

30 (B) juvenile correctional facility officer or employee by a person
31 confined in such juvenile correctional facility, while such officer or
32 employee is engaged in the performance of such officer's or employee's
33 duty;

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

37 (D) city or county correctional officer or employee by a person
38 confined in a city holding facility or county jail facility, while such officer
39 or employee is engaged in the performance of such officer's or employee's
40 duty.

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

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

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

4 (B) uniformed or properly identified university or campus police
5 officer while such officer is engaged in the performance of such officer's
6 duty;

7 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)
8 (C), 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; or

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; or

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

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

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

30 (f) Battery against a mental health employee is a battery, as defined in
31 subsection (a), committed against a mental health employee by a person in
32 the custody of the secretary of social and rehabilitation services, while
33 such employee is engaged in the performance of such employee's duty.

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

35 (2) Aggravated battery as defined in:

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

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

39 (C) subsection (b)(2)(A) ~~or~~, (b)(3)(A) *or* (b)(4)(A) is a severity level
40 5, person felony; ~~and~~

41 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
42 felony; *and*

43 (E) *subsection (b)(4)(B) is a severity level 6, person felony.*

- 1 (3) Battery against a law enforcement officer as defined in:
2 (A) Subsection (c)(1) is a class A person misdemeanor;
3 (B) subsection (c)(2) is a severity level 7, person felony; and
4 (C) subsection (c)(3) is a severity level 5, person felony.
5 (4) Aggravated battery against a law enforcement officer as defined
6 in:
7 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
8 and
9 (B) subsection (d)(2) is a severity level 4, person felony.
10 (5) Battery against a school employee is a class A person
11 misdemeanor.
12 (6) Battery against a mental health employee is a severity level 7,
13 person felony.
14 (h) *The provisions of subsection (b)(4) shall not apply to a legitimate*
15 *medical procedure performed by a physician or other licensed medical*
16 *professional.*
17 (i) As used in this section:
18 (1) "Correctional institution" means any institution or facility under
19 the supervision and control of the secretary of corrections;
20 (2) "state correctional officer or employee" means any officer or
21 employee of the Kansas department of corrections or any independent
22 contractor, or any employee of such contractor, working at a correctional
23 institution;
24 (3) "juvenile correctional facility officer or employee" means any
25 officer or employee of the juvenile justice authority or any independent
26 contractor, or any employee of such contractor, working at a juvenile
27 correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and
28 amendments thereto;
29 (4) "juvenile detention facility officer or employee" means any officer
30 or employee of a juvenile detention facility as defined in K.S.A. 2013
31 Supp. 38-2302, and amendments thereto;
32 (5) "city or county correctional officer or employee" means any
33 correctional officer or employee of the city or county or any independent
34 contractor, or any employee of such contractor, working at a city holding
35 facility or county jail facility;
36 (6) "school employee" means any employee of a unified school
37 district or an accredited nonpublic school for student instruction or
38 attendance or extracurricular activities of pupils enrolled in kindergarten or
39 any of the grades one through 12; and
40 (7) "mental health employee" means an employee of the department
41 of social and rehabilitation services working at Larned state hospital,
42 Osawatomie state hospital and Rainbow mental health facility, Kansas
43 neurological institute and Parsons state hospital and training center and the

- 1 treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.
- 2 Sec. 2. K.S.A. 2013 Supp. 21-5413 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.