

**HOUSE BILL No. 2620**

By Representatives Featherston, Concannon, Burroughs, Byers, Clifford, Eplee, Haswood, Hoye, T. Johnson, Meyer, Neelly, Ousley, Poskin, S. Ruiz, Schmidt, Schreiber, Vaughn, Wolfe Moore and Xu

2-7

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 2021 Supp. 21-5413 and repealing the existing section.  
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 any 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. 2021 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, "hospital" means the same as the term is  
29 defined in K.S.A. 65-425, and amendments thereto.

30 (e) This section shall be a part of and supplemental to the Kansas  
31 criminal code.

32 Sec. 2. K.S.A. 2021 Supp. 21-5413 is hereby amended to read as  
33 follows: 21-5413. (a) Battery is:

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

1 or

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

4 (b) Aggravated battery is:

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

7 (B) knowingly causing bodily harm to another person with a deadly  
8 weapon, or in any manner whereby great bodily harm, disfigurement or  
9 death can be inflicted; or

10 (C) knowingly causing physical contact with another person when  
11 done in a rude, insulting or angry manner with a deadly weapon, or in any  
12 manner whereby great bodily harm, disfigurement or death can be  
13 inflicted;

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

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

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

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

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

29 (A) In violation of any restriction imposed on such person's driving  
30 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes  
31 Annotated, and amendments thereto;

32 (B) such person's driving privileges are suspended or revoked  
33 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and  
34 amendments thereto; or

35 (C) such person has been deemed a habitual violator as defined in  
36 K.S.A. 8-285, and amendments thereto, including at least one violation of  
37 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any  
38 city in this state, any resolution of any county in this state or any law of  
39 another state, which ordinance, resolution or law declares to be unlawful  
40 the acts prohibited by that statute.

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

42 (1) Battery; as defined in subsection (a)(2); committed against a:

43 (A) Uniformed or properly identified university or campus police

1 officer while such officer is engaged in the performance of such officer's  
2 duty;

3 (B) uniformed or properly identified state, county or city law  
4 enforcement officer, other than a state correctional officer or employee, a  
5 city or county correctional officer or employee or a juvenile detention  
6 facility officer, or employee, while such officer is engaged in the  
7 performance of such officer's duty;

8 (C) uniformed or properly identified federal law enforcement officer  
9 while such officer is engaged in the performance of such officer's duty;

10 (D) judge, while such judge is engaged in the performance of such  
11 judge's duty;

12 (E) attorney, while such attorney is engaged in the performance of  
13 such attorney's duty; or

14 (F) community corrections officer or court services officer, while  
15 such officer is engaged in the performance of such officer's duty;

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;

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

25 (C) uniformed or properly identified federal law enforcement officer  
26 while such officer is engaged in the performance of such officer's duty;

27 (D) judge, while such judge is engaged in the performance of such  
28 judge's duty;

29 (E) attorney, while such attorney is engaged in the performance of  
30 such attorney's duty; or

31 (F) community corrections officer or court services officer, while  
32 such officer is engaged in the performance of such officer's duty; or

33 (3) battery; as defined in subsection (a) committed against a:

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

37 (B) state correctional officer or employee by a person confined in  
38 such juvenile correctional facility, while such officer or employee is  
39 engaged in the performance of such officer's or employee's duty;

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

43 (D) city or county correctional officer or employee by a person

1 confined in a city holding facility or county jail facility, while such officer  
 2 or employee is engaged in the performance of such officer's or employee's  
 3 duty.

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

5 (1) ~~An~~ Aggravated battery; as defined in subsection (b)(1)(A)  
 6 committed against a:

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

10 (B) uniformed or properly identified university or campus police  
 11 officer while such officer is engaged in the performance of such officer's  
 12 duty;

13 (C) uniformed or properly identified federal law enforcement officer  
 14 while such officer is engaged in the performance of such officer's duty;

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

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

19 (F) 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) uniformed or properly identified federal law enforcement officer  
 30 while such officer is engaged in the performance of such officer's duty;

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

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

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

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

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

41 (B) uniformed or properly identified university or campus police  
 42 officer while such officer is engaged in the performance of such officer's  
 43 duty; or

1 (C) uniformed or properly identified federal law enforcement officer  
2 while such officer is engaged in the performance of such officer's duty.

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

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

15 (g) *Battery against a healthcare provider is a battery as defined in*  
16 *subsection (a) committed against a healthcare provider while such*  
17 *provider is engaged in the performance of such provider's duty.*

18 (h) (1) Battery is a class B person misdemeanor.

19 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

31 (4) Aggravated battery against a law enforcement officer as defined  
32 in:

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

34 and

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

36 (5) Battery against a school employee is a class A person  
37 misdemeanor.

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

40 (7) *Battery against a healthcare provider is a class A person*  
41 *misdemeanor.*

42 (~~h~~)(i) As used in this section:

43 (1) "Correctional institution" means any institution or facility under

1 the supervision and control of the secretary of corrections;

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

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

9 (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 (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;

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

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

28 (8) "attorney" means a: (A) County attorney, assistant county  
29 attorney, special assistant county attorney, district attorney, assistant  
30 district attorney, special assistant district attorney, attorney general,  
31 assistant attorney general or special assistant attorney general; and (B)  
32 public defender, assistant public defender, contract counsel for the state  
33 board of indigents' defense services or an attorney who is appointed by the  
34 court to perform services for an indigent person as provided by article 45  
35 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

36 (9) "community corrections officer" means an employee of a  
37 community correctional services program responsible for supervision of  
38 adults or juveniles as assigned by the court to community corrections  
39 supervision and any other employee of a community correctional services  
40 program that provides enhanced supervision of offenders such as house  
41 arrest and surveillance programs;

42 (10) "court services officer" means an employee of the Kansas  
43 judicial branch or local judicial district responsible for supervising,

1 monitoring or writing reports relating to adults or juveniles as assigned by  
2 the court, or performing related duties as assigned by the court; and

3 (11) "federal law enforcement officer" means a law enforcement  
4 officer employed by the United States federal government who, as part of  
5 such officer's duties, is permitted to make arrests and to be armed.

6 (12) *"healthcare provider" means a person who is licensed,*  
7 *registered, certified or otherwise authorized by the state of Kansas to*  
8 *provide healthcare services in this state and employed by a hospital as*  
9 *defined in K.S.A. 65-425, and amendments thereto.*

10 Sec. 3. K.S.A. 2021 Supp. 21-5413 is hereby repealed.

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