

SENATE BILL No. 413

By Committee on Ways and Means

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to assault; battery; private correctional officers or employees; amending
3 K.S.A. 2019 Supp. 21-5412 and 21-5413 and repealing the existing
4 sections.

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

7 Section 1. K.S.A. 2019 Supp. 21-5412 is hereby amended to read as
8 follows: 21-5412. (a) Assault is knowingly placing another person in
9 reasonable apprehension of immediate bodily harm;

10 (b) Aggravated assault is assault, as defined in subsection (a),
11 committed:

12 (1) With a deadly weapon;

13 (2) while disguised in any manner designed to conceal identity; or

14 (3) with intent to commit any felony.

15 (c) Assault of a law enforcement officer is assault, as defined in
16 subsection (a), committed against:

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

20 (2) a uniformed or properly identified university or campus police
21 officer while such officer is engaged in the performance of such officer's
22 duty; ~~or~~

23 (3) a uniformed or properly identified federal law enforcement
24 officer, as defined in K.S.A. 2019 Supp. 21-5413, and amendments
25 thereto, while such officer is engaged in the performance of such officer's
26 duty; or

27 (4) a private correctional officer or employee, as defined in K.S.A.
28 2019 Supp. 21-5413, and amendments thereto, while such officer or
29 employee is engaged in the performance of such officer's or employee's
30 duties.

31 (d) Aggravated assault of a law enforcement officer is assault of a law
32 enforcement officer, as defined in subsection (c), committed:

33 (1) With a deadly weapon;

34 (2) while disguised in any manner designed to conceal identity; or

35 (3) with intent to commit any felony.

36 (e) (1) Assault is a class C person misdemeanor.

1 (2) Aggravated assault is a severity level 7, person felony.

2 (3) Assault of a law enforcement officer is a class A person
3 misdemeanor.

4 (4) Aggravated assault of a law enforcement officer is a severity level
5 6, person felony. A person convicted of aggravated assault of a law
6 enforcement officer shall be subject to the provisions of K.S.A. 2019
7 Supp. 21-6804(g), and amendments thereto.

8 Sec. 2. K.S.A. 2019 Supp. 21-5413 is hereby amended to read as
9 follows: 21-5413. (a) Battery is:

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

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

14 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

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

42 (B) such person's driving privileges are suspended or revoked
43 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and

1 amendments thereto; or

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

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

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

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

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

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

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

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

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

27 (A) Uniformed or properly identified university or campus police
28 officer, while such officer is engaged in the performance of such officer's
29 duty;

30 (B) uniformed or properly identified state, county or city law
31 enforcement officer, other than a state correctional officer or employee, a
32 city or county correctional officer or employee or a juvenile detention
33 facility officer, or employee, while such officer is engaged in the
34 performance of such officer's duty;

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

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

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

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

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

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

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

7 (C) juvenile detention facility officer or employee by a person
8 confined in such juvenile detention facility, while such officer or employee
9 is engaged in the performance of such officer's or employee's duty; ~~or~~

10 (D) city or county correctional officer or employee by a person
11 confined in a city holding facility or county jail facility, while such officer
12 or employee is engaged in the performance of such officer's or employee's
13 duty; *or*

14 (E) *private correctional officer or employee by a person confined in a*
15 *private detention center, while such officer or employee is engaged in the*
16 *performance of such officer's or employee's duties.*

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

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

20 (A) Uniformed or properly identified state, county or city law
21 enforcement officer, while ~~the~~ *such* officer is engaged in the performance
22 of the officer's duty;

23 (B) uniformed or properly identified university or campus police
24 officer, while such officer is engaged in the performance of such officer's
25 duty;

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

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

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

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

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

36 (A) Uniformed or properly identified state, county or city law
37 enforcement officer, while ~~the~~ *such* officer is engaged in the performance
38 of the officer's duty;

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

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

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

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

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

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

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

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

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

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

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

29 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

41 (4) Aggravated battery against a law enforcement officer as defined
42 in:

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

1 and

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

3 (5) Battery against a school employee is a class A person
4 misdemeanor.

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

7 (h) As used in this section:

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

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

14 (3) "juvenile detention facility officer or employee" means any officer
15 or employee of a juvenile detention facility, as defined in K.S.A. 2019
16 Supp. 38-2302, and amendments thereto;

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

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

25 (6) "mental health employee" means: (A) An employee of the Kansas
26 department for aging and disability services working at Larned state
27 hospital, Osawatomie state hospital, Kansas neurological institute and
28 Parsons state hospital and training center and the treatment staff, as
29 defined in K.S.A. 59-29a02, and amendments thereto; and (B) contractors
30 and employees of contractors under contract to provide services to the
31 Kansas department for aging and disability services working at any such
32 institution or facility;

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

36 (8) "attorney" means a: (A) County attorney, assistant county
37 attorney, special assistant county attorney, district attorney, assistant
38 district attorney, special assistant district attorney, attorney general,
39 assistant attorney general or special assistant attorney general; and (B)
40 public defender, assistant public defender, contract counsel for the state
41 board of indigents' defense services or an attorney who is appointed by the
42 court to perform services for an indigent person as provided by article 45
43 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

1 (9) "community corrections officer" means an employee of a
2 community correctional services program responsible for supervision of
3 adults or juveniles as assigned by the court to community corrections
4 supervision and any other employee of a community correctional services
5 program that provides enhanced supervision of offenders such as house
6 arrest and surveillance programs;

7 (10) "court services officer" means an employee of the Kansas
8 judicial branch or local judicial district responsible for supervising,
9 monitoring or writing reports relating to adults or juveniles as assigned by
10 the court, or performing related duties as assigned by the court; ~~and~~

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

14 (12) *"private correctional officer or employee" means any officer or*
15 *employee of a facility that is owned or operated by a private entity and*
16 *used for placement or confinement of persons, pursuant to a contract with*
17 *a governmental entity, whose duties include working at such facility.*

18 Sec. 3. K.S.A. 2019 Supp. 21-5412 and 21-5413 are hereby repealed.

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