

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2414**

As Amended by House Committee of the Whole

**Brief\***

HB 2414 would amend the current law regarding the crime of battery against a law enforcement officer to include university or campus police and state, county or city police as law enforcement officers as follows:

- Battery, defined as intentionally causing physical contact with another person when done in a rude, insulting or angry manner, against a law enforcement officer would be expanded to apply against a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty. The penalty would stay a class A misdemeanor.
- Battery, defined as intentionally or recklessly causing bodily harm to another person, would be expanded to apply when committed against a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty or a uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty. The penalty would stay a level 5 person felony.
- Aggravated battery against a law enforcement officer, committed against a uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty or a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty would be raised from a severity level 6 person felony to a severity level 4 person felony.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The sentence for battery of law enforcement officers described in the bill would be presumed imprisonment.

## **Background**

Supporters of the bill include the sponsor, Representative Peck and Kyle Smith from the Kansas Bureau of Investigation; Ronald Carmine, a former Officer with the Coffeyville Police Department; Brian Helkenberg, Chief of Cherryvale Police Department; Kirby Lee, Assistant Chief of Cherryvale Police Department; and Ron Rooks, Detective Lieutenant with the Montgomery County Sheriff's Office.

No one testified in opposition to the bill.

The House Committee amended the bill to include battery of university and campus police and state, county or city law enforcement officers under the more severe penalty.

The House Committee of the Whole inserted the provision regarding presumed imprisonment.

The fiscal note for the original bill indicates that the bill would increase the severity level for the crime of battery and aggravated battery against a law enforcement officer. The Kansas Sentencing Commission estimates this bill would increase the number of journal entries of sentencing which it receives and records by at least 83 by the end of FY 2006. However, the Commission believes the increase can be handled within existing staffing and budget levels. The Commission estimates that the bill also would result in the need for 53 to 76 additional beds by the end of FY 2006, and 393 to 546 additional beds by FY 2015.

When considered by custody level, the Department of Corrections has been operating at near or excess capacity for medium and maximum custody male inmates. Nearly all of the current available capacity for male inmates is at the minimum custody level. The bill would contribute to an increase in the inmate population sufficient to require additional facility capacity, one-time construction and equipment costs would be needed. In addition, annual costs to staff and operate the additional capacity would be required. The exact cost of the facility expansion and additional offenders cannot be estimated but is expected to be significant.