

## HOUSE BILL No. 2688

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to assault; battery; law enforcement officers; amending K.S.A. 2015  
3 Supp. 21-5412 and 21-5413 and repealing the existing sections.

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

6 Section 1. K.S.A. 2015 Supp. 21-5412 is hereby amended to read as  
7 follows: 21-5412. (a) Assault is knowingly placing another person in  
8 reasonable apprehension of immediate bodily harm;

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

11 (1) With a deadly weapon;

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

13 (3) with intent to commit any felony.

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

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

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

22 (3) *a private correctional officer, as defined in K.S.A. 2015 Supp. 21-*  
23 *5413, and amendments thereto, while such officer is engaged in the*  
24 *performance of such officer's duty.*

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

27 (1) With a deadly weapon;

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

29 (3) with intent to commit any felony.

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

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

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

34 (4) Aggravated assault of a law enforcement officer is a severity level  
35 6, person felony. A person convicted of aggravated assault of a law  
36 enforcement officer shall be subject to the provisions of ~~subsection (g) of~~

1 K.S.A. 2015 Supp. 21-6804(g), and amendments thereto.

2 Sec. 2. K.S.A. 2015 Supp. 21-5413 is hereby amended to read as  
3 follows: 21-5413. (a) Battery is:

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

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

8 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

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

32 (A) Uniformed or properly identified university or campus police  
33 officer while such officer is engaged in the performance of such officer's  
34 duty;

35 (B) uniformed or properly identified state, county or city law  
36 enforcement officer, other than a state correctional officer or employee, a  
37 city or county correctional officer or employee or a juvenile detention  
38 facility officer, or employee, while such officer is engaged in the  
39 performance of such officer's duty;

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (D) city or county correctional officer or employee by a person  
29 confined in a city holding facility or county jail facility, while such officer  
30 or employee is engaged in the performance of such officer's or employee's  
31 duty; or

32 (E) *private correctional officer by a person confined in a private*  
33 *detention center, while such officer is engaged in the performance of such*  
34 *officer's duty.*

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

36 (1) An aggravated battery, as defined in subsection (b)(1)(A)  
37 committed against 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;

- 1 (C) judge, while such judge is engaged in the performance of such  
2 judge's duty;
- 3 (D) attorney, while such attorney is engaged in the performance of  
4 such attorney's duty; or
- 5 (E) community corrections officer or court services officer, while  
6 such officer is engaged in the performance of such officer's 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;
- 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; or
- 21 (3) knowingly causing, with a motor vehicle, bodily harm to a:
- 22 (A) Uniformed or properly identified state, county or city law  
23 enforcement officer while the officer is engaged in the performance of the  
24 officer's duty; or
- 25 (B) uniformed or properly identified university or campus police  
26 officer while such officer is engaged in the performance of such officer's  
27 duty.
- 28 (e) Battery against a school employee is a battery, as defined in  
29 subsection (a), committed against a school employee in or on any school  
30 property or grounds upon which is located a building or structure used by a  
31 unified school district or an accredited nonpublic school for student  
32 instruction or attendance or extracurricular activities of pupils enrolled in  
33 kindergarten or any of the grades one through 12 or at any regularly  
34 scheduled school sponsored activity or event, while such employee is  
35 engaged in the performance of such employee's duty.
- 36 (f) Battery against a mental health employee is a battery, as defined in  
37 subsection (a), committed against a mental health employee by a person in  
38 the custody of the secretary for aging and disability services, while such  
39 employee is engaged in the performance of such employee's duty.
- 40 (g) (1) Battery is a class B person misdemeanor.
- 41 (2) Aggravated battery as defined in:
- 42 (A) Subsection (b)(1)(A) is a severity level 4, person felony;
- 43 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person

1 felony;

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

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

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

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

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

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

10 (4) Aggravated battery against a law enforcement officer as defined  
11 in:

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

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

15 (5) Battery against a school employee is a class A person  
16 misdemeanor.

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

19 (h) As used in this section:

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

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

26 (3) "juvenile detention facility officer or employee" means any officer  
27 or employee of a juvenile detention facility as defined in K.S.A. 2015  
28 Supp. 38-2302, and amendments thereto;

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

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

37 (6) "mental health employee" means: (A) An employee of the Kansas  
38 department for aging and disability services working at Larned state  
39 hospital, Osawatomie state hospital, Kansas neurological institute and  
40 Parsons state hospital and training center and the treatment staff as defined  
41 in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and  
42 employees of contractors under contract to provide services to the Kansas  
43 department for aging and disability services working at any such

1 institution or facility;

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

5 (8) "attorney" means a: (A) County attorney, assistant county  
6 attorney, special assistant county attorney, district attorney, assistant  
7 district attorney, special assistant district attorney, attorney general,  
8 assistant attorney general or special assistant attorney general; and (B)  
9 public defender, assistant public defender, contract counsel for the state  
10 board of indigents' defense services or an attorney who is appointed by the  
11 court to perform services for an indigent person as provided by article 45  
12 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

13 (9) "community corrections officer" means an employee of a  
14 community correctional services program responsible for supervision of  
15 adults or juveniles as assigned by the court to community corrections  
16 supervision and any other employee of a community correctional services  
17 program that provides enhanced supervision of offenders such as house  
18 arrest and surveillance programs; ~~and~~

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

23 (11) *"private correctional officer" means a correctional officer*  
24 *employed by a private detention center.*

25 Sec. 3. K.S.A. 2015 Supp. 21-5412 and 21-5413 are hereby repealed.

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