

HOUSE BILL No. 2043

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning crimes and punishment; relating to aggravated
2 battery; driving under the influence; amending K.S.A. 2012 Supp. 21-
3 5413 and repealing the existing section.

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

6 Section 1. K.S.A. 2012 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) *with no requirement of a culpable mental state, causing great*
28 *bodily harm to another person or disfigurement of another person while*
29 *committing an act described in K.S.A. 8-1567, and amendments thereto;*
30 *or*

31 (B) *with no requirement of a culpable mental state, causing bodily*
32 *harm to another person in any manner whereby great bodily harm,*
33 *disfigurement or death can be inflicted while committing an act described*
34 *in K.S.A. 8-1567, and amendments thereto.*

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

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

1 (A) Uniformed or properly identified university or campus police
2 officer while such officer is engaged in the performance of such officer's
3 duty; or

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (B) uniformed or properly identified university or campus police
14 officer while such officer is engaged in the performance of such officer's
15 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 of social and rehabilitation services, while
27 such 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) 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, working at a correctional
13 institution;

14 (3) "juvenile correctional facility officer or employee" means any
15 officer or employee of the juvenile justice authority or any independent
16 contractor, or any employee of such contractor, working at a juvenile
17 correctional facility, as defined in K.S.A. 2012 Supp. 38-2302, and
18 amendments thereto;

19 (4) "juvenile detention facility officer or employee" means any officer
20 or employee of a juvenile detention facility as defined in K.S.A. 2012
21 Supp. 38-2302, and amendments thereto;

22 (5) "city or county correctional officer or employee" means any
23 correctional officer or employee of the city or county or any independent
24 contractor, or any employee of such contractor, working at a city holding
25 facility or county jail facility;

26 (6) "school employee" means any employee of a unified school
27 district or an accredited nonpublic school for student instruction or
28 attendance or extracurricular activities of pupils enrolled in kindergarten or
29 any of the grades one through 12; and

30 (7) "mental health employee" means an employee of the department
31 of social and rehabilitation services working at Larned state hospital,
32 Osawatomie state hospital and Rainbow mental health facility, Kansas
33 neurological institute and Parsons state hospital and training center and the
34 treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.

35 Sec. 2. K.S.A. 2012 Supp. 21-5413 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.