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Session of 2019

SENATE BILL No. 45

By Committee on Judiciary

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to involuntary manslaughter; battery; public safety sector employees;
3 penalties; amending K.S.A. 2018 Supp. 21-5405 and 21-5413 and
4 repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-
5 5413a.

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

8 Section 1. K.S.A. 2018 Supp. 21-5405 is hereby amended to read as
9 follows: 21-5405. (a) Involuntary manslaughter is the killing of a human
10 being committed:

- 11 (1) Recklessly;
- 12 (2) in the commission of, or attempt to commit, or flight from any
13 felony, other than an inherently dangerous felony as defined in K.S.A.
14 2018 Supp. 21-5402, and amendments thereto, that is enacted for the
15 protection of human life or safety or a misdemeanor that is enacted for the
16 protection of human life or safety, including acts described in K.S.A. 8-
17 1566 and 8-1568(a), and amendments thereto, but excluding the acts
18 described in K.S.A. 8-1567, and amendments thereto;
- 19 (3) in the commission of, or attempt to commit, or flight from an act
20 described in K.S.A. 8-1567, and amendments thereto;
- 21 (4) during the commission of a lawful act in an unlawful manner; or
- 22 (5) in the commission of, or attempt to commit, or flight from an act
23 described in K.S.A. 8-1567, and amendments thereto, while:
 - 24 (A) In violation of any restriction imposed on such person's driving
25 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes
26 Annotated, and amendments thereto;
 - 27 (B) such person's driving privileges are suspended or revoked
28 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and
29 amendments thereto; or
 - 30 (C) such person has been deemed a habitual violator as defined in
31 K.S.A. 8-285, and amendments thereto, including at least one violation of
32 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any
33 city in this state, any resolution of any county in this state or any law of
34 another state, which ordinance, resolution or law declares to be unlawful
35 the acts prohibited by that statute.
- 36 (b) Involuntary manslaughter as defined in:

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1 such attorney's duty; or
 2 ~~(E)(F)~~ community corrections officer or court services officer, while
 3 such officer is engaged in the performance of such officer's duty; or
 4 (3) knowingly causing, with a motor vehicle, bodily harm to a:
 5 (A) Uniformed or properly identified state, county or city law
 6 enforcement officer while the officer is engaged in the performance of the
 7 officer's duty; ~~or~~
 8 (B) uniformed or properly identified university or campus police
 9 officer while such officer is engaged in the performance of such officer's
 10 duty; or
 11 (C) uniformed or properly identified federal law enforcement officer
 12 while such officer is engaged in the performance of such officer's duty.
 13 (e) Battery against a school employee is a battery, as defined in
 14 subsection (a), committed against a school employee in or on any school
 15 property or grounds upon which is located a building or structure used by a
 16 unified school district or an accredited nonpublic school for student
 17 instruction or attendance or extracurricular activities of pupils enrolled in
 18 kindergarten or any of the grades one through 12 or at any regularly
 19 scheduled school sponsored activity or event, while such employee is
 20 engaged in the performance of such employee's duty.
 21 (f) Battery against a mental health employee is a battery, as defined in
 22 subsection (a), committed against a mental health employee by a person in
 23 the custody of the secretary for aging and disability services, while such
 24 employee is engaged in the performance of such employee's duty.
 25 (g) (1) Battery is a class B person misdemeanor.
 26 (2) Aggravated battery as defined in:
 27 (A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;
 28 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
 29 felony;
 30 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
 31 felony; ~~and~~
 32 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
 33 felony;
 34 (E) subsection (b)(1)(A), (b)(2)(A), (b)(3)(A) or (b)(4) is a severity
 35 level 3, person felony, if committed against a public safety sector
 36 employee; ~~and~~
 37 (F) subsection (b)(1)(B), (b)(1)(C), (b)(2)(B) or (b)(3)(B) is a severity
 38 level 4, person felony, if committed against a public safety sector
 39 employee.
 40 (3) Battery against a law enforcement officer as defined in:
 41 (A) Subsection (c)(1) is a class A person misdemeanor;
 42 (B) subsection (c)(2) is a severity level 7, person felony; and
 43 (C) subsection (c)(3) is a severity level 5, person felony.

: (i)

or (ii) a person complying with a lawful order from or at the direction of any law enforcement officer

: (i)

or (ii) a person complying with a lawful order from or at the direction of any law enforcement officer