

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2023

As Recommended by House Committee on
Judiciary

Brief*

HB 2023 would create the crime of interference with the conduct of a hospital, which would be defined as:

- Conduct at or in a hospital so as to knowingly deny an employee of the hospital to enter, to use the facilities of, or to leave any such hospital;
- Knowingly impeding an employee of a hospital from the performance of such employee's duties or activities through the use of restraint, abduction, coercion, or intimidation, or by force and violence or threat thereof; or
- Knowingly refusing to leave a hospital upon being requested to leave by the employee charged with maintaining order in such hospital, if such person is committing, threatens to commit, or incites others to commit any act that did, or would if completed, disrupt, impair, interfere with, or obstruct the mission, processes, procedures, or functions of the hospital.

The bill would also create the crime of aggravated interference with the conduct of a hospital, which would be defined as any of the above conduct when in possession of any weapon included in the crimes of criminal use of weapons or criminal carrying of a weapon.

*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>

For purposes of the new crimes, the bill would define “employee” to mean a person employed by, providing healthcare services at, volunteering at, or participating in an educational course of instruction at a hospital and would define “hospital” to mean the same as defined in statutes governing the licensing, inspection, and regulation of hospitals.

Interference with the conduct of a hospital would be a class A nonperson misdemeanor, and aggravated interference with the conduct of a hospital would be a severity level 6 person felony.

The bill also would amend the crime of battery to define battery against a healthcare provider as a battery committed against a healthcare provider while such provider is engaged in the performance of such provider’s duty. “Healthcare provider” would be defined to mean an individual who is licensed, registered, certified, or otherwise authorized by the State of Kansas to provide healthcare services in this state and employed by or providing healthcare services at a hospital.

Battery against a healthcare provider would be a class A person misdemeanor.

Background

The bill was introduced by Representatives Concannon and Hawkins.

[*Note:* A substantially similar bill, 2022 HB 2620 was passed by the House Committee on Judiciary during the 2022 Legislative Session. Provisions modified from HB 2620 were included in the Second Conference Committee Report for House Sub. for Sub. for SB 286, which was subsequently vetoed by Governor Kelly.]

House Committee on Judiciary

In the House Committee hearing on January 23, 2023, representatives of AdventHealth Shawnee Mission, Ascension Via Christi Hospitals Wichita, Kansas Hospital Association, NMC Health, Saint Luke's Health System, Stormont Vail Health; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; a representative of the Kansas Public Transit Association (KPTA); and a physician testified as **proponents** on the bill. Generally, the proponents stated violence in healthcare facilities and against healthcare workers has risen over the past decade, which is harming employees, disrupting care, and affecting staffing levels. The representative of the KPTA requested an amendment to add provisions covering public transportation employees in the crimes of assault and battery.

Written-only proponent testimony was provided by representatives of Ascension Via Christi Hospitals St. Francis, Children's Mercy Hospital, Kansas Medical Society, and Stormont Vail Health.

Neutral testimony was provided by a representative of the Center for Practical Bioethics, stating the bill is unlikely to address the problem of violence against healthcare workers.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates new crimes. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases, as well as result in more supervision of offenders performed by court services officers for misdemeanor offenses. Enactment of the bill could also result in the collection of supervision fees in cases filed under the

provisions of the bill, most of which would be deposited into the State General Fund. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Kansas Sentencing Commission indicates that enactment of the bill may affect the number of prison beds needed, but the total cannot be determined because the bill creates a new factual circumstance. The Commission notes that the number of convictions would likely be low and would result in probation in most cases. However, a fiscal effect cannot be estimated. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024.

The Department of Corrections indicates enactment of the bill would have no fiscal effect.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Crimes; interference with the conduct of a hospital; battery against a healthcare provider