

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2808

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2808, as amended, would create the crimes of causing harm to a public transportation employee (PTE) and abuse of a sports official.

Causing Harm to a Public Transportation Employee

The bill would define causing harm to a PTE to mean:

- Causing physical contact with a PTE by spitting, throwing, or otherwise transferring bodily fluids, pathogens, or human waste onto the body of the PTE;
- Throwing an object, such as a brick, rock, bottle, projectile, firework, chemical agent, or explosive device, that a reasonable person knows or should know would cause physical injury if the object struck a PTE; or
- Physically striking a PTE by punching, kicking, slapping, or otherwise striking such person.

Causing harm to a PTE would be classified as a class A person misdemeanor.

*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>

Aggravated Causing Harm to a PTE

The bill would also define the crime of aggravated causing harm to a public PTE to mean:

- Causing physical contact resulting in serious injury to a PTE;
- Brandishing a firearm or other weapon in such a manner that the display of the firearm or other weapon creates a substantial threat of serious physical injury or death to such PTE; or
- Attempting to strangle a PTE, causing serious injury to such person.

Aggravated causing harm to a PTE would be classified as a severity level 7 person felony.

Abuse of a Sports Official

The bill would define the crime of abuse of a sports official (official) as intentionally:

- Striking, shoving, kicking, spitting on, or otherwise causing physical contact with an official, or threatening to engage in such conduct;
- Approaching an official in a menacing, threatening, irate, or violent manner that would cause a reasonable person to fear for such person's safety; or
- Directing threatening, abusive, or obscene language or making obscene gestures toward an official that would cause a reasonable person to fear for their safety.

Abuse of an official would be classified as a class B person misdemeanor. If the official is under the age of 18, the

offense would be classified as a class A person misdemeanor.

These provisions would be part of and supplemental to the Kansas Criminal Code.

Definitions

The bill would define “public transportation employee” to mean any employee or contract employee of a transportation system as the term is defined in law.

The bill would define “sports official” to mean either a person who serves as a referee, umpire, linesman, timekeeper, assistant, inspector, or judge, including someone who performs similar functions at a competitive event. The bill would specify that the definition would include both paid and unpaid officials.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of a representative of the Kansas Public Transit Association.

House Committee on Federal and State Affairs

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas Public Transit Association, the League of Kansas Municipalities, and the Unified Government of Wyandotte County and Kansas City, Kansas. The proponents stated incidents involving harm to public transportation employees are becoming more prevalent and the bill would assist in protecting those employees.

Written-only proponent testimony was provided by representatives of the Kansas AFL-CIO, Kansas City Area Transportation Authority, and the Topeka Metro.

No other testimony was provided.

The House Committee amended the bill to insert provisions that would create the crime of abuse of a sports official within the Kansas Criminal Code.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board of Indigents' Defense Services (BIDS) indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. BIDS estimates that on average, a severity level 7 person felony case requires 57 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each new severity level 7 person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840. The creation of a new misdemeanor offense would have a negligible fiscal effect on the agency.

The Judicial Branch indicates the bill has the potential to increase the number of cases filed in district courts, which may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the branch is unable to calculate an exact estimate of the effect. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the SGF; however, the amount of additional collections is unknown.

The Kansas Sentencing Commission indicates the bill has the potential to increase prison admissions and beds by a negligible amount. The Department of Corrections indicates the bill may increase agency operating expenditures by a negligible amount that could be accommodated within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates the bill has the potential to increase operating expenditures for county jails. The League of Kansas Municipalities indicates the bill would have a negligible fiscal effect on cities.

Crimes; public transportation employee; sports official