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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: January 23, 2023
Subject: Bill Brief on HB 2023

HB 2023 creates the crimes of interference with the conduct of a hospital and aggravated interference with the conduct of a hospital and it increases the criminal penalties for battery of a healthcare provider.

Section 1 creates a new section of law providing that interference with the conduct of a hospital is (1) 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 hospital, (2) knowingly impeding any employee from the performance of their duties and activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof, or (3) knowingly refusing to leave a hospital upon being requested to leave by the employee charged with maintaining order if the person commits, threatens to commit to incites others to commit any act that did or would disrupt, impair, interfere with or obstruct the mission, processes, procedures or functions of the hospital.

Aggravated interference with the conduct of a hospital is interference with the conduct of a hospital when in possession of any weapon. 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.

Section 2 amends K.S.A. 21-5413, which is the crime of battery. It provides that a battery against a healthcare provider while such provider is engaged in the performance of their duties would be a class A person misdemeanor. For the purposes of this section, a “healthcare provider” is a person 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.