



To: Senate Committee on Judiciary

February 10, 2025

From R.E. "Tuck" Duncan, Executive director
Kansas Public Transit Association

RE: SB 156 Creating the crime of unlawful use of a laser pointer and providing criminal penalties therefor.

KPTA supports SB 156. We request you add to Sec. 1 "an operator of a public transportation service¹ as defined by KSA 75-5034 engaged in the performance of such operator's duties." Just as the pilot of an aircraft is charged with the safety of their passengers, so are public transit service operators.

Additionally we request that a new section be added to the bill providing sentence enhancement for offense targeting individual in the performance of their employment.

Aggravated assault against an individual in the performance of their employment.

(a) A person is subject to an enhanced sentence under this section if the person purposely selected the victim of an offense committed by the person because the victim is in the performance of their employment while the employee is on duty if;

(1) The person causes physical contact with the employee by spitting, throwing, or otherwise transferring bodily fluids, pathogens, or human waste onto the employee or by throwing an object such as a brick, rock, bottle, projectile, firework, chemical agent, or explosive devise that a reasonable person knows or should know could cause physical injury if the object struck the employee or by physically striking the employee by punching, kicking, slapping or otherwise strikes the employee; and

¹ 75-5034. Definitions. When used in this act:

- (a) "Transportation system" means all public and private transportation providers which provide public transportation services to elderly persons, persons with disabilities and the general public, and which receive federal support through 49 U.S.C. §§ 5307, 5310 or 5311 from the U.S. department of transportation, federal transit administration.
- (b) "Transportation" means the movement of individuals and meals in a four or more wheeled motorized vehicle designed to carry passengers. Transportation does not include emergency or school transportation.
- (c) "Coordination" means where programmatically feasible, all entities involved in administrating and/or providing transportation and related services to elderly persons, persons with disabilities and the general public will work together in a smooth, concerted effort to effectively use resources and alleviate duplication of services.
- (d) "Elderly persons" means those persons 60 years of age or older.
- (e) "Persons with disabilities" means those persons determined by the department of transportation to be disadvantaged in terms of the transportation services available to them due to physical or mental disability.
- (f) "Public transportation services" means those services accessible to elderly persons, persons with disabilities and the general public.
- (g) "Department" means the Kansas department of transportation.
- (h) "Secretary" means the secretary of the department of transportation or designee.

- (2) The physical contact:
- (A) results in injury to the employee;
 - (B) Involves the use of a deadly weapon;
 - (C) Involves the display of a firearm or other weapon in such a manner that the display of the firearm or other weapon creates a substantial danger of death, the threat of death, or serious physical injury to another person; or
 - (D) Involves strangulation or attempted strangulation.
- (b) If a sentence enhancement is sought under this section, the indictment shall include: Aggravated assault against an employee is a severity level 5 felony.

According to the Federal Transit Administration an assault on a transit worker means, as defined under 49 U.S.C. 5302, a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.

Assaults on Transit Workers Have Tripled in the Past 15 Years.²

In the transportation industry, most negative workplace health and safety incidents (PDF) occur during workers' interaction with machinery or materials. However, in transit workplaces specifically, a fast-growing number of incidents are occurring between workers and riders.

All workers should be able to perform their jobs in safe and healthy working conditions. The absence of that assurance has consequences for operations. Fear of on-the-job violence has contributed to operator shortages currently preventing many transit agencies from running the highest-quality service possible. Bus drivers in particular have made clear that safety concerns are a major part of their reluctance to return to work for those who left during COVID-19 cutbacks. Those who've remained have widely expressed the desire to be reassigned off the frontlines. ...

Assaults on transit workers have tripled since 2008

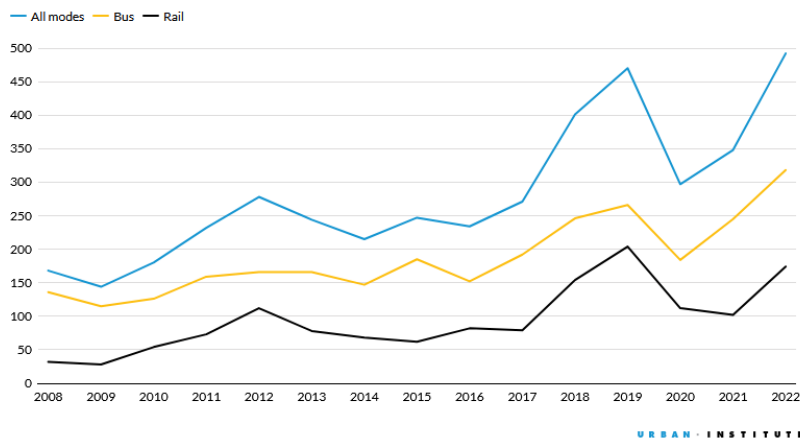
Using data from the National Transit Database, I find that "major" assaults on transit workers (PDF)—defined by the Federal Transit Administration (FTA) as an event resulting in a fatality or injury requiring medical transport—nearly tripled between 2008 and 2022, from 168 to 492 annual events nationwide. Given the high reporting threshold for inclusion in the dataset, this staggering increase should be interpreted as an undercount of the true magnitude of this issue. New Jersey Transit, for example, reported three *major* assault events in 2021, but reports from other sources have cited the agency with more than 130 assault events for the same year.

² <https://www.urban.org/urban-wire/assaults-transit-workers-have-tripled-past-15-years-income-inequality-and-societal>

Assaults, both those that do and do not meet the FTA’s “major” threshold, include stabbing, spitting, hitting and kicking, and unwelcome sexual misconduct. Operators have also reported being robbed, having things thrown at them, being doused with urine and hot beverages, being threatened at gunpoint, and shot at.

Assault Counts Have Been Climbing for Years, with a Postpandemic Surge

Number of nationwide major assault events involving a transit worker



Source: Author tabulations of National Transit Database Safety and Security Major Event Time Series data (April 2023 data release).

Notes: The Federal Transit Administration defines “major assault events involving a transit worker” as an incident resulting in fatality or injury requiring medical transport; 2008 was the earliest year the National Transit Database reported on this metric.

Not only has the total number of assaults on transit workers increased, but assaults are also happening in more places. In 2008, only 21 agencies reported any major assault events, which ballooned to 49 agencies in 2022. Among the agencies with the greatest number of major assaults in the past 15 years, frequency of events has notably intensified.

Current law provides for enhanced sentences pursuant to K.S.A. 21-5412. Assault; aggravated assault; assault of a law enforcement officer; aggravated assault of a law enforcement officer. And pursuant to K.S.A. 21-5413. Battery; aggravated battery; battery against certain persons; health care providers, judges, school personnel, mental health employees, certain public employed attorneys, community correction officers, court service officers.

Therefore, KPTA respectfully requests these 2 amendments to provide for safety for those that serve Kansans.

Thank you for your attention to and consideration of these matters.

TUCK DUNCAN