

HOUSE BILL No. 2774

By Committee on Appropriations

Requested by Tuck Duncan on behalf of the Kansas Public Transit Association

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against persons; increasing the criminal penalties for assault
3 or battery committed against a public-facing worker while such worker
4 is engaged in the performance of such worker's assigned duties;
5 amending K.S.A. 21-5412 and K.S.A. 2025 Supp. 21-5413 and
6 repealing the existing sections.

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

9 Section 1. K.S.A. 21-5412 is hereby amended to read as follows: 21-
10 5412. (a) Assault is knowingly placing another person in reasonable
11 apprehension of immediate bodily harm;

12 (b) Aggravated assault is assault; as defined in subsection (a);
13 committed:

14 (1) With a deadly weapon;

15 (2) while disguised in any manner designed to conceal identity; or

16 (3) with intent to commit any felony.

17 (c) Assault of a law enforcement officer is assault; as defined in
18 subsection (a); committed against:

19 (1) A uniformed or properly identified state, county or city law
20 enforcement officer while such officer is engaged in the performance of
21 such officer's duty;

22 (2) a uniformed or properly identified university or campus police
23 officer while such officer is engaged in the performance of such officer's
24 duty; or

25 (3) a uniformed or properly identified federal law enforcement officer
26 as defined in K.S.A. 21-5413, and amendments thereto, while such officer
27 is engaged in the performance of such officer's duty.

28 (d) Aggravated assault of a law enforcement officer is assault of a law
29 enforcement officer; as defined in subsection (c); committed:

30 (1) With a deadly weapon;

31 (2) while disguised in any manner designed to conceal identity; or

32 (3) with intent to commit any felony.

33 (e) *Assault of a public-facing worker is assault as defined in*
34 *subsection (a) committed against a public-facing worker as defined in*
35 *K.S.A. 21-5413, and amendments thereto, while such worker is engaged in*

1 *the performance of such worker's assigned duties.*

2 (f) (1) Assault is a class C person misdemeanor.

3 (2) Aggravated assault is a severity level 7, person felony.

4 (3) Assault of a law enforcement officer is a class A person
5 misdemeanor.

6 (4) Aggravated assault of a law enforcement officer is a severity level
7 6, person felony. A person convicted of aggravated assault of a law
8 enforcement officer shall be subject to the provisions of K.S.A. 21-
9 6804(g), and amendments thereto.

10 (5) *Assault of a public-facing worker is a class B person*
11 *misdemeanor.*

12 Sec. 2. K.S.A. 2025 Supp. 21-5413 is hereby amended to read as
13 follows: 21-5413. (a) Battery is:

14 (1) Knowingly or recklessly causing bodily harm to another person;
15 or

16 (2) knowingly causing physical contact with another person when
17 done in a rude, insulting or angry manner.

18 (b) Aggravated battery is:

19 (1) (A) Knowingly causing great bodily harm to another person or
20 disfigurement of another person;

21 (B) knowingly causing bodily harm to another person with a deadly
22 weapon, or in any manner whereby great bodily harm, disfigurement or
23 death can be inflicted; or

24 (C) knowingly causing physical contact with another person when
25 done in a rude, insulting or angry manner with a deadly weapon, or in any
26 manner whereby great bodily harm, disfigurement or death can be
27 inflicted;

28 (2) (A) recklessly causing great bodily harm to another person or
29 disfigurement of another person;

30 (B) recklessly causing bodily harm to another person with a deadly
31 weapon, or in any manner whereby great bodily harm, disfigurement or
32 death can be inflicted; or

33 (3) (A) committing an act described in K.S.A. 8-1567, and
34 amendments thereto, when great bodily harm to another person or
35 disfigurement of another person results from such act; or

36 (B) committing an act described in K.S.A. 8-1567, and amendments
37 thereto, when bodily harm to another person results from such act under
38 circumstances whereby great bodily harm, disfigurement or death can
39 result from such act; or

40 (4) committing an act described in K.S.A. 8-1567, and amendments
41 thereto, when great bodily harm to another person or disfigurement of
42 another person results from such act while:

43 (A) In violation of any restriction imposed on such person's driving

1 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes
2 Annotated, and amendments thereto;

3 (B) such person's driving privileges are suspended or revoked
4 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and
5 amendments thereto; or

6 (C) such person has been deemed a habitual violator as defined in
7 K.S.A. 8-285, and amendments thereto, including at least one violation of
8 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any
9 city in this state, any resolution of any county in this state or any law of
10 another state, which ordinance, resolution or law declares to be unlawful
11 the acts prohibited by that statute.

12 (c) Battery against a law enforcement officer is:

13 (1) Battery as defined in subsection (a)(2) committed against a:

14 (A) Uniformed or properly identified university or campus police
15 officer while such officer is engaged in the performance of such officer's
16 duty;

17 (B) uniformed or properly identified state, county or city law
18 enforcement officer, other than a state correctional officer or employee, a
19 city or county correctional officer or employee or a juvenile detention
20 facility officer, or employee, while such officer is engaged in the
21 performance of such officer's duty;

22 (C) uniformed or properly identified federal law enforcement officer
23 while such officer is engaged in the performance of such officer's duty;

24 (D) judge, while such judge is engaged in the performance of such
25 judge's duty;

26 (E) attorney, while such attorney is engaged in the performance of
27 such attorney's duty; or

28 (F) community corrections officer or court services officer, while
29 such officer is engaged in the performance of such officer's duty;

30 (2) battery as defined in subsection (a)(1) committed against a:

31 (A) Uniformed or properly identified university or campus police
32 officer while such officer is engaged in the performance of such officer's
33 duty;

34 (B) uniformed or properly identified state, county or city law
35 enforcement officer, other than a state correctional officer or employee, a
36 city or county correctional officer or employee or a juvenile detention
37 facility officer, or employee, while such officer is engaged in the
38 performance of such officer's duty;

39 (C) uniformed or properly identified federal law enforcement officer
40 while such officer is engaged in the performance of such officer's duty;

41 (D) judge, while such judge is engaged in the performance of such
42 judge's duty;

43 (E) attorney, while such attorney is engaged in the performance of

1 such attorney's duty; or

2 (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) battery as defined in subsection (a) committed against a:

5 (A) State correctional officer or employee by a person in custody of
6 the secretary of corrections, while such officer or employee is engaged in
7 the performance of such officer's or employee's duty;

8 (B) state correctional officer or employee by a person confined in
9 such juvenile correctional facility, while such officer or employee is
10 engaged in the performance of such officer's or employee's duty;

11 (C) juvenile detention facility officer or employee by a person
12 confined in such juvenile detention facility, while such officer or employee
13 is engaged in the performance of such officer's or employee's duty; or

14 (D) city or county correctional officer or employee by a person
15 confined in a city holding facility or county jail facility, while such officer
16 or employee is engaged in the performance of such officer's or employee's
17 duty.

18 (d) Aggravated battery against a law enforcement officer is:

19 (1) Aggravated battery as defined in subsection (b)(1)(A) committed
20 against a:

21 (A) Uniformed or properly identified state, county or city law
22 enforcement officer while the officer is engaged in the performance of the
23 officer's duty;

24 (B) uniformed or properly identified university or campus police
25 officer while such officer is engaged in the performance of such officer's
26 duty;

27 (C) uniformed or properly identified federal law enforcement officer
28 while such officer is engaged in the performance of such officer's duty;

29 (D) judge, while such judge is engaged in the performance of such
30 judge's duty;

31 (E) attorney, while such attorney is engaged in the performance of
32 such attorney's duty; or

33 (F) community corrections officer or court services officer, while
34 such officer is engaged in the performance of such officer's duty;

35 (2) aggravated battery as defined in subsection (b)(1)(B) or (b)(1)(C)
36 committed against a:

37 (A) Uniformed or properly identified state, county or city law
38 enforcement officer while the officer is engaged in the performance of the
39 officer's duty;

40 (B) uniformed or properly identified university or campus police
41 officer while such officer is engaged in the performance of such officer's
42 duty;

43 (C) uniformed or properly identified federal law enforcement officer

1 while such officer is engaged in the performance of such officer's duty;

2 (D) judge, while such judge is engaged in the performance of such
3 judge's duty;

4 (E) attorney, while such attorney is engaged in the performance of
5 such attorney's duty; or

6 (F) community corrections officer or court services officer, while
7 such officer is engaged in the performance of such officer's duty; or

8 (3) knowingly causing, with a motor vehicle, bodily harm to a:

9 (A) Uniformed or properly identified state, county or city law
10 enforcement officer while the officer is engaged in the performance of the
11 officer's duty;

12 (B) uniformed or properly identified university or campus police
13 officer while such officer is engaged in the performance of such officer's
14 duty; or

15 (C) uniformed or properly identified federal law enforcement officer
16 while such officer is engaged in the performance of such officer's duty.

17 (e) Battery against a school employee is a battery as defined in
18 subsection (a) committed against a school employee in or on any school
19 property or grounds upon which is located a building or structure used by a
20 unified school district or an accredited nonpublic school for student
21 instruction or attendance or extracurricular activities of pupils enrolled in
22 kindergarten or any of the grades one through 12 or at any regularly
23 scheduled school sponsored activity or event, while such employee is
24 engaged in the performance of such employee's duty.

25 (f) Battery against a mental health employee is a battery as defined in
26 subsection (a) committed against a mental health employee by a person in
27 the custody of the secretary for aging and disability services, while such
28 employee is engaged in the performance of such employee's duty.

29 (g) Battery against a healthcare provider is a battery as defined in
30 subsection (a) committed against a healthcare provider while such provider
31 is engaged in the performance of such provider's duty.

32 (h) *Battery against a public-facing worker is a battery as defined in*
33 *subsection (a) committed against a public-facing worker while such*
34 *worker is engaged in the performance of such worker's assigned duties.*

35 (i) (1) Battery is a class B person misdemeanor.

36 (2) Aggravated battery as defined in:

37 (A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

38 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
39 felony;

40 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
41 felony; and

42 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
43 felony.

- 1 (3) Battery against a law enforcement officer as defined in:
- 2 (A) Subsection (c)(1) is a class A person misdemeanor;
- 3 (B) subsection (c)(2) is a severity level 7, person felony; and
- 4 (C) subsection (c)(3) is a severity level 5, person felony.
- 5 (4) Aggravated battery against a law enforcement officer as defined
- 6 in:
- 7 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
- 8 and
- 9 (B) subsection (d)(2) is a severity level 4, person felony.
- 10 (5) Battery against a school employee is a class A person
- 11 misdemeanor.
- 12 (6) Battery against a mental health employee is a severity level 7,
- 13 person felony.
- 14 (7) Battery against a healthcare provider is a class A person
- 15 misdemeanor.
- 16 (8) *Battery against a public-facing worker is a severity level 10,*
- 17 *person felony.*
- 18 (j) As used in this section:
- 19 (1) "Correctional institution" means any institution or facility under
- 20 the supervision and control of the secretary of corrections;
- 21 (2) "state correctional officer or employee" means any officer or
- 22 employee of the Kansas department of corrections or any independent
- 23 contractor, or any employee of such contractor, whose duties include
- 24 working at a correctional institution;
- 25 (3) "juvenile detention facility officer or employee" means any officer
- 26 or employee of a juvenile detention facility as defined in K.S.A. 38-2302,
- 27 and amendments thereto;
- 28 (4) "city or county correctional officer or employee" means any
- 29 correctional officer or employee of the city or county or any independent
- 30 contractor, or any employee of such contractor, whose duties include
- 31 working at a city holding facility or county jail facility;
- 32 (5) "school employee" means any employee of a unified school
- 33 district or an accredited nonpublic school for student instruction or
- 34 attendance or extracurricular activities of pupils enrolled in kindergarten or
- 35 any of the grades one through 12;
- 36 (6) "mental health employee" means:
- 37 (A) An employee of the Kansas department for aging and disability
- 38 services working at Larned state hospital, Osawatimie state hospital, south
- 39 central regional mental health hospital, Kansas neurological institute and
- 40 Parsons state hospital and the treatment staff as defined in K.S.A. 59-
- 41 29a02, and amendments thereto; and
- 42 (B) contractors and employees of contractors under contract to
- 43 provide services to the Kansas department for aging and disability services

1 working at any such institution or facility;

2 (7) "judge" means a duly elected or appointed justice of the supreme
3 court, judge of the court of appeals, judge of any district court of Kansas,
4 district magistrate judge or municipal court judge;

5 (8) "attorney" means a: (A) County attorney, assistant county
6 attorney, special assistant county attorney, district attorney, assistant
7 district attorney, special assistant district attorney, attorney general,
8 assistant attorney general or special assistant attorney general; and (B)
9 public defender, assistant public defender, contract counsel for the state
10 board of indigents' defense services or an attorney who is appointed by the
11 court to perform services for an indigent person as provided by article 45
12 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

13 (9) "community corrections officer" means an employee of a
14 community correctional services program responsible for supervision of
15 adults or juveniles as assigned by the court to community corrections
16 supervision and any other employee of a community correctional services
17 program that provides enhanced supervision of offenders such as house
18 arrest and surveillance programs;

19 (10) "court services officer" means an employee of the Kansas
20 judicial branch or local judicial district responsible for supervising,
21 monitoring or writing reports relating to adults or juveniles as assigned by
22 the court, or performing related duties as assigned by the court;

23 (11) "federal law enforcement officer" means a law enforcement
24 officer employed by the United States federal government who, as part of
25 such officer's duties, is permitted to make arrests and to be armed; ~~and~~

26 (12) "healthcare provider" means an individual who is licensed,
27 registered, certified or otherwise authorized by the state of Kansas to
28 provide healthcare services in this state; *and*

29 (13) *"public-facing worker" means any person who, as part of their*
30 *employment, occupation, contract or volunteer service, regularly has*
31 *direct contact with members of the public in the performance of assigned*
32 *duties, including, but not limited to, sports officials, retail, grocery and*
33 *convenience store employees, food service and hospitality workers,*
34 *healthcare and social service workers, public transit operators and staff,*
35 *utility, postal, delivery and transportation workers, government*
36 *employees, contractors and volunteers providing services to the public*
37 *and employees or volunteers of nonprofit or charitable organizations*
38 *servicing the public. As used in this paragraph:*

39 (A) *"Direct contact with members of the public" means face-to-face,*
40 *verbal or physical interaction with members of the public as a normal and*
41 *expected part of the person's duties; and*

42 (B) *"performance of assigned duties" means acts reasonably related*
43 *to the performance of employment, occupation or service responsibilities*

1 *at the time of the offense.*

2 Sec. 3. K.S.A. 21-5412 and K.S.A. 2025 Supp. 21-5413 are hereby
3 repealed.

4 Sec. 4. This act shall take effect and be in force from and after its
5 publication in the statute book.