

SENATE BILL No. 478

By Senators Corson and Claeys

2-4

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against persons; increasing the criminal penalties for assault
3 or battery of a utility or communications employee; amending K.S.A.
4 21-5412 and K.S.A. 2025 Supp. 21-5413 and repealing the existing
5 sections.

6

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

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

11 (b) Aggravated assault is assault, as defined in subsection (a),
12 committed:

13 (1) With a deadly weapon;
14 (2) while disguised in any manner designed to conceal identity; or
15 (3) with intent to commit any felony.

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

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

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

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

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

29 (1) With a deadly weapon;
30 (2) while disguised in any manner designed to conceal identity; or
31 (3) with intent to commit any felony.

32 (e) *Assault of a utility or communications employee is assault, as
33 defined in subsection (a), committed against a utility or communications
34 employee of an entity that provides electricity, natural gas, water,
35 wastewater, telecommunications services or internet access services while
36 such employee is engaged in such employee's duties.*

1 (f) (1) Assault is a class C person misdemeanor.
2 (2) Aggravated assault is a severity level 7, person felony.
3 (3) Assault of a law enforcement officer is a class A person
4 misdemeanor.
5 (4) Aggravated assault of a law enforcement officer is a severity level
6 6, person felony. A person convicted of aggravated assault of a law
7 enforcement officer shall be subject to the provisions of K.S.A. 21-
8 6804(g), and amendments thereto.
9 (5) *Assault of a utility or communications employee is a class B*
10 *person misdemeanor.*

11 Sec. 2. K.S.A. 2025 Supp. 21-5413 is hereby amended to read as
12 follows: 21-5413. (a) Battery is:
13 (1) Knowingly or recklessly causing bodily harm to another person;
14 or
15 (2) knowingly causing physical contact with another person when
16 done in a rude, insulting or angry manner.
17 (b) Aggravated battery is:
18 (1) (A) Knowingly causing great bodily harm to another person or
19 disfigurement of another person;
20 (B) knowingly causing bodily harm to another person with a deadly
21 weapon, or in any manner whereby great bodily harm, disfigurement or
22 death can be inflicted; or
23 (C) knowingly causing physical contact with another person when
24 done in a rude, insulting or angry manner with a deadly weapon, or in any
25 manner whereby great bodily harm, disfigurement or death can be
26 inflicted;
27 (2) (A) recklessly causing great bodily harm to another person or
28 disfigurement of another person;
29 (B) recklessly causing bodily harm to another person with a deadly
30 weapon, or in any manner whereby great bodily harm, disfigurement or
31 death can be inflicted; or
32 (3) (A) committing an act described in K.S.A. 8-1567, and
33 amendments thereto, when great bodily harm to another person or
34 disfigurement of another person results from such act; or
35 (B) committing an act described in K.S.A. 8-1567, and amendments
36 thereto, when bodily harm to another person results from such act under
37 circumstances whereby great bodily harm, disfigurement or death can
38 result from such act; or
39 (4) committing an act described in K.S.A. 8-1567, and amendments
40 thereto, when great bodily harm to another person or disfigurement of
41 another person results from such act while:
42 (A) In violation of any restriction imposed on such person's driving
43 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes

1 Annotated, and amendments thereto;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (F) community corrections officer or court services officer, while
2 such officer is engaged in the performance of such officer's duty; or
3 (3) battery as defined in subsection (a) committed against a:
4 (A) State correctional officer or employee by a person in custody of
5 the secretary of corrections, while such officer or employee is engaged in
6 the performance of such officer's or employee's duty;
7 (B) state correctional officer or employee by a person confined in
8 such juvenile correctional facility, while such officer or employee is
9 engaged in the performance of such officer's or employee's duty;
10 (C) juvenile detention facility officer or employee by a person
11 confined in such juvenile detention facility, while such officer or employee
12 is engaged in the performance of such officer's or employee's duty; or
13 (D) city or county correctional officer or employee by a person
14 confined in a city holding facility or county jail facility, while such officer
15 or employee is engaged in the performance of such officer's or employee's
16 duty.
17 (d) Aggravated battery against a law enforcement officer is:
18 (1) Aggravated battery as defined in subsection (b)(1)(A) committed
19 against a:
20 (A) Uniformed or properly identified state, county or city law
21 enforcement officer while the officer is engaged in the performance of the
22 officer's duty;
23 (B) uniformed or properly identified university or campus police
24 officer while such officer is engaged in the performance of such officer's
25 duty;
26 (C) uniformed or properly identified federal law enforcement officer
27 while such officer is engaged in the performance of such officer's duty;
28 (D) judge, while such judge is engaged in the performance of such
29 judge's duty;
30 (E) attorney, while such attorney is engaged in the performance of
31 such attorney's duty; or
32 (F) community corrections officer or court services officer, while
33 such officer is engaged in the performance of such officer's duty;
34 (2) aggravated battery as defined in subsection (b)(1)(B) or (b)(1)(C)
35 committed against a:
36 (A) Uniformed or properly identified state, county or city law
37 enforcement officer while the officer is engaged in the performance of the
38 officer's duty;
39 (B) uniformed or properly identified university or campus police
40 officer while such officer is engaged in the performance of such officer's
41 duty;
42 (C) uniformed or properly identified federal law enforcement officer
43 while such officer is engaged in the performance of such officer's duty;

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

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

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

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

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

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

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

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

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

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

31 (h) *Battery against a utility or communications employee is a battery
32 as defined in subsection (a) committed against a utility or communications
33 employee while such employee is engaged in the performance of such
34 employee's 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 utility or communications employee is a class A
17 person misdemeanor.*
- 18 (i) 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, Osawatomie 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) "*utility or communications employee*" means any employee of an
30 entity that provides electricity, natural gas, water, wastewater,
31 telecommunications services or internet access services.

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

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