

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 41**

As Amended by Senate Committee on Judiciary

**Brief\***

SB 41, as amended, would create the crimes of assault and battery of a public transportation employee. Assault of a public transportation employee would be a class B person misdemeanor and would be defined as an assault committed against a public transportation employee while such employee is engaged in the performance of such employee's duty operating a vehicle. "Assault" is defined in current law as knowingly placing another person in reasonable apprehension of immediate bodily harm and is a class C person misdemeanor.

Battery of a public transportation employee would be a class A person misdemeanor and would be defined as battery committed against a public transportation employee while such employee is engaged in the performance of such employee's duty operating a vehicle. "Battery" is defined in current law as knowingly or recklessly causing bodily harm to another person or knowingly causing physical contact with another person when done in a rude, insulting, or angry manner. Battery is a class B person misdemeanor.

The bill would define "public transportation employee" as any employee or contract employee of a transportation system. "Transportation system" is defined in the Kansas Coordinated Public Transportation Assistance Act and would have the same meaning for the purposes of this bill.

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\*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>

The bill would allow a public transportation provider to bar a person convicted of either crime from using public transportation services.

## **Background**

The bill was introduced at the request of the Kansas City Area Transit Authority (KCATA). In the Senate Committee on Judiciary hearing, representatives of the KCATA, Johnson County Government, Kansas Public Transit Association, League of Kansas Municipalities, and Topeka Metropolitan Transit Authority provided testimony in support of the bill. A representative of the Kansas Association of Criminal Defense Lawyers provided written-only neutral testimony. No other testimony was provided.

The Senate Committee amended the bill to strike language stating the crimes would be committed against a public transportation employee in, on, or within 100 feet of certain property owned, leased, held, or used by transportation systems for the purpose of providing public transportation services. Instead, the crimes would be committed against a public transportation employee “while such employee is engaged in the performance of such employee’s duty operating a vehicle.”

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates enactment could increase the number of cases filed, which could cause judicial and non-judicial staff to spend more time processing, researching, and hearing cases. Further, the bill could result in the collection of docket fees from those cases. As the crimes are misdemeanors, court services officers may also have additional offenders to supervise. A precise fiscal effect cannot be determined, however. The Kansas Sentencing Commission indicates enactment of the bill would not result in additional prison beds or admissions. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor’s Budget Report*.