

HOUSE BILL No. 2520

By Committee on Federal and State Affairs

1-29

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to assault and battery of sports officials; amending K.S.A. 2019 Supp.
3 21-5412 and 21-5413 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2019 Supp. 21-5412 is hereby amended to read as
7 follows: 21-5412. (a) Assault is knowingly placing another person in
8 reasonable apprehension of immediate bodily harm;

9 (b) Aggravated assault is assault, as defined in subsection (a),
10 committed:

11 (1) With a deadly weapon;

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

13 (3) with intent to commit any felony.

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

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

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

22 (3) a uniformed or properly identified federal law enforcement officer
23 as defined in K.S.A. 2019 Supp. 21-5413, and amendments thereto, while
24 such officer is engaged in the performance of such officer's duty.

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

27 (1) With a deadly weapon;

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

29 (3) with intent to commit any felony.

30 (e) *Assault of a sports official is assault, as defined in subsection (a),*
31 *committed against a sports official on the premises of an athletic facility*
32 *where an athletic contest is held in which the sports official is engaged in*
33 *the performance of such sports official's duties.*

34 (f) *Aggravated assault of a sports official is assault of a sports*
35 *official, as defined in subsection (e), committed:*

36 (1) *With a deadly weapon;*

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

2 (3) *with intent to commit any felony.*

3 ~~(g)~~(1) Assault is a class C person misdemeanor.

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

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

7 (4) Aggravated assault of a law enforcement officer is a severity level
8 6, person felony. A person convicted of aggravated assault of a law
9 enforcement officer shall be subject to the provisions of K.S.A. 2019
10 Supp. 21-6804(g), and amendments thereto.

11 (5) *Assault of a sports official is a class B person misdemeanor.*

12 (6) *Aggravated assault of a sports official is a severity level 6, person
13 felony.*

14 (h) *As used in this section, "sports official" means the same as in
15 K.S.A. 2019 Supp. 21-6507, and amendments thereto.*

16 Sec. 2. K.S.A. 2019 Supp. 21-5413 is hereby amended to read as
17 follows: 21-5413. (a) Battery is:

18 (1) Knowingly or recklessly causing bodily harm to another person;
19 or

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

22 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

4 (A) In violation of any restriction imposed on such person's driving
5 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes
6 Annotated, and amendments thereto;

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

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

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

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

18 (A) Uniformed or properly identified university or campus police
19 officer while such officer is engaged in the performance of such officer's
20 duty;

21 (B) uniformed or properly identified state, county or city law
22 enforcement officer, other than a state correctional officer or employee, a
23 city or county correctional officer or employee or a juvenile detention
24 facility officer, or employee, while such officer is engaged in the
25 performance of such officer's 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) battery, as defined in subsection (a)(1), committed against a:

35 (A) Uniformed or properly identified university or campus police
36 officer while such officer is engaged in the performance of such officer's
37 duty;

38 (B) uniformed or properly identified state, county or city law
39 enforcement officer, other than a state correctional officer or employee, a
40 city or county correctional officer or employee or a juvenile detention
41 facility officer, or employee, while such officer is engaged in the
42 performance of such officer's 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) battery, as defined in subsection (a), committed against a:

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

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

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

18 (D) city or county correctional officer or employee by a person
19 confined in a city holding facility or county jail facility, while such officer
20 or employee is engaged in the performance of such officer's or employee's
21 duty.

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

23 (1) An aggravated battery, as defined in subsection (b)(1)(A),
24 committed against a:

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

28 (B) uniformed or properly identified university or campus police
29 officer while such officer is engaged in the performance of such officer's
30 duty;

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

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

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

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

39 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)
40 (C), committed against a:

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

1 (B) uniformed or properly identified university or campus police
2 officer while such officer is engaged in the performance of such officer's
3 duty;

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

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

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

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

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

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

16 (B) uniformed or properly identified university or campus police
17 officer while such officer is engaged in the performance of such officer's
18 duty; or

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

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

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

33 (g) *Battery against a sports official is a battery, as defined in*
34 *subsection (a), committed against a sports official on the premises of an*
35 *athletic facility where an athletic contest is held in which the sports*
36 *official is engaged in the performance of such sports official's duties.*

37 ~~(g)~~(h) (1) Battery is a class B person misdemeanor.

38 (2) Aggravated battery as defined in:

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

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

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

- 1 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
2 felony.
- 3 (3) Battery against a law enforcement officer as defined in:
 - 4 (A) Subsection (c)(1) is a class A person misdemeanor;
 - 5 (B) subsection (c)(2) is a severity level 7, person felony; and
 - 6 (C) subsection (c)(3) is a severity level 5, person felony.
- 7 (4) Aggravated battery against a law enforcement officer as defined
8 in:
 - 9 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
 - 10 and
 - 11 (B) subsection (d)(2) is a severity level 4, person felony.
- 12 (5) Battery against a school employee is a class A person
13 misdemeanor.
- 14 (6) Battery against a mental health employee is a severity level 7,
15 person felony.
- 16 (7) *Battery against a sports official is a class A person misdemeanor.*
- 17 ~~(H)~~(i) As used in this section:
 - 18 (1) "Correctional institution" means any institution or facility under
19 the supervision and control of the secretary of corrections;
 - 20 (2) "state correctional officer or employee" means any officer or
21 employee of the Kansas department of corrections or any independent
22 contractor, or any employee of such contractor, whose duties include
23 working at a correctional institution;
 - 24 (3) "juvenile detention facility officer or employee" means any officer
25 or employee of a juvenile detention facility as defined in K.S.A. 2019
26 Supp. 38-2302, and amendments thereto;
 - 27 (4) "city or county correctional officer or employee" means any
28 correctional officer or employee of the city or county or any independent
29 contractor, or any employee of such contractor, whose duties include
30 working at a city holding facility or county jail facility;
 - 31 (5) "school employee" means any employee of a unified school
32 district or an accredited nonpublic school for student instruction or
33 attendance or extracurricular activities of pupils enrolled in kindergarten or
34 any of the grades one through 12;
 - 35 (6) "mental health employee" means: (A) An employee of the Kansas
36 department for aging and disability services working at Larned state
37 hospital, Osawatomie state hospital, Kansas neurological institute and
38 Parsons state hospital and training center and the treatment staff as defined
39 in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and
40 employees of contractors under contract to provide services to the Kansas
41 department for aging and disability services working at any such
42 institution or facility;
 - 43 (7) "judge" means a duly elected or appointed justice of the supreme

1 court, judge of the court of appeals, judge of any district court of Kansas,
2 district magistrate judge or municipal court judge;

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

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

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

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

24 (12) *"sports official" means the same as in K.S.A. 2019 Supp. 21-*
25 *6507, and amendments thereto.*

26 Sec. 3. K.S.A. 2019 Supp. 21-5412 and 21-5413 are hereby repealed.

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