

SENATE BILL No. 45

By Committee on Judiciary

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to involuntary manslaughter; battery; public safety sector employees;
3 penalties; amending K.S.A. ~~2018~~ *{2019}* Supp. 21-5405 and 21-5413
4 and repealing the existing sections; also repealing K.S.A. 2018 Supp.
5 21-5413a.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. ~~K.S.A. 2018 Supp. 21-5405 is hereby amended to read as~~
9 ~~follows: 21-5405. (a) Involuntary manslaughter is the killing of a human~~
10 ~~being committed:~~

11 (1) ~~Recklessly;~~

12 (2) ~~in the commission of, or attempt to commit, or flight from any~~
13 ~~felony, other than an inherently dangerous felony as defined in K.S.A.~~
14 ~~2018 Supp. 21-5402, and amendments thereto, that is enacted for the~~
15 ~~protection of human life or safety or a misdemeanor that is enacted for the~~
16 ~~protection of human life or safety, including acts described in K.S.A. 8-~~
17 ~~1566 and 8-1568(a), and amendments thereto, but excluding the acts~~
18 ~~described in K.S.A. 8-1567, and amendments thereto;~~

19 (3) ~~in the commission of, or attempt to commit, or flight from an act~~
20 ~~described in K.S.A. 8-1567, and amendments thereto;~~

21 (4) ~~during the commission of a lawful act in an unlawful manner; or~~

22 (5) ~~in the commission of, or attempt to commit, or flight from an act~~
23 ~~described in K.S.A. 8-1567, and amendments thereto, while:~~

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

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

30 (C) ~~such person has been deemed a habitual violator as defined in~~
31 ~~K.S.A. 8-285, and amendments thereto, including at least one violation of~~
32 ~~K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any~~
33 ~~city in this state, any resolution of any county in this state or any law of~~
34 ~~another state, which ordinance, resolution or law declares to be unlawful~~

1 the acts prohibited by that statute.

2 (b) ~~Involuntary manslaughter as defined in:~~

3 (1) ~~Subsection (a)(1), (a)(2) or (a)(4) is a severity level 5, person-~~
4 ~~felony;~~

5 (2) ~~subsection (a)(3) is a severity level 4, person felony; and~~

6 (3) ~~subsection (a)(5) is a severity level 3, person felony; and~~

7 (4) ~~subsection (a)(1), (a)(2) or (a)(3) is a severity level 2, person-~~
8 ~~felony, if the victim is a public safety sector employee as defined in K.S.A.~~
9 ~~2018 Supp. 21-5413, and amendments thereto.~~

10 Sec. 2. K.S.A. 2018 Supp. 21-5413 is hereby amended to read as
11 follows: 21-5413. (a) Battery is:

12 (1) ~~Knowingly or recklessly causing bodily harm to another person;~~
13 ~~or~~

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

16 (b) ~~Aggravated battery is:~~

17 (1) (A) ~~Knowingly causing great bodily harm to another person or~~
18 ~~disfigurement of another person;~~

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

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

26 (2) (A) ~~recklessly causing great bodily harm to another person or~~
27 ~~disfigurement of another person;~~

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

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

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

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

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

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

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

10 ~~(e) Battery against a law enforcement officer is:~~

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

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

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

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

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

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

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

28 ~~(2) battery, as defined in subsection (a)(1), committed against a:~~

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

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

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

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

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

43 ~~(E)(F) community corrections officer or court services officer, while~~

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

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

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

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

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

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

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

17 ~~(1) An aggravated battery, as defined in subsection (b)(1)(A)~~
18 ~~committed against a:~~

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

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

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

27 ~~(C)(D) judge, while such judge is engaged in the performance of such~~
28 ~~judge's duty;~~

29 ~~(D)(E) attorney, while such attorney is engaged in the performance of~~
30 ~~such attorney's duty; or~~

31 ~~(E)(F) community corrections officer or court services officer, while~~
32 ~~such officer is engaged in the performance of such officer's duty;~~

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

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

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

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

43 ~~(C)(D) judge, while such judge is engaged in the performance of such~~

1 judge's duty;

2 ~~(D)(E)~~—attorney, while such attorney is engaged in the performance of
3 such attorney's duty; or

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

6 ~~(3)~~—knowingly causing, with a motor vehicle, bodily harm to a:

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

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

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

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

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

27 ~~(g) (1)~~—Battery is a class B person misdemeanor.

28 ~~(2)~~—Aggravated battery as defined in:

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

30 ~~(B)~~—subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
31 felony;

32 ~~(C)~~—subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
33 felony; and

34 ~~(D)~~—subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
35 felony;

36 ~~(E)~~—subsection (b)(1)(A), (b)(2)(A), (b)(3)(A) or (b)(4) is a severity
37 level 3, person felony, if committed against: ~~(i)~~ A public safety sector
38 employee; or ~~(ii)~~ a person complying with a lawful order from or at the
39 direction of any law enforcement officer; and

40 ~~(F)~~—subsection (b)(1)(B), (b)(1)(C), (b)(2)(B) or (b)(3)(B) is a severity
41 level 4, person felony, if committed against: ~~(i)~~ A public safety sector
42 employee; or ~~(ii)~~ a person complying with a lawful order from or at the
43 direction of any law enforcement officer.

- 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 ~~(h) As used in this section:~~
15 ~~(1) "Correctional institution" means any institution or facility under~~
16 ~~the supervision and control of the secretary of corrections;~~
17 ~~(2) "state correctional officer or employee" means any officer or~~
18 ~~employee of the Kansas department of corrections or any independent~~
19 ~~contractor, or any employee of such contractor, whose duties include~~
20 ~~working at a correctional institution;~~
21 ~~(3) "juvenile detention facility officer or employee" means any officer~~
22 ~~or employee of a juvenile detention facility as defined in K.S.A. 2018-~~
23 ~~Supp. 38-2302, and amendments thereto;~~
24 ~~(4) "city or county correctional officer or employee" means any~~
25 ~~correctional officer or employee of the city or county or any independent~~
26 ~~contractor, or any employee of such contractor, whose duties include~~
27 ~~working at a city holding facility or county jail facility;~~
28 ~~(5) "school employee" means any employee of a unified school~~
29 ~~district or an accredited nonpublic school for student instruction or~~
30 ~~attendance or extracurricular activities of pupils enrolled in kindergarten or~~
31 ~~any of the grades one through 12;~~
32 ~~(6) "mental health employee" means: (A) An employee of the Kansas~~
33 ~~department for aging and disability services working at Larned state~~
34 ~~hospital, Osawatomic state hospital, Kansas neurological institute and~~
35 ~~Parsons state hospital and training center and the treatment staff as defined~~
36 ~~in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and~~
37 ~~employees of contractors under contract to provide services to the Kansas~~
38 ~~department for aging and disability services working at any such~~
39 ~~institution or facility;~~
40 ~~(7) "judge" means a duly elected or appointed justice of the supreme~~
41 ~~court, judge of the court of appeals, judge of any district court of Kansas,~~
42 ~~district magistrate judge or municipal court judge;~~
43 ~~(8) "attorney" means a: (A) County attorney, assistant county~~

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

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

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

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

21 (12) "~~public safety sector employee~~" means an employee of any law
22 enforcement office, sheriff's department, municipal fire department,
23 volunteer and non-volunteer fire protection association, emergency
24 management department, **emergency medical services provider**, public
25 works department or other similar public or private agency, while actually
26 engaged in official duties of the department or agency.

27 **{Section 1. K.S.A. 2019 Supp. 21-5405 is hereby amended to read as**
28 **follows: 21-5405. (a) Involuntary manslaughter is the killing of a**
29 **human being committed:**

30 (1) **Recklessly;**

31 (2) **in the commission of, or attempt to commit, or flight from any**
32 **felony, other than an inherently dangerous felony as defined in K.S.A.**
33 **2019 Supp. 21-5402, and amendments thereto, that is enacted for the**
34 **protection of human life or safety or a misdemeanor that is enacted for the**
35 **protection of human life or safety, including acts described in K.S.A.**
36 **8-1566 and 8-1568(a), and amendments thereto, but excluding the acts**
37 **described in K.S.A. 8-1567, and amendments thereto;**

38 (3) **in the commission of, or attempt to commit, or flight from an act**
39 **described in K.S.A. 8-1567, and amendments thereto;**

40 (4) **during the commission of a lawful act in an unlawful manner;**
41 **or**

42 (5) **in the commission of, or attempt to commit, or flight from an act**
43 **described in K.S.A. 8-1567, and amendments thereto, while:**

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

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

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

13 ***(b) Involuntary manslaughter as defined in:***

14 ***(1) Subsection (a)(1), (a)(2) or (a)(4) is a:***

15 ***(A) Severity level 5, person felony, except as provided in-subsection***
 16 ***{subsections} (b)(1)(B) {and (b)(4)}; and***

17 ***(B) severity level 3, person felony, if the victim is under the age of***
 18 ***six years;***

19 ***(2) subsection (a)(3) is a severity level 4, person felony{, except as***
 20 ***provided in subsection (b)(4)}; and***

21 ***(3) subsection (a)(5) is a severity level 3, person felony; and{***

22 ***{4) subsection (a)(1), (a)(2) or (a)(3) is a severity level 2, person***
 23 ***felony, if the victim is a public safety sector employee as defined in K.S.A.***
 24 ***2019 Supp. 21-5413, and amendments thereto}.***

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

27 ***(1) Knowingly or recklessly causing bodily harm to another person;***
 28 ***or***

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

31 ***(b) Aggravated battery is:***

32 ***(1) (A) Knowingly causing great bodily harm to another person or***
 33 ***disfigurement of another person;***

34 ***(B) knowingly 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 ***(C) knowingly causing physical contact with another person when***
 38 ***done in a rude, insulting or angry manner with a deadly weapon, or in***
 39 ***any manner whereby great bodily harm, disfigurement or death can be***
 40 ***inflicted;***

41 ***(2) (A) recklessly causing great bodily harm to another person or***
 42 ***disfigurement of another person;***

43 ***(B) recklessly causing bodily harm to another person with a deadly***

1 *weapon, or in any manner whereby great bodily harm, disfigurement or*
2 *death can be inflicted; or*

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

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

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

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

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

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

25 *(c) Battery against a law enforcement officer is:*

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

27 *(A) Uniformed or properly identified university or campus police*
28 *officer while such officer is engaged in the performance of such officer's*
29 *duty;*

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

35 *(C) uniformed or properly identified federal law enforcement*
36 *officer while such officer is engaged in the performance of such officer's*
37 *duty;*

38 *(D) judge, while such judge is engaged in the performance of such*
39 *judge's duty;*

40 *(E) attorney, while such attorney is engaged in the performance of*
41 *such attorney's duty; or*

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

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

2 (A) *Uniformed or properly identified university or campus police*
3 *officer while such officer is engaged in the performance of such officer's*
4 *duty;*

5 (B) *uniformed or properly identified state, county or city law*
6 *enforcement officer, other than a state correctional officer or employee,*
7 *a city or county correctional officer or employee or a juvenile detention*
8 *facility officer, or employee, while such officer is engaged in the*
9 *performance of such officer's duty;*

10 (C) *uniformed or properly identified federal law enforcement*
11 *officer while such officer is engaged in the performance of such officer's*
12 *duty;*

13 (D) *judge, while such judge is engaged in the performance of such*
14 *judge's duty;*

15 (E) *attorney, while such attorney is engaged in the performance of*
16 *such attorney's duty; or*

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

19 (3) *battery, as defined in subsection (a) committed against a:*

20 (A) *State correctional officer or employee by a person in custody of*
21 *the secretary of corrections, while such officer or employee is engaged in*
22 *the performance of such officer's or employee's duty;*

23 (B) *state correctional officer or employee by a person confined in*
24 *such juvenile correctional facility, while such officer or employee is*
25 *engaged in the performance of such officer's or employee's duty;*

26 (C) *juvenile detention facility officer or employee by a person*
27 *confined in such juvenile detention facility, while such officer or*
28 *employee is engaged in the performance of such officer's or employee's*
29 *duty; or*

30 (D) *city or county correctional officer or employee by a person*
31 *confined in a city holding facility or county jail facility, while such*
32 *officer or employee is engaged in the performance of such officer's or*
33 *employee's duty.*

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

35 (1) *An aggravated battery, as defined in subsection (b)(1)(A)*
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*
39 *the 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*

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

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

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

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

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

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

14 *(B) 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 *(C) uniformed or properly identified federal law enforcement*
18 *officer while such officer is engaged in the performance of such officer's*
19 *duty;*

20 *(D) judge, while such judge is engaged in the performance of such*
21 *judge's duty;*

22 *(E) attorney, while such attorney is engaged in the performance of*
23 *such attorney's duty; or*

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

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

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

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

33 *(C) uniformed or properly identified federal law enforcement*
34 *officer while such officer is engaged in the performance of such officer's*
35 *duty.*

36 *(e) Battery against a school employee is a battery, as defined in*
37 *subsection (a), committed against a school employee in or on any school*
38 *property or grounds upon which is located a building or structure used*
39 *by a unified school district or an accredited nonpublic school for student*
40 *instruction or attendance or extracurricular activities of pupils enrolled*
41 *in kindergarten or any of the grades one through 12 or at any regularly*
42 *scheduled school sponsored activity or event, while such employee is*
43 *engaged in the performance of such employee's duty.*

1 ***(f) Battery against a mental health employee is a battery, as defined***
 2 ***in subsection (a), committed against a mental health employee by a***
 3 ***person in the custody of the secretary for aging and disability services,***
 4 ***while such employee is engaged in the performance of such employee's***
 5 ***duty.***

6 ***(g) (1) Battery is a class B person misdemeanor.***

7 ***(2) Aggravated battery as defined in:***

8 ***(A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person***
 9 ***felony******, except as provided in subsection (g)(2)(E);***

10 ***(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person***
 11 ***felony******, except as provided in subsection (g)(2)(F);***

12 ***(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person***
 13 ***felony******, except as provided in subsection (g)(2)(E); and***

14 ***(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person***
 15 ***felony******, except as provided in subsection (g)(2)(F);***

16 ***(E) subsection (b)(1)(A), (b)(2)(A), (b)(3)(A) or (b)(4) is a severity***
 17 ***level 3, person felony, if committed against: (i) A public safety sector***
 18 ***employee; or (ii) a person complying with a lawful order from or at the***
 19 ***direction of any law enforcement officer; and***

20 ***(F) subsection (b)(1)(B), (b)(1)(C), (b)(2)(B) or (b)(3)(B) is a severity***
 21 ***level 4, person felony, if committed against: (i) A public safety sector***
 22 ***employee; or (ii) a person complying with a lawful order from or at the***
 23 ***direction of any law enforcement officer.***

24 ***(3) Battery against a law enforcement officer as defined in:***

25 ***(A) Subsection (c)(1) is a class A person misdemeanor;***

26 ***(B) subsection (c)(2) is a severity level 7, person felony; and***

27 ***(C) subsection (c)(3) is a severity level 5, person felony.***

28 ***(4) Aggravated battery against a law enforcement officer as defined***
 29 ***in:***

30 ***(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;***
 31 ***and***

32 ***(B) subsection (d)(2) is a severity level 4, person felony.***

33 ***(5) Battery against a school employee is a class A person***
 34 ***misdemeanor.***

35 ***(6) Battery against a mental health employee is a severity level 7,***
 36 ***person felony.***

37 ***(h) As used in this section:***

38 ***(1) "Correctional institution" means any institution or facility***
 39 ***under the supervision and control of the secretary of corrections;***

40 ***(2) "state correctional officer or employee" means any officer or***
 41 ***employee of the Kansas department of corrections or any independent***
 42 ***contractor, or any employee of such contractor, whose duties include***
 43 ***working at a correctional institution;***

1 (3) *"juvenile detention facility officer or employee" means any*
2 *officer or employee of a juvenile detention facility as defined in K.S.A.*
3 *2019 Supp. 38-2302, and amendments thereto;*

4 (4) *"city or county correctional officer or employee" means any*
5 *correctional officer or employee of the city or county or any independent*
6 *contractor, or any employee of such contractor, whose duties include*
7 *working at a city holding facility or county jail facility;*

8 (5) *"school employee" means any employee of a unified school*
9 *district or an accredited nonpublic school for student instruction or*
10 *attendance or extracurricular activities of pupils enrolled in*
11 *kindergarten or any of the grades one through 12;*

12 (6) *"mental health employee" means: (A) An employee of the*
13 *Kansas department for aging and disability services working at Larned*
14 *state hospital, Osawatomie state hospital, Kansas neurological institute*
15 *and Parsons state hospital and training center and the treatment staff as*
16 *defined in K.S.A. 59-29a02, and amendments thereto; and (B)*
17 *contractors and employees of contractors under contract to provide*
18 *services to the Kansas department for aging and disability services*
19 *working at any such institution or facility;*

20 (7) *"judge" means a duly elected or appointed justice of the*
21 *supreme court, judge of the court of appeals, judge of any district court*
22 *of Kansas, district magistrate judge or municipal court judge;*

23 (8) *"attorney" means a: (A) County attorney, assistant county*
24 *attorney, special assistant county attorney, district attorney, assistant*
25 *district attorney, special assistant district attorney, attorney general,*
26 *assistant attorney general or special assistant attorney general; and (B)*
27 *public defender, assistant public defender, contract counsel for the state*
28 *board of indigents' defense services or an attorney who is appointed by*
29 *the court to perform services for an indigent person as provided by*
30 *article 45 of chapter 22 of the Kansas Statutes Annotated, and*
31 *amendments thereto;*

32 (9) *"community corrections officer" means an employee of a*
33 *community correctional services program responsible for supervision of*
34 *adults or juveniles as assigned by the court to community corrections*
35 *supervision and any other employee of a community correctional*
36 *services program that provides enhanced supervision of offenders such*
37 *as house arrest and surveillance programs;*

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

42 (11) *"federal law enforcement officer" means a law enforcement*
43 *officer employed by the United States federal government who, as part of*

1 ***such officer's duties, is permitted to make arrests and to be armed***; and
2 *(12) "public safety sector employee" means an employee of any law*
3 *enforcement office, sheriff's department, municipal fire department,*
4 *volunteer and non-volunteer fire protection association, emergency*
5 *management department, emergency medical services provider; or public*
6 *works department* ~~*or other similar public or private agency,*~~ *while actually*
7 *engaged in official duties of the department or agency*};

8 Sec. 3. K.S.A. ~~2018~~ {2019} Supp. 21-5405; {and} 21-5413 ~~and 21-~~
9 ~~5413a~~ are hereby repealed.

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