

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2477

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning crimes and punishment; relating to aggravated
2 battery; amending K.S.A. 2013 Supp. 21-5413 and repealing the
3 existing section.

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

6 Section 1. K.S.A. 2013 Supp. 21-5413 is hereby amended to read as
7 follows: 21-5413. (a) Battery is:

8 (1) Knowingly or recklessly causing bodily harm to another person;
9 or

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

12 (b) Aggravated battery is:

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

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

18 (C) **except as provided in subsection (b)(1)(D)**, knowingly causing
19 physical contact with another person when done in a rude, insulting or
20 angry manner with a deadly weapon, or in any manner whereby great
21 bodily harm, disfigurement or death can be inflicted; **or**

22 **(D) knowingly impeding the normal breathing or circulation of**
23 **the blood by applying pressure on the throat or neck of another**
24 **person or by blocking the nose or mouth of another person, when done**
25 **in a rude, insulting or angry manner;**

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

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~~ **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

1 result from such act; ~~or~~

2 ~~(4) (A) knowingly impeding the normal breathing or circulation of~~
3 ~~the blood by applying pressure on the throat or neck of another person or~~
4 ~~by blocking the nose or mouth of another person with a dangerous~~
5 ~~instrument or a deadly weapon; or~~

6 ~~(B) knowingly impeding the normal breathing or circulation of the~~
7 ~~blood by applying pressure on the throat or neck of another person or by~~
8 ~~blocking the nose or mouth of another person.~~

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

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

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

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

21 (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 (B) uniformed or properly identified state, county or city law
25 enforcement officer, other than a state correctional officer or employee, a
26 city or county correctional officer or employee, a juvenile correctional
27 facility officer or employee or a juvenile detention facility officer, or
28 employee, while such officer is engaged in the performance of such
29 officer's duty; or

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

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

34 (B) juvenile correctional facility officer or employee by a person
35 confined in such juvenile correctional facility, while such officer or
36 employee is engaged in the performance of such officer's or employee's
37 duty;

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

41 (D) city or county correctional officer or employee by a person
42 confined in a city holding facility or county jail facility, while such officer
43 or employee is engaged in the performance of such officer's or employee's

1 duty.

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

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

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

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

11 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)
12 (C), committed against 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; or

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 (3) knowingly causing, with a motor vehicle, bodily harm to 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; or

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

34 (f) Battery against a mental health employee is a battery, as defined in
35 subsection (a), committed against a mental health employee by a person in
36 the custody of the secretary of social and rehabilitation services, while
37 such employee is engaged in the performance of such employee's duty.

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

39 (2) Aggravated battery as defined in:

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

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

43 (C) subsection (b)(2)(A) ~~or~~ **or** (b)(3)(A) ~~or (b)(4)(A)~~ is a severity

1 level 5, person felony; ~~and~~

2 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
3 felony; *and*

4 *(E) subsection ~~(b)(4)(B)~~ **(b)(1)(D)** is a severity level 6, person felony.*

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

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

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

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

9 (4) Aggravated battery against a law enforcement officer as defined
10 in:

11 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
12 and

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

14 (5) Battery against a school employee is a class A person
15 misdemeanor.

16 (6) Battery against a mental health employee is a severity level 7,
17 person felony.

18 (h) *The provisions of subsection ~~(b)(4)~~ **(b)(1)(D)** shall not apply to:*
19 **(1) A legitimate medical procedure performed by a physician or other**
20 **licensed medical professional; or (2) a restraint performed by a law**
21 **enforcement officer in accordance with acceptable law enforcement**
22 **practices.**

23 (i) As used in this section:

24 (1) "Correctional institution" means any institution or facility under
25 the supervision and control of the secretary of corrections;

26 (2) "state correctional officer or employee" means any officer or
27 employee of the Kansas department of corrections or any independent
28 contractor, or any employee of such contractor, working at a correctional
29 institution;

30 (3) "juvenile correctional facility officer or employee" means any
31 officer or employee of the juvenile justice authority or any independent
32 contractor, or any employee of such contractor, working at a juvenile
33 correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and
34 amendments thereto;

35 (4) "juvenile detention facility officer or employee" means any officer
36 or employee of a juvenile detention facility as defined in K.S.A. 2013
37 Supp. 38-2302, and amendments thereto;

38 (5) "city or county correctional officer or employee" means any
39 correctional officer or employee of the city or county or any independent
40 contractor, or any employee of such contractor, working at a city holding
41 facility or county jail facility;

42 (6) "school employee" means any employee of a unified school
43 district or an accredited nonpublic school for student instruction or

1 attendance or extracurricular activities of pupils enrolled in kindergarten or
2 any of the grades one through 12; and

3 (7) "mental health employee" means an employee of the department
4 of social and rehabilitation services working at Larned state hospital,
5 Osawatomie state hospital and Rainbow mental health facility, Kansas
6 neurological institute and Parsons state hospital and training center and the
7 treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.

8 Sec. 2. K.S.A. 2013 Supp. 21-5413 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.