

## HOUSE BILL No. 2532

By Committee on Corrections and Juvenile Justice

1-29

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to assault and battery of sports officials; amending K.S.A. 2013 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. 2013 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; or

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.

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

24 (1) With a deadly weapon;

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

26 (3) with intent to commit any felony.

27 (e) *Assault of a sports official is assault, as defined in subsection (a),*  
28 *committed against a sports official while such sports official is engaged in*  
29 *the performance of such sports official's duty.*

30 ~~(e)~~(f) (1) Assault is a class C person misdemeanor.

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

32 (3) Assault of a law enforcement officer is a class A person  
33 misdemeanor.

34 (4) Aggravated assault of a law enforcement officer is a severity level  
35 6, person felony. A person convicted of aggravated assault of a law  
36 enforcement officer shall be subject to the provisions of subsection (g) of

1 K.S.A. 2013 Supp. 21-6804, and amendments thereto.

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

3 (g) *As used in this section, "sports official" means the same as*  
4 *provided in K.S.A. 2013 Supp. 21-6507, and amendments thereto.*

5 Sec. 2. K.S.A. 2013 Supp. 21-5413 is hereby amended to read as  
6 follows: 21-5413. (a) Battery is:

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

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

11 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

34 (1) Battery, as defined in subsection (a)(2), 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; or

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, a juvenile correctional  
41 facility officer or employee or a juvenile detention facility officer, or  
42 employee, while such officer is engaged in the performance of such  
43 officer's duty; or

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; or

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

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

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

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

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

22 (D) city or county correctional officer or employee by a person  
23 confined in a city holding facility or county jail facility, while such officer  
24 or employee is engaged in the performance of such officer's or employee's  
25 duty.

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

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

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

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

35 (2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)  
36 (C), 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 the  
39 officer's duty; or

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; or

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

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

4 (B) uniformed or properly identified university or campus police  
5 officer while such officer is engaged in the performance of such officer's  
6 duty.

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

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

19 (g) *Battery against a sports official is a battery, as defined in*  
20 *subsection (a), committed against a sports official while such sports*  
21 *official is engaged in the performance of such sports official's duty.*

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

23 (2) Aggravated battery as defined in:

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

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

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

29 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person  
30 felony.

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

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

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

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

35 (4) Aggravated battery against a law enforcement officer as defined  
36 in:

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

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

40 (5) Battery against a school employee is a class A person  
41 misdemeanor.

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

1 (7) *Battery against a sports official is a class A person misdemeanor.*

2 ~~(h)(i)~~ As used in this section:

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

5 (2) "state correctional officer or employee" means any officer or  
6 employee of the Kansas department of corrections or any independent  
7 contractor, or any employee of such contractor, working at a correctional  
8 institution;

9 (3) "juvenile correctional facility officer or employee" means any  
10 officer or employee of the juvenile justice authority or any independent  
11 contractor, or any employee of such contractor, working at a juvenile  
12 correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and  
13 amendments thereto;

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

17 (5) "city or county correctional officer or employee" means any  
18 correctional officer or employee of the city or county or any independent  
19 contractor, or any employee of such contractor, working at a city holding  
20 facility or county jail facility;

21 (6) "school employee" means any employee of a unified school  
22 district or an accredited nonpublic school for student instruction or  
23 attendance or extracurricular activities of pupils enrolled in kindergarten or  
24 any of the grades one through 12; ~~and~~

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

31 (8) *"sports official" means the same as provided in K.S.A. 2013 Supp.*  
32 *21-6507, and amendments thereto.*

33 Sec. 3. K.S.A. 2013 Supp. 21-5412 and 21-5413 are hereby repealed.

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