

SENATE BILL No. 334

By Committee on Judiciary

1-30

1 AN ACT concerning crimes and punishment; relating to interference with
2 law enforcement; battery; amending K.S.A. 2013 Supp. 21-5413 and
3 21-5904 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. 21-5904 is hereby amended to read as
7 follows: 21-5904.(a) Interference with law enforcement is:

8 (1) Falsely reporting to a law enforcement officer, law enforcement
9 agency or state investigative agency:

10 (A) That a particular person has committed a crime, knowing that
11 such information is false and intending that the officer or agency shall act
12 in reliance upon such information;

13 (B) any information, knowing that such information is false and
14 intending to influence, impede or obstruct such officer's or agency's duty;
15 *or*

16 ~~(C) that a crime has been committed or any information concerning a~~
17 ~~crime or suspected crime, knowing that such information is false and~~
18 ~~intending that the officer or agency shall act in reliance upon such~~
19 ~~information; or~~

20 ~~(D)~~ (C) any information concerning the death, disappearance or
21 potential death or disappearance of a child under the age of 13, knowing
22 that such information is false and intending that the officer or agency shall
23 act in reliance upon such information;

24 (2) concealing, destroying or materially altering evidence with the
25 intent to prevent or hinder the apprehension or prosecution of any person;
26 *or*

27 (3) knowingly obstructing, resisting or opposing any person
28 authorized by law to serve process in the service or execution or in the
29 attempt to serve or execute any writ, warrant, process or order of a court,
30 or in the discharge of any official duty.

31 (b) Interference with law enforcement as defined in:

32 (1) Subsection (a)(1)(A) is a:

33 (A) Class A nonperson misdemeanor in the case of a misdemeanor;
34 *and*

35 (B) severity level 8, nonperson felony in the case of a felony;

36 (2) subsection (a)(1)(B) is a:

1 (A) Class A nonperson misdemeanor in the case of a misdemeanor;
2 and

3 (B) severity level 9, nonperson felony in the case of a felony;

4 ~~(3) subsection (a)(1)(C) is a class A misdemeanor;~~

5 ~~(4) (3) subsection (a)(1)(D) (a)(1)(C) is a severity level 8, nonperson~~
6 felony;

7 ~~(5) (4) subsection (a)(2) is a:~~

8 (A) Class A nonperson misdemeanor in the case of a misdemeanor;
9 and

10 (B) severity level 8, nonperson felony in the case of a felony; and

11 (6) subsection (a)(3) is a:

12 (A) Severity level 9, nonperson felony in the case of a felony, or
13 resulting from parole or any authorized disposition for a felony; and

14 (B) class A nonperson misdemeanor in the case of a misdemeanor, or
15 resulting from any authorized disposition for a misdemeanor, or a civil
16 case.

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

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

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

23 (b) Aggravated battery is:

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

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

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

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

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

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

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

1 result from such act.

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

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

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

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

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

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

17 (2) battery, as defined in subsection (a)(1), 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; or

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, ~~a juvenile correctional~~
24 ~~facility officer or employee~~ or a juvenile detention facility officer; or
25 employee, while such officer is engaged in the performance of such
26 officer's duty; ~~or~~

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

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

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

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

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

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

42 (D) city or county correctional officer or employee by a person
43 confined in a city holding facility or county jail facility, while such officer

1 or employee is engaged in the performance of such officer's or employee's
2 duty.

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

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

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

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

12 (C) *judge, while such judge is engaged in the performance of such*
13 *judge's duty; or*

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

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

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

21 (B) 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 (C) *judge, while such judge is engaged in the performance of such*
25 *judge's duty; or*

26 (D) *attorney, while such attorney is engaged in the performance of*
27 *such attorney's duty; or*

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

43 (f) Battery against a mental health employee is a battery, as defined in

1 subsection (a), committed against a mental health employee by a person in
2 the custody of the secretary of social and rehabilitation services, while
3 such employee is engaged in the performance of such employee's duty.

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

5 (2) Aggravated battery as defined in:

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

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

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

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

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

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

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

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

17 (4) Aggravated battery against a law enforcement officer as defined
18 in:

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

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

22 (5) Battery against a school employee is a class A person
23 misdemeanor.

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

26 (h) As used in this section:

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

29 (2) "State correctional officer or employee" means any officer or
30 employee of the Kansas department of corrections or any independent
31 contractor, or any employee of such contractor, *whose duties include*
32 *working at a correctional institution;*

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

38 ~~(4) (3) "juvenile detention facility officer or employee" means any~~
39 ~~officer or employee of a juvenile detention facility as defined in K.S.A.~~
40 ~~2013 Supp. 38-2302, and amendments thereto;~~

41 ~~(5) (4) "city or county correctional officer or employee" means any~~
42 ~~correctional officer or employee of the city or county or any independent~~
43 ~~contractor, or any employee of such contractor, *whose duties include*~~

1 working at a city holding facility or county jail facility;

2 ~~(6)~~ (5) "school employee" means any employee of a unified school
3 district or an accredited nonpublic school for student instruction or
4 attendance or extracurricular activities of pupils enrolled in kindergarten or
5 any of the grades one through 12; ~~and~~

6 ~~(7)~~ (6) "mental health employee" means an employee of the *Kansas*
7 ~~department of social and rehabilitation for aging and disability~~ services
8 working at Larned state hospital, Osawatomie state hospital and Rainbow
9 mental health facility, Kansas neurological institute and Parsons state
10 hospital and training center and the treatment staff as defined in K.S.A. 59-
11 29a02, and amendments thereto;

12 (7) "*judge*" means a *duly elected or appointed justice of the supreme*
13 *court, judge of the court of appeals, judge of any district court of Kansas,*
14 *district magistrate judge or municipal court judge; and*

15 (8) "*attorney*" means a *county attorney, assistant county attorney,*
16 *district attorney, assistant district attorney, attorney general or assistant*
17 *attorney general.*

18 Sec. 3. K.S.A. 2013 Supp. 21-5413 and 21-5904 are hereby repealed.

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