

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2023

By Representatives Concannon and Hawkins

1-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against the public peace; creating the crime of interference
3 with the conduct of a ~~hospital~~ **healthcare facility**; relating to battery;
4 increasing the criminal penalty for battery of a healthcare provider;
5 amending K.S.A. 2022 Supp. 21-5413 and repealing the existing
6 section.

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

9 New Section 1. (a) Interference with the conduct of a ~~hospital~~
10 **healthcare facility** is:

11 (1) Conduct at or in a ~~hospital~~ **healthcare facility** so as to knowingly
12 deny an employee of the ~~hospital~~ **healthcare facility** to enter, to use the
13 facilities of or to leave any such ~~hospital~~ **healthcare facility**;

14 (2) knowingly impeding an employee of a ~~hospital~~ **healthcare**
15 **facility** from the performance of such employee's duties or activities
16 through the use of restraint, abduction, coercion or intimidation or by force
17 and violence or threat thereof; or

18 (3) knowingly refusing to leave a ~~hospital~~ **healthcare facility** upon
19 being requested to leave by the employee charged with maintaining order
20 in such ~~hospital~~ **healthcare facility**, if such person is committing,
21 threatens to commit or incites others to commit any act that did, or would
22 if completed, disrupt, impair, interfere with or obstruct the mission,
23 processes, procedures or functions of the ~~hospital~~ **healthcare facility**.

24 (b) Aggravated interference with the conduct of a ~~hospital~~ **healthcare**
25 **facility** is interference with the conduct of a ~~hospital~~ **healthcare facility** as
26 defined in subsection (a) when in possession of any weapon as described
27 in K.S.A. 2022 Supp. 21-6301 or 21-6302, and amendments thereto.

28 (c) (1) Interference with the conduct of a ~~hospital~~ **healthcare facility**
29 is a class A nonperson misdemeanor.

30 (2) Aggravated interference with the conduct of a ~~hospital~~ **healthcare**
31 **facility** is a severity level 6, person felony.

32 (d) As used in this section:

33 (1) "Employee" means an individual employed by, providing
34 healthcare services at, volunteering at or participating in an educational
35 course of instruction at a ~~hospital~~ **healthcare facility**; and

36 (2) "~~hospital~~" means the same as defined in K.S.A. 65-425, and

1 ~~amendments thereto~~ **"healthcare facility" means any facility or portion**
2 **thereof operated in whole or in part for the purpose of providing**
3 **inpatient or outpatient healthcare services by a healthcare provider as**
4 **defined in K.S.A. 40-3401, and amendments thereto.**

5 (e) This section shall be a part of and supplemental to the Kansas
6 criminal code.

7 Sec. 2. K.S.A. 2022 Supp. 21-5413 is hereby amended to read as
8 follows: 21-5413. (a) Battery is:

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

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

13 (b) Aggravated battery is:

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

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

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

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

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

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

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

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

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

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

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

8 (1) Battery; as defined in subsection (a)(2); committed against a:

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

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

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

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

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

25 (2) battery; as defined in subsection (a)(1); committed against a:

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

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

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

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

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

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

42 (3) battery; as defined in subsection (a) committed against a:

43 (A) State correctional officer or employee by a person in custody of

1 the secretary of corrections, while such officer or employee is engaged in
2 the performance of such officer's or employee's duty;

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

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

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

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

14 (1) ~~An~~ Aggravated battery; as defined in subsection (b)(1)(A)
15 committed against a:

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

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

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

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

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

30 (2) ~~an~~ aggravated battery; as defined in subsection (b)(1)(B) or (b)(1)
31 (C); committed against a:

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

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

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

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

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

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

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

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

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

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

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

24 (g) *Battery against a healthcare provider is a battery as defined in*
25 *subsection (a) committed against a healthcare provider while such*
26 *provider is engaged in the performance of such provider's duty.*

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

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

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

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

40 (4) Aggravated battery against a law enforcement officer as defined
41 in:

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

43 and

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

2 (5) Battery against a school employee is a class A person
3 misdemeanor.

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

6 (7) *Battery against a healthcare provider is a class A person*
7 *misdemeanor.*

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

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

11 (2) "state correctional officer or employee" means any officer or
12 employee of the Kansas department of corrections or any independent
13 contractor, or any employee of such contractor, whose duties include
14 working at a correctional institution;

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

18 (4) "city or county correctional officer or employee" means any
19 correctional officer or employee of the city or county or any independent
20 contractor, or any employee of such contractor, whose duties include
21 working at a city holding facility or county jail facility;

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

26 (6) "mental health employee" means: (A) An employee of the Kansas
27 department for aging and disability services working at Larned state
28 hospital, Osawatomie state hospital, Kansas neurological institute and
29 Parsons state hospital and training center and the treatment staff as defined
30 in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and
31 employees of contractors under contract to provide services to the Kansas
32 department for aging and disability services working at any such
33 institution or facility;

34 (7) "judge" means a duly elected or appointed justice of the supreme
35 court, judge of the court of appeals, judge of any district court of Kansas,
36 district magistrate judge or municipal court judge;

37 (8) "attorney" means a: (A) County attorney, assistant county
38 attorney, special assistant county attorney, district attorney, assistant
39 district attorney, special assistant district attorney, attorney general,
40 assistant attorney general or special assistant attorney general; and (B)
41 public defender, assistant public defender, contract counsel for the state
42 board of indigents' defense services or an attorney who is appointed by the
43 court to perform services for an indigent person as provided by article 45

1 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

2 (9) "community corrections officer" means an employee of a
3 community correctional services program responsible for supervision of
4 adults or juveniles as assigned by the court to community corrections
5 supervision and any other employee of a community correctional services
6 program that provides enhanced supervision of offenders such as house
7 arrest and surveillance programs;

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

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

15 ~~(12) "healthcare provider" means an individual who is licensed,~~
16 ~~registered, certified or otherwise authorized by the state of Kansas to~~
17 ~~provide healthcare services in this state and employed by or providing~~
18 ~~healthcare services at a hospital as defined in K.S.A. 65-425~~ **the same as**
19 **defined in K.S.A. 40-3401, and amendments thereto.**

20 Sec. 3. K.S.A. 2022 Supp. 21-5413 is hereby repealed.

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