

## ORDINANCE NO. 47-287

AN ORDINANCE AMENDING SECTION 5.10.035 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO BATTERY OF A LAW ENFORCEMENT OFFICER, AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

Section 1. Section 5.10.035 of the Code of the City of Wichita, Kansas, is amended to read as follows:

**"Battery of a Law Enforcement Officer.** (a) Any person who, within the corporate limits of the city, intentionally causes physical contact with a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such office's duty, in a rude, insolent or angry manner, is guilty of a misdemeanor.

(b) Every person convicted under this section, shall be punished by fine of not more than two thousand five hundred dollars or one year imprisonment or both such fine and imprisonment; however, upon a second or a subsequent conviction, the court shall impose a mandatory minimum jail sentence of five consecutive days and no person shall be eligible for probation or parole until serving the entire minimum sentence.

(c) For the purposes of determining whether a conviction is a first, second, or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section.

(2) "Conviction" includes being convicted of a violation of a law of this state or of another state or an ordinance of any municipality which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such a law or ordinance.

(3) Only convictions occurring on or after the date the ordinance codified in this section becomes effective shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided.

(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense.”

SECTION 3. The original of Section 5.10.035 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 14<sup>th</sup> day of November, 2006.

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Carlos Mayans, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law