



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Kansas Fact Sheet


Interference with the Conduct of Public Business

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state *and* local officials. Below is more information on Kansas's relevant law.

Kansas Statutes, § 21-5922, Interference with the conduct of public business in public buildings; aggravated interference with the conduct of public business

(a) Interference with the conduct of public business in public buildings is:

- (1) Conduct at or in any public building owned, operated or controlled by the state or any of its political subdivisions so as to knowingly deny to any public official, public employee or any invitee on such premises, the lawful rights of such official, employee or invitee to enter, to use the facilities or to leave any such public building;
- (2) knowingly impeding any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof;
- (3) knowingly refusing or failing to leave any such public building upon being requested to do so by the chief administrative officer, or such officer's designee, charged with maintaining order in such public building, if such person is committing, threatens to commit or incites others to commit, any act which did or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in such public building;
- (4) knowingly impeding, disrupting or hindering the normal proceedings of any meeting or session conducted by any judicial or legislative body or official at any public building by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or by any act designed to



intimidate, coerce or hinder any member of such body or any official engaged in the performance of duties at such meeting or session; or

(5) knowingly impeding, disrupting or hindering, by any act of intrusion into the chamber or other areas designed for the use of any executive body or official, the normal proceedings of such body or official.

(b) Aggravated interference with the conduct of public business is interference with the conduct of public business in public buildings, as defined in subsection (a), when in possession of any firearm or weapon as described in K.S.A. 21-6301 or 21-6302, and amendments thereto.

(c) (1) Interference with the conduct of public business in public buildings is a class A nonperson misdemeanor:
(2) Aggravated interference with the conduct of public business is a level 6, person felony.

Penalties

Kansas Statutes, § 21-6602 and §21-6611

Depending on the facts and circumstances, a person may be convicted of:

Class A nonperson misdemeanor which carries with it up to 1 year imprisonment and/or up to \$2,500 fine OR a Level 6 person felony, punishable by imprisonment as determined by the Kansas Felony Sentencing Grid and/or up to a \$100,000 fine.

Summary

A person is guilty of interfering with the conduct of public business in public buildings when he/she unlawfully impedes any public official or employee in performing his/her duties, failing to leave when being lawfully asked to do so, or disrupting or hindering normal proceedings. Public buildings includes property owned by local or state government. Depending upon the facts and circumstances, a conviction will be either a misdemeanor or felony.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Kansas Statutes, § 21-5922 prohibits the interference with the conduct of public business at public buildings. [Insert here a description of the conduct with a date—for example: On August 28, 2020, you prevented a public employee from leaving his/her office to attend a meeting by threatening violence.] *This may constitute a violation of § 21-5922* which carries with it incarceration and fines.

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*