

UPDATED
SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 217

As Amended by Senate Committee on Judiciary

Brief*

SB 217, as amended, would amend statutes in the Kansas Criminal Code; Kansas Family Law Code; Kansas Parentage Act; the Revised Kansas Code for Care of Children; Protection from Abuse Act; and Protection from Stalking, Sexual Assault, or Human Trafficking Act concerning the use of electronic tracking systems to target a person's location, movement, or travel patterns.

Kansas Criminal Code—Crime of Stalking

The bill would add to the definition of “course of conduct” in the crime of stalking in the Kansas Criminal Code the following conduct: utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement, or travel patterns.

Kansas Family Law Code—Permissible Orders After the Filing of a Petition for Divorce, Annulment or Separate Maintenance Before Action Final

The bill would expand permissible orders in continuing law related to restraining parties with regard to disposition of property and with regard to molesting or interfering with the privacy or rights of each other to specify these orders would cover the conduct of utilizing any electronic tracking system

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

or acquiring tracking information to determine the other person's location, movement, or travel patterns.

Kansas Parentage Act—Court Orders

The bill would specify a court's power to make and enforce orders related to restraining parties from molesting or interfering with the privacy or rights of each other in continuing law would include utilizing any electronic tracking system or acquiring tracking information to determine the other person's location, movement, or travel patterns.

Revised Kansas Code for Care of Children—Temporary Custody Orders, Informal Supervision Restraining Orders, and Prohibitions on Authorized Dispositions of Custody

The bill would specify, for the purposes of sections of law concerning temporary custody orders, informal supervision restraining orders, and prohibitions on authorized dispositions of custody, the terms "harassing or intimidating" and "harass or intimidate," include, but are not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement, or travel.

Protection from Abuse Act

The bill would specify restraining orders granted under the Protection from Abuse Act would include restraining the defendant from utilizing any electronic tracking system or acquiring tracking information to determine the other person's location, movement, or travel patterns

Protection from Stalking, Sexual Assault, or Human Trafficking Act

The bill would specify, for the purposes of restraining orders granted under the Protection from Stalking, Sexual Assault, or Human Trafficking Act, the terms “harassing” or “interfering with the privacy” include, but are not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the targeted person’s location, movement, or travel patterns.

Technical Amendments

The bill would make technical amendments to ensure consistency in statutory phrasing.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Warren.

Senate Committee on Judiciary

In the Senate Committee hearing on February 14, 2023, a representative of the Kansas Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association provided **proponent** testimony, stating the bill is a response to the growing trend of cases where tracking devices are being used to stalk others. Written-only proponent testimony was provided by a representative of the Kansas Coalition Against Sexual and Domestic Violence. No other testimony was provided.

The Senate Committee adopted amendments to:

- Specify the conduct described by the bill would apply to a provision contained in the Kansas Parentage Act; and

- Specify the conduct described by the bill would apply to a provision related to interfering with privacy or rights in the section of law pertaining to permissible orders in the Kansas Family Law Code.

Fiscal Information

According to the fiscal note as prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) indicates enactment of the bill could increase the number of cases filed in district courts related to stalking crimes, which would increase the time spent by judges and court employees in processing and deciding these cases and could affect what courts may order in such cases.

OJA indicates the bill's enactment could result in the collection of docket fees in cases filed under the bill's provisions, which would be deposited into the State General Fund.

OJA indicates a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Electronic tracking system; stalking; criminal penalties; Kansas Family Law Code; Revised Kansas Code for Care of Children; Protection from Abuse Act; Protection from Stalking, Sexual Assault, or Human Trafficking Act