

KANSAS OFFICE *of*
REVISOR *of* STATUTES
LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 13, 2025

Subject: Bill Brief for HB 2192 (As Amended by House Committee of the Whole)

House Bill 2192 limits or prohibits work release for people convicted of a second or third offense of domestic battery and requires offenders to undergo a domestic violence offender assessment on a first conviction.

The bill amends K.S.A. 21-5414, the crime of domestic battery. Current law provides that domestic battery is: (1) a class B person misdemeanor unless other sentencing rules apply; (2) a class A person misdemeanor if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a second time; and (3) a person felony, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a third or subsequent time.

The House Committee on Corrections and Juvenile Justice amended the bill to require, on a first conviction, as a condition of probation, suspension of sentence or parole or any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court (a current law requirement for a second or subsequent conviction). Under current law, for a second conviction within a five-year period, the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The offender shall serve at least five consecutive days of imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days of mandatory imprisonment may be served in a work release program only after such offender has served 48 consecutive hours of imprisonment. The bill maintains the same fine and the sentence of not less than 90 days nor more than one year's imprisonment but provides that the offender shall serve at least 20 days (was 45 consecutive days

as introduced) of imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. Further, the 90 days of mandatory imprisonment may be served in a work release program only after such offender has served 20 days of imprisonment.

For a third or subsequent conviction within a five-year period, the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. The offender shall not be eligible for release on probation, suspension or reduction of sentence or parole until the offender has served at least 90 days of imprisonment. The 90 days of imprisonment may be served in a work release program only after such offender has served 48 consecutive hours of imprisonment. The bill maintains the same fine and the sentence of not less than 90 days nor more than one year's imprisonment but provides that the offender shall serve at least 90 (was consecutive as introduced) days of imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. Further, the bill removes the option to serve the 90 days of mandatory imprisonment in a work release program.

For a third or subsequent conviction within a five-year period, the bill also maintains the current law that requires the offender, as a condition of any grant of probation, suspension of sentence or parole or of any other release, to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court. If the offender does not undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, the offender shall serve not less than 180 days nor more than one year's imprisonment.

The bill would take effect from and after publication in the statute book, July 1, 2025.