

HOUSE BILL No. 2306

By Committee on Judiciary

Requested by Representative Tarwater on behalf of Kevin Corbin, Troy Hamlin
and Brent Moroney

2-5

1 AN ACT concerning involuntary manslaughter; relating to driving under
2 the influence; requiring child support for any child of a victim killed by
3 a person convicted of involuntary manslaughter while driving under the
4 influence.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) Notwithstanding any provision of law to the contrary, if
8 a person is convicted of involuntary manslaughter, as defined in K.S.A.
9 21-5405(a)(3), and amendments thereto, and the victim of the offense was
10 the parent of a minor child, then the court shall order the defendant to pay
11 restitution in the form of reasonable and necessary support of each minor
12 child of the victim until each minor child reaches 18 years of age and has
13 graduated from high school, or the class of which the minor child is a
14 member when the child reaches 18 years of age has graduated from high
15 school.

16 (b) When determining the amount of support that is reasonable and
17 necessary for the support of the child, the court shall consider all relevant
18 factors, including, but not limited to:

- 19 (1) The age of the child;
20 (2) the financial needs and resources of the child;
21 (3) the financial resources and needs of the surviving parent or
22 guardian of the child or the financial resources of the state if the child is in
23 the custody of the secretary for children and families;
24 (4) the standard of living to which the child is accustomed;
25 (5) the physical and emotional condition of the child and the child's
26 educational needs;
27 (6) the child's legal custody and residency; and
28 (7) the reasonable child care expenses of the surviving parent or
29 guardian.

30 (c) The court shall order the support payments be paid to the
31 surviving parent or guardian. The court's order shall be enforced as a
32 judgment of restitution pursuant to K.S.A. 20-169, and amendments
33 thereto, and K.S.A. 2024 Supp. 21-6604(b)(2), and amendments thereto.

34 (d) If the person who is ordered to pay the restitution described in this

1 section is incarcerated and unable to pay, the person shall have not longer
2 than one year after such person is released from custody to begin payment
3 and create a payment plan to address any arrearage. Payments shall
4 continue until the entire arrearage is paid in full.

5 (e) (1) If the surviving parent or guardian brings a civil action against
6 the person ordered to pay the restitution described in this section prior to
7 the court ordering such restitution and the surviving parent or guardian
8 obtains a judgment in such action, then the restitution described in this
9 section shall not be ordered.

10 (2) If the court enters an order pursuant to this section and the
11 surviving parent or guardian subsequently brings a civil action and obtains
12 a judgment, then the order entered pursuant to this section shall be offset
13 by the amount of the judgment in such action.

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.