

SENATE BILL No. 494

By Committee on Judiciary

2-5

1 AN ACT concerning domestic violence; relating to victims of domestic
2 violence offenses; expanding the definition of course of conduct used
3 in the crime of stalking to include more technology-based methods;
4 requiring law enforcement agencies to adopt policies for making
5 primary aggressor assessments when responding to domestic violence
6 calls; requiring the prosecutor to affirm a primary aggressor analysis
7 was completed when filing a complaint or indictment in a domestic
8 violence case; prohibiting public agencies from charging fees to victims
9 of domestic violence offenses for public records; allowing evidence of
10 other domestic violence offenses to be admissible in a criminal action
11 in which the defendant is accused of a domestic violence offense;
12 adding prohibitions on certain contact to options for protection from
13 abuse or protection from stalking orders; allowing lifetime extension of
14 protection from abuse orders for victims of domestic battery; amending
15 K.S.A. 21-5427, 22-2307, 22-3201, 60-455, 60-3107, 60-31a06 and 75-
16 7d05 and K.S.A. 2025 Supp. 45-219 and repealing the existing
17 sections.

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. K.S.A. 21-5427 is hereby amended to read as follows: 21-
21 5427. (a) Stalking is:

22 (1) Recklessly engaging in a course of conduct targeted at a specific
23 person which would cause a reasonable person in the circumstances of the
24 targeted person to fear for such person's safety, or the safety of a member
25 of such person's immediate family and the targeted person is actually
26 placed in such fear;

27 (2) engaging in a course of conduct targeted at a specific person with
28 knowledge that the course of conduct will place the targeted person in fear
29 for such person's safety or the safety of a member of such person's
30 immediate family;

31 (3) after being served with, or otherwise provided notice of, any
32 protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A.
33 21-5924, and amendments thereto, that prohibits contact with a targeted
34 person, recklessly engaging in at least one act listed in subsection (f)(1)
35 that violates the provisions of the order and would cause a reasonable
36 person to fear for such person's safety, or the safety of a member of such

1 person's immediate family and the targeted person is actually placed in
2 such fear; or

3 (4) intentionally engaging in a course of conduct targeted at a specific
4 child under the age of 14 that would cause a reasonable person in the
5 circumstances of the targeted child, or a reasonable person in the
6 circumstances of an immediate family member of such child, to fear for
7 such child's safety.

8 (b) Stalking as defined in:

9 (1) Subsection (a)(1) is a:

10 (A) Class A person misdemeanor, except as provided in subsection
11 (b)(1)(B); and

12 (B) severity level 7, person felony upon a second or subsequent
13 conviction;

14 (2) subsection (a)(2) is a:

15 (A) Class A person misdemeanor, except as provided in subsection
16 (b)(2)(B); and

17 (B) severity level 5, person felony upon a second or subsequent
18 conviction;

19 (3) subsection (a)(3) is a:

20 (A) Severity level 9, person felony, except as provided in subsection
21 (b)(3)(B); and

22 (B) severity level 5, person felony, upon a second or subsequent
23 conviction; and

24 (4) subsection (a)(4) is a:

25 (A) Severity level 7, person felony, except as provided in subsection
26 (b)(4)(B); and

27 (B) severity level 4, person felony, upon a second or subsequent
28 conviction.

29 (c) For the purposes of this section, a person served with a protective
30 order as defined by K.S.A. 21-3843, prior to its repeal or K.S.A. 21-5924,
31 and amendments thereto, or a person who engaged in acts which would
32 constitute stalking, after having been advised by a law enforcement officer,
33 that such person's actions were in violation of this section, shall be
34 presumed to have acted knowingly as to any like future act targeted at the
35 specific person or persons named in the order or as advised by the officer.

36 (d) In a criminal proceeding under this section, a person claiming an
37 exemption, exception or exclusion has the burden of going forward with
38 evidence of the claim.

39 (e) The present incarceration of a person alleged to be violating this
40 section shall not be a bar to prosecution under this section.

41 (f) As used in this section:

42 (1) "Course of conduct" means two or more acts over a period of
43 time, however short, ~~which~~ *that* evidence a continuity of purpose. ~~A~~

1 "Course of conduct—~~shall~~" *does* not include constitutionally protected
2 activity nor conduct that was necessary to accomplish a legitimate purpose
3 independent of making contact with the targeted person. ~~A—"Course of~~
4 ~~conduct—shall include"~~ *includes*, but *is not* ~~be~~ limited to, any of the
5 following acts or a combination thereof:

6 (A) Threatening the safety of the targeted person or a member of such
7 person's immediate family;

8 (B) following, approaching or confronting the targeted person or a
9 member of such person's immediate family;

10 (C) appearing in close proximity to, or entering the targeted person's
11 residence, place of employment, school or other place where such person
12 can be found, or the residence, place of employment or school of a
13 member of such person's immediate family;

14 (D) causing damage to the targeted person's residence or property or
15 that of a member of such person's immediate family;

16 (E) placing an object on the targeted person's property or the property
17 of a member of such person's immediate family, either directly or through
18 a third person;

19 (F) causing injury to the targeted person's pet or a pet belonging to a
20 member of such person's immediate family;

21 (G) *accessing the targeted person's email, social media, connected*
22 *vehicle services or other application accounts to gather information about*
23 *the targeted person or such person's immediate family;*

24 (H) *utilizing any electronic tracking system—~~or~~, acquiring tracking*
25 *information or using surveillance cameras, eavesdropping equipment,*
26 *spyware or stalkerware to determine the targeted person's location,*
27 *movement or travel patterns or the location, movement or travel patterns*
28 *of the targeted person's immediate family unless such tracking was*
29 *mutually agreed upon; and*

30 ~~(H)(I)~~ any act of communication;

31 (2) "communication" means to impart a message by any method of
32 transmission, including, but not limited to: Telephoning, personally
33 delivering, sending or having delivered, any information or material by
34 written or printed note or letter, package, mail, courier service or electronic
35 transmission, including electronic transmissions generated or
36 communicated via a computer;

37 (3) "computer" means a programmable, electronic device capable of
38 accepting and processing data;

39 (4) "conviction" includes being convicted of a violation of K.S.A. 21-
40 3438, prior to its repeal, this section or a law of another state which
41 prohibits the acts that this section prohibits; and

42 (5) "immediate family" means:

43 (A) Father, mother, stepparent, child, stepchild, sibling, spouse or

1 grandparent of the targeted person;

2 (B) any person residing in the household of the targeted person; or

3 (C) any person involved in an intimate relationship with the targeted
4 person.

5 Sec. 2. K.S.A. 22-2307 is hereby amended to read as follows: 22-
6 2307. (a) All law enforcement agencies in this state shall adopt written
7 policies regarding domestic violence calls as provided in subsections (b)
8 and (c). These policies shall be made available to all officers of such
9 agency.

10 (b) Such written policies shall include, but not be limited to, the
11 following:

12 (1) A statement directing that when a law enforcement officer
13 determines that there is probable cause to believe that a crime or offense
14 involving domestic violence, as defined in K.S.A. 21-5111, and
15 amendments thereto, has been committed, the officer shall, without undue
16 delay, arrest the person for which the officer has probable cause to believe
17 committed the crime or offense if such person's actions were not an act of
18 defense of a person or property as provided in K.S.A. 21-5222, 21-5223,
19 21-5225, 21-5230 or 21-5231, and amendments thereto;

20 (2) a statement that nothing shall be construed to require a law
21 enforcement officer to:

22 (A) Arrest either party involved in an alleged act of domestic
23 violence when the law enforcement officer determines there is no probable
24 cause to believe that a crime or offense has been committed; or

25 (B) arrest both parties involved in an alleged act of domestic violence
26 when both claim to have been victims of such domestic violence;

27 (3) a statement directing that if a law enforcement officer receives
28 complaints of domestic violence from two or more opposing persons;

29 (A) The officer shall evaluate each complaint separately to determine
30 if there is probable cause that each accused person committed a crime or
31 offense and their actions were not an act of defense of a person or property
32 as provided in K.S.A. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231,
33 and amendments thereto;

34 (B) *the officer shall determine who was the primary aggressor; and*

35 (C) *arrest is the preferred response only with respect to the primary*
36 *aggressor but not the preferred response with respect to a person who acts*
37 *in a reasonable manner in defense of self or others;*

38 (4) a statement defining domestic violence in accordance with K.S.A.
39 21-5111, and amendments thereto;

40 (5) *a statement defining primary aggressor in accordance with K.S.A.*
41 *22-3201, and amendments thereto;*

42 (6) a statement describing the dispatchers' responsibilities;

43 ~~(6)~~(7) a statement describing the responding officers' responsibilities

1 and procedures to follow when responding to a domestic violence call and
2 the suspect is at the scene;

3 ~~(7)~~(8) a statement regarding procedures when the suspect has left the
4 scene of the crime;

5 ~~(8)~~(9) procedures for both misdemeanor and felony cases;

6 ~~(9)~~(10) procedures for law enforcement officers to follow when
7 handling domestic violence calls involving court orders, including
8 protection from abuse orders, restraining orders and a protective order
9 issued by a court of any state or Indian tribe;

10 ~~(10)~~(11) a statement that the law enforcement agency shall provide
11 the following information to victims, in writing:

12 (A) Availability of emergency and medical telephone numbers, if
13 needed;

14 (B) the law enforcement agency's report number;

15 (C) the address and telephone number of the prosecutor's office the
16 victim should contact to obtain information about victims' rights pursuant
17 to K.S.A. 74-7333 and 74-7335, and amendments thereto;

18 (D) the name and address of the crime victims' compensation board
19 and information about possible compensation benefits;

20 (E) advise the victim that the details of the crime may be made
21 public;

22 (F) advise the victim of such victims' rights under K.S.A. 74-7333
23 and 74-7335, and amendments thereto; and

24 (G) advise the victim of known available resources which may assist
25 the victim; and

26 ~~(H)~~(12) whether an arrest is made or not, a standard offense report
27 shall be completed on all such incidents and sent to the Kansas bureau of
28 investigation.

29 (c) Such written policies shall provide that when an arrest is made for
30 a domestic violence offense as defined in K.S.A. 21-5111, and
31 amendments thereto, including an arrest for violation of a protection order
32 as defined in K.S.A. 21-5924, and amendments thereto, the officer shall
33 provide the victim information related to:

34 (A) The fact that in some cases the person arrested can be released
35 from custody in a short amount of time;

36 (B) the fact that in some cases a bond condition may be imposed on
37 the person arrested that prohibits contact with the victim for 72 hours, and
38 that if the person arrested contacts the victim during that time, the victim
39 should notify law enforcement immediately; and

40 (C) any available services within the jurisdiction to monitor custody
41 changes of the person being arrested, including, but not limited to, the
42 Kansas victim information and notification everyday service if available in
43 such jurisdiction.

1 (d) All law enforcement agencies shall provide training to law
2 enforcement officers about the policies adopted pursuant to this section.

3 Sec. 3. K.S.A. 22-3201 is hereby amended to read as follows: 22-
4 3201. (a) Prosecutions in the district court shall be upon complaint,
5 indictment or information.

6 (b) The complaint, information or indictment shall be a plain and
7 concise written statement of the essential facts constituting the crime
8 charged, which complaint, information or indictment, drawn in the
9 language of the statute, shall be deemed sufficient. The precise time of the
10 commission of an offense need not be stated in the indictment or
11 information; but it is sufficient if shown to have been within the statute of
12 limitations, except where the time is an indispensable ingredient in the
13 offense. An indictment shall be signed by the presiding juror of the grand
14 jury. An information shall be signed by the county attorney, the attorney
15 general or any legally appointed assistant or deputy of either. A complaint
16 shall be signed by some person with knowledge of the facts. Allegations
17 made in one count may be incorporated by reference in another count. The
18 complaint, information or indictment shall state for each count the official
19 or customary citation of the statute, rule and regulation or other provision
20 of law which the defendant is alleged to have violated. Error in the citation
21 or its omission shall be not ground for dismissal of the complaint,
22 information or indictment or for reversal of a conviction if the error or
23 omission did not prejudice the defendant.

24 (c) When relevant, the complaint, information or indictment shall also
25 allege facts sufficient to constitute a crime or specific crime subcategory in
26 the crime seriousness scale.

27 (d) The court may strike surplusage from the complaint, information
28 or indictment.

29 (e) The court may permit a complaint or information to be amended
30 at any time before verdict or finding if no additional or different crime is
31 charged and if substantial rights of the defendant are not prejudiced.

32 (f) When a complaint, information or indictment charges a crime but
33 fails to specify the particulars of the crime sufficiently to enable the
34 defendant to prepare a defense the court may, on written motion of the
35 defendant, require the prosecuting attorney to furnish the defendant with a
36 bill of particulars. At the trial the state's evidence shall be confined to the
37 particulars of the bill.

38 (g) Except as otherwise provided, the prosecuting attorney shall
39 endorse the names of all witnesses known to the prosecuting attorney upon
40 the complaint, information and indictment at the time of filing it. Except as
41 otherwise provided, the prosecuting attorney may endorse on it the names
42 of other witnesses that may afterward become known to the prosecuting
43 attorney, at times that the court may by rule or otherwise prescribe. If any

1 witness is to testify and the prosecuting attorney believes the witness who
2 has provided information is in danger of intimidation or retaliation, the
3 prosecuting attorney may delay identifying such informant witness until
4 such informant witness actually testifies but in no event shall identification
5 of a witness be delayed beyond arraignment without further order of the
6 court after hearing and an opportunity of the defendant to be heard.

7 *(h) The prosecuting attorney filing a complaint or indictment for a*
8 *domestic violence offense as defined in K.S.A. 21-5111, and amendments*
9 *thereto, shall affirm in the written statement that a primary aggressor*
10 *analysis was completed as part of the complaint or indictment filing.*

11 *(i) As used in this section, "primary aggressor" means the person*
12 *determined to be the most significant aggressor rather than the first*
13 *aggressor. In determining the "primary aggressor", the prosecutor shall*
14 *consider:*

15 *(1) The intent of the law to protect victims of domestic violence from*
16 *continuing abuse;*

17 *(2) the threats creating fear of physical injury;*

18 *(3) the history of domestic violence between the persons involved;*

19 *(4) the nature of the injuries suffered or inflicted on another; and*

20 *(5) whether either person acted in self-defense.*

21 Sec. 4. K.S.A. 2025 Supp. 45-219 is hereby amended to read as
22 follows: 45-219. (a) Any person may make abstracts or obtain copies of
23 any public record to which such person has access under this act. If copies
24 are requested, the public agency may require a written request and advance
25 payment of the prescribed fee. A public agency shall not be required to
26 provide copies of radio or recording tapes or discs, video tapes or films,
27 pictures, slides, graphics, illustrations or similar audio or visual items or
28 devices, unless such items or devices were shown or played to a public
29 meeting of the governing body thereof, except that the public agency shall
30 not be required to provide such items or devices that are copyrighted by a
31 person other than the public agency.

32 (b) Copies of public records shall be made while the records are in
33 the possession, custody and control of the custodian or a person designated
34 by the custodian and shall be made under the supervision of such
35 custodian or person. Whenever practicable, copies shall be made in the
36 place where the records are kept. If it is not practicable to do so, the
37 custodian shall allow arrangements to be made for use of other facilities. If
38 it is necessary to use other facilities for copying, the cost thereof shall be
39 paid by the person desiring a copy of the records. In addition, the public
40 agency may charge the same fee for the services rendered in supervising
41 the copying as for furnishing copies under subsection (c) and may
42 establish a reasonable schedule of times for making copies at other
43 facilities.

1 (c) Except as provided by subsection (h) or where fees for inspection
2 or for copies of a public record are prescribed by statute, each public
3 agency may prescribe reasonable fees for providing access to or furnishing
4 copies of public records, subject to the following:

5 (1) In the case of fees for copies of records, the fees shall not exceed
6 the actual cost of furnishing the requested records, including the cost of
7 staff time required to make the information available. Actual costs may
8 include the cost to review and redact the requested records but shall not
9 include incidental costs incurred by the public agency that are not
10 attributable to furnishing the requested records.

11 (2) In the case of fees for providing access to records maintained on
12 computer facilities, the fees shall include only the cost of any computer
13 services, including staff time required.

14 (3) If the public agency incurs costs for staff time to provide access to
15 or furnish copies of public records, the agency shall use in good faith the
16 lowest-cost category of staff reasonably necessary to provide access to or
17 furnish copies of public records. Charges for staff time shall be based on
18 the employee's salary or hourly wage. Charges for staff time shall not
19 include the costs of employee benefits.

20 (4) Upon request, a public agency shall provide to the person
21 requesting access to or copies of public records pursuant to this section an
22 itemized statement of costs incurred by the public agency and charged to
23 such requester. Such itemized statement shall include, but not be limited
24 to, the hourly rates charged for each employee involved in making the
25 requested records available and an itemized list of any other fees charged
26 to provide access to or furnish copies of the requested records.

27 (5) Fees for access to or copies of public records of public agencies
28 within the legislative branch of the state government shall be established in
29 accordance with K.S.A. 46-1207a, and amendments thereto, and the
30 provisions of this section.

31 (6) Fees for access to or copies of public records of public agencies
32 within the judicial branch of the state government shall be established in
33 accordance with rules of the supreme court and the provisions of this
34 section.

35 (7) Fees for access to or copies of public records of a public agency
36 within the executive branch of the state government shall be established in
37 accordance with the provisions of this section by the agency head.

38 (d) Any person requesting records within the executive branch may
39 appeal the reasonableness of the fees charged for providing access to or
40 furnishing copies of such records to the secretary of administration, whose
41 decision shall be final.

42 (e) (1) When the staff time needed to respond to a records request
43 will exceed five hours or the estimated actual cost for staff time needed to

1 fill the request exceeds \$200, the public agency shall make reasonable
2 efforts to contact the requester and engage in interactive communication
3 about mitigating costs to fill the request. The requester is not obligated to
4 mitigate costs.

5 (2) If a public agency has made reasonable efforts to contact the
6 requester pursuant to this section and the requester has failed to respond by
7 the end of the third business day, the records request will be deemed to be
8 withdrawn until a subsequent contact has been made by the requester to
9 the public agency.

10 (3) As used in this subsection, "reasonable efforts to contact the
11 requester" means contacting the requester through the means of
12 communication that the requester provided to be used by the agency to
13 respond to the request.

14 (f) Except as otherwise authorized pursuant to K.S.A. 75-4215, and
15 amendments thereto, each public agency within the executive branch of
16 the state government shall remit all moneys received by or for it from fees
17 charged pursuant to this section to the state treasurer in accordance with
18 K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically
19 provided by law, the state treasurer shall deposit the entire amount thereof
20 in the state treasury and credit the same to the state general fund or an
21 appropriate fee fund as determined by the agency head.

22 (g) Each public agency of a political or taxing subdivision shall remit
23 all moneys received by or for it from fees charged pursuant to this act to
24 the treasurer of such political or taxing subdivision at least monthly. Upon
25 receipt of any such moneys, such treasurer shall deposit the entire amount
26 thereof in the treasury of the political or taxing subdivision and credit the
27 same to the general fund thereof, unless otherwise specifically provided by
28 law.

29 (h) (1) Any person who is a certified shorthand reporter may charge
30 fees for transcripts of such person's notes of judicial or administrative
31 proceedings in accordance with rates established pursuant to rules of the
32 Kansas supreme court.

33 (2) *No public agency shall charge any fee for providing access to or*
34 *furnishing copies of public records if the person requesting such records*
35 *was the victim of a domestic violence offense as defined in K.S.A. 21-5111,*
36 *and amendments thereto, and such records are related to such offense.*

37 (i) Nothing in the open records act shall require a public agency to
38 electronically make copies of public records by allowing a person to obtain
39 copies of a public record by inserting, connecting or otherwise attaching
40 an electronic device provided by such person to the computer or other
41 electronic device of the public agency.

42 Sec. 5. K.S.A. 60-455 is hereby amended to read as follows: 60-455.

43 (a) Subject to K.S.A. 60-447, and amendments thereto, evidence that a

1 person committed a crime or civil wrong on a specified occasion; is
2 inadmissible to prove such person's disposition to commit crime or civil
3 wrong as the basis for an inference that the person committed another
4 crime or civil wrong on another specified occasion.

5 (b) (1) Subject to K.S.A. 60-445 and 60-448, and amendments
6 thereto, such evidence is admissible when relevant to prove some other
7 material fact including motive, opportunity, intent, preparation, plan,
8 knowledge, identity or absence of mistake or accident.

9 (e)(2) Subject to K.S.A. 60-445 and 60-448, and amendments thereto,
10 in any criminal action other than a criminal action in which the defendant
11 is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the
12 Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of
13 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325,
14 21-6326 or 21-6419 through 21-6422, and amendments thereto, such
15 evidence is admissible to show the modus operandi or general method
16 used by a defendant to perpetrate similar but totally unrelated crimes when
17 the method of committing the prior acts is so similar to that utilized in the
18 current case before the court that it is reasonable to conclude the same
19 individual committed both acts.

20 (d)(3) Except as provided in K.S.A. 60-445, and amendments thereto,
21 in a criminal action in which the defendant is accused of a sex offense
22 under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated,
23 prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas
24 Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6419
25 through 21-6422, and amendments thereto, evidence of the defendant's
26 commission of another act or offense of sexual misconduct is admissible,
27 and may be considered for its bearing on any matter to which it is relevant
28 and probative.

29 (e)(4) *Except as provided in K.S.A. 60-445, and amendments thereto,*
30 *in a criminal action in which the defendant is accused of a domestic*
31 *violence offense, evidence of the defendant's commission of another*
32 *domestic violence offense is admissible and may be considered for its*
33 *bearing on any matter to which such offense is relevant and probative.*

34 (c) In a criminal action in which the prosecution intends to offer
35 evidence under this rule, the prosecuting attorney shall disclose the
36 evidence to the defendant, including statements of witnesses, at least 10
37 days before the scheduled date of trial or at such later time as the court
38 may allow for good cause.

39 (d)(d) This rule shall not be construed to limit the admission or
40 consideration of evidence under any other rule or to limit the admissibility
41 of the evidence of other crimes or civil wrongs in a criminal action under a
42 criminal statute other than in articles 34, 35 or 36 of chapter 21 of the
43 Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of

chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto.

~~(g)~~(e) As used in this section, ~~an~~:

(1) "Act or offense of sexual misconduct" includes:

~~(+)~~(A) Any conduct proscribed by article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 21-6419 through 21-6422, and amendments thereto;

~~(2)~~(B) the sexual gratification component of aggravated human trafficking, as described in K.S.A. 21-3447(a)(1)(B) or (a)(2), prior to its repeal, or K.S.A. 21-5426(b)(1)(B) or (b)(2), and amendments thereto;

~~(3)~~(C) exposing another to a life threatening communicable disease, as described in K.S.A. 21-3435(a)(1), prior to its repeal, or K.S.A. 21-5424(a)(1), and amendments thereto;

~~(4)~~(D) incest, as described in K.S.A. 21-3602, prior to its repeal, or K.S.A. 21-5604(a), and amendments thereto;

~~(5)~~(E) aggravated incest, as described in K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto;

~~(6)~~(F) contact, without consent, between any part of the defendant's body or an object and the genitals, mouth or anus of the victim;

~~(7)~~(G) contact, without consent, between the genitals, mouth or anus of the defendant and any part of the victim's body;

~~(8)~~(H) deriving sexual pleasure or gratification from the infliction of death, bodily injury or physical pain to the victim;

~~(9)~~(I) an attempt, solicitation or conspiracy to engage in conduct described in ~~paragraphs (1) through (8)~~ *subparagraphs (A) through (H)*; or

~~(+)~~(J) any federal or other state conviction of an offense, or any violation of a city ordinance or county resolution, that would constitute an offense under article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 21-6419 through 21-6422, and amendments thereto, the sexual gratification component of aggravated human trafficking, as described in K.S.A. 21-3447(a)(1)(B) or (a)(2), prior to its repeal, or K.S.A. 21-5426(b)(1)(B) or (b)(2), and amendments thereto; incest, as described in K.S.A. 21-3602, prior to its repeal, or K.S.A. 21-5604(a), and amendments thereto; or aggravated incest, as described in K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto, or involved conduct described in ~~paragraphs (6) through (9)~~ *subparagraphs (F) through (I)*; and

(2) "*domestic violence offense*" means the same as defined in K.S.A. 21-5111, *and amendments thereto*.

~~(h)~~(f) If any provisions of this section or the application thereof to any

1 person or circumstances is held invalid, the invalidity does not affect other
2 provisions or applications of this section which can be given effect without
3 the invalid provisions or application. To this end the provisions of this
4 section are severable.

5 Sec. 6. K.S.A. 60-3107 is hereby amended to read as follows: 60-
6 3107. (a) The court may approve any consent agreement to bring about a
7 cessation of abuse of the plaintiff or minor children or grant any of the
8 following orders:

9 (1) Restraining the defendant from abusing, molesting or interfering
10 with the privacy or rights of the plaintiff or of any minor children of the
11 parties, including, but not limited to, utilizing any electronic tracking
12 system or acquiring tracking information to determine the other person's
13 location, movement or travel patterns. Such order shall contain a statement
14 that if such order is violated, such violation may constitute assault as
15 defined in K.S.A. 21-5412(a), and amendments thereto, battery as defined
16 in K.S.A. 21-5413(a), and amendments thereto, domestic battery as
17 defined in K.S.A. 21-5414, and amendments thereto, and violation of a
18 protective order as defined in K.S.A. 21-5924, and amendments thereto.

19 (2) Granting possession of the residence or household to the plaintiff
20 to the exclusion of the defendant, and further restraining the defendant
21 from entering or remaining upon or in such residence or household,
22 subject to the limitation of subsection (d). Such order shall contain a
23 statement that if such order is violated, such violation shall constitute
24 criminal trespass as defined in K.S.A. 21-5808(a)(1)(C), and amendments
25 thereto, and violation of a protective order as defined in K.S.A. 21-5924,
26 and amendments thereto. The court may grant an order, which shall expire
27 60 days following the date of issuance, restraining the defendant from
28 cancelling utility service to the residence or household.

29 (3) Requiring defendant to provide suitable, alternate housing for the
30 plaintiff and any minor children of the parties.

31 (4) Awarding temporary custody and residency and establishing
32 temporary parenting time with regard to minor children.

33 (5) Ordering a law enforcement officer to evict the defendant from
34 the residence or household.

35 (6) Ordering support payments by a party for the support of a party's
36 minor child, if the party is the father or mother of the child, or the plaintiff,
37 if the plaintiff is married to the defendant. Such support orders shall
38 remain in effect until modified or dismissed by the court or until expiration
39 and shall be for a fixed period of time not to exceed one year. On the
40 motion of the plaintiff, the court may extend the effect of such order for 12
41 months.

42 (7) Awarding costs and attorney fees to either party.

43 (8) Making provision for the possession of personal property of the

1 parties and ordering a law enforcement officer to assist in securing
2 possession of that property, if necessary.

3 (9) Requiring any person against whom an order is issued to seek
4 counseling to aid in the cessation of abuse.

5 (10) *Restraining the defendant from contacting, including digital*
6 *contact, or otherwise communicating with the plaintiff.*

7 (11) *Prohibiting the defendant from entering within 300 feet of the*
8 *plaintiff's home, place of employment, school or any other location the*
9 *court deems necessary.*

10 (12) *Prohibiting the defendant from accessing a connected vehicle*
11 *service in a vehicle that is being driven by the victim.*

12 (13) Ordering or restraining any other acts deemed necessary to
13 promote the safety of the plaintiff or of any minor children of the parties.

14 (b) No protection from abuse order shall be entered against the
15 plaintiff unless:

16 (1) The defendant properly files a written cross or counter petition
17 seeking such a protection order;

18 (2) the plaintiff had reasonable notice of the written cross or counter
19 petition by personal service as provided in K.S.A. 60-3104(d), and
20 amendments thereto; and

21 (3) the issuing court made specific findings of abuse against both the
22 plaintiff and the defendant and determined that both parties acted primarily
23 as aggressors and neither party acted primarily in self-defense.

24 (c) (1) Any order entered under the protection from abuse act shall
25 not be modified by a subsequent ex parte or temporary order issued in any
26 action, except as provided in paragraph (4).

27 (2) (A) Any order entered under the protection from abuse act may be
28 modified by a subsequent final order pursuant to a hearing or an agreement
29 of the parties issued in any action, except as provided in paragraph (4).

30 (B) Any inconsistent order entered pursuant to this subsection shall
31 be specific in its terms and reference the protection from abuse order and
32 parts of the order being modified. A copy of the order shall be filed in both
33 actions.

34 (C) The court shall consider whether the actions should be
35 consolidated in accordance with K.S.A. 60-242, and amendments thereto.

36 (3) (A) On sworn testimony to support a showing of good cause and
37 as authorized by K.S.A. 23-3201 through 23-3207 and 23-3218, and
38 amendments thereto, orders issued under the protection from abuse act
39 may modify orders regarding legal custody, residency and parenting time
40 previously issued in an action for:

41 (i) The determination of parentage filed pursuant to article 22 of
42 chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or
43 K.S.A. 38-1101 et seq. prior to their transfer or repeal; or

1 (ii) divorce, separate maintenance or annulment filed pursuant to
2 article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments
3 thereto, or K.S.A. 60-1601 et seq., prior to their transfer or repeal.

4 (B) On sworn testimony to support a showing of good cause, orders
5 issued under the protection from abuse act may modify interlocutory
6 orders issued pursuant to K.S.A. 23-2707, and amendments thereto.

7 (C) For purposes of this paragraph, immediate and present danger of
8 abuse to the plaintiff or minor children shall constitute good cause.

9 (4) (A) Any legal custody or parenting time order, or order relating to
10 the best interests of a child, issued pursuant to the revised Kansas code for
11 care of children or the revised Kansas juvenile justice code, shall be
12 binding and shall take precedence over any such custody or parenting
13 order involving the same child issued under the protection from abuse act,
14 until jurisdiction under the revised Kansas code for care of children or the
15 revised Kansas juvenile justice code is terminated.

16 (B) Any inconsistent legal custody or parenting order issued in the
17 revised Kansas code for care of children case or the revised Kansas
18 juvenile justice code case shall be specific in its terms, reference any
19 preexisting protection from abuse order and the custody being modified,
20 and a copy of such order shall be filed in the preexisting protection from
21 abuse case.

22 (d) If the parties to an action under the protection from abuse act are
23 not married to each other and one party owns the residence or household,
24 the court shall not have the authority to grant possession of the residence
25 or household under subsection (a)(2) to the exclusion of the party who
26 owns it.

27 (e) Subject to the provisions of subsections (b), (c) and (d), a
28 protective order or approved consent agreement shall remain in effect until
29 modified or dismissed by the court and shall be for a fixed period of time
30 not less than one year and not more than two years, except as provided in
31 paragraphs (1) and (2).

32 (1) Upon motion of the plaintiff, such period may be extended for an
33 additional period of not less than one year and not more than three years.
34 *If the plaintiff is a victim of domestic battery as described in K.S.A. 21-*
35 *5414, and amendments thereto, and the defendant is the person who*
36 *committed such domestic battery, such period may be extended for the*
37 *plaintiff's lifetime.*

38 (2) Upon verified motion of the plaintiff and after the defendant has
39 been personally served with a copy of the motion and has had an
40 opportunity to present evidence and cross-examine witnesses at a hearing
41 on the motion, the court shall extend a protective order for not less than
42 one additional year and may extend the protective order up to the lifetime
43 of the defendant if the court determines by a preponderance of the

1 evidence that the defendant has: (A) Violated a valid protection order; (B)
2 previously violated a valid protection order; or (C) been convicted of a
3 person felony or any conspiracy, criminal solicitation or attempt thereof,
4 under the laws of Kansas or the laws of any other jurisdiction which are
5 substantially similar to such person felony, committed against the plaintiff
6 or any member of the plaintiff's household. No service fee shall be
7 required for a motion filed pursuant to this subsection.

8 (f) The court may amend its order or agreement at any time upon
9 motion filed by either party.

10 (g) No order or agreement under the protection from abuse act shall
11 in any manner affect title to any real property.

12 (h) (1) If a person enters or remains on premises or property violating
13 an order issued pursuant to subsection (a)(2), such violation shall
14 constitute criminal trespass as defined in K.S.A. 21-5808(a)(1)(C), and
15 amendments thereto, and violation of a protective order as defined in
16 K.S.A. 21-5924, and amendments thereto.

17 (2) If a person abuses, molests or interferes with the privacy or rights
18 of another violating an order issued pursuant to subsection (a)(1), such
19 violation may constitute assault as defined in K.S.A. 21-5412(a), and
20 amendments thereto, battery as defined in K.S.A. 21-5413(a), and
21 amendments thereto, domestic battery as defined in K.S.A. 21-5414, and
22 amendments thereto, and violation of a protective order as defined in
23 K.S.A. 21-5924, and amendments thereto.

24 Sec. 7. K.S.A. 60-31a06 is hereby amended to read as follows: 60-
25 31a06. (a) The court may issue a protection from stalking, sexual assault or
26 human trafficking order granting any one or more of the following orders:

27 (1) Restraining the defendant from following, harassing, telephoning,
28 contacting, *including digital contact*, or otherwise communicating with the
29 victim. The order shall contain a statement that, if the order is violated, the
30 violation may constitute stalking as defined in K.S.A. 21-5427, and
31 amendments thereto, and violation of a protective order as defined in
32 K.S.A. 21-5924, and amendments thereto.

33 (2) Restraining the defendant from abusing, molesting or interfering
34 with the privacy rights of the victim. The order shall contain a statement
35 that, if the order is violated, the violation may constitute stalking as
36 defined in K.S.A. 21-5427, and amendments thereto, assault as defined in
37 K.S.A. 21-5412(a), and amendments thereto, battery as defined in K.S.A.
38 21-5413(a), and amendments thereto, and violation of a protective order as
39 defined in K.S.A. 21-5924, and amendments thereto.

40 (3) Restraining the defendant from entering upon or in the victim's
41 residence or the immediate vicinity thereof. The order shall contain a
42 statement that, if the order is violated, the violation shall constitute
43 criminal trespass as defined in K.S.A. 21-5808(a)(1)(C), and amendments

1 thereto, and violation of a protective order as defined in K.S.A. 21-5924,
2 and amendments thereto.

3 (4) Restraining the defendant from committing or attempting to
4 commit a sexual assault upon the victim. The order shall contain a
5 statement that, if the order is violated, the violation shall constitute
6 violation of a protective order as defined in K.S.A. 21-5924, and
7 amendments thereto. The order shall also contain a statement that, if the
8 order is violated, the violation may constitute a sex offense under article
9 55 of chapter 21 of the Kansas Statutes Annotated, and amendments
10 thereto, and the accused may be prosecuted, convicted of and punished for
11 such sex offense.

12 (5) Restraining the defendant from following, harassing, telephoning,
13 contacting, *including, but not limited to, digital contact*, recruiting,
14 harboring, transporting, or committing or attempting to commit human
15 trafficking upon the human trafficking victim, or otherwise communicating
16 with the human trafficking victim. The order shall contain a statement that,
17 if the order is violated, the violation shall constitute violation of a
18 protective order as defined in K.S.A. 21-5924, and amendments thereto.
19 The order shall also contain a statement that, if the order is violated, the
20 violation may constitute an offense under chapter 21 of the Kansas
21 Statutes Annotated, and amendments thereto, and the accused may be
22 prosecuted, convicted of and punished for such offense.

23 (6) *Prohibiting the defendant from entering within 300 feet of the*
24 *plaintiff's home, place of employment, school or any other location the*
25 *court deems necessary.*

26 (7) *Prohibiting the defendant from accessing a connected vehicle*
27 *service in a vehicle that is being driven by the victim.*

28 (8) Any other order deemed necessary by the court to carry out the
29 provisions of this act.

30 (b) A protection from stalking, sexual assault or human trafficking
31 order shall remain in effect until modified or dismissed by the court and
32 shall be for a fixed period of time not less than one year and not more than
33 two years, except as provided in subsections (c) and (d).

34 (c) Upon motion of the plaintiff the court may extend the order for an
35 additional period of not less than one year and not more than three years.

36 (d) (1) Upon verified motion of the plaintiff and after the defendant
37 has been personally served with a copy of the motion and has had an
38 opportunity to present evidence and cross-examine witnesses at a hearing
39 on the motion, the court shall extend a protective order for not less than
40 two additional years and up to a period of time not to exceed the lifetime
41 of the defendant, if the court determines by a preponderance of the
42 evidence that the defendant has:

43 (†)(A) Violated a valid protection order;

1 ~~(2)~~(B) previously violated a valid protection order; or
2 ~~(3)~~(C) been convicted of a person felony or any conspiracy, criminal
3 solicitation or attempt thereof, under the laws of Kansas or the laws of any
4 other jurisdiction which are substantially similar to such person felony,
5 committed against the plaintiff or any member of the plaintiff's household.

6 (2) No service fee shall be required for a motion filed pursuant to this
7 subsection.

8 (e) The court may amend its order at any time upon motion filed by
9 either party.

10 (f) The court shall assess costs against the defendant and may award
11 attorney fees to the victim in any case in which the court issues a
12 protection from stalking, sexual assault or human trafficking order
13 pursuant to this act. The court may award attorney fees to the defendant in
14 any case where the court finds that the petition to seek relief pursuant to
15 this act is without merit.

16 (g) A no contact or restraining provision in a protective order issued
17 pursuant to this section shall not be construed to prevent:

18 (1) Contact between the attorneys representing the parties;

19 (2) a party from appearing at a scheduled court or administrative
20 hearing; or

21 (3) a defendant or defendant's attorney from sending the plaintiff
22 copies of any legal pleadings filed in court relating to civil or criminal
23 matters presently relevant to the plaintiff.

24 (h) For the purposes of this section, "harassing" or "interfering with
25 the privacy rights" includes, but is not limited to, utilizing any electronic
26 tracking system or acquiring tracking information to determine the
27 targeted person's location, movement or travel patterns.

28 Sec. 8. K.S.A. 75-7d05 is hereby amended to read as follows: 75-
29 7d05. (a) The attorney general shall establish by rules and regulations the
30 requirements for a batterer intervention certification program. These
31 requirements may include, but not be limited to:

32 (1) Standards;

33 (2) program elements and goals;

34 (3) the role of the certified batterer intervention program in the
35 community;

36 (4) technical considerations which may include, but not be limited to,
37 consideration of any combination of:

38 (A) Expectations of batterers;

39 (B) group composition;

40 (C) facilitation;

41 (D) curriculum;

42 (E) prohibited and restricted practices;

43 (F) batterer confidentiality, victim confidentiality and safety checks;

- 1 (G) ~~program length~~;
2 ~~(H)~~—victim notification;
3 ~~(H)~~ victim involvement;
4 ~~(I)~~ public relations;
5 ~~(J)~~ research;
6 ~~(K)~~ agency structure; and
7 ~~(L)~~ personnel policies and procedures;
8 (5) the assessment of batterer participants and the utilization of the
9 Kansas domestic violence offender assessment;
10 (6) orientation training and continuing education requirements for
11 program facilitators, program supervisors and program coordinators, and
12 any agent or employee of a certified batterer intervention program who
13 directly provides intervention services to clients of such program; and
14 (7) any other requirements or conditions as may be required by the
15 attorney general.
16 (b) Such rules and regulations shall require the following:
17 (1) The Kansas domestic violence offender assessment shall be
18 completed by:
19 (A) An individual who is licensed to practice in Kansas as a licensed
20 psychologist, licensed baccalaureate social worker, licensed master social
21 worker, licensed specialist clinical social worker, licensed marriage and
22 family therapist, licensed addiction counselor, licensed clinical addiction
23 counselor, licensed clinical marriage and family therapist, licensed
24 professional counselor, licensed clinical professional counselor, licensed
25 masters level psychologist or licensed clinical psychotherapist; or
26 (B) an individual who meets the requirements of subsection (b)(2).
27 (2) Any person who is not licensed as required in subsection (b)(1)
28 (A) who is completing domestic violence offender assessments as an
29 employee of or volunteer for a batterer intervention program immediately
30 prior to January 1, 2013, may continue to complete such assessments on
31 and after January 1, 2013, if such person remains an employee of or
32 volunteer for the same program, and such program remains a certified
33 batterer intervention program. When such person is no longer an employee
34 of or volunteer for the program in which they were employed or
35 volunteering immediately prior to January 1, 2013, such person shall not
36 be allowed to complete the Kansas domestic violence offender assessment
37 for any certified batterer intervention program without meeting the license
38 requirements prescribed in subsection (b)(1)(A).
39 (3) *A batterer intervention program that is certified pursuant to this*
40 *section shall require participants to attend the program for a minimum of*
41 *52 weeks, complete such program and be evaluated by program staff prior*
42 *to starting such program and after completing such program. Three*
43 *unexcused absences in a row or seven unexcused absences over the course*

- 1 *of the entire program shall be considered noncompletion of the program.*
2 Sec. 9. K.S.A. 21-5427, 22-2307, 22-3201, 60-455, 60-3107, 60-
3 31a06 and 75-7d05 and K.S.A. 2025 Supp. 45-219 are hereby repealed.
4 Sec. 10. This act shall take effect and be in force from and after its
5 publication in the statute book.