

## 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      (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 (f)(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

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

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

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

6             ~~(1)~~(A) Any conduct proscribed by article 35 of chapter 21 of the  
7 Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21  
8 of the Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 21-  
9 6419 through 21-6422, and amendments thereto;

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

13             ~~(3)~~(C) exposing another to a life threatening communicable disease,  
14 as described in K.S.A. 21-3435(a)(1), prior to its repeal, or K.S.A. 21-  
15 5424(a)(1), and amendments thereto;

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

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

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

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

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

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

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

41                 (2) "domestic violence offense" means the same as defined in K.S.A.  
42 21-5111, and amendments thereto.

43     ~~(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       (K)(J) research;  
6       (L)(K) agency structure; and  
7       (M)(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.