

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 265

As Amended by House Committee on Judiciary

Brief*

SB 265, as amended, would amend the crime of violating a protective order to establish penalties for repeat violations of such orders and would amend law relating to service of process fees to prohibit such fees from being charged to serve process for certain protective order actions.

Violation of a Protection Order

The bill would add a penalty for a second or subsequent conviction for violating a protection order from stalking, sexual assault, or human trafficking order as a severity level 7 person felony. Current law provides the penalty is a Class A person misdemeanor, regardless of how many times a violation has occurred previously.

The bill would also add a penalty upon a second or subsequent conviction for violating an extended protective order as a severity level 4 person felony. Current law provides the penalty is a severity level 6 person felony regardless of how many times a violation has occurred previously.

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

Protection Order Proceeding Service Fees

The bill would amend law to specify that no fee could be charged for serving, executing, and returning any process for a proceeding under the Kansas Protection from Abuse Act or the Protection from Stalking, Sexual Assault, and Human Trafficking Act.

[*Note:* Under current law, a sheriff may charge a fee of \$15 for serving, executing, and returning any process.]

Technical Amendments

Technical amendments to update a reference to a statutory supplement and to remove outdated service of process provisions would be made by the bill.

Background

The bill was introduced by the Senate Committee on Ways and Means at the request of Senator McGinn. The bill was referred to the Senate Committee on Judiciary on February 17, 2023.

Senate Committee on Judiciary

In the Senate Committee hearing on March 6, 2023, **proponent** testimony was provided by a Sedgwick County District Court judge who generally stated the intent of the bill is to subject a repeat offender to increased penalties for violations of a protective order.

Written-only proponent testimony was provided by a representative of the Kansas Coalition Against Sexual and Domestic Violence; a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association; and a private citizen.

No other testimony was provided.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill on March 27, 2023, to include provisions pertaining to orders of restitution for support of a minor child.

[*Note:* These provisions were removed by the House Committee on Judiciary.]

House Committee on Judiciary

In the House Committee hearing on March 13, 2024, **proponent** testimony was provided by an 18th Judicial District judge; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association; and a representative of the Kansas Coalition Against Sexual and Domestic Violence. The proponents indicated the bill would provide a higher level of penalty for repeat violators of protective orders. One proponent also suggested an amendment that would remove the fees for protection order service of process.

Written-only proponent testimony was provided by a private citizen.

No other testimony was provided.

The House Committee amended the bill on March 21, 2024, by removing the provisions of the bill pertaining to orders of restitution for support of a minor child, adding provisions to remove fees charged by law enforcement for service of process for protection order cases, and by making a technical amendment to update a statutory supplement reference.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission estimates enactment of the bill could increase prison admissions and the number of beds needed, but that a precise effect cannot be determined at this time.

The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its FY 2023 Adult Inmate Prison Population Projections report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024.

The Office of Judicial Administration and the Department of Corrections indicate enactment of the bill would not have a fiscal effect.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Protective order; protection from stalking order; protection from sexual assault order; protection from human trafficking order; violation