

HOUSE BILL No. 2376

By Committee on Judiciary

2-12

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to violation of a protective order; requiring law enforcement agencies
3 to adopt a policy related to arrests and separation of the suspect from
4 the scene; amending K.S.A. 2020 Supp. 22-2307 and repealing the
5 existing section.
6

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

8 Section 1. K.S.A. 2020 Supp. 22-2307 is hereby amended to read as
9 follows: 22-2307. (a) All law enforcement agencies in this state shall adopt
10 written policies regarding domestic violence calls as provided in
11 subsections (b) and (c). These policies shall be made available to all
12 officers of such agency.

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

15 (1) A statement directing that when a law enforcement officer
16 determines that there is probable cause to believe that a crime or offense
17 involving domestic violence, as defined in K.S.A. 2020 Supp. 21-5111,
18 and amendments thereto, *or a violation of a protective order, as defined in*
19 *K.S.A. 2020 Supp. 21-5924(a)(1) or (a)(6), and amendments thereto,* has
20 been committed, the officer shall, without undue delay, arrest the person
21 for which the officer has probable cause to believe committed the crime or
22 offense if such person's actions were not an act of defense of a person or
23 property as provided in K.S.A. 2020 Supp. 21-5222, 21-5223, 21-5225,
24 21-5230 or 21-5231, and amendments thereto;

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

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

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

32 (3) a statement directing that if a law enforcement officer receives
33 complaints of domestic violence from two or more opposing persons, the
34 officer shall evaluate each complaint separately to determine if there is
35 probable cause that each accused person committed a crime or offense and
36 their actions were not an act of defense of a person or property as provided

- 1 in K.S.A. 2020 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231,
2 and amendments thereto;
- 3 (4) a statement defining domestic violence in accordance with K.S.A.
4 2020 Supp. 21-5111, and amendments thereto;
- 5 (5) a statement describing the dispatchers' responsibilities;
- 6 (6) a statement describing the responding officers' responsibilities and
7 procedures to follow when responding to a domestic violence call and the
8 suspect is at the scene, *including procedures to keep the suspect away from*
9 *the scene for a period of time if the officer determines such action is*
10 *necessary to maintain the safety of all persons involved;*
- 11 (7) a statement regarding procedures when the suspect has left the
12 scene of the crime;
- 13 (8) procedures for both misdemeanor and felony cases;
- 14 (9) procedures for law enforcement officers to follow when handling
15 domestic violence calls involving court orders, including protection from
16 abuse orders, restraining orders and a protective order issued by a court of
17 any state or Indian tribe;
- 18 (10) a statement that the law enforcement agency shall provide the
19 following information to victims, in writing:
- 20 (A) Availability of emergency and medical telephone numbers, if
21 needed;
- 22 (B) the law enforcement agency's report number;
- 23 (C) the address and telephone number of the prosecutor's office the
24 victim should contact to obtain information about victims' rights pursuant
25 to K.S.A. 74-7333 and 74-7335, and amendments thereto;
- 26 (D) the name and address of the crime victims' compensation board
27 and information about possible compensation benefits;
- 28 (E) advise the victim that the details of the crime may be made
29 public;
- 30 (F) advise the victim of such victims' rights under K.S.A. 74-7333
31 and 74-7335, and amendments thereto; and
- 32 (G) advise the victim of known available resources which may assist
33 the victim; and
- 34 (11) whether an arrest is made or not, a standard offense report shall
35 be completed on all such incidents and sent to the Kansas bureau of
36 investigation.
- 37 (c) Such written policies shall provide that when an arrest is made for
38 a domestic violence offense as defined in K.S.A. 2020 Supp. 21-5111, and
39 amendments thereto, including an arrest for violation of a protection order
40 as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto, the
41 officer shall provide the victim information related to:
- 42 (A) The fact that in some cases the person arrested can be released
43 from custody in a short amount of time;

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

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

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

11 Sec. 2. K.S.A. 2020 Supp. 22-2307 is hereby repealed.

12 Sec. 3. This act shall take effect and be in force from and after its
13 publication in the statute book.