

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 281

As Amended by Senate Committee on Judiciary

Brief*

SB 281 would amend the Protection from Stalking or Sexual Assault Act to apply to victims of human trafficking. The bill would rename the Act the Protection from Stalking, Sexual Assault, or Human Trafficking Act and would define “human trafficking” as any act that would constitute the following crimes as defined in Kansas criminal law: human trafficking, aggravated human trafficking, commercial sexual exploitation of a child, and selling sexual relations. Similarly, “human trafficking victim” would be defined as a victim of one of these crimes.

The bill would revise who may seek relief on behalf of a minor child under the Protection from Abuse and Protection from Stalking, Sexual Assault, or Human Trafficking Acts. Specifically, when a minor child is alleged to be a human trafficking victim, the bill would allow the following to seek relief on the minor’s behalf: a parent of the minor child; an adult residing with the minor child; the child’s court-appointed legal custodian or court-appointed legal guardian; a county or district attorney; or the attorney general. Additionally, the bill would allow the child’s court-appointed legal custodian or court-appointed legal guardian to seek relief on behalf of a minor child under the Protection from Abuse Act and the Protection from Stalking, Sexual Assault, or Human Trafficking Act. Under continuing law in these Acts, parents and adults residing with the minor are authorized to seek relief on behalf of a minor not alleged to be a human trafficking victim.

*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>

The bill would allow a court to enter an order restraining the defendant from following, harassing, telephoning, contacting, recruiting, harboring, transporting, or committing or attempting to commit human trafficking upon the human trafficking victim or otherwise communicating with the human trafficking victim. The order would be required to contain a statement that violation of the order may constitute an offense under the Kansas Criminal Code, and the accused may be prosecuted, convicted of, and punished for such offense.

The bill would also make conforming amendments to statutes within the Act and would amend the crime of violation of a protective order, a class A misdemeanor, to include knowingly violating a protection from human trafficking order.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Office of the Attorney General (AG). In the Senate Committee hearing, representatives of the Office of the AG and the Johnson County Sheriff's Office appeared in support of the bill. The AG and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs' Association offered written-only testimony in support of the bill. Representatives of the Kansas Association of Counties (KAC) and League of Kansas Municipalities offered neutral testimony and requested an exception for municipal employees to a requirement enacted by 2017 House Sub. for SB 40 for commercial drivers license applicants to receive training on human trafficking identification and prevention. No other testimony was provided.

The Senate Committee adopted an amendment that would revise who may seek relief on behalf of a minor child under the Protection from Abuse and Protection from Stalking, Sexual Assault, or Human Trafficking Acts, as well as who may seek relief on behalf of a minor child alleged to be a human trafficking victim.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates enactment could increase litigation, however the precise impact cannot be determined and would likely be accommodated within existing resources.

The Kansas Sentencing Commission indicates enactment could have an effect on prison admissions and bed space; however, any effect would be negligible.

The Office of the AG indicates any fiscal effect could be handled within existing resources.

The KAC indicates there could be added enforcement costs because of the scope of protective orders; however, the precise impact is unknown.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2019 Governor's Budget Report*.