

HOUSE BILL No. 2033

By Committee on Judiciary

1-17

AN ACT concerning civil procedure; relating to protection from abuse and protection from stalking; amending K.S.A. 2002 Supp. 60-3102 and 60-31a02 and repealing the existing sections.

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

Section 1. K.S.A. 2002 Supp. 60-3102 is hereby amended to read as follows: 60-3102. As used in the protection from abuse act:

(a) "Abuse" means the occurrence of one or more of the following acts between intimate partners or household members:

(1) Intentionally attempting to cause bodily injury, or intentionally or recklessly causing bodily injury.

(2) Intentionally placing, by physical threat, another in fear of imminent bodily injury.

(3) Engaging in any of the following acts with a minor under 16 years of age who is not the spouse of the offender:

(A) The act of sexual intercourse; or

(B) any lewd fondling or touching of the person of either the minor or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the minor or the offender, or both.

Such acts shall have occurred within one year preceding the filing of the petition.

(b) "Intimate partners or household members" means persons who are or have been in a dating relationship, persons who reside together or who have formerly resided together or persons who have had a child in common.

(c) "Dating relationship" means a social relationship of a romantic nature. A dating relationship shall be presumed if a plaintiff verifies, pursuant to K.S.A. 53-601, and amendments thereto, that such relationship exists. In addition to any other factors the court deems relevant, the court shall consider the following factors in making a determination of whether a relationship exists or existed include:

(1) Nature of the relationship;

(2) length of time the relationship existed;

(3) frequency of interaction between the parties; and

(4) time since termination of the relationship, if applicable.

1 Sec. 2. K.S.A. 2002 Supp. 60-31a02 is hereby amended to read as
2 follows: 60-31a02. As used in the protection from stalking act:

3 (a) "Stalking" means an intentional harassment of another person that
4 places the other person in reasonable fear for that person's safety.

5 (b) "Harassment" means a knowing and intentional course of conduct
6 directed at a specific person that seriously alarms, ~~annoys~~, torments or
7 terrorizes the person, and that serves no legitimate purpose.

8 (c) "Course of conduct" means conduct consisting of two or more
9 separate acts over a *six month* period of time, ~~however short~~, evidencing
10 a continuity of purpose which would cause a reasonable person to suffer
11 substantial emotional distress. *Such acts shall have occurred within one*
12 *year preceding the filing of the petition.* Constitutionally protected activity
13 is not included within the meaning of "course of conduct."

14 Sec. 3. K.S.A. 2002 Supp. 60-3102 and 60-31a02 are hereby
15 repealed.

16 Sec. 4. This act shall take effect and be in force from and after its
17 publication in the statute book.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43