

Protection from Stalking, Sexual Assault, or Human Trafficking Act; SB 281

SB 281 amends the Protection from Stalking or Sexual Assault Act to apply to victims of human trafficking. The bill renames the act the Protection from Stalking, Sexual Assault, or Human Trafficking Act and defines “human trafficking” as any act that constitutes 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” is defined as a victim of one of these crimes.

The bill revises who may seek relief on behalf of a minor child under the Protection from Abuse and Protection from Stalking, Sexual Assault, or Human Trafficking Act. Specifically, when a minor child is alleged to be a human trafficking victim, the bill allows 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 allows 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.

The bill allows 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 must 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 replaces references in the Protection from Abuse Act and Protection from Stalking, Sexual Assault, or Human Trafficking Act to “district judge” with “judge of the district court.”

The bill also makes conforming amendments to statutes within the Protection from Stalking, Sexual Assault, or Human Trafficking Act and amends the crime of violation of a protective order, a class A misdemeanor, to include knowingly violating a protection from human trafficking order.