

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2613

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2613 would require courts to extend protection from abuse and protection from stalking orders for at least two years and allow extension up to the lifetime of a defendant if, upon verified motion of the plaintiff and after the defendant has had an opportunity to present evidence at a hearing on the motion, it determines by a preponderance of the evidence that the defendant has violated a valid protection order, been convicted of a person felony, or been convicted of conspiracy, criminal solicitation, or attempt of a person felony, committed against the plaintiff or any member of the plaintiff's household. Violation of an extended protection order would be a severity level 6, person felony. The bill would provide that no service fee would be required for a motion for an extended protection order.

Background

In the House Committee on Corrections and Juvenile Justice, representatives of the Attorney General's Office and the Kansas Coalition Against Sexual and Domestic Violence, in addition to a private citizen, appeared in support of HB 2613. The Committee amended the bill to change violation of an extended protection order from a level 5 to a level 6, person felony. Additionally, the Committee amended the bill to add conspiracy and criminal solicitation of a person felony to the list of crimes that would allow for an extended protection order and to require that the person felony, or the

*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>

conspiracy, criminal solicitation, or attempt thereof be committed against the plaintiff or any member of the plaintiff's household. Finally, the Committee restored to current law an amendment in the bill as introduced that would have required personal service under the Protection From Abuse Act and Protection From Stalking Act.

The fiscal note indicates that passage of HB 2613, as introduced, would result in an increase of adult prison beds. At this time, however, the Kansas Sentencing Commission does not have the data available to forecast the precise number of beds needed.