

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2613**

As Amended by Senate Committee on Judiciary

**Brief\***

HB 2613, as amended, 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, after the defendant has been personally served with a copy of the motion to extend the order and has had an opportunity to present evidence at a hearing on the motion and cross-examine witnesses, it is determined by a preponderance of the evidence that the defendant has either previously violated a valid protection order or been convicted of a person felony or 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 conspiracy,

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\*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>

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.

In the Senate Committee on Judiciary, Senator Dick Kelsey, a representative of the Attorney General's Office, and a private citizen appeared in support of the bill. No opponents offered testimony. The Committee amended the bill by adding provisions that would require personal service of a motion for an extended protection order to the defendant and give the defendant an opportunity to cross-examine witnesses at a hearing on the motion. It also amended the bill to clarify that the court shall extend the protective order if it finds by a preponderance of the evidence that the defendant either has previously violated a valid protection order or has been convicted of a person felony or any conspiracy, criminal solicitation, or attempt thereof committed against the plaintiff or any member of the plaintiff's household.

The revised fiscal note for HB 2613 indicates passage of the bill would result in an increase of five to 15 adult prison beds in FY 2013 and an increase of 24 to 71 adult prison beds by FY 2022. As the number of male inmates currently exceeds capacity, passage may result in additional contract or construction costs.