

Substitute for HOUSE BILL No. 2077

By Committee on Judiciary

2-13

AN ACT concerning protection from abuse orders; amending K.S.A. 60-3108 and K.S.A. 2000 Supp. 60-3102 and 60-3104 and repealing the existing sections.

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

New Section 1. (a) All emergency protection from abuse orders, temporary protection from abuse orders, protection from abuse orders, orders amending an existing protective order, other orders issued pursuant to article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or orders issued based on the laws of another jurisdiction which are entitled to full faith and credit in Kansas pursuant to the provisions of 18 U.S.C. 2265, and amendments thereto, shall be entered into the national criminal information center protection order file. A copy of these orders shall be delivered by the clerk of the court to the sheriff of the county where the order is issued or registered. The sheriff's office shall immediately enter the order into the national criminal information center and other appropriate databases after all mandatory identifiers are available. If the order is a foreign protective order, the sheriff's office shall contact the issuing jurisdiction to verify the order and request that such jurisdiction enter the order into the national criminal information center and other appropriate databases. Any modification of an order shall be forwarded immediately by the clerk of the court to the sheriff's office with jurisdiction to enforce the modified order. The sheriff's office and the court shall ensure the validity and accuracy of the entries of the orders.

(b) All orders which have been entered into the national criminal information center protection order file shall be cleared as an active record from the computer system when:

- (1) The order expires according to the terms of such order;
- (2) a Kansas court notifies the law enforcement agency which has jurisdiction over the entry of the order that such order has been dismissed; or
- (3) a foreign protective order has been invalidated by either a Kansas court or a foreign court with jurisdiction over such order.

(c) This section shall be part of and supplemental to the protection

1 from abuse act.

2 Sec. 2. K.S.A. 2000 Supp. 60-3102 is hereby amended to read as
3 follows: 60-3102. As used in this act:

4 (a) “Abuse” means the occurrence of one or more of the following acts
5 between ~~persons who reside together, who formerly resided together or~~
6 ~~who have or has had a child in common~~ intimate partners or household
7 members:

8 ~~(a)~~ (1) Intentionally attempting to cause bodily injury, or intentionally
9 or recklessly causing bodily injury.

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

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

14 ~~(1)~~ (A) The act of sexual intercourse; or

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

18 (b) “Intimate partners or household members” mean persons who are
19 or have been in a dating relationship, persons who reside together or who
20 have formerly resided together or persons who have had a child in
21 common.

22 (c) “Dating relationship” means a social relationship of a romantic
23 nature consisting of one or more dates. A dating relationship shall be
24 presumed if a plaintiff verifies, pursuant to K.S.A. 53-601, and amend-
25 ments thereto, that such relationship exists. Factors that a court may con-
26 sider in making a determination of whether a relationship exists or existed
27 include:

28 (1) The nature of the relationship;

29 (2) the length of time the relationship has existed;

30 (3) the frequency of interaction between the parties; and

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

32 Sec. 3. K.S.A. 2000 Supp. 60-3104 is hereby amended to read as
33 follows: 60-3104. (a) ~~A person~~ An intimate partner or household member
34 may seek relief under the protection from abuse act by filing a verified
35 petition with any district judge or with the clerk of the court alleging
36 abuse by another ~~with whom the person resides, formerly resided or has~~
37 ~~or has had a child in common~~ intimate partner or household member.

38 (b) A parent of or an adult residing with a minor child may seek relief
39 under the protection from abuse act on behalf of the minor child by filing
40 a verified petition with any district judge or with the clerk of the court
41 alleging abuse, *as defined by K.S.A. 60-3102, and amendments thereto,*
42 ~~by another with whom the child resides, formerly resided or has or has~~
43 ~~had a child in common~~ intimate partner or household member.

1 (c) The clerk of the court shall supply the forms for the petition and
2 orders, which shall be prescribed by the supreme court.

3 (d) Service of process served under this section shall be by personal
4 service and not by certified mail return receipt requested. No docket fee
5 shall be required for proceedings under the protection from abuse act.

6 (e) If the court finds that the plaintiff's address or telephone number,
7 or both, needs to remain confidential for the protection of the plaintiff,
8 plaintiff's minor children or minor children residing with the plaintiff,
9 such information shall not be disclosed to the public, but only to author-
10 ized court or law enforcement personnel.

11 Sec. 4. K.S.A. 60-3108 is hereby amended to read as follows: 60-
12 3108. A copy of any order under this act shall be issued to the plaintiff,
13 the defendant and the police department of the city where the plaintiff
14 resides. If the plaintiff does not reside in a city or resides in a city with
15 no police department, a copy of the order shall be issued to the sheriff
16 of the county where the ~~plaintiff resides~~ *order is issued or registered*.

17 Sec. 5. K.S.A. 60-3108 and K.S.A. 2000 Supp. 60-3102 and 60-3104
18 are hereby repealed.

19 Sec. 6. This act shall take effect and be in force from and after its
20 publication in the statute book.

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