

HOUSE BILL No. 2382

By Committee on Judiciary

2-5

9 AN ACT concerning civil procedure; relating to orders for protection
10 from abuse; amending K.S.A. 60-3112 and repealing the existing
11 section.
12

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

14 Section 1. K.S.A. 60-3112 is hereby amended to read as follows: 60-
15 3112. (a) *Except as provided in subsection (b)*, all temporary, amended,
16 final and other protection from abuse orders issued pursuant to article
17 31 of chapter 60 of the Kansas Statutes Annotated, and amendments
18 thereto, or protection orders issued based on the laws of another juris-
19 diction which are entitled to full faith and credit in Kansas pursuant to
20 the provisions of 18 U.S.C. 2265, and amendments thereto, shall be enter-
21 ed into the national criminal information center protection order file.
22 *Except as provided in subsection (b)*, all emergency protection from abuse
23 orders issued pursuant to article 31 of chapter 60 of the Kansas Statutes
24 Annotated, and amendments thereto, and such emergency orders issued
25 based on the laws of another jurisdiction which are entitled to full faith
26 and credit in Kansas pursuant to the provisions of 18 U.S.C. 2265, and
27 amendments thereto, may be entered into the national criminal infor-
28 mation center protection order file. A copy of these orders shall be de-
29 livered by the clerk of the court to the sheriff of the county where the
30 order is issued or registered. The sheriff's office shall immediately enter
31 the order into the national criminal information center and other appro-
32 priate databases after all mandatory identifiers are available. If the order
33 is a foreign protective order, the sheriff's office shall contact the issuing
34 jurisdiction to verify the order and request that such jurisdiction enter
35 the order into the national criminal information center and other appro-
36 priate databases. Any modification of an order shall be forwarded im-
37 mediately by the clerk of the court to the sheriff's office with jurisdiction
38 to enforce the modified order. The sheriff's office shall ensure the ac-
39 curacy of the entries and the court shall ensure the validity of the orders.

40 (b) *No order shall be entered into the national criminal information*
41 *center protection file without a hearing as provided by K.S.A. 60-3106,*
42 *and amendments thereto, unless the defendant waives such a hearing or*
43 *fails to appear at such a hearing after having reasonable notice of the*

1 *plaintiff's petition by personal service as provided in subsection (d) of*
2 *K.S.A. 60-3104, and amendments thereto.*

3 ~~(b)~~ (c) All emergency and temporary orders which have been entered
4 into the national criminal information center file shall be canceled upon
5 the expiration of the time period set out in the court order, or, if no time
6 period is set, no later than one year from the entry date. All other orders
7 which have been entered into the national criminal information center
8 protection order file shall be cleared as an active record from the com-
9 puter system when:

10 (1) The order expires according to the terms of such order;

11 (2) a Kansas court notifies the law enforcement agency which has
12 jurisdiction over the entry of the order that such order has been dis-
13 missed; or

14 (3) a foreign protective order has been invalidated by either a Kansas
15 court or a foreign court with jurisdiction over such order.

16 ~~(c)~~ (d) This section shall be part of and supplemental to the protection
17 from abuse act.

18 Sec. 2. K.S.A. 60-3112 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.