

Approved: 3-27-95  
Date

## MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on February 16, 1995 in Room 514-S of the Capitol.

All members were present except: Senator Rock (excused)

Committee staff present: Michael Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Janice Brasher, Committee Secretary

Conferees appearing before the committee:

Carla Stovall, Kansas Attorney General  
Nola Foulston, Sedgwick County District Attorney  
Sue Russell, Women's Crisis Center  
Judge Harold Flaigle, Wichita Municipal court  
Blaise Plummer, Assistant City Attorney, Wichita, Kansas  
Shawna Mobley, Correctional Counseling of Kansas  
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence  
Rod Symmonds, Lyon County Attorney  
Janet Valente Pape, Catholic Charities  
Helen Stephens, Kansas Peace Officers' Assn. & Kansas Sheriffs' Assn.

Others attending: See attached list

Chairman Emert called the meeting to order and introduced Senator Ranson, one of the principal sponsors of **SB 177.**

### **SB 177--Enhanced penalties for repeated acts of battery.**

Senator Ranson expressed support for **SB 177** in the hope that this bill will help reduce violence in society. Senator Ranson referred to a handout from the Kansas Association Chiefs of Police who have endorsed this bill. Senator Ranson stated that were several suggested amendments.

Attorney General, Carla Stovall addressed the Committee supporting the concept of **SB 177** and commended Senator Ranson and Sedgwick County District Attorney for bringing before the legislature this bill addressing this type of violence. General Stovall stated support for the bill and offered some amendments. (Attachment 1) Under Section 2 (c), K.S.A. 1994, levels of severity for second and third or subsequent violations were added. A new subsection (d) was added to define in the statute what a prior conviction is, specifically, including language that allows when someone enters a diversion on a battery conviction/charge that diversion also qualifies as a conviction, and goes into the history and is counted as a prior conviction including convictions from other states. Also under new subsection (d) the conviction history is extended from five years to ten years. General Stovall concluded by encouraging the Committee to support this bill with the suggested amendments. (Attachment 2)

District Attorney Nola Foulston addressed the Committee supporting **SB 177** and referred to written testimony. (Attachment 3) Ms Foulston referred to a second testimony concerning adjudication as a juvenile offender. (Attachment 4). Ms Foulston explained that this bill came about to address domestic violence, but that this bill applies to violent behavior regardless of the relationships of the victim and offender. This bill was designed to punish the cause of violence not the relationship. This bill would apply to all individuals who commit crimes of battery within a five year period immediately preceding the commission of the act. Ms Foulston offered some corrections on this bill referring to line 23 and eliminating the word "uncontrolled." The other amendments would apply to juveniles. Ms Foulston stated that one of the purposes of this bill is make sure that any batteries committed after the first felony conviction would remain felonies irrespective of number of years that have elapsed. Ms Foulston commented that it is important to recognize the need to punish violent conduct with consistent penalties, while providing the court flexibility to assess the needs of the offender. This could be achieved by the placement of a third or subsequent offense as a Severity Level 5 person felony, regardless of the time period in which it occurs. Under the present sentencing guidelines this would be a category I and because of the enhancements in this statute, prior convictions, this would remain a

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on February 16, 1995.

category I in the event that an individual was convicted in the future. Describing the nature of this statute--- Ms Foulston concluded by comparing the penalties for writing a worthless check to committing this type of violent act, and suggested that the Kansas Legislature let people know that they are interested in curtailing violence, and this bill will be a measure in that direction.

Discussion followed concerning the level of severity outlined in this bill and General Stovall's amendments. Ms Foulston discussed the reason for selecting a five year history period, and she was generally in favor of that period. Ms Foulston considers amending this bill to include diversion as a good feature. Ms Foulston addressed the rate of recidivism for this type of crime, stating that this bill is just a tool and that discretion can be used in prosecuting these crimes. The language in section one (preamble) was discussed. It might be extraneous. Suggestions were made by Ms Foulston to exclude the language in section one if necessary, that it was drafted to provide a vision for this bill.

Judge Flaigle spoke in support of **SB 177**. Judge Flaigle stated that it is important on the first occurrence that the offender understands that the second occurrence carries enhanced penalties and that the third occurrence could be a felony. Judge Flaigle referred to written testimony and stated that he would like to add to it that it could be a felony charge if that type of behavior continues. (Attachment 5)

Rod Symmonds, Lyon County Attorney, addressed the Committee to voice support to **SB 177**. Referring to written testimony, Mr. Symmonds discussed the statistics showing the increasing battery occurrences. Mr. Symmonds discussed the nature of the battery involving injury to another person and stated that statistic show that these crimes escalate. Mr. Symmonds that it is his hope that incidents of battery could be deterred and that this bill offers some solutions by increasing the punishment while offering the judge some discretion. Mr. Symmonds advised the Committee that this legislation is also supported by the Joint Law Enforcement Committee. (Attachment 6)

Discussion followed concerning the statistical information contained in Mr. Symmonds written testimony as pertaining to recidivism rates.

Blaise Plummer, Assistant City Attorney for Wichita, spoke in support of **SB 177** for the City Attorney's Office in Wichita and the Wichita City Council. Mr. Blaise offered support for the concepts of Attorney General's amendments.

Discussion followed concerning the misdemeanor charges and the practices of prosecution of battery charges. Concerns addressing the space in local jails were discussed.

Shawna Mobley, Correctional Counseling of Kansas, addressed the Committee in support for **SB 177**. Ms Mobley related experiences of the agency she represents in dealing with offenders. The agency provides programs for offenders in Wichita, Hutchinson and Emporia. Ms Mobley pointed out that in presumptive imprisonment category that there is the option of community correction. Ms Mobley stated in support for this bill in providing escalating penalties for persons convicted of battery offenses and applauded this bill for providing an option in these cases. Ms Mobley has observed that courts are making efforts to assess people first time out, whether for substance abuses or anger management and the courts are sending offenders to appropriate programs. This bill offers the option of attaching sanctions to repeat offenders not only for domestic violence but for violent acts against others in general. (Attachment 7)

Sue Russell, Director of the YWCA Women's Crisis Center/Safehouse in Wichita spoke in favor of **SB 177**. Ms Russell specifically addressed the impact this bill would have on incidents of domestic violence. Ms Russell stated that this bill would help to make offenders accountable for their actions. Ms Russell explained that often the victim of domestic violence is reluctant to report the crime because of the lack of sanctions toward the offender resulting in a lack of protection to the victim and the possibility of subsequent abuse. This bill sends two messages. One message is that violence will not be tolerated, and that the offender has to be accountable for his/her actions and secondly, this bill sends a message to victims stating that battering one's partner is as serious an offense as battering committed by a stranger by imposing serious sanctions (Attachment 8)

Sandra Barnett, Kansas Coalition Against Sexual and Domestic Violence spoke in support of **SB 177** citing the numerous occurrences of domestic violence, and the provisions of this bill that would address the seriousness of domestic violence. Ms Barnett discussed the number of repeat offenders and the hope that this bill will provide the courts with an effective deterrent tool. Ms Barnett concluded that **SB 177** will help to increase that deterrent effect by treating each successive offense cumulatively and adjusting punishments accordingly. (Attachment 9)

Additional information to be provided by Shawna Mobley regarding number of arrests and convictions.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on February 16, 1995.

Written testimony provided by Robert Runnels, Jr., Executive Director of Kansas Catholic Conference. (Attachment 10)

Written testimony provided by Helen Stephens, representing the Kansas Peace Officers Association. (Attachment 11)

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for February 17, 1995.







State of Kansas

## Office of the Attorney General

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

CARLA J. STOVALL  
ATTORNEY GENERAL

STATEMENT OF  
ATTORNEY GENERAL CARLA J. STOVALL  
BEFORE THE SENATE JUDICIARY COMMITTEE  
RE: SENATE BILL 177  
FEBRUARY 16, 1995

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
FAX: 296-6296

Dear Chairperson Emert and Members of the Committee:

I want to thank you for the opportunity to testify on behalf of SB 177. I appreciate the efforts of Senator Pat Ranson and Sedgwick County District Attorney Nola Foulston on the introduction and drafting of this bill. This bill is extremely important for the protection of our Kansas families.

Domestic violence involves people of all ages, ethnic and socio-economic backgrounds, lifestyles and marital status. Domestic violence occurs approximately every 25 minutes in Kansas. Kansas Law Enforcement Officers respond to more than 20,000 incidents of crime related to domestic violence each year. More than 65 percent of the incidents are determined to be batteries.

In 1993 Kansas domestic hotlines received more than 42,500 crisis calls. More than 5,000 children witnessed the abuse of a parent and 457 children were themselves physically injured during the course of their parent being victimized. More than 2,700 women and 3,500 children went to stay in a domestic violence shelter in 1993. In 1992, 4,582 protection from abuse orders were filed in our district courts and in 1993, 5,437 were filed. I believe that violence in the home is the most frequent type of violent crime that occurs in Kansas.

This bill will allow prosecutors and the courts to enhance penalties for the repeat offender. The National Council of Juvenile and Family Court Judges has recommended enhanced penalties in its Model Code on Domestic Violence. The Council's commentary for enhanced penalties states, "Enhanced penalties may deter some perpetrators and serve to persuade those subjected to elevated sanctions that refraining from violence is preferable to further incarceration."

I think it is extremely important to include language that defines convictions. I am suggesting amendments to the bill which would define the first, second, third and subsequent convictions. A conviction includes a violation of this section or entering into a

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diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of battery. A conviction includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution. Also I am requesting that these conviction histories should be extended to a ten year period instead of five years.

I appreciate your support of these amendments and Senate Bill 177. Thank you.

PP  
marked

SENATE BILL No. 177

By Senators Ranson, Bogina, Bond, Downey, Hardenburger, Harrington,  
Langworthy, Lawrence, Morris, Papay, Petty, Reynolds, Salisbury and  
Vancrum

2-1

11 AN ACT concerning crimes and punishment; relating to battery; penal-  
12 ties, repeated acts; amending K.S.A. 1994 Supp. 21-3412 and repealing  
13 the existing section.  
14

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

16 New Section 1. The legislature of the state of Kansas finds that re-  
17 peated acts of violence have escalated at an alarming rate. Violence in the  
18 home and in the streets has risen dramatically thus placing all citizens at  
19 risk for victimization. The legislature further finds that the likelihood of  
20 engaging in repeated acts of violence is high if the offender is not legally  
21 discouraged from continuation of such conduct. In an effort to protect  
22 the citizens of the state of Kansas from violent crime, the legislature finds  
23 that the punishment for each successive uncontrolled act of violence  
24 should increase proportionately so that a clear message is sent to the  
25 population of the state of Kansas that violence in any form shall not be  
26 tolerated.

27 Sec. 2. K.S.A. 1994 Supp. 21-3412 is hereby amended to read as  
28 follows: 21-3412. Battery is:

29 (a) Intentionally or recklessly causing bodily harm to another person;  
30 or

31 (b) intentionally causing physical contact with another person when  
32 done in a rude, insulting or angry manner.

33 Battery is a class B person misdemeanor.

34 (c) (1) Upon a first conviction of a violation of this section, a person  
35 shall be guilty of a class B person misdemeanor.

36 (2) ~~If, within five years immediately preceding commission of the~~  
37 ~~crime, a person is convicted of a violation of this section a second time,~~  
38 ~~having at least one time before within such period been convicted for such~~  
39 ~~crime or comparable crime under the laws of any municipality, state,~~  
40 ~~federal government or foreign government, such person shall be guilty of~~  
41 ~~a class A person misdemeanor.~~

42 (3) ~~If, within five years immediately preceding commission of the~~  
43 ~~crime, a person is convicted of a violation of this section a third or sub-~~

(2) On a second conviction of a violation of this section, a person shall be guilty of a class A person misdemeanor.

(3) On a third or subsequent conviction of a violation of this section, a person shall be guilty of a severity level 5, person felony.

(d) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) "conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) only convictions occurring in the immediately preceding ten years, including prior to the effective date of this act, be taken into account, but the court may

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1 ~~sequent time, such person shall be guilty of a severity level 3, person~~  
2 ~~felony.~~

3 Sec. 3. K.S.A. 1994 Supp. 21-3412 is hereby repealed.

4 Sec. 4. This act shall take effect and be in force from and after its  
5 publication in the statute book.

consider other prior convictions in  
determining the sentence to be imposed  
within the limits provided for a first,  
second, third or subsequent offender, which-  
ever is applicable.

2-2





**OFFICE OF THE DISTRICT ATTORNEY  
EIGHTEENTH JUDICIAL DISTRICT**

NOLA FOULSTON  
*District Attorney*

SEDGWICK COUNTY COURTHOUSE  
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**Testimony Before the Senate Judiciary  
February 16, 1995**

**Senate Bill 177**

*Mr. Chairman, Members of the Senate Judiciary Committee:*

*Thank you for the opportunity to testify before you in support of Senate Bill 177. This bill was drafted by my office in an effort to make positive changes in the Criminal Code to enhance penalties for repeat violent offenders.*

The bill provides for escalating penalties in the event that within a five-year period, an individual repeats the criminal conduct of the crime of battery...irrespective as to the identity of the victim or the relationship of the parties.

An individual convicted of battery as a first offense would face the penalty of a Class B person Misdemeanor, providing a maximum of 6 months jail time and a \$1000 fine. If, within five (5) years immediately preceding the crime, a second offense occurs, the offender would face the enhanced penalty of an A misdemeanor, providing a maximum of one year jail time and a \$2500.00 fine, and on a third or subsequent offense, the penalty would then escalate to a Severity Level 5 person felony providing a range of punishment within the discretion of the court.

The placement of a **third or subsequent offense** as a **Severity Level 5 person felony**, regardless of the time period in which it occurs, is to recognize the need to punish violent conduct with a consistent penalty, yet provide the court the flexibility to assess the needs of the offender as well. A Severity Level 5 crime, Category I would place the crime in a **border box** and would allow the court to recognize these considerations in assessing punishment. This would also allow the court, if so desired, to place the defendant in a 36 month probation period to continue court supervision.

**Any battery committed after the first felony conviction, regardless of the passage of time, would be classified as a felony, however, under sentencing guidelines, since the crime is one of enhancement in the first instance, it would not escalate from category I on the sentencing guidelines to any higher category of criminal history.**

The relevant crimes for enhancement would include the crime of battery as defined by statute, and any comparable crime under the laws of any municipality, state, federal government or foreign government. For example, if a defendant is convicted in Municipal Court of the City of Wichita for violation of their city ordinance, this would operate as a first conviction for purposes of enhancement.


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Attachment 3*

**Testimony before the Senate Judiciary  
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Attached for information purposes is an abbreviated version of our state law reflecting upon the treatment of offenders who commit multiple misdemeanor worthless check violations. Under this law, analogous to the instant bill, the penalties escalate for a third time offender, making the third offense a felony. Should we send the message that property is worth more than human life?

**Isn't it time to send the message that violence, in any form, will not be tolerated?**

Respectfully Submitted:

  
Nola Fountain  
District Attorney

21-3707

## Giving a Worthless Check

(d) (1) Severity Level 7 non-person felony if the check is for \$25,000 or more...

(2)... a severity level 9 for amounts between \$500 and \$25000...

(3)...an A misdemeanor under \$500...

(4) a severity level 9 nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, been convicted of giving a worthless check two or more times.

SENATE BILL NO. 177

An Act concerning persons who commit repeated acts of violence against others.

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

Section 1. The legislature find that repeated acts of violence have escalated at an alarming rate. Violence in the home and in the streets has risen dramatically thus placing all citizens at risk for victimization. The legislature further finds that the likelihood of engaging in repeated acts of violence is high if the offender is not legally discouraged from continuation of such conduct. In an effort to protect the citizens of the state of Kansas from violent crime, the legislature finds that the punishment for each successive act of violence should increase proportionately so that a clear message is sent to the population of the state of Kansas that violence in any form shall not be tolerated.

Section 2. K.S.A. 21-3412, as amended by section 11 of chapter 298 of the 1992 Session Laws of Kansas is hereby amended to read as follows:

K.S.A. 21-3412. Battery is:

- (a) Intentionally or recklessly causing bodily harm to another person; or
- (b) intentionally causing physical contact with another person when done in a rude, insulting or angry manner.

Upon a first conviction of this section, or adjudication as a juvenile offender because of the commission of an act which if done by an adult would constitute of a violation of this section, a person shall be guilty of a **class B person misdemeanor**.

If, within five years immediately preceding commission of the crime, a person is either adjudicated or convicted of a violation of this section a **second** time for such crime or comparable crime under the laws of any municipality, state, federal government or foreign government, such person shall be guilty of a **class A person misdemeanor**.

If, within five years immediately preceding commission of the crime, a person is either convicted or adjudicated of a violation of this section a **third or subsequent time**, having at least two times before within such period having either been convicted or adjudicated of a violation of this section for such crime or comparable crime under the laws of any municipality, state, federal government or foreign government, such person shall be guilty of a **Severity Level 5 person felony**.

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Attachment 4

Senate Bill No. 177  
Testimony Before the Senate Judiciary Committee  
February 16, 1995

My name is Harold Flaigle, and I represent Municipal Court, City of Wichita.

I support passage of Senate Bill No. 177 because of the message it sends - violence in any form should not and cannot be tolerated in our society and in our state.

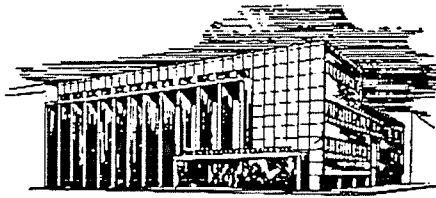
It is important to remember that violence is an issue of control. People use violence in an attempt to control another's behavior. Frequently, violence is a way of attempting to cover up the inadequacies of the batter's own personality; the feeling of insecurity; the feeling of not being in control of a situation. Violence becomes a tool in the batter's arsenal of control. If passed this bill sends a clear message to the violent offender from the first occurrence that if they do not take the steps to control their own behavior, the consequences will get progressively harsher. Without this bill there is less incentive to change such behavior. Violent offenders know that under the current system repeated behavior will result in consequences no harsher than misdemeanor punishment.

I have included no statistics in my presentation because I do not feel this bill should be decided based upon the number of cases that may result or the increased workload it may create. Suffice it to say that in my opinion the number of cases will not be so great that either the District Attorney's Office or the Courts will feel a major impact anywhere within the state. Furthermore, the bill has the support of the District Attorney who will be responsible for prosecuting these individuals.

Finally, let me speak to the possible questions of whether this is a Domestic Violence Bill or whether this is a women's issue. In my opinion it should be neither. While a large number of cases are Domestic in nature, this is simply because of the increased emphasis in that area.

Battery is not and never should be a "women's issue." Simply, it is a people issue - Violence by one person against another is not limited to women victims. Violence against another person is simply violence, a form of criminal behavior which should be punished. Respect for other human beings and protecting the sanctity of each and every individual in this state from violence must be our goal. This bill will help do that and therefore, I wholeheartedly support its passage.

*Senate Judiciary  
2-16-95  
Attachment 5*



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TESTIMONY IN SUPPORT OF SENATE BILL NO. 177

On behalf of the Kansas County & District Attorney's Association and as Lyon County Attorney, I appear in support of Senate Bill 177 which enhances the penalty for second and third time offenders of K.S.A. 21-3412.

Senate Bill 177 recognizes that crimes of violence are a serious problem in our society and that repeat offenders must be deterred from repeatedly victimizing other persons.

The extent of the problem in our communities is illustrated by the following statistics on battery:

LYON COUNTY DISTRICT COURT:		EMPORIA MUNICIPAL COURT:	
1990	15 COUNTS	1990	146 COUNTS
1991	44 COUNTS	1991	169 COUNTS
1992	35 COUNTS	1992	364 COUNTS
1993	49 COUNTS	1993	350 COUNTS
1994	56 COUNTS	1994	424 COUNTS

The above statistics clearly demonstrate that the crime of battery is a growing problem and that action must be taken to help curtail the problem.

Regrettably, statistics were not readily available on how many of the perpetrators were repeat offenders; however, it can reasonably be assumed that many of the perpetrators of this type of crime will repeatedly batter other persons and that the violence will escalate in nature.

Thank you for your careful consideration of this bill.

Sincerely,

Rodney H. Symmonds  
Lyon County Attorney

RHS/pa

*Senate Judiciary  
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Attachment 6*



**Senate Bill No. 177**  
**Testimony Before the Senate Judiciary Committee**

February 16, 1995

Good morning. My name is Shawna Mobley, and I represent Correctional Counseling of Kansas, an agency which provides programs for offenders in Wichita, Hutchinson and Emporia. I am here to express my support for Senate Bill No. 177 regarding escalating penalties for persons convicted of battery offenses.

I have been worked in the area of community corrections for over ten years. Along with citizens and other professionals, I am concerned about the increased level of violence that has become commonplace in society, and certainly among offenders. Whether dealing with a shoplifter who batters the arresting officer, a juvenile who pushes her mother, or the person who strikes their partner, there is growing acceptance of the use of violence.

For the past five years, hundreds of offenders have been court-ordered to participate in a domestic violence program which CCK offers. I have had the opportunity to observe the attitudes of convicted abusers. Some are remorseful and humiliated about their behavior and make a commitment to change. There is a bigger population, however, that appears to take the situation lightly, and many offenders who later repeat the violent behavior, against the same or a different victim.

Wichita has taken a progressive approach in dealing with domestic violence since making changes in policies in 1990. By responding to these situations in a consistent manner with arrest, prosecution and treatment of offenders, perpetrators have received a message that domestic violence is a crime, and it will be treated as such by the criminal justice system.

Similarly, in dealing with violent behavior toward strangers and acquaintances, it has been my observation that criminal justice professionals have developed more stringent responses. Efforts are made to hold offenders accountable by requiring them to participate in programs that address substance abuse and anger management issues that lead to violent behavior.

Intervention is being provided, in most cases, following the first offense. Rather than incarcerating upon a first battery conviction, most people get a chance to correct their behavior by paying a fine and seeking counseling, while under supervision of the court. This is the philosophy of most communities in dealing with offenders. There will always be people, though, who do not greet the opportunity to change.

A great deal of progress has been made, but the process is not complete. Today, an offender can repeat acts of battery, without concern of the consequence of a more serious criminal record. Senate Bill No. 177 will provide for enhanced legal sanctions in cases where offenders choose to continue using violent behavior. If a person chooses to be violent again, and again, and once more, then criminal justice professionals need more choices in how to respond. Senate Bill No. 177 will provide a new option.

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*Attachment 7*

**Testimony Before the Senate Judiciary Committee  
in support of Senate Bill 177  
February 16, 1995**

My name is Sue Russell and I am the Director of the YWCA Women's Crisis Center/Safehouse in Wichita. I am here today speaking in support of Senate Bill 177. As I work on a daily basis with women who are victims of domestic violence, I hear over and over again a plea for the criminal justice system to hold perpetrators responsible for their actions. Victims are frustrated and in some case cynical about a system which purports to support them but in many cases, revictimizes them.

We know that domestic violence is a crime which escalates without intervention. Very few abusers seek intervention on their own. They feel they have done nothing wrong. Victims are often fearful of seeking intervention as they anticipate greater battering by their partner if they report the crime. At the point at which law enforcement does intervene, the woman feels a sense of hope and an affirmation for her actions. This brief respite is quickly shattered as the abuser is soon out of jail (4 hours in Wichita) and returns angrily home to her. Victims are amazed when the abuser pleads "not guilty" because they know he is guilty, and even more amazed that if he finally is found guilty the punishment is typically probation. Victim after victim tells us that abusers have little, if any, incentive to quite battering. Many abusers, women report, even dare them to call authorities because they know nothing will happen to them.

If passes, Senate Bill 177 provides help for victims in two ways: One is an incentive for the batterer to quit. Offenders will quickly learn that they will be held accountable for their actions. And secondly, a statement to victims which says that battering one's partner is as serious as battering a stranger. Victims will feel a sense of support and security in a system which says violence is violence and must be stopped.

Senate Judiciary  
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Attachment 8



# Kansas Coalition Against Sexual and Domestic Violence

820 SE Quincy Suite 416B Topeka, KS 66612 (913) 232-9784 FAX (913) 232-9784\*51

## Member Programs

- Atchinson
- Dodge City
- El Dorado
- Emporia
- Garden City
- Great Bend
- Hays
- Horton
- Hutchinson
- Iola
- Junction City
- Kansas City
- Lawrence
- Leavenworth
- Liberal
- Manhattan
- McPherson
- Morrill
- Newton
- Overland Park
- Pittsburg
- Salina
- Scott City
- Topeka
- Wichita
- Winfield

**Testimony of:** Sandra C. Barnett, Kansas Coalition Against Sexual and Domestic Violence

**Presented to:** Senate Judiciary Committee

**Regarding:** SB 177 (as a proponent)

Good Morning;

Thank you for this opportunity to speak before you this morning in support of SB 177.

I represent the Kansas Coalition Against Sexual and Domestic Violence - a coalition which is comprised of thirty programs in Kansas serving victims of family violence and sexual assault.

Our particular interest in SB 177 is its relevance to victims of domestic violence. Domestic violence is epidemic in this state, as it is in all other states in this country. During 1993, Kansas programs served 6,270 women and children in shelters and 13,087 women and children in non-residential services. An additional 42,539 crisis calls were received on hotlines.

Most victims served by these programs reached out for safety from abusers who hit, slapped, kicked, punched, and/or used weapons against their victims. By the time women and children enter a shelter looking for safety they have been victimized numerous times. Shelter intake forms ask many questions about the history of the violent relationship including occasions when law enforcement was called. On many occasions victims tell us that they have quit calling police because "nothing happens" or "he was slapped on the wrist and released." And, indeed, when each crime is considered at the misdemeanor level, and usually as isolated incidents, little serious punishment is meted out.

Executive Director  
Patricia A. Bledsoe

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Attachment 9

Although research is undecided, we remain hopeful that court intervention in cases of domestic violence holds a deterrent effect on future violence. SB 177 will help to increase that deterrent effect by treating each successive offense cumulatively and adjusting punishments accordingly.

Victims of family violence may be less reluctant to call for law enforcement help if they perceive that it will reduce the chances of future violence. Once perpetrators understand that each incident will effect the status of future batterings, it may in fact, more effectively deter future violence.

KCSDV supports SB 177 and encourages you to favorably report this bill out of your committee.

Thank you for your time and interest.

# CONTINUUM OF FAMILY VIOLENCE

**PHYSICAL**



**DEATH**

pushing punching slapping kicking throwing objects choking using weapons homicide/suicide

---

**VERBAL  
EMOTIONAL**



**SUICIDE**

name calling criticizing "you're no good" ignoring yelling isolation humiliation

---

**SEXUAL**



**RAPE**

unwanted touching sexual name calling unfaithfulness false accusations forced sex hurtful sex

WITHOUT SOME KIND OF HELP, THE VIOLENCE USUALLY GETS WORSE. THE END RESULT CAN BE DEATH.

Distributed by the New Jersey Department Community Affairs Division on Women, Domestic Violence Prevention Program.  
From VILLAGE TO VILLAGE, Alaska Dept. of Public Safety.

9-3

10

## TESTIMONY

Senate Judiciary Committee  
Thursday, February 16, 1995 - 10:00 a.m. - Room 514S

KANSAS CATHOLIC CONFERENCE  
Robert Runnels, Jr., Executive Director

S.B. 177

Thank you Mr. Chairman and Members of the Senate Judiciary Committee for allowing me to submit testimony on S.B. 177.

On behalf of Bishop Eugene Gerber of the Diocese of Wichita and the Kansas Catholic Conference I am glad to relate our church's position against violence.

Last November at the National Meeting of Catholic Bishops they had this to say about violence: "Our families are torn by violence. Our faith is tested by violence. We have an obligation to respond."

The premise of this bill by Senator Ranson is to raise the penalty for repeated violent acts in the home against a spouse, or in the streets. Then it is hoped that those who are repeated perpetrators of these acts will be discouraged.

We maintain though that the root of the problem requires programs for people which provide viable alternatives; such as education, recreation, and employment opportunities.

We ask that S.B. 177 be reported favorably for passage.

Senate Judiciary  
2-16-95  
Attachment 10



#11

**KANSAS PEACE OFFICERS ASSOCIATION**  
and  
**KANSAS SHERIFFS ASSOCIATION**

February 15, 1995

**SB 177**  
**Senate Judiciary Committee**

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing the Kansas Peace Officers Association and the Kansas Sheriffs Association. Although these organizations have separate legislative committees, the discussion and direction from each were practically identical.

We believe it is time to put an end to the way we have been historically treating issues like misdemeanor battery; where they are charged with misdemeanor upon misdemeanor upon misdemeanor with no end and no hammer.

If you and we are going to get serious about attacking the cycle of violence in our society then you have to get serious with the penalty. Felonizing battery will get the attention of those who chronically physically abuse others. For this reason, we support passage of SB 177.

Thank you for the opportunity to speak to you today. I will stand for questions.

Senate Judiciary  
2-16-95  
Attachment II