

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:10 a.m. on February 2, 2000 in Room 123-S of the Capitol.

All members were present except: Sen. Oleen (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Jerry Donaldson, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Paul Davis, Kansas Bar Association  
Mike Taylor, City of Wichita  
Captain Paul Dotson, Wichita Police Department  
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence  
Marilynn Ault, YWCA Bettered Women's Task Force  
Greg DeBacker, Community Council Against Domestic Violence

Others attending: see attached list

The minutes of the February 1<sup>st</sup> meeting were approved on a motion by Senator Vratil and seconded by Senator Goodwin. Carried.

BILL INTRODUCTIONS

Conferee Davis discussed a bill which makes several changes to the civil check collection statutes. He stated these changes will help resolve more disputes before litigation is commenced and requested the bill's introduction. (attachment 1) Senator Pugh moved to introduce the bill, Senator Vratil seconded. Carried.

Senator Pugh requested introduction of a bill which repeals last year's bill K.S.A. 58-2003 and 2005 concerning land surveys and land surveyors. He explained how the bill has caused great confusion and needed to be repealed. (no attachment) Senator Pugh moved to introduce the bill, Senator Vratil seconded. Carried.

Senator Vratil requested introduction of three bills which address: authorization for the collection of court costs and fees by chief judges; extension to foreign corporations, limited liability companies or limited liability partnerships, of a domestic court exemption from having to list their assets and capital on annual reports; and confidentiality of corporate annual franchise taxes. (no attachment) Senator Vratil moved to introduce the bill, Senator Bond seconded. Carried.

Senator Goodwin requested introduction of a bill which would require reporting to law enforcement any reports to nursing home administrators regarding adult abuse and sexual assaults. (no attachment) Senator Goodwin moved to introduce the bill, Senator Harrington seconded. Carried.

Senator Emert requested introduction of two bills regarding the Uniform Mediation Act and the Uniform Electronic Transfer Act. (no attachment) Senator Vratil move to introduce the bill, Senator Goodwin seconded. Carried.

Senator Donovan requested introduction of a bill regarding private investigators (PI). The bill would allow PI's to use dark tinted windows during surveillance, and charge on a contingency fee basis. It would also carry a continuing education clause for PI's. (no attachment) Senator Donovan moved to introduce the bill, Senator Vratil seconded. Carried.

**SB 484—concerning crimes, criminal procedure and punishment; relating to domestic battery**

Conferee Taylor testified in support of **SB 484**. He discussed The City of Wichita's involvement both in law enforcement as well as prevention regarding domestic violence and victims rights awareness. (attachment 2) Conferee Dotson testified in favor of **SB 484**. He stated the change in the domestic violence (DV) statute will narrow the definition of domestic battery to family members or those involved in intimate relationships and he explained how this change will focus law enforcement and court resources on the most prevalent and troublesome cases of DV. He discussed problems with the current statute where situations are created which "unnecessarily trigger the DV law procedures" and cited examples of this. (attachment 3) Discussion followed.

Conferee Barnett testified in opposition to **SB 484** stating she appreciated the intent of the bill but fears the it goes too far by eliminating victims that need the current statute. She cited statistics on Kansas DV cases and testified on specific DV situations. (attachment 4)

Conferee Ault testified in opposition to **SB 484**. She presented a brief overview of the structure and function of the YMCA Battered Women Task Force and discussed a current DV situation with which she is working. She stated she felt the wording would limit the court and law enforcement's ability to intervene in DV cases. (attachment 5)

The Chair suggested the proponents and opponents of **SB 484** work together to come up with a bill that recommends alternative language which is satisfactory to all. Both parties were amenable to this suggestion.

Conferee DeBacker testified as an opponent of the wording of **SB 484**. He requested the bill broaden the scope of what DV is, recognize that men are "battered" too, and expressed the desire that the bill contain language which would direct that counseling be available to those who need it. (no attachment)

The meeting adjourned at 10:58. The next scheduled meeting is February 3, 2000

# SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb 2, 2000

NAME	REPRESENTING
Susan Becharol	KCDAA
Greg De Backer	NCFC and ECADV
Julienne Maslin	AG office
Amy Arnett - Gorman	Shawnee Co Court Services
Chris Meehler	K.A.C.S.O.
Nancy Lindberg	Atty
Margaret Ault	YWCA Battered Women Prog.
Mike Taylor	City of Wichita
CAPT PAUL DOTSON	City of Wichita Police
Sandy Barnett	KCSOV
Paul Davis	KBA
Jeff Botwinby	Kansas Scripts Ass'n
BARA TOMBS	KSC
KEVIN GRAHAM	KSC
David Lebenhan	Attorney General
Gene Nohr	Attorney General
Pat Benedik	<del>Attorney General</del>
Julie O'Leary	
Tanya Keys	





**KANSAS BAR  
ASSOCIATION**

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**BILL INTRODUCTION**

February 2, 2000

TO: Chairman Tim Emert and Members of the Senate Judiciary  
Committee

FROM: Paul T. Davis, Legislative Counsel

RE: Changes to K.S.A. 60-2610 and K.S.A. 60-2611 regarding  
civil liability for a worthless check

Chairman Emert and Members of the Committee:

I am appearing on behalf of the Kansas Bar Association to request introduction of the attached bill which makes several modifications to K.S.A. 60-2610 and K.S.A. 60-2611. The bill is the product of a KBA committee headed by Washburn University School of Law Professor Lynette Petty. The mission of the committee was to make several changes to the civil check collection statutes in an effort to resolve more disputes before litigation is commenced.

The bill replaces restricted mail requirements with first class mail so that more demand letters will reach the drawers of worthless checks. It also requires the demand letter to clearly state the exact amount that is due and the date it is due, along with an estimate of the amount that may be incurred if the amount demanded is not paid by the specified date.

Furthermore, the bill requires the plaintiff to include in the petition an amount that may be tendered as satisfaction of the claim prior to a dispositional hearing. The tender amount may not include triple damages or the \$100 damages as the current statute allows. The KBA respectfully requests the introduction of the bill. I thank you for your time and would be happy to stand for questions.

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2-2-00  
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AN ACT concerning civil liability for a worthless check; amending K.S.A. 60-2610 and K.S.A. 60-2611, and repealing the existing section.

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

Section 1. K.S.A. 60-2610 is hereby amended to read as follows: (a) If a person gives a worthless check, as defined by subsection (g), the person shall be liable to the holder of the check for the amount of the check, the incurred court costs, ~~the costs of restricted mail~~ and the service charge and the costs of collection, including but not limited to reasonable attorney fees, plus an amount equal to the greater of the following:

- (1) Damages equal to three times the amount of the check but not exceeding the amount of the check by more than \$500; or
- (2) \$100.

The court may waive all or part of the attorney fees provided for by this subsection, if the court finds that the damages and other amounts awarded are sufficient to adequately compensate the holder of the check. In the event the court waives all or part of the attorney fees, the court shall make written findings of fact as to the specific reasons that the amounts awarded are sufficient to adequately compensate the holder of the check.

(b) The amounts specified by subsection (a) shall be recoverable in a civil action brought by or on behalf of the holder of the check only if:

- (1) Not less than 14 days before filing the *civil* action, the holder of the check made written demand on the maker or drawer for payment of the amount of the check *and* the incurred service charge ~~and the costs of restricted mail~~; and
- (2) the maker or drawer failed to tender to the holder, prior to the filing of the action, an amount not less than the amount demanded. The written demand shall be sent by ~~restricted mail, as defined by subsection (g)~~, *first-class mail* to the person to be given notice at such person's address as it appears on such check, draft or order or to the last known address of the maker or drawer and shall include notice that, if the money is not paid within 14 days, triple damages in addition to an amount of money equal to the sum of the amount of the check, the incurred court costs, service charge, ~~costs of restricted mail~~ and the costs of collection including but not limited to reasonable attorney fees unless the court otherwise orders, may be incurred by the maker or drawer of the check. *Notice*

*required by subsection (b)(1) shall set forth the exact amount and date due, as well as an estimate of the amount that may be incurred if the amount demanded is not paid by the specified date.*

*(c) For purposes of this subsection, a dispositional hearing means a trial or other hearing by the court in which the plaintiff is seeking the entry of judgment against the defendant. Subsequent to the filing of an action under this section but prior to the ~~hearing of commencement of a dispositional hearing~~ by the court, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check, the incurred court costs, service charge, ~~costs of restricted mail~~ and the costs of collection, including but not limited to reasonable attorney fees. The plaintiff shall include in the petition a statement alleging the amount that defendant may tender as satisfaction of the claim as provided above in this subsection, which amount is referred to below as the tender amount. If the amount alleged in the petition is tendered to the plaintiff in full satisfaction of the debt prior to the commencement of the dispositional hearing by the court, the case shall be dismissed by the plaintiff. For purposes of this section only, the tender amount shall not include triple damages or damages of \$100 as set forth in subsection (a). The court may waive all or part of the attorney fees provided for by this subsection, if the court finds that the damages and other amounts awarded are sufficient to adequately compensate the holder of the check. In the event the court waives all or part of the attorney fees, the court shall make written findings of fact as to the specific reasons that the amounts awarded are sufficient to adequately compensate the holder of the check.*

*(d) If the trier of fact determines that the failure of the defendant to satisfy the dishonored check was due to economic hardship, the court may waive all or part of the damages provided for by this section, but the court shall render judgment against defendant for not less than the amount of the dishonored check, the incurred court costs, service charge, ~~costs of restricted mail~~ and the costs of collection, including but not limited to reasonable attorney fees, unless otherwise provided in this subsection. The court may waive all or part of the attorney fees provided for by this subsection, if the court finds that the damages and other amounts awarded are sufficient to adequately compensate the holder of the check. In the event the court waives all or part of the attorney fees, the court shall make written findings of fact as to the specific reasons that the amounts awarded are sufficient to adequately compensate the holder of the check.*

*(e) Any amount previously paid as restitution or reparations to the holder of the check by its maker or drawer shall be credited against the amount for which the maker or drawer is liable under subsection (a).*

(f) Conviction of giving a worthless check or habitually giving a worthless check, as defined by K.S.A. 21-3707 and 21-3708 and amendments thereto, shall not be a prerequisite or bar to recovery pursuant to this section.

(g) As used in this section:

(1) 'Giving a worthless check' means the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check, order or draft on any bank, credit union, savings and loan association or depository for the payment of money or its equivalent:

(A) With intent to defraud or in payment for a preexisting debt; and

(B) which is dishonored by the drawee because the maker or drawer had no deposits in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of such check, order or draft in full upon its presentation.

(2) ~~“Restricted mail” means mail which carries on its face the endorsements ‘restricted mail’ and ‘deliver to addressee only.’~~

~~(3)~~ (2) “Service charge” means \$10, or subject to limitations contained in this subsection, if a larger amount is posted conspicuously, the larger amount. In no event shall the amount of such insufficient check service charge exceed \$30.

Section 2. K.S.A. 60-2611 is hereby amended to read as follows: In any civil action to enforce payment of or to collect upon a check, order or draft on any bank, credit union, savings and loan association or depository for the payment of money or its equivalent, payment upon which such instrument has been refused because of insufficient funds or no account, the party prevailing on such cause of action shall be awarded reasonable attorney fees, such fees to be assessed by the court as costs against the losing party. The fees shall not be allowed unless the plaintiff offers proof during the trial of such action that prior to the filing of the petition in the action demand for payment of the check, order or draft had been made upon the defendant by ~~registered~~ *first class* mail not less than 14 days prior to the filing of such suit.

Section 3. K.S.A. 60-2610 and K.S.A. 60-2611 are hereby repealed.

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





# TESTIMONY

City of Wichita  
Mike Taylor, Government Relations Director  
455 N Main, Wichita, KS. 67202  
Phone: 316-268-4351 Fax: 316-268-4519

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## Senate Bill 484 Relating to Domestic Battery

Delivered February 2, 2000  
To  
Senate Judiciary Committee

The City of Wichita supports domestic violence laws and has an effective program to not only enforce those laws, but to prevent the incidents of domestic violence. The changes proposed in Senate Bill 484 are intended to strengthen our domestic violence enforcement and prevention efforts.

The change in the definition of domestic battery, as proposed in Senate Bill 484, is recommended by a committee of law enforcement authorities, court officials and domestic violence counselors and victim advocates. It has been discussed with the Wichita Domestic Violence Coalition, a group made up of nearly three dozen organizations which work with domestic violence victims and offenders.

In April, which is Victims' Rights Awareness Month, the City of Wichita will be launching a mass media campaign to draw attention to the problem of domestic violence in our community. The goal is to help reduce the incidents of domestic violence by educating our citizens about about what the law is and what help is available for victims.

We believe this change will help strengthen our efforts by allowing us to devote resources to true cases of domestic violence.

I'd like now to introduce Captain Paul Dotson of the Wichita Police Department to explain in detail the changes being proposed in Senate Bill 484 and the positive effects those changes will have.

*Ingrid  
2-2-00  
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# TESTIMONY

City of Wichita  
Mike Taylor, Government Relations Director  
455 N Main, Wichita, KS. 67202  
Phone: 316-268-4351 Fax: 316-268-4519

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## Senate Bill 484 Relating to Domestic Battery

Delivered February 2, 2000  
To  
Senate Judiciary Committee

By  
Captain Paul Dotson  
Wichita Police Department

Thank you for the opportunity to present testimony regarding the change to the criminal code regarding the definition domestic battery.

The City of Wichita proposes a change in the domestic battery statute to make the law more effective and workable. Senate Bill 484 provides for a narrowing of the definition of domestic battery to family members or those involved in intimate relationships.

To accomplish this change it is also necessary to delete the reference to "persons who are presently living together or have resided together in the past." The proposed change will strengthen enforcement efforts in that law enforcement and court resources may be focused on the most prevalent and troublesome cases of domestic violence. The intent of the proposed change in the definition of domestic battery is to narrow such cases to the kinds of cases for which domestic violence programs were established to address and thus better utilize the resources of the police and court system. The language in Senate Bill 484 is patterned after the Colorado statute on domestic violence.

The statute in its current form creates situations that unnecessarily trigger the domestic violence law procedures. The provisions of K.S.A. 22-2307 require law enforcement agencies to adopt written domestic violence policies that include direction that officers shall arrest when there is probable cause to believe a domestic violence crime is being committed or has been committed. Accordingly, the police take the arrestee to jail to be booked. The charges are filed by the police officer, not the victim. In the Wichita Domestic Violence Program, it is mandatory that the arrestee be held in jail for four (4) hours and report to the Municipal Court the next day. If a person is unable to bond out, they are released on their own recognizance after eighteen hours of incarceration. The bond has a condition that the arrestee will have no contact with the victim. This is a cooling off requirement that is intended to provide a separation of the parties so that emotions may calm down and limit further violence. The victim is entitled to various protections and services above and beyond the services provided for victims of other crimes.

If a case is classified as a regular battery, instead of a domestic violence battery, all of the above processes do not apply. The victim usually must swear a complaint against the offender. A notice to appear is served on the offender. The processing requirements are different than for a domestic violence case and

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require less involvement of the police officer and the local jail as noted above. It is important to stress that Senate Bill 484 does not decriminalize any conduct that would be seen in the eyes of the law as a battery, it merely narrows the arena of domestic violence cases. Persons who are bodily injured by another person may still file non-domestic violence charges.

The current law defines family or household member as anyone who is presently residing together or who has resided in the past. This definition creates the problem of turning a battery into a domestic violence case, which was not the intent of the domestic violence laws. For example, if two men in a fraternity were to have a fight, it would be categorized under the current definition as a domestic violence fight if they live together as roommates. There are other scenarios which causes cases to be categorized as domestic violence cases. Below are actual cases in Wichita where domestic violence arrests were mandated under the current law:

1) *The offender and his wife allowed the victim to move into their home because he is homeless. The victim lives with them two months, but is asked to leave after it is learned he is stealing from them. Three days later, the victim is confronted in a laundry mat by the offender for stealing a handgun from the home. An argument ensues and the offender hits the victim. The police are called and the offender is charged with domestic violence battery because he had been a roommate with the victim for two months.*

2) *Four single males renting a house together have a Superbowl party. One roommate insults another roommate's girlfriend. One roommate hits the other. The police are called and arrest the aggressor roommate for domestic battery.*

The above examples present situations where the resources of the domestic violence program are being used, but could be better used for the more traditional kinds of domestic violence cases.

In 1999, the Wichita Police Department responded to 7,089 calls involving domestic disturbances. The number of arrests resulting from the domestic disturbance calls was 3,025 in 1999. There were nine domestic violence related homicides in 1999.

Relationship of Victim to offender

1,874 (25%) – Girlfriend  
1,349 (18%) – Wife  
856 (11%) – Ex-girlfriend  
340 (4%) - Common-law wife  
487 (6%) - Boyfriend  
388 (5%) - Ex-wife  
422 (5%) - Husband  
329 (4%) - Sibling  
159 (3%) - Child  
238 (3%) - Parent  
299 (3%) - Roommate or Ex-roommate

The above numbers show that 299 incidents involving roommates or ex-roommates were classified as domestic violence cases. If the roommate portion of the definition were deleted, the resources of the police department and the courts could be better used to focus on the more serious domestic violence cases.

The City of Wichita respectfully requests the passage of Senate Bill No 484.



UNITED AGAINST VIOLENCE

**KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE**

820 S.E. Quincy, Suite 600, Topeka, Kansas 66612  
785-232-9784 • FAX 785-232-9937 • kcsdv@cjnetworks.com

Testimony  
Senate Judiciary Committee  
**OPPONENT of S.B. 484**

Chairman Emert and Members of the Senate Judiciary Committee:

The Kansas Coalition Against Sexual and Domestic Violence is an association of the 30 programs in Kansas that advocate for and serve victims of domestic violence and sexual assault.

In 1998, those programs responded to more than 38,000 calls on their crisis lines and served 25,266 people. 4,413 victims were sheltered for almost 60,000 bed nights. I anticipate the statistics for 1999 to be similar.

The majority of those victims were women and children who had reached out for help to end the violence perpetrated against them by husbands, ex-husbands, and boyfriends, but not all of them. Some were elder victims who had been terrorized by their grown children; others were seeking safety in a shelter from a sibling or other family member. And some came to shelter because their partner was abusing their children – most often sexually. Each of these victims needed immediate help to be safe. Many of these victims also relied on law enforcement for help.

Twenty years ago we believed domestic violence was an issue between husbands and wives; we even called it wife battering. During the past two decades, we have realized the full extent of domestic violence, that it is a much broader issue involving many different types of intimate and family relationships. We have also realized the seriousness of these abuses; without intervention, many perpetrators become increasingly dangerous and perhaps even lethal. During 1998, more than 13,000 injuries were reported by victims and 22 people were murdered in Kansas as a result of domestic violence.

The increasing intensity and repetitiveness of domestic violence was recognized by the Kansas Legislature when K.S.A. 21-3412 was amended in 1996 to increase penalties for subsequent batteries that occur in the context of a “domestic” relationship.

These enhanced penalties recognize the unique nature and complex dynamics of battering that can happen in a myriad of relationships.



The proposed amendment to K.S.A. 21-3412 would allow some perpetrators of domestic violence from being held accountable with increasingly stiff penalties by limiting the types of relationships considered "domestic violence" in the current battery statute.

There is little doubt that law enforcement officers, as well as the court system have been challenged in implementing these changes in policy and procedures. One of the issues that seems to have arisen is when a perpetrator of a battery lives in the residence, such as in a dormitory, but has no intimate or familial relationship. If convicted of the battery, the perpetrator faces enhanced penalties for any subsequent battery for which he/she is convicted during the next five years. Clearly, this situation does not fit with the intent or spirit of our battery statute.

But, the current amendments go too far in trying to remedy this situation. If you pass the proposed amendment, you would allow some batterers to avoid accountability and leave many victims without the protection that enhanced penalties were created to address. Amending the battery statute as proposed may address the occasional battery that occurs outside the context of domestic violence that is perpetrated by a roommate, but it will also prevent other cases from being handled appropriately.

Marilynn Ault, Director of the YWCA Battered Women's Task Force will tell you about just such a case when she testifies to you in a moment.

As you consider this bill, please remember that domestic violence happens in all kinds of intimate and familial relationships and that this amendment would reduce the level of accountability some perpetrators would have to their victims and community.

**Therefore, KCSDV urges you not to amend K.S.A. 21-3412 as proposed.**

Thank you for your time and consideration on this matter.

Sandy Barnett  
Executive Director  
KCSVD

# FACTS ABOUT DOMESTIC VIOLENCE

## National Domestic Violence Statistics

- Approximately 95% of the victims of domestic violence are women (U.S. Department of Justice).
- Every 15 seconds in the United States a woman is beaten by her husband or boyfriend (FBI Uniform Crime Reports, 1991).
- 2 - 4 million women a year are assaulted by their partners. (Novello, 1992)
- Every day, 4 women are beaten to death ("*Domestic Violence, Report of the Special Joint Committee on Gender Bias in the Courts*, p. 2).
- At least 25% of domestic violence victims are pregnant when beaten (National Coalition Against Domestic Violence, 1993).
- Domestic violence is the number one public health risk to adult women in the U.S. (Committee on the Judiciary, U.S. Senate, 1992).
- 52% of abused women on welfare reported arguments about child support, visitation or custody (Raphael and Tolman, 1997).
- In a domestic abuse situation, it is common for the battering husband to also abuse the children in an attempt to coerce the wife (Planned Parenthood of Southeastern Pennsylvania v. Robert Casey, Supreme Court of the U.S., 1992).
- 80% of battering incidents start in the home (Walker, 1984).
- Sexual assault is reported by 33% to 46% of women victims who are being physically assaulted by their partners (Frieze and Brown, 1989).

## Kansas Domestic Violence Statistics

*Information obtained from "A Report on Domestic Violence and Rape in Kansas, 1998"  
prepared by the Office of Attorney General Carla J. Stovall and Kansas Bureau of Investigation. \**

- In 1998, there were 18,966 reported domestic violence incidents.
- The most common location for domestic violence to occur is in a single residence.
- The average offender is a white male between the ages of 24 and 34 and is most often the husband/ex-husband or boyfriend/ex-boyfriend of the victim.
- In 1998, there were 7,361 Protection From Abuse orders filed.
- In 1998, there were 1,136 rape incidents reported. The majority of these incidents took place in a single residence.
- In 1998, approximately 24.7% of all reported rape offenders in Kansas were arrested. This is a very small portion of rape offenders since 65% of the offenders were known to the victim.

\*This information does not claim to represent all domestic violence and rape committed throughout the state of Kansas, as it is dependent on victims reporting crimes to law enforcement and the agencies submitting incident reports to the KBI. This information reflects only the information that was submitted to KBI.

## Kansas Resources

### Kansas Crisis Hotline

Provides 24 hour, toll-free crisis intervention and referrals to domestic violence and sexual assault programs.

**1-888-END ABUSE**

### Kansas Coalition Against Sexual and Domestic Violence

Provides training, materials, and referrals to local agencies.

**785-232-9784**

Provided by:



UNITED AGAINST VIOLENCE

### KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

820 S.E. Quincy, Suite 600, Topeka, Kansas 66612  
785-232-9784 • FAX 785-232-9937 • [kcsdv@cjnetworks.com](mailto:kcsdv@cjnetworks.com)

**SAFETY • ACCOUNTABILITY • JUSTICE**



## Kansas Laws Addressing Domestic Violence

K.S.A. 60-3101, Protection From Abuse order (PFA), was enacted in 1979 to allow victims of domestic violence to seek restraining orders without filing for divorce.

K.S.A. 21-3502 was amended in 1983 to allow spouses to be charged with a crime for raping their spouse.

K.S.A. 22-2401 was amended in 1984 to allow law enforcement officers to arrest for misdemeanor crimes without a warrant and without viewing the crime.

K.S.A. 21-3721 was amended in 1980 to allow criminal trespass to be considered a violation of a Protection From Abuse order.

K.S.A. 22-2307 and 22-2308, enacted in 1991, required all law enforcement agencies to implement written policies on how to handle domestic violence crimes, and required law enforcement officers to make an arrest if there is probable cause.

K.S.A. 60-1610 requires courts deciding child custody to consider spousal abuse evidence.

K.S.A. 22-2309 requires all city, county and district prosecutors to have written policies on how to prosecute crimes related to domestic violence.

K.S.A. 21-3412 made domestic violence a felony when an individual is convicted of battery three times.

K.S.A. 60-3101 requires officers to arrest on out of state Protection From Abuse orders. It also allows a victim to obtain a PFA in any judicial jurisdiction.

K.S.A. 21-3843 states it is a crime to knowingly or intentionally violate a Protection From Abuse order, restraining order or any no contact order issued as a condition of pretrial release division, probation, suspended sentence, or post release supervision, and condition of release after conviction pending disposition of an appeal.

## Effects of Domestic Violence on Children

- In a national survey of over 6,000 American families, 50% of the men who frequently assaulted their wives also frequently abused their children (Straus & Gelles, 1990).
- Child abuse is 15 times more likely to occur in families where domestic violence is present. (Stacy and Shupe, 1983)
- Boston City Hospital found a 60% correlation between abused children and battered women (L. McKibben, E. Devos, and E. Newberger, "Victimization of Mothers for Abused Children: A Controlled Study," 84 *Pediatrics* 531, 1989).
- Children who witness violence at home display emotional and behavioral disturbances as diverse as withdrawal, low self-esteem, nightmares, self-blame and aggression against peers, family members and property (Peled, Jaffe and Edleson, 1995).
- A comparison of delinquent and non-delinquent youth found that a history of family violence or abuse is the most significant difference between the two groups (Miller, 1989).
- Over 3 million children are at risk of exposure to parental violence each year. (Carleson, 1984).

## National Resources

**National Domestic Violence Hotline** 800-799-SAFE (7233) 800-787-3224 TTY

Provides 24 hour, toll-free crisis intervention line, referrals to domestic violence agencies, and other resources.

<http://www.ndvh.org>

**National Resource Center on Domestic Violence** 800-537-2238 800-553-2508 TTY

Provides comprehensive resources, policy development and technical assistance designed to enhance community response to domestic violence. Packets available upon request.

**Family Violence Prevention Fund** 415-252-8900

Focuses on education, prevention and public policy reform. Topics include stalking, health care, statistics on domestic violence, violence and poverty, and effects of domestic violence on children. <http://www.fvpf.org>

**The Center for the Prevention of Sexual and Domestic Violence** 206-634-1903

Offers educational material on child abuse, domestic violence, and sexual abuse. <http://www.cpsdv.org>



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Member Agency  
United Way of  
Greater Topeka

225 SW 12th Street  
Topeka, KS 66612-1345  
785-233-1750  
FAX 785-233-4867

Senate Judiciary Committee  
Hearing on Senate Bill 484  
February 2, 2000

**Battered Women Task Force**  
225 SW 12th St., Topeka, KS 66612  
354-7927 (233-1730 after hours)  
Toll Free (outside Topeka)  
1-888-822-2983

**Career Assistance Network**  
1129 Wanamaker Rd.  
Topeka, KS 66604  
273-5190

**Girls-to-Girls**  
Mail To: 225 SW 12th St.  
Topeka, KS 66612  
1407 S.E. 6th Street  
232-3027

Day Care

Kids-Quest

Robinson Middle School

Fitness/Recreation

Teen Pregnancy Prevention

Volunteer Program

As Program Director of the YWCA Battered Women Task Force I would urge you to not pass the changes of the definition of Domestic Battery in SB 484 as currently proposed. Although the majority of the survivors of domestic violence whom we serve are struggling to survive violence perpetrated by their intimate partners, we also offer shelter, court advocacy and individual or group support to victims of elder abuse and violence perpetrated by young adult children and step children.

We are currently working with two clients who did not report the abuse they received by their husbands for several years. In each situation a young adult son has moved in with his mother and is physically abusing her. Both women have reported the abuse to law enforcement and want very much for their sons to receive increasing penalties and intervention if the abuse continues. Women who have survived abuse from their husbands struggle with the guilt that their child is now using physical violence. They often believe that somehow they were not able to intervene in the child's parenting so that their child is now repeating a pattern seen at home. They want the abuse toward them to stop and for the abuser to receive intervention and consequences so that the abuse will not be repeated with other family members in the future.

In addition to offering services to victims of sexual and domestic violence our agency also conducts 6 groups for domestic abusers in our Alternatives to Battering Program. One group is for females who have abused partners and 5 groups are for males who have abused their partners. Many of those participants have also abused other family members. In our 32 week intervention program we spend a lot of time teaching that violence is a choice, that the effects on the victim are devastating and long lasting. Many of the members report that they feel they have a "right" to use violence in a home setting. As we pursue that concept with them it often turns out that they will report that there will be more consequences if their violence is directed at a boss, coworker or neighbor than at a family member. That they can get away with it if it is "only" a family member is a terrible message for adults who are parenting the next generation.

Excluding parents or stepparents, children or stepchildren and women who are pregnant leaves out a lot of "domestic" relationships. The wording that is now being considered would limit the court's and law enforcement's ability to intervene in a meaningful way in stopping this terrible form of violence.

Respectfully,

*Marilynn Ault*  
Marilynn Ault  
Program Director  
YWCA Battered Women Task Force

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