

To: House Judiciary Committee  
From: Michelle McCormick, Executive Director, KCSDV  
Re: Proponent Testimony for HB 2182  
Date: February 4, 2025

Chairperson Humphries and Members of the Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a nonprofit organization located in Topeka, with 25 member organizations who provide direct services to victims of sexual and domestic violence in all 105 Kansas counties. I am here today representing our Coalition and these programs, who provide critical, lifesaving services to Kansans. Services include emergency shelter, emergency helplines, counseling and support groups, accompanying victims to medical, court, and law enforcement appointments, and other supportive services. These services are provided to victims and survivors 24 hours a day, 7 days a week. Kansas domestic and sexual violence programs serve on average more than 60,000 Kansans each year. And according to research, that is likely only 40% of those who could use the services, due to the barriers to getting assistance.

What may be lesser known, is that KCSDV provides annual training for victim advocates and allied professionals (law enforcement, healthcare, social services etc.) so they can be competent in responding to these complex issues. We trained over 4000 professionals last year. KCSDV also provides expert consultation on the issues of sexual and domestic violence and does so through an average of 1500 contacts for technical assistance each year. In addition, KCSDV collaborates to center the needs of victims and survivors in public policy initiatives through our work with state-level committees, such as co-chairing with the KBI the Kansas Sexual Assault Response Advisory Committee. And we perform the accreditation of the 25 direct service organizations, to ensure that high-quality services are being provided consistently throughout the state.

KCSDV supports HB 2182, a bill that would clarify in statute that victims (petitioners) shall not be charged a fee for service of process by the sheriff's office under the Kansas protection order acts. Although not charging victims a fee on protection order service is a widely accepted practice in Kansas, we have seen this pop up in some jurisdictions and believe clarity in the law would make sure this does not become a more significant issue.

KCSDV has also learned that by not having statutory clarity on a "no fees" process for protection order service, Kansas has come under scrutiny by the Federal government because the Violence Against Women Act (VAWA) prohibits jurisdictions that receive VAWA

STOP funding, which Kansas does, from charging victims for costs associated with civil and criminal cases.

So, besides having the goal of making sure a process service fee does not deter victims from using the protection order tool for their safety, we also want to make sure that those STOP funds are protected in our State. We have consulted with our partners from the law enforcement associations, including Ed Klumpp on behalf of the Kansas Sheriff's Association, who have expressed their support with no recommendations for changes or other considerations. Attached to this testimony is the Certification of Compliance form for the VAWA STOP grant with the applicable section to this bill highlighted in red.

KCSDV respectfully requests this Committee support the passage of HB 2182.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle McCormick". The signature is written in a cursive, flowing style.

Michelle McCormick, LMSW  
Executive Director  
Kansas Coalition Against Sexual & Domestic Violence



## Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended, STOP Formula Grant Program

Applicants should refer to the laws cited below for further information regarding the certifications to which they are required to attest. Signature on this form certifies that the applicant is qualified to receive the STOP Formula Grant Program funds and is in compliance with relevant requirements under 34 U.S.C §§ 10441, 10446 through 10451, 10454 and 28 C.F.R. Part 90. These certifications will be treated as a material representation of fact upon which the Department of Justice will rely if it determines to award the covered transaction, grant, or cooperative agreement.

Upon complying with the application requirements set forth in the solicitation, any state (or territory) will be qualified for funds provided under the STOP Formula Grant Program upon certification that:

- (1)** the funds will be used only for the statutory purposes described in 34 U.S.C. § 10441(a) and (b);
- (2)** grantees and subgrantees will develop plans for implementation, consistent with the requirements of 34 U.S.C. 10446(i), and will consult and coordinate with:
  - (A)** the state sexual assault coalition;
  - (B)** the state domestic violence coalition;
  - (C)** the law enforcement entities within the state;
  - (D)** prosecution offices;
  - (E)** state and local courts;
  - (F)** tribal governments in those states with state or federally recognized Indian tribes;
  - (G)** representatives from underserved populations, including culturally specific populations;
  - (H)** victim service providers;
  - (I)** population specific organizations; and
  - (J)** other entities that the state or the Attorney General identifies as needed for the planning process;
- (3)** grantees will coordinate the state implementation plan with the state plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the programs described in section 1404 of the Victims of Crime Act of 1984 (34 U.S.C. 20103) and section 393A of the Public Health Service Act (42 U.S.C. 280b-1b).
- (4)** the amount granted will be allocated, without duplication, as follows: not less than 25 percent for law enforcement, not less than 25 percent for prosecutors, not less than 30 percent for victim services (of which at least 10 percent will be distributed to culturally specific community-based organizations), and not less than 5 percent to state and local courts;
- (5)** not less than 20 percent of the total amount granted to a state under the STOP Formula Grant Program will be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance



rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship; and

(6) any federal funds received under the STOP Formula Grant Program will be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this Program.

In addition, to be eligible for funding under the STOP Formula Grant Program, applicants must also certify compliance with the requirements in 34 U.S.C. §§ 10449, 10450, 10451, and 10454 (including the implementing provisions of 28 C.F.R. Part 90), and the applicable grant conditions at 34 U.S.C. § 12291(b), as follows:

## **(1) Forensic Medical Examination Payment Requirement for Victims of Sexual Assault**

- a) A state, Indian tribal government, or unit of local government will not be entitled to funds under the STOP Formula Grant Program unless the state, Indian tribal government, unit of local government, or another governmental entity—
  - 1. incurs the full out-of-pocket cost of forensic medical exams for victims of sexual assault; and
  - 2. coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.
- b) A state, Indian tribal government, or unit of local government will be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—
  - 1. provides such exams to victims free of charge to the victim; or
  - 2. arranges for victims to obtain such exams free of charge to the victims.
- c) A state or Indian tribal government may use STOP Formula Grant Program funds to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any state, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.
- d) To be in compliance with this forensic medical examination payment certification, a state, Indian tribal government, or unit of local government must comply with subsection (b) above without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

## **(2) Filing Costs for Criminal Charges and Protection Orders**

A state, Indian tribal government, or unit of local government will not be entitled to funds under the STOP Formula Grant Program unless it certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony sexual assault, domestic violence, dating violence, or stalking offense, or in connection with the filing, issuance,



registration, modification, enforcement, dismissal, withdrawal or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, sexual assault, or stalking, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.

### **(3) Judicial Notification**

A state or unit of local government will not be entitled to funds under the STOP Formula Grant Program unless the state or unit of local government certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related federal, state, or local laws.

### **(4) Polygraph Testing Prohibition**

- a) In order to be eligible for grants under the STOP Formula Grant Program, a state, Indian tribal government, territorial government, or unit of local government will certify that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official will ask or require an adult, youth, or child victim of an alleged sex offense as defined under federal, tribal, state, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.
- b) The refusal of a victim to submit to a polygraph or other truth telling examination will not prevent the investigation, charging, or prosecution of an alleged sex offense by a state, Indian tribal government, territorial government, or unit of local government.

### **(5) Grant Eligibility Regarding Compelling Victim Testimony**

In order for a prosecutor's office to be eligible to receive subgrant funds under the STOP Formula Grant Program, the head of the office will certify, to the state, Indian tribal government, or territorial government receiving the STOP funding, that the office will, during the 3-year period beginning on the date on which the subgrant is awarded, engage in planning, developing and implementing—

- 1) training developed by experts in the field regarding victim-centered approaches in domestic violence, sexual assault, dating violence, and stalking cases;
- 2) policies that support a victim-centered approach, informed by such training; and
- 3) a protocol outlining alternative practices and procedures for material witness petitions and bench warrants, consistent with best practices, that will be exhausted before employing material witness petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim.



## (6) Compliance with Grant Conditions

A state or territory will not be eligible for grant funds under the STOP Formula Grant Program unless it certifies compliance with the grant conditions under 34 U.S.C. § 12291(b), as applicable.

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*As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with above certifications.*

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*Typed Name of Authorized Representative*

*Title*

*Email Address*

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*Agency Name*

*State*

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*Signature of Authorized Representative*

*Date Signed*