

CORRECTED
SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2479

As Amended by Senate Committee on Judiciary

Brief*

HB 2479, as amended, would create and amend law within the Kansas Code of Criminal Procedure to require a court to consider ordering electronic monitoring with victim notification as a condition of release for persons charged with certain domestic violence-related offenses and would establish parameters for the use of such monitoring. The bill would also define the terms “electronic monitoring with victim notification” and “protected premises.”

Electronic Monitoring as a Condition of Release

Under current law, a person charged with a crime appearing before a court can be released pending trial if they execute an appearance bond. Appearance bonds require the person to appear in court when ordered and to follow certain conditions stipulated by the court.

In addition to any conditions of release set forth by the court, the bill would require the court to consider ordering electronic monitoring of the person with victim notification if the person is charged with:

- A domestic violence offense;
- Domestic battery or aggravated domestic battery;
- Stalking; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Violation of a protective order.

[*Note:* The term “domestic violence offense” is defined in the Kansas Criminal Code to mean any crime committed whereby the underlying factual basis includes an act of domestic violence.]

Court Consideration of Electronic Monitoring

The bill would allow a court to impose an electronic monitoring condition of release with victim notification, if it is required to consider such condition. However, the bill would also specify that it would not limit the authority of a court to order electronic monitoring without victim notification.

In determining whether to order electronic monitoring with victim notification, a court could hold a hearing to consider the likelihood that the condition would keep the person from injuring a protected person. The bill would require the court to consider the following factors:

- The gravity and seriousness of harm that the person inflicted on another person in the commission of any act of domestic violence;
- The person’s previous history of domestic violence;
- The person’s history of other criminal acts, if any;
- The person has access to a weapon;
- Whether the person has threatened suicide or homicide;
- The person has a history of mental illness or has been civilly committed; and
- Whether the person has a history of alcohol or substance abuse.

Informed Consent

The bill would allow electronic monitoring with victim notification only if the protected person gives informed consent after receiving the following information:

- The protected person's right to refuse to participate in such monitoring and the process for requesting that the court terminate such participation after monitoring has been ordered;
- The manner in which the electronic monitoring technology functions and the risks and limitations of such technology;
- The boundaries imposed on the person being monitored during the electronic monitoring;
- The sanctions that the court may impose for violation of its orders;
- The procedure that the protected person is to follow if the person being monitored violates an order or the electronic monitoring equipment fails;
- Identification of support services available to assist the protected person in developing a safety plan to use if the person being monitored violates an order or the electronic monitoring equipment fails;
- Identification of community services available to assist the protected person in obtaining shelter, counseling, education, child care, legal representation, and other help in addressing the consequences and effects of domestic violence; and
- The nonconfidential nature of the protected person's communications with the court concerning

electronic monitoring and the restrictions to be imposed upon the monitored person's movements.

Notification Area

Before ordering electronic monitoring of a person with victim notification, the bill would require the court to allow the alleged victim 48 hours to provide a list of areas from which they would like the monitored person excluded.

The court would be required to consider such list when determining the locations that the monitored person will be ordered to avoid, and the court would be required to specifically describe such locations, including minimum distances the monitored person should maintain from the locations.

Costs

The bill would require the monitored person to pay the related costs and expenses of such monitoring.

Monitoring Alert—Probable Cause

The bill would direct courts and state and local law enforcement agencies to share information obtained by electronic monitoring conducted pursuant to the bill, and it would specify that an alert from an electronic monitoring device would be probable cause to arrest the monitored person for a violation of a protective order.

Background

The bill was introduced by the House Committee on Judiciary at the request of Representative Resman.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by Representative Resman; Senator Shane; representatives of the Alliance Against Family Violence and No Victim's Voice Silent; a representative of the Kansas Associations of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and three private citizens. The proponents generally stated the bill would enhance the safety of domestic violence victims by giving such victims time before the offender can make contact with them and by alerting law enforcement much earlier.

Written-only proponent testimony was provided by Representative Featherston, a representative of the Kansas Coalition Against Sexual and Domestic Violence, and a private citizen.

Written-only **neutral** testimony was provided by a private citizen.

No other testimony was provided.

The House Committee amended the bill to:

- Clarify that an alleged victim would have 48 hours to provide the magistrate with a list of excluded areas before ordering electronic monitoring with victim notification; and
- Remove an immunity provision for suppliers of products, systems, or services used for electronic monitoring with victim notification.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by Representative Resman, who stated the bill would warn victims and give them the opportunity and time to

distance themselves from their abusers. Representative Resman, citing his previous law enforcement experience, also suggested removing a provision that would require notification of law enforcement of a monitored person's location whenever such person enters or is near the protected premises.

Written-only proponent testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association and a representative of the Kansas Coalition Against Sexual and Domestic Violence.

No other testimony was provided.

The Senate Committee amended the bill to remove a provision to require notification of law enforcement of a monitored person's location whenever such person enters or nears the protected premises.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) indicates enactment of the bill could increase expenditures of the Judicial Branch, but a precise fiscal effect cannot be estimated. OJA states the bill's provisions would require district courts to conduct hearings and consider multiple factors before making a ruling, send notices for hearings, compile information from victims, establish processes and procedures for monitoring and victim notification, and address procedures associated with violations and related hearings. OJA states the bill could significantly increase the workload of district court staff, which could increase expenditures. However, a precise fiscal effect cannot be determined.

The Office of the Attorney General indicates enactment of the bill would not have a fiscal effect on the agency. The

Office notes that the Kansas Victim Information and Notification Everyday system (VINE) administered by the agency would not be utilized under the victim notification process outlined in the bill.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Crimes; punishment; criminal procedure; pretrial release; electronic; monitoring; domestic violence