

HOUSE BILL No. 2736

By Committee on Corrections and Juvenile Justice

2-10

1 AN ACT concerning protection from stalking petitions; relating to
2 procedures concerning minors; amending K.S.A. 2011 Supp. 60-31a04
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2011 Supp. 60-31a04 is hereby amended to read as
7 follows: 60-31a04. (a) A person may seek relief under the protection from
8 stalking act by filing a verified petition with the district judge or clerk of
9 the court in the county where the stalking occurred. A verified petition
10 must allege facts sufficient to show the following:

11 (1) The name of the stalking victim;
12 (2) the name of the defendant;
13 (3) *the known or estimated age of the defendant;*
14 ~~(3)~~ (4) the dates on which the alleged stalking behavior occurred; and
15 ~~(4)~~ (5) the acts committed by the defendant that are alleged to
16 constitute stalking.

17 (b) A parent or an adult residing with a minor child may seek relief
18 under the protection from stalking act on behalf of the minor child by
19 filing a verified petition with the district judge or with the clerk of the
20 court in the county where the stalking occurred.

21 (c) (1) The clerk of the court shall supply the forms for the petition
22 and orders, which shall be prescribed by the judicial council.

23 (2) *The clerk shall review all petitions. The clerk shall not file any*
24 *petition under this section if such petition fails to sufficiently state the*
25 *information required in subsection (a)(3).*

26 (d) Service of process served under this section shall be by personal
27 service. No docket fee shall be required for proceedings under the
28 protection from stalking act.

29 (e) The victim's address and telephone number shall not be disclosed
30 to the defendant or to the public, but only to authorized court or law
31 enforcement personnel and to the commission on judicial performance in
32 the discharge of the commission's duties pursuant to article 32 of chapter
33 20 of the Kansas Statutes Annotated, and amendments thereto.

34 (f) *If the known or estimated age of the defendant is stated on the*
35 *petition as 14 years of age or less, the clerk shall not file such petition, but*
36 *shall refer the petitioner to the county or district attorney, who shall*

1 *investigate whether the defendant is a child in need of care. If the county*
2 *or district attorney determines that the defendant named in the petition is*
3 *a child in need of care, such county or district attorney shall file a petition*
4 *pursuant to K.S.A. 2011 Supp. 38-2214, and amendments thereto.*

5 Sec. 2. K.S.A. 2011 Supp. 60-31a04 is hereby repealed.

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

8