

Extended Protective Order; Unlawful Sexual Relations; HB 2613

HB 2613 requires courts to extend protection from abuse and protection from stalking orders for at least two years and allow extension up to the lifetime of a defendant if, after the defendant has been personally served with a copy of the motion to extend the order and has had an opportunity to present evidence at a hearing on the motion and cross-examine witnesses, it is determined by a preponderance of the evidence that the defendant has either previously violated a valid protection order or been convicted of a person felony or conspiracy, criminal solicitation, or attempt of a person felony, committed against the plaintiff or any member of the plaintiff's household. Violation of an extended protection order is a severity level 6, person felony. The bill provides that no service fee is required for a motion for an extended protection order.

Additionally, the bill amends the definition of the crime of unlawful sexual relations, which occurs when the defendant engages in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender in certain situations. Currently, one such provision prohibits the targeted behavior by an employee of the Kansas Department of Social and Rehabilitation Services (SRS) (will become the Department of Children and Family Services on July 1, 2012) or by the employee of a contractor providing services to an SRS institution, when such behavior is directed toward a person 16 years of age or older who is a patient in such institution. The bill expands this subsection by adding language applying the prohibition to the employee of any SRS contractor, when the behavior is directed toward a person 16 years of age or older who is a patient in an SRS institution or is in the custody of SRS.

Further, the bill adds a subsection prohibiting such behavior by a worker, volunteer, or other person in a position of authority in a family foster home licensed by the Kansas Department of Health and Environment, when such behavior is directed toward a person 16 years of age or older who is a foster child in the care of such family foster home.

The bill also clarifies that the term "teacher," as used in the statute, includes coaches. Finally, the bill reorganizes some sections of the statute to improve its overall clarity.