

STATE OF KANSAS  
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY  
STEPHEN M. HOWE, DISTRICT ATTORNEY

February 14, 2017

Joint Committee on Corrections and Juvenile Justice Oversight  
Attention: Senator Rick Wilborn, Chairman  
State Capitol, Room 541E  
Topeka, Kansas 66612

Re: Senate Bill 101

Dear Chairman Wilborn,

Thank you for the opportunity to submit our written response in support of Senate Bill 101.

On behalf of the citizens of Johnson County, I offer this testimony supporting SB 101.

Contrary to what the public sees in the movies or reads in books, we know that most sexual assaults are not committed by the stranger lurking in the dark alley waiting to attack an unsuspecting victim. Most sexual assaults are committed by someone the victim knows or with whom she is familiar, leaving her more vulnerable to continued control and harassment by the perpetrator. We also know that, for a variety of reasons, most sexual assaults go unreported to law enforcement. This leaves victims alone, without help for their recoveries and without help to hold perpetrators accountable. These victims represent a gap in services the government provides to the community. This bill fills that gap, and gives victims a way to protect themselves from further acts of control and harassment by perpetrators, allowing them privacy to focus on recovery.

I would like to draw your attention to some items of interest in the bill.

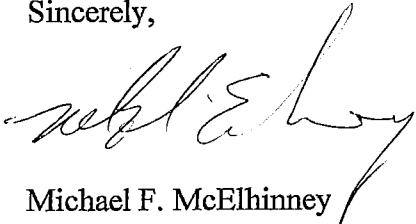
1. Sec. 2 and Sec. 3. "Abuse" (60-3102) and "sexual assault" (60-31a02) have in their definitions "sexual contact." Does "sexual contact" itself need to be further defined?
2. Sec. 7, paragraph (b) contains a sentence stating, "...as it deems necessary to protect the victim from being stalked." Should it read, "...as it deems necessary to protect the victim from being stalked *or sexually assaulted*."? Otherwise it might limit the court's authority in issuing temporary orders.
3. Sec. 8, paragraph (b). The sentence refers to a "stalking or sexual *abuse*" order instead of a "stalking or sexual *assault*" order. It should remain consistent.

4. Sec. 8, paragraph (a)(4). Is this paragraph, one so specific to particular conduct, necessary to afford the victim the protection she seeks? It occurs to us that the protection she needs from the perpetrator is already afforded in the statute; cannot communicate or contact her in any way, cannot come in the vicinity of her residence, etc. We would hope to avoid any litigation over multiplicity of charges should the perpetrator offend again, and be charged with sexual assault and violation of protection order charges.

Here in Johnson County, when we are instituting new ideas and new programs, we do our best to identify gaps in services where certain victims are going unserved simply because they do not match the criteria for existing programs. The modifications to statutes provided in SB 101 address that kind of gap statewide and will provide services to certain victims who could not access those services in the past. The modifications will provide those victims protection and privacy. We support the changes wholeheartedly.

I thank you for your time and would be happy to answer any questions you may have regarding the proposed legislation.

Sincerely,



Michael F. McElhinney  
Assistant District Attorney  
Johnson County District Attorney's Office  
PO Box 728  
Olathe, KS 66051