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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: January 22, 2020
Subject: Bill Brief for SB 215

Senate Bill 215 increases penalties for the crime of domestic battery and amends the crime of child endangerment to include domestic battery in the presence of a child.

Section 1 amends the crime of domestic battery, K.S.A. 21-5414. Current law provides that when an offender has not been convicted of domestic battery within the five years immediately preceding commission of the current crime, the sentencing judge “may enter an order which requires the offender to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program.” The bill amends the law to require the sentencing judge to order the assessment.

Section 2 amends the crime of endangering a child, K.S.A. 21-5601. Current law provides that “endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be endangered.” The bill would add “committing an act of domestic battery or aggravated domestic battery...where the person knows or reasonably should know that a child under the age of 18 years of age is present.” The crime is a class A person misdemeanor, which is subject to a definite term of confinement in the county jail not to exceed one year (K.S.A. 21-6602) and a fine not exceeding \$2,500 (K.S.A. 21-6611).

Please note this bill was filed in the 2019 Session and certain technical amendments will be necessary if the bill moves forward in the legislative process.