

SENATE BILL No. 160

By Committee on Judiciary

2-13

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to domestic violence calls; required notices; lethality assessment;
3 amending K.S.A. 2018 Supp. 22-2307 and repealing the existing
4 section.

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

7 Section 1. K.S.A. 2018 Supp. 22-2307 is hereby amended to read as
8 follows: 22-2307. (a) All law enforcement agencies in this state shall adopt
9 written policies regarding domestic violence calls as provided in
10 ~~subsection~~ subsections (b) and (c). These policies shall be made available
11 to all officers of such agency.

12 (b) Such written policies shall include, but not be limited to, the
13 following:

14 (1) A statement directing that when a law enforcement officer
15 determines that there is probable cause to believe that a crime or offense
16 involving domestic violence, as defined in K.S.A. 2018 Supp. 21-5111,
17 and amendments thereto, has been committed, the officer shall, without
18 undue delay, arrest the person for which the officer has probable cause to
19 believe committed the crime or offense if such person's actions were not
20 an act of defense of a person or property as provided in K.S.A. 2018 Supp.
21 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;

22 (2) a statement that nothing shall be construed to require a law
23 enforcement officer to:

24 (A) Arrest either party involved in an alleged act of domestic
25 violence when the law enforcement officer determines there is no probable
26 cause to believe that a crime or offense has been committed; or

27 (B) arrest both parties involved in an alleged act of domestic violence
28 when both claim to have been victims of such domestic violence;

29 (3) a statement directing that if a law enforcement officer receives
30 complaints of domestic violence from two or more opposing persons, the
31 officer shall evaluate each complaint separately to determine if there is
32 probable cause that each accused person committed a crime or offense and
33 their actions were not an act of defense of a person or property as provided
34 in K.S.A. 2018 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231,
35 and amendments thereto;

36 (4) a statement defining domestic violence in accordance with K.S.A.

1 2018 Supp. 21-5111, and amendments thereto;

2 (5) a statement describing the dispatchers' responsibilities;

3 (6) a statement describing the responding officers' responsibilities and
4 procedures to follow when responding to a domestic violence call and the
5 suspect is at the scene;

6 (7) a statement regarding procedures when the suspect has left the
7 scene of the crime;

8 (8) procedures for both misdemeanor and felony cases;

9 (9) procedures for law enforcement officers to follow when handling
10 domestic violence calls involving court orders, including protection from
11 abuse orders, restraining orders and a protective order issued by a court of
12 any state or Indian tribe;

13 (10) a statement that the law enforcement agency shall provide the
14 following information to victims, in writing:

15 (A) Availability of emergency and medical telephone numbers, if
16 needed;

17 (B) the law enforcement agency's report number;

18 (C) the address and telephone number of the prosecutor's office the
19 victim should contact to obtain information about victims' rights pursuant
20 to K.S.A. 74-7333 and 74-7335, and amendments thereto;

21 (D) the name and address of the crime victims' compensation board
22 and information about possible compensation benefits;

23 (E) advise the victim that the details of the crime may be made
24 public;

25 (F) advise the victim of such victims' rights under K.S.A. 74-7333
26 and 74-7335, and amendments thereto; and

27 (G) advise the victim of known available resources which may assist
28 the victim; and

29 (11) whether an arrest is made or not, a standard offense report shall
30 be completed on all such incidents and sent to the Kansas bureau of
31 investigation.

32 (c) *Such written policies shall provide that when a law enforcement*
33 *officer determines that a person is a victim of domestic violence, as*
34 *defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, the officer*
35 *shall provide the victim with the notice described in this subsection and*
36 *conduct a lethality assessment as provided in this subsection.*

37 (1) *The notice shall consist of handing the victim, or a responsible*
38 *adult, if the victim is a minor or an incompetent person, a written*
39 *statement in substantially the following form:*

40 *"As a victim of domestic violence, you have certain rights. These rights*
41 *are as follows:*

42 1. *The right to request that charges be pressed against your assailant;*

43 2. *the right to request protection from any harm or threat of harm*

1 arising out of your cooperation with law enforcement and prosecution
2 efforts as far as facilities are available and to be provided with
3 information on the level of support available;

4 3. the right to be informed of financial assistance and other social
5 services available as a result of being a victim, including information on
6 how to apply for the assistance and services; and

7 4. the right to file a petition for a protective order."

8 (2) The law enforcement officer who interviews the victim of domestic
9 violence shall assess the potential for danger by asking a series of
10 questions provided on a lethality assessment form. The lethality
11 assessment form shall include, but not be limited to, the following
12 questions:

13 (A) Has the person ever used a weapon against the victim or
14 threatened the victim with a weapon?

15 (B) Has the person threatened to kill the victim or the children of the
16 victim?

17 (C) Does the victim think the person will try to kill the victim?

18 (D) Has the person ever tried to choke the victim?

19 (E) Is the person violently or constantly jealous, or does the person
20 control most of the daily activities of the victim?

21 (F) Has the victim left or separated from the person after living
22 together or being married?

23 (G) Is the person unemployed?

24 (H) Has the person ever tried to kill himself or herself?

25 (I) Does the victim have a child that the person knows is not his or
26 her own child?

27 (J) Does the person follow or spy on the victim or leave the victim
28 threatening messages?

29 (K) Is there anything else that worries the victim about his or her
30 safety, and if so, what worries the victim?

31 (3) Based upon the results of the lethality assessment, the law
32 enforcement agency shall make appropriate referrals to shelters, domestic
33 violence intervention programs and other social services for the victim.
34 The lethality assessment shall be provided to the appropriate prosecuting
35 attorney and the appropriate court for the purposes of setting bond and
36 other possible conditions of release.

37 Sec. 2. K.S.A. 2018 Supp. 22-2307 is hereby repealed.

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