

SENATE BILL No. 88

By Committee on Judiciary

2-4

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to violation of a protective order; criminal penalties; amending K.S.A.
3 2018 Supp. 21-5924 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2018 Supp. 21-5924 is hereby amended to read as
7 follows: 21-5924. (a) Violation of a protective order is knowingly
8 violating:

9 (1) A protection from abuse order issued pursuant to K.S.A. 60-3105,
10 60-3106 or 60-3107, and amendments thereto;

11 (2) a protective order issued by a court or tribunal of any state or
12 Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265, and
13 amendments thereto;

14 (3) a restraining order issued pursuant to K.S.A. 2018 Supp. 23-2707,
15 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-
16 1607, prior to its transfer;

17 (4) an order issued in this or any other state as a condition of pretrial
18 release, diversion, probation, suspended sentence, postrelease supervision
19 or at any other time during the criminal case that orders the person to
20 refrain from having any direct or indirect contact with another person;

21 (5) an order issued in this or any other state as a condition of release
22 after conviction or as a condition of a supersedeas bond pending
23 disposition of an appeal, that orders the person to refrain from having any
24 direct or indirect contact with another person; or

25 (6) a protection from stalking, sexual assault or human trafficking
26 order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments
27 thereto.

28 (b) (1) *Except as provided in subsection (b)(2),* violation of a
29 protective order is a:

30 (A) Class A person misdemeanor, except as provided in subsection ~~(b)~~
31 ~~(2)~~ (b)(1)(B); and

32 (B) severity level 7, person felony upon a second or subsequent
33 conviction.

34 (2) Violation of an extended protective order as described in K.S.A.
35 60-3107(e)(2), and amendments thereto, and K.S.A. 60-31a06(d), and
36 amendments thereto, is a:

1 (A) Severity level 6, person felony, *except as provided in subsection*
2 *(b)(2)(B); and*

3 (B) *severity level 4, person felony upon a second or subsequent*
4 *conviction.*

5 (c) No protective order, as set forth in this section, shall be construed
6 to prohibit an attorney, or any person acting on such attorney's behalf, who
7 is representing the defendant in any civil or criminal proceeding, from
8 contacting the protected party for a legitimate purpose within the scope of
9 the civil or criminal proceeding. The attorney, or person acting on such
10 attorney's behalf, shall be identified in any such contact.

11 (d) As used in this section, "order" includes any order issued by a
12 municipal or district court.

13 Sec. 2. K.S.A. 2018 Supp. 21-5924 is hereby repealed.

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