

OFFICE OF DISTRICT ATTORNEY  
STEPHEN M. HOWE, DISTRICT ATTORNEY

January 31, 2013

House Corrections and Juvenile Justice Committee  
Attention: Representative John Rubin, Chairman  
State Capitol, Room 151B South  
Topeka, Kansas 66612-1504

Re: House Bill 2080

Dear Chairman Rubin,

Thank you for the opportunity to submit our written response in support of HB 2080.

Honorable members of the Committee on Corrections and Juvenile Justice, we are here today to discuss the expansion of the crimes of Burglary and Aggravated Burglary. The proposed changes greatly benefit victims of domestic violence. All of us want to feel safe and secure in the comforts of our homes. The proposed changes reinforce those thoughts.

As prosecutors know all too well, protective orders are no guarantee that a person is going to be safe from another individual. However, the proposed changes give prosecutors the additional tools needed to address public safety issues in domestic violence cases. If a protective order is in place, we would no longer be required to show the perpetrator intended to commit a felony, a theft or a sexual battery. Instead, we would be required to show that an order was in place and the perpetrator knowingly violated that order by going into the residence of the victim. This would also hold true in cases where a perpetrator enters the home of the victim to batter them or in their efforts to stalk the victim.

This expansion would allow prosecutors to charge the suspect with a felony instead of a couple of misdemeanors (violation of a protective order and criminal trespass). Felony charges bring more serious sanctions and potentially diffuse future escalating violence. We often see cases where a person that is subject to a protective order breaks into another's house. They leave messages or destroy a couple of photos or property. These are extremely dangerous situations and if left unchecked can lead to additional violence towards the victim. Because the underlying act does not rise to the level of a felony, we cannot charge them with Burglary or Aggravated Burglary. By expanding the scope of those statutes, we are given the opportunity to use our discretion and charge those felonies when appropriate.

As mentioned previously, no statute or protective order will ever guarantee a person's safety. However, the proposed changes give victims of domestic violence hope that tougher penalties will deter suspects from destroying the peacefulness and safety they hope to have in their own homes. It is our hope that these additional penalties could help prevent further escalation of criminal acts against domestic violence victims.

We would ask this committee to support this bill as drafted. I thank you for your time and would be happy to answer any questions you may have regarding the proposed legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen M. Howe".

Stephen M. Howe  
Johnson County District Attorney  
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