

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 14, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Karen DiVita-Johnson - Excused
Representative Judy Morrison - Excused
Representative Dean Newton - Excused
Representative Rick Rehorn - Excused
Representative Candy Ruff - Excused
Representative Clark Shultz - Excused
Representative Dale Swenson - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Rocky Nichols
Representative Kathe Lloyd
Juliene Maska, Victims Right Coordinator, Office of Attorney General
Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence
Marg Yaroslaski, Crises Center of Dodge City
Laura Patzner, Family Crisis Center, Great Bend
Paul Davis, Kansas Bar Association

Hearings on **HB 2730 - protection from stalking act & HB 2732 - protection from abuse act**, were opened.

Representative Kathe Lloyd commented that in **HB 2730** the reference of "dating relationship" was excluded from the bill and requested that it be included. ([Attachment 1](#))

She addressed **HB 2732** in that protection from abuse orders are very important and she has received some information that many are being used as a "leg up" in divorce negotiations. ([Attachment 2](#))

Representative Rocky Nichols appeared in support of both bills. He informed the committee that 30 states already allow victims of abuse who are in a dating relationship to obtain protection from abuse orders. It is estimated at 25% of dating relationships have some type of physical abuse. One in every 12 women are stalked at one point in her life and 25% of them try to obtain restraining orders against their assailant. ([Attachment 3](#))

Juliene Maska, Victims Right Coordinator, Office of Attorney General, addressed **HB 2730** by stating that the proposed bill would make stalking victims feel that they have a civil remedy and that they are safe. She requested an amendment on page 2 in which the judicial council would be the ones to prescribe the orders. ([Attachment 4](#))

Ms. Maska turned her attention to **HB 2732** and informed them that the proposed bill has the same language as last year with new restrictions on the issuance of mutual orders. ([Attachment 5](#))

Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence, commented that stalking behavior is not just a nuisance; it can be lethal. 77% of female victims were stalked by someone they knew. ([Attachment 6](#))

Ms. Barnett commented that **HB 2732** would allow victims to obtain protection orders when they are subject to violence during a dating relationship. She touched on the amendments to the mutual protection orders and stated that the language would clear up the act and require due process for the plaintiff. ([Attachment 7](#))

Marg Yaroslaski, Crises Center of Dodge City, & Laura Patzner, Family Crisis Center, Great Bend, relayed stories of people who have come into their offices seeking protection from stalkers and others that were in

CONTINUATION SHEET

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dating relationships wanting to get protection from abuse orders, but due to the current law, were not able too. (Attachments 8 & 9)

Chairman O'Neal commented that Kansas already has stalking laws and that maybe the prosecutors need to be more diligent in prosecuting these type of cases.

Paul Davis, Kansas Bar Association, appeared in support of what the bill stands for but believe it is a major departure from current law and that it will cause a serious burden on the courts that are already underfunded and over worked. (Attachment 10)

Hearings on **HB 2730 & 2732** were closed.

Committee minutes from January 28, 29, February 4 & 5 were distributed.

The meeting adjourned at 6:15 p.m. The next meeting was scheduled for February 18, 2002.