

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2279

By Representatives Victors and Curtis

2-12

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to domestic violence calls; providing information to victim on arrest;
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 an arrest is made*
33 *while a law enforcement officer is responding to a domestic violence call*
34 **for a domestic violence offense as defined in K.S.A. 2018 Supp. 21-**
35 **5111, and amendments thereto, including an arrest for violation of a**
36 *protection order as defined in K.S.A. 2018 Supp. 21-5924, and*
37 *amendments thereto, the officer shall provide the victim information*
38 *related to:*

39 (A) ~~The earliest possible time of release from custody of the person~~
40 ~~being arrested according to the bond schedule adopted in the jurisdiction~~
41 ~~within which the arrest is being made if such jurisdiction has adopted a~~
42 ~~bond schedule~~ **fact that in some cases the person arrested can be**
43 **released from custody in a short amount of time;**

1 (B) ~~the requirement contained in K.S.A. 12-4301 and 22-2802, and~~
2 ~~amendments thereto, that if the person is being bonded out for a person~~
3 ~~felony or a person misdemeanor, the bond shall be conditioned on the~~
4 ~~person being prohibited from having any contact with the alleged victim of~~
5 ~~such offense for a period of at least 72 hours, unless the judge makes a~~
6 ~~specific finding otherwise~~ **fact that in some cases a bond condition may**
7 **be imposed on the person arrested that prohibits contact with the**
8 **victim for 72 hours, and that if the person arrested contacts the victim**
9 **during that time, the victim should notify law enforcement**
10 **immediately;**

11 (C) *any available services within the jurisdiction to monitor custody*
12 *changes of the person being arrested, including, but not limited to, the*
13 *Kansas victim information and notification everyday service if available in*
14 *such jurisdiction.*

15 (d) *All law enforcement agencies shall provide training to law*
16 *enforcement officers about the policies adopted pursuant to this section.*

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 K.S.A. 2018 Supp. 22-2307 is hereby repealed.

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