AN ACT concerning crimes, punishment and criminal procedure; relating to domestic violence calls; providing information to victim on arrest victims of domestic violence, sexual assault, human trafficking or stalking; relating to housing protections; requiring law enforcement to provide information to victims when an arrest is made for a domestic violence offense; amending K.S.A. 2018 Supp. 22-2307 and repealing the existing section.

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

New Section 1. (a) (1) An applicant shall not be denied tenancy on the basis of, or as a direct result of, the fact that the applicant is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking, if the applicant otherwise qualifies for tenancy in or occupancy of the premises.

(2) A tenant or lessee shall not be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of, or as a direct result of, the fact that the tenant or lessee is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking, if the tenant or lessee otherwise qualifies for tenancy in or occupancy of the premises.

(b) (1) A tenant or lessee shall not be liable for rent for the period after which the tenant or lessee vacates the premises that are the subject of the rental or lease agreement if the tenant or lessee:

(A) is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and

(B) notifies the landlord or property owner as required in subsection (c).

(2) In any action brought against a tenant or lessee under Kansas law that seeks recovery of rent, the tenant or lessee shall have an affirmative defense and not be liable for rent for the period after which the tenant or lessee vacates the premises that are the subject of the rental or lease agreement if, by preponderance of the evidence, the court finds that the tenant or lessee:

(A) was a victim or was in imminent danger of becoming a victim
of domestic violence, sexual assault, human trafficking or stalking; and
(B) notified the landlord or property owner as required in
subsection (c).
(c) An applicant, tenant or lessee qualifies for the protections under
this section if the applicant, tenant or lessee provides a statement
regarding domestic violence, sexual assault, human trafficking or
stalking to the landlord or property owner. If the landlord or property
owner requests, the applicant, tenant or lessee shall provide
documentation of the domestic violence, sexual assault, human
trafficking or stalking, which may be in any of the following forms:
(1) A document signed by the victim and any of the following
individuals from whom the victim has sought assistance relating to
domestic violence, sexual assault, human trafficking or stalking, or the
effects of such abuse: (A) An attorney; (B) an employee, agent or
volunteer of a victim service provider; or (C) a healthcare professional
or mental health professional. The document must declare under penalty
of perjury that the individual believes in the occurrence of the incident
of domestic violence, sexual assault, human trafficking or stalking that
is the ground for protection and that the incident meets the applicable
definition of domestic violence, sexual assault, human trafficking or
stalking; or
(2) a record pertaining to the alleged incident of domestic violence,
sexual assault, human trafficking or stalking that is the ground for
protection from: (A) A court; or (B) a federal, state or local law
enforcement agency, including, but not limited to, a police report.
(d) The submission of false information by an applicant, tenant or
lessee under this section may be a basis for a denial of tenancy, eviction
or a violation of a rental or lease agreement.
(e) A landlord or property owner may impose a reasonable
termination fee not to exceed one month's rent on a tenant or lessee who
requests termination of a rental or lease agreement under the provisions
of this section before the expiration date of such agreement. Such
termination fee may only be imposed if it is contained in the terms of the
rental or lease agreement.
(f) As used in this section, "domestic violence," "human
trafficking," "sexual assault" and "stalking" mean the same as in
K.S.A. 2018 Supp. 75-452, and amendments thereto.

Section 1. Sec. 2. K.S.A. 2018 Supp. 22-2307 is hereby amended to
read as follows: 22-2307. (a) All law enforcement agencies in this state
shall adopt written policies regarding domestic violence calls as provided
in subsection subsections (b) and (c). These policies shall be made
available to all officers of such agency.
(b) Such written policies shall include, but not be limited to, the
following:

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

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

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

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

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

(4) a statement defining domestic violence in accordance with K.S.A. 2018 Supp. 21-5111, and amendments thereto;

(5) a statement describing the dispatchers' responsibilities;

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

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

(8) procedures for both misdemeanor and felony cases;

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

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

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

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

(C) the address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights pursuant
to K.S.A. 74-7333 and 74-7335, and amendments thereto;
(D) the name and address of the crime victims' compensation board
and information about possible compensation benefits;
(E) advise the victim that the details of the crime may be made
public;
(F) advise the victim of such victims' rights under K.S.A. 74-7333
and 74-7335, and amendments thereto; and
(G) advise the victim of known available resources which may assist
the victim; and
(11) whether an arrest is made or not, a standard offense report shall
be completed on all such incidents and sent to the Kansas bureau of
investigation.
(c) Such written policies shall provide that when an arrest is made
while a law enforcement officer is responding to a domestic violence call
for a domestic violence offense as defined in K.S.A. 2018 Supp. 21-
5111, and amendments thereto, including an arrest for violation of a
protection order as defined in K.S.A. 2018 Supp. 21-5924, and
amendments thereto, the officer shall provide the victim information
related to:
(A) The earliest possible time of release from custody of the person
being arrested according to the bond schedule adopted in the jurisdiction
within which the arrest is being made if such jurisdiction has adopted a
bond schedule fact that in some cases the person arrested can be
released from custody in a short amount of time;
(B) the requirement contained in K.S.A. 12-4301 and 22-2802, and
amendments thereto, that if the person is being bonded out for a person
felony or a person misdemeanor, the bond shall be conditioned on the
person being prohibited from having any contact with the alleged victim of
such offense for a period of at least 72 hours, unless the judge makes a
specific finding otherwise fact that in some cases a bond condition may
be imposed on the person arrested that prohibits contact with the
victim for 72 hours, and that if the person arrested contacts the victim
during that time, the victim should notify law enforcement
immediately;
(C) any available services within the jurisdiction to monitor custody
changes of the person being arrested, including, but not limited to, the
Kansas victim information and notification everyday service if available in
such jurisdiction.
(d) All law enforcement agencies shall provide training to law
enforcement officers about the policies adopted pursuant to this section.
Sec. 2. K.S.A. 2018 Supp. 22-2307 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.