OFFICE OF THE DISTRICT ATTORNEY
EIGHTEENTH JUDICIAL DISTRICT

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March 2023

Testimony Regarding SB 73
Submitted by Aaron Breitenbach, Deputy District Attorney
On Behalf of Marc Bennett, District Attorney, Eighteenth Judicial District,
and the Kansas County and District Attorneys Association

Honorable Chairman Owens and Members of the House Corrections and Juvenile Justice Committee:

Thank you for the opportunity to address you regarding Senate Bill 73. On behalf of Marc Bennett, District Attorney of the Eighteenth Judicial District, we join the Kansas County and District Attorneys Association in asking the State of Kansas to better protect victims of domestic violence and prior abuse from those who seek to further harm or terrorize them in their homes, businesses, and vehicles.

Currently, K.S.A. 21-5807 identifies burglary and aggravated burglary as entering a variety of locations with the intent to commit a felony, theft, or a sexually motivated crime. What this statute fails to capture is those who seek to enter these locations to commit domestic battery or in violation of a pre-existing protective order (protection from abuse, protection from stalking, etc.). These offenses are not covered in the current statute as they are most often misdemeanors, not felonies.

While the burglary and aggravated burglary statutes exist to protect us all from intruders who seek to do us physical or financial harm, they currently do not specifically protect the most vulnerable among us who are often already living in fear. This legislation seeks to give victims of domestic violence and stalking a stronger sense of safety wherever they are and provide greater punishment to those who violate protective orders by invading the places their victims should have greater expectations of safety.

Thank you for your time, attention and consideration in this matter.

Respectfully submitted,

Aaron Breitenbach

Deputy District Attorney
Eighteenth Judicial District