MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 14, 2024

Subject: Bill Brief on HB 2740

HB 2740 increases the criminal penalty for a third or subsequent conviction of domestic battery and creates a mandatory minimum sentence for aggravated domestic battery.

The bill amends K.S.A. 21-5414, the crime of domestic battery. Current law provides that domestic battery is a class B person misdemeanor on the first offense, a class A person misdemeanor on a second offense within the immediately preceding five years, and a non-grid person felony if on a third or subsequent offense within the immediately preceding five years. In addition to the existing penalties for these violations, for the class B misdemeanor offense, the offender is required to spend not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than $200 and not more than $500. For the class A misdemeanor offense, the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $500 and not more than $500. The offender is also required to serve the 48 consecutive hours of imprisonment. For the non-grid felony offense, the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,000 and not more than $7,500. The offender is also required to undergo a domestic violence offender assessment and follow the recommendations made by a certified batterer intervention program.

This bill would make a third or subsequent conviction within the immediately preceding five years a severity level 7, person felony. It would maintain the current law requirements of a mandatory 90 days of imprisonment and undergoing a domestic violence offender assessment and apply those to a violation of aggravated domestic battery.