

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: March 13, 2024  
Subject: Bill Brief on SB 265

SB 265 requires a person convicted of an offense that resulted in the incapacitation or death of a victim who is the parent or guardian of a minor child to pay restitution in the form of child support and increases the criminal penalties for repeat violations of a protective order.

New Section 1 was added by the Senate Committee of the Whole. It provides that if a defendant is convicted of an offense that resulted in the incapacitation or death of a victim who is the parent or guardian of a minor child, then the court shall order the defendant to pay restitution in the form of reasonable and necessary support of each minor child of the victim until each minor child reaches 18 years of age and has graduated from high school, or the class of which the minor child is a member when the child reaches 18 years of age has graduated from high school. When determining the amount of support that is reasonable and necessary, the court shall consider all relevant factors including (1) the age of the child, (2) the financial needs and resources of the child, (3) the financial resources and needs of the surviving parent or guardian of the child or the financial resources of the state if the child is in the custody of the secretary for children and families, (4) the standard of living to which the child is accustomed, (5) the physical and emotional condition of the child and the child's educational needs, (6) the child's legal custody and residency, and (7) the reasonable child care expenses of the surviving parent or guardian.

The court shall order the support payments be paid to the child's parent or guardian and the order shall be enforced as a judgment of restitution pursuant to K.S.A. 20-169 and 21-6604. If the victim or victim's family brings a civil action against the defendant prior to the court ordering the defendant to pay the restitution described in this section and a judgment is obtained, the restitution described in this section shall not be ordered. If the court enters a restitution order under this section and the victim or victim's family subsequently brings a civil against the defendant and

obtains a judgment, then the restitution order issued pursuant to this section shall be offset by the amount of the judgment in such action.

Section 2 amends K.S.A. 21-5924, the statute in the Kansas criminal code that defines the crime of violation of a protective order. Current law provides that the crime is a class A person misdemeanor generally, and a severity level 6, person felony when the protective order violated is an extended protective order described in the protection from abuse act or the protection from stalking, sexual assault or human trafficking act. The bill increases the general penalty to a severity level 7, person felony upon a second or subsequent conviction, and a severity level 4, person felony upon a second or subsequent conviction for violation of an extended protective order.