

February 7, 2023

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2185 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2185 is respectfully submitted to your committee.

HB 2185 would amend the Protection from Abuse Act and the Protection from Stalking, Sexual Assault or Human Trafficking Act. The bill would specify that a law enforcement officer may personally serve a defendant with a short form notification. Upon verification of the identity of the defendant and knowledge of the existence of an unserved order against the defendant, a law enforcement officer may detain the defendant for a reasonable time necessary to complete and serve the short form notification. The bill specifies what should be included in the short form notification. When the short form notification process is complete, the law enforcement officer serving the notification would be required to file a copy of the notification with the clerk of the district court.

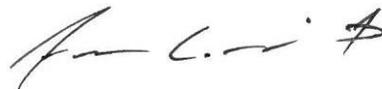
The bill would specify that personal service could be made through short form notification by a law enforcement officer. If personal service cannot be made on an individual, service would be effected by leaving a copy of the summons and petition or other document at the individual's dwelling or usual place of abode and mailing to the individual by first-class mail, postage prepaid, a notice that the copy has been left at the individual's dwelling or usual place of abode. If a court determines that after diligent effort the plaintiff has been unable to serve the defendant, the court may order that notice may be given in a manner reasonably calculated to give actual notice, including electronic means and may be by publication if other means are not effective.

HB 2185 would remove provisions relating to when protection orders may or may not be modified and instead would prohibit protection orders from being modified by a subsequent ex parte or temporary order issued in any action, except for certain provisions outlined in the bill.

The bill would also allow a protection order to be modified by a subsequent final order pursuant to a hearing or an agreement of the parties. The bill would also allow protection orders, upon sworn testimony to support a showing of good cause and as authorized by other statutes, to modify custody, residency, and parenting time previously issued in action for parentage actions or in a divorce, separate maintenance, or annulment filed.

The Office of Judicial Administration states enactment of the bill could have a fiscal effect on the operations of the Judicial Branch because the bill's provisions could result in additional time spent by judges and court employees processing and deciding cases related to protection orders. The Office indicates until the Judicial Branch has had an opportunity to operate under the bill's provisions a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2185 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary