

SESSION OF 2023

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 265**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 265 would amend the crime of violating a protective order to establish penalties for repeat violations of such orders.

The bill would add a penalty for a second or subsequent conviction for violating a protection from stalking, sexual assault, or human trafficking order as a severity level 7 person felony. Current law provides the penalty is a Class A person misdemeanor, regardless of how many times a violation has occurred previously.

The bill would also add a penalty upon a second or subsequent conviction for violating an extended protective order as a severity level 4 person felony. Current law provides the penalty is a severity level 6 person felony regardless of how many times a violation has occurred previously.

**Background**

The bill was introduced by the Senate Committee on Ways and Means at the request of Senator McGinn. The bill was referred to the Senate Committee on Judiciary on February 17, 2023.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***Senate Committee on Judiciary***

In the Senate Committee hearing on March 6, 2023, **proponent** testimony was provided by a Sedgwick County District Court judge who generally stated that the intent of the bill is to subject a repeat offender to increased penalties for violations of a protective order.

Written-only proponent testimony was provided by a representative of the Kansas Coalition Against Sexual and Domestic Violence; a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association; and a private citizen.

No other testimony was provided.

### ***Fiscal Information***

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission estimates that enactment of the bill could increase prison admissions and the number of beds needed, but that a precise effect cannot be determined at this time.

The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its FY 2023 Adult Inmate Prison Population Projections report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024.

The Office of Judicial Administration and the Department of Corrections indicate enactment of the bill would not have a fiscal effect. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Protective order; protection from stalking order; protection from sexual assault order; protection from human trafficking order; violation