



# CITY OF TOPEKA

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To: House Committee on Corrections and Juvenile Justice  
From: Brigid E. Markey, Assistant City Attorney Prosecutor  
Date: 2/6/2024  
Re: HB 2630

I would like to thank Chairman Owens and the Committee for allowing the City of Topeka the opportunity to testify today in support of HB 2630.

Situations of domestic violence are complex and often require a thorough understanding of the relationship between the parties. This is what sets domestic violence crimes apart from other crimes like simple batteries, trespasses, theft, etc. This area of crime is also unique in that perpetrators of domestic violence tend to repeat their acts, often with the same victim. Being unable to introduce past DV convictions limits prosecution's ability to provide important evidence to the fact finder at trial. An individual accused of domestic violence may have a criminal history of the same acts between the offender and the victim, but currently the victim is not allowed to testify to the defendant's past convictions due to the evidence rules in place presently. Without this information, the fact finder at trial lacks a full understanding of the domestic violence criminal history.

For instance, a question raised by defense counsel may be "Why didn't you leave if you felt afraid?" Often the truth is that the victim knew of a past conviction of domestic violence when the perpetrator was in a previous relationship and feared what the individual was capable of doing to them, or the victim has previously been battered by this individual and is unable to testify about the previous conviction and acts. Allowing a victim to testify whether these past convictions had an effect on their mindset during the incident provides important context within testimony at trial.

This amendment mirrors the language already in place in K.S.A. 2023 Supp. 60-455 (d)(3) regarding crimes of sexual misconduct. Crimes of domestic violence and sexual misconduct are very similar in nature. Both are often driven by psychological impulses to carry out these acts. Both of these acts often entail a disregard for boundaries, a strong urge to have power and control over victims, and a known, vulnerable victim. Recidivism is a strong concern when addressing these perpetrators. Often, if an individual commits these acts, it is likely they will commit the offenses in the future. When the crime is repeated, past convictions of the same crime is crucial evidence for successful prosecution, and this amendment is needed to protect the victims of domestic violence.

Thank you for your time and your consideration on this very important issue. I urge you to pass HB 2630 to the full House for its consideration, and I am happy to stand for questions at the appropriate time.