

HOUSE BILL No. 2280

By Committee on Corrections and Juvenile Justice

2-2

1 AN ACT concerning driving under the influence; relating to children of a
2 victim killed during offense; requiring child support.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Notwithstanding any provision of law to the contrary, if
6 a person is convicted of involuntary manslaughter, as defined in K.S.A.
7 2022 Supp. 21-5405(a)(3), and amendments thereto, and the victim of the
8 offense was the parent of a minor child, then the court shall order the
9 defendant to pay restitution in the form of reasonable and necessary
10 support of each minor child of the victim until each minor child reaches 18
11 years of age and has graduated from high school, or the class of which the
12 minor child is a member when the child reaches 18 years of age has
13 graduated from high school.

14 (b) When determining the amount of support that is reasonable and
15 necessary for the support of the child, the court shall consider all relevant
16 factors, including, but not limited to:

17 (1) The age of the child;

18 (2) the financial needs and resources of the child;

19 (3) the financial resources and needs of the surviving parent or
20 guardian of the child or the financial resources of the state if the child is in
21 the custody of the secretary for children and families;

22 (4) the standard of living to which the child is accustomed;

23 (5) the physical and emotional condition of the child and the child's
24 educational needs;

25 (6) the child's legal custody and residency; and

26 (7) the reasonable child care expenses of the surviving parent or
27 guardian.

28 (c) The court shall order the support payments be paid to the
29 surviving parent or guardian. The court's order shall be enforced as a
30 judgment of restitution pursuant to K.S.A. 20-169, and amendments
31 thereto, and K.S.A. 2022 Supp. 21-6604(b)(2), and amendments thereto.

32 (d) If the person who is ordered to pay the restitution described in this
33 section is incarcerated and unable to pay, the person shall have not longer
34 than one year after such person is released from custody to begin payment
35 and create a payment plan to address any arrearage. Payments shall
36 continue until the entire arrearage is paid in full.

1 (e) (1) If the surviving parent or guardian brings a civil action against
2 the person ordered to pay the restitution described in this section prior to
3 the court ordering such restitution and the surviving parent or guardian
4 obtains a judgment in such action, then the restitution described in this
5 section shall not be ordered.

6 (2) If the court enters an order pursuant to this section and the
7 surviving parent or guardian subsequently brings a civil action and obtains
8 a judgment, then the order entered pursuant to this section shall be offset
9 by the amount of the judgment in such action.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the statute book.