

SENATE BILL No. 412

By Committee on Judiciary

1-27

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to violation of a protective order; increasing criminal penalties therefor;
3 amending K.S.A. 2021 Supp. 21-5924 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2021 Supp. 21-5924 is hereby amended to read as
8 follows: 21-5924. (a) Violation of a protective order is knowingly
9 violating:

10 (1) A protection from abuse order issued pursuant to K.S.A. 60-3105,
11 60-3106 or 60-3107, and amendments thereto;

12 (2) a protective order issued by a court or tribunal of any state or
13 Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265, and
14 amendments thereto;

15 (3) a restraining order issued pursuant to K.S.A. 2021 Supp. 23-2707,
16 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-
17 1607, prior to its transfer;

18 (4) an order issued in this or any other state as a condition of pretrial
19 release, diversion, probation, suspended sentence, postrelease supervision
20 or at any other time during the criminal case that orders the person to
21 refrain from having any direct or indirect contact with another person;

22 (5) an order issued in this or any other state as a condition of release
23 after conviction or as a condition of a supersedeas bond pending
24 disposition of an appeal, that orders the person to refrain from having any
25 direct or indirect contact with another person; or

26 (6) a protection from stalking, sexual assault or human trafficking
27 order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments
28 thereto.

29 (b) (1) *Except as provided in subsection (b)(2)*, violation of a
30 protective order is a:

31 (A) Class A person misdemeanor, except as provided in subsection ~~(b)~~
32 ~~(2)~~ (b)(1)(B); and

33 (B) severity level 7, person felony upon a second or subsequent
34 conviction.

35 (2) Violation of an extended protective order as described in K.S.A.
36 60-3107(e)(2), and amendments thereto, and K.S.A. 60-31a06(d), and

1 amendments thereto, is a:

2 (A) Severity level 6, person felony, *except as provided in subsection*
3 *(b)(2)(B); and*

4 (B) *severity level 4, person felony upon a second or subsequent*
5 *conviction.*

6 (c) No protective order, as set forth in this section, shall be construed
7 to prohibit an attorney, or any person acting on such attorney's behalf, who
8 is representing the defendant in any civil or criminal proceeding, from
9 contacting the protected party for a legitimate purpose within the scope of
10 the civil or criminal proceeding. The attorney, or person acting on such
11 attorney's behalf, shall be identified in any such contact.

12 (d) As used in this section, "order" includes any order issued by a
13 municipal or district court.

14 Sec. 2. K.S.A. 2021 Supp. 21-5924 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.