

SENATE BILL No. 416

By Committee on Judiciary

1-27

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to law enforcement policies regarding domestic violence calls;
3 requiring officers investigating alleged domestic violence to conduct a
4 lethality assessment; amending K.S.A. 2021 Supp. 22-2307 and
5 repealing the existing section.
6

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

8 Section 1. K.S.A. 2021 Supp. 22-2307 is hereby amended to read as
9 follows: 22-2307. (a) All law enforcement agencies in this state shall adopt
10 written policies regarding domestic violence calls as provided in
11 ~~subsections (b) and (c)~~ *this section*. These policies shall be made available
12 to all officers of such agency.

13 (b) Such written policies shall include, but not be limited to, the
14 following:

15 (1) A statement directing that when a law enforcement officer
16 determines that there is probable cause to believe that a crime or offense
17 involving domestic violence, as defined in K.S.A. 2021 Supp. 21-5111,
18 and amendments thereto, has been committed, the officer shall, without
19 undue delay, arrest the person for which the officer has probable cause to
20 believe committed the crime or offense if such person's actions were not
21 an act of defense of a person or property as provided in K.S.A. 2021 Supp.
22 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;

23 (2) a statement that nothing shall be construed to require a law
24 enforcement officer to:

25 (A) Arrest either party involved in an alleged act of domestic
26 violence when the law enforcement officer determines there is no probable
27 cause to believe that a crime or offense has been committed; or

28 (B) arrest both parties involved in an alleged act of domestic violence
29 when both claim to have been victims of such domestic violence;

30 (3) a statement directing that if a law enforcement officer receives
31 complaints of domestic violence from two or more opposing persons, the
32 officer shall evaluate each complaint separately to determine if there is
33 probable cause that each accused person committed a crime or offense and
34 their actions were not an act of defense of a person or property as provided
35 in K.S.A. 2021 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231,
36 and amendments thereto;

1 (4) a statement defining domestic violence in accordance with K.S.A.
2 2021 Supp. 21-5111, and amendments thereto;

3 (5) a statement describing the dispatchers' responsibilities;

4 (6) a statement describing the responding officers' responsibilities and
5 procedures to follow when responding to a domestic violence call and the
6 suspect is at the scene;

7 (7) a statement regarding procedures when the suspect has left the
8 scene of the crime;

9 (8) procedures for both misdemeanor and felony cases;

10 (9) procedures for law enforcement officers to follow when handling
11 domestic violence calls involving court orders, including protection from
12 abuse orders, restraining orders and a protective order issued by a court of
13 any state or Indian tribe;

14 (10) a statement that the law enforcement agency shall provide the
15 following information to victims, in writing:

16 (A) Availability of emergency and medical telephone numbers, if
17 needed;

18 (B) the law enforcement agency's report number;

19 (C) the address and telephone number of the prosecutor's office the
20 victim should contact to obtain information about victims' rights pursuant
21 to K.S.A. 74-7333 and 74-7335, and amendments thereto;

22 (D) the name and address of the crime victims' compensation board
23 and information about possible compensation benefits;

24 (E) advise the victim that the details of the crime may be made
25 public;

26 (F) advise the victim of such victims' rights under K.S.A. 74-7333
27 and 74-7335, and amendments thereto; and

28 (G) advise the victim of known available resources which may assist
29 the victim; and

30 (11) whether an arrest is made or not, a standard offense report shall
31 be completed on all such incidents and sent to the Kansas bureau of
32 investigation.

33 (c) Such written policies shall provide that when an arrest is made for
34 a domestic violence offense as defined in K.S.A. 2021 Supp. 21-5111, and
35 amendments thereto, including an arrest for violation of a protection order
36 as defined in K.S.A. 2021 Supp. 21-5924, and amendments thereto, the
37 officer shall provide the victim information related to:

38 ~~(A)~~(1) The fact that in some cases the person arrested can be released
39 from custody in a short amount of time;

40 ~~(B)~~(2) the fact that in some cases a bond condition may be imposed
41 on the person arrested that prohibits contact with the victim for 72 hours,
42 and that if the person arrested contacts the victim during that time, the
43 victim should notify law enforcement immediately; and

1 ~~(C)~~(3) any available services within the jurisdiction to monitor
2 custody changes of the person being arrested, including, but not limited to,
3 the Kansas victim information and notification everyday service if
4 available in such jurisdiction.

5 (d) (1) *Such written policies shall provide that when a law*
6 *enforcement officer determines that a person is a victim of domestic*
7 *violence, as defined in K.S.A. 2021 Supp. 21-5111, and amendments*
8 *thereto, the officer shall conduct a lethality assessment as provided in this*
9 *paragraph. The law enforcement officer who interviews the victim of*
10 *domestic violence shall assess the potential for danger by asking a series*
11 *of questions provided on a lethality assessment form. The lethality*
12 *assessment form shall include, but not be limited to, the following*
13 *questions:*

14 (A) *Has the person ever used a weapon against the victim or*
15 *threatened the victim with a weapon;*

16 (B) *has the person threatened to kill the victim or the children of the*
17 *victim;*

18 (C) *does the victim think the person will try to kill the victim;*

19 (D) *has the person ever tried to choke the victim;*

20 (E) *is the person violently or constantly jealous, or does the person*
21 *control most of the daily activities of the victim;*

22 (F) *has the victim left or separated from the person after living*
23 *together or being married;*

24 (G) *is the person unemployed;*

25 (H) *has the person ever tried to kill himself or herself;*

26 (I) *does the victim have a child that the person knows is not his or*
27 *her own child;*

28 (J) *does the person follow or spy on the victim or leave the victim*
29 *threatening messages; and*

30 (K) *is there anything else that worries the victim about his or her*
31 *safety, and if so, what worries the victim.*

32 (2) *Based upon the results of the lethality assessment, the law*
33 *enforcement agency shall make appropriate referrals to shelters, domestic*
34 *violence intervention programs and other social services for the victim.*
35 *The lethality assessment shall be provided to the appropriate prosecuting*
36 *attorney and the appropriate court for the purposes of setting bond and*
37 *other possible conditions of release.*

38 (e) All law enforcement agencies shall provide training to law
39 enforcement officers about the policies adopted pursuant to this section.

40 Sec. 2. K.S.A. 2021 Supp. 22-2307 is hereby repealed.

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