

**SENATE BILL No. 192**

By Senators Sykes, Corson, Faust-Goudeau, Francisco, Hawk, Holscher, Pettey and Ware

2-9

1 AN ACT concerning firearms; relating to certain protection orders;  
2 requiring relinquishment of firearms pursuant to such orders; criminal  
3 penalties; amending K.S.A. 2020 Supp. 22-3426, 60-3107 and 60-  
4 31a06 and repealing the existing sections.

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

7 New Section 1. (a) The court shall issue an order requiring the  
8 defendant to relinquish all firearms in the defendant's custody, control or  
9 possession, and any concealed carry license issued to the defendant upon:

10 (1) The court's issuance of a qualifying protection order against such  
11 defendant; or

12 (2) the conviction of the defendant for domestic battery as described  
13 in K.S.A. 2020 Supp. 21-5414, and amendments thereto, or any  
14 misdemeanor for a domestic violence offense as defined in K.S.A. 2020  
15 Supp. 21-6301, and amendments thereto.

16 (b) A defendant subject to a relinquishment order issued pursuant to  
17 this section shall:

18 (1) Relinquish all firearms in the defendant's custody, control or  
19 possession to the sheriff of the county in which the court issuing such  
20 relinquishment order is located or to a licensed federal firearms dealer; and

21 (2) relinquish any concealed carry license issued to the defendant to  
22 the sheriff of the county in which the court issuing such relinquishment  
23 order is located.

24 (c) (1) If the defendant is physically present in court at the time a  
25 relinquishment order is entered against the defendant, the defendant shall  
26 comply with the provisions of subsection (b) within 24 hours after such  
27 relinquishment order is entered.

28 (2) If the defendant is not physically present in court at the time a  
29 relinquishment order is entered against the defendant, such order shall be  
30 personally served on the defendant by a law enforcement officer, or if  
31 personal service by a law enforcement officer is not possible, in  
32 accordance with K.S.A. 60-301 et seq., and amendments thereto.

33 (3) If the order is personally served on the defendant, the law  
34 enforcement officer serving such order shall require that the defendant  
35 immediately surrender all firearms in the defendant's custody, control or

1 possession, and any concealed carry license issued to the defendant. The  
2 law enforcement officer shall conduct any search of the defendant  
3 permitted by law for such firearms or license. The law enforcement officer  
4 shall take possession of any such firearms and license that are  
5 relinquished, in plain sight or discovered pursuant to a lawful search.

6 (4) The defendant shall relinquish, in accordance with subsection (b),  
7 any firearms in the defendant's custody, control or possession, and any  
8 concealed carry license issued to the defendant that are not relinquished to  
9 or removed by a law enforcement officer at the time of service within 24  
10 hours after service of the order.

11 (d) A law enforcement officer or licensed federal firearms dealer who  
12 takes possession of a firearm or concealed carry license pursuant to this  
13 section shall issue a proof of relinquishment or removal to the defendant.  
14 The proof of relinquishment or removal shall include:

15 (1) The name of the defendant;

16 (2) the date such firearm or concealed carry license was relinquished  
17 or removed;

18 (3) the identification number of any relinquished or removed  
19 concealed carry license; and

20 (4) the make, model and serial number of any relinquished or  
21 removed firearm.

22 (e) Within 48 hours after issuance of a relinquishment order pursuant  
23 to subsection (a), a defendant subject to such order shall:

24 (1) File one or more proofs of relinquishment or removal showing  
25 that all firearms previously in the defendant's custody, control or  
26 possession, and any concealed carry license issued to the defendant, were  
27 relinquished or removed by a law enforcement officer pursuant to  
28 subsection (c), and attest to the court that the defendant does not currently  
29 have any firearms in the defendant's custody, control or possession, and  
30 does not currently possess a concealed carry license; or

31 (2) attest to the court that:

32 (A) At the time the relinquishment order was issued, the defendant  
33 did not have any firearms in the defendant's custody, control or possession,  
34 and did not possess any concealed carry license; and

35 (B) the defendant does not currently have any firearms in the  
36 defendant's custody, control or possession, and does not currently possess  
37 a concealed carry license.

38 (f) If the defendant fails to file any proofs of relinquishment or  
39 removal or any attestations as required under subsection (e) after 48 hours  
40 from the issuance of a relinquishment order, the clerk of the court that  
41 issued such order shall notify the sheriff of the county in which the court is  
42 located that the defendant has failed to make any such filings with the  
43 court. Upon receipt of such notification, the sheriff shall make a good faith

1 effort to determine whether there is evidence that the defendant has failed  
2 to relinquish any firearm in the defendant's custody, control or possession,  
3 or any concealed carry license issued to the defendant, as required under  
4 the relinquishment order.

5 (g) A relinquishment order shall be effective for either the duration of  
6 the qualifying protective order issued against the defendant, or for that  
7 period of time during which it is unlawful for the defendant to possess a  
8 firearm under K.S.A. 2020 Supp. 21-6301 or 21-6304, and amendments  
9 thereto.

10 (h) At any point while a relinquishment order is in effect, the  
11 plaintiff, the district attorney or county attorney, or a law enforcement  
12 officer may file an affidavit with the court that issued the order alleging  
13 that the defendant subject to such order has a firearm in the defendant's  
14 custody, control or possession, or possesses a concealed carry license.  
15 Upon the filing of such affidavit, the court shall determine whether  
16 probable cause exists to believe that the defendant has a firearm in the  
17 defendant's custody, control or possession or that the defendant possesses a  
18 concealed carry license. If the court finds that such probable cause exists,  
19 the court shall issue a search warrant for such firearm or concealed carry  
20 license in accordance with K.S.A. 22-2502, and amendments thereto.

21 (i) Except as provided in subsection (j), upon expiration or  
22 termination of a relinquishment order and at the request of the defendant,  
23 any items that were relinquished or removed by the sheriff shall be  
24 returned to the defendant, provided the sheriff conducts a state and  
25 national criminal history records check that conforms to applicable federal  
26 standards, including an inquiry of the national instant criminal background  
27 check system and confirms that the defendant is not currently prohibited  
28 from possessing or receiving a firearm under state or federal law.

29 (j) A sheriff may dispose of any firearms relinquished by a defendant  
30 pursuant to a relinquishment order issued under subsection (a)(2) only  
31 after the defendant is notified of the pending disposal of any such firearm,  
32 and the proceeds from the disposal of any such firearm, less the cost to the  
33 sheriff for taking possession of, storing and disposing of any such firearm,  
34 shall be paid to the defendant.

35 (k) If a person other than a defendant claims title to a firearm  
36 relinquished to or removed by the sheriff, and such person is determined  
37 by the sheriff to be the lawful owner of such firearm, the sheriff shall  
38 return the firearm to the lawful owner if: (1) The lawful owner agrees to  
39 maintain, keep or store such firearm in a manner such that no person who  
40 is prohibited from possessing or receiving firearms under state or federal  
41 law shall have access to or control of such firearm; and (2) the sheriff  
42 conducts a state and national criminal history records check that conforms  
43 to applicable federal standards, including an inquiry of the national instant

1 criminal background check system, to confirm that the lawful owner is not  
2 currently prohibited from possessing or receiving a firearm under state or  
3 federal law.

4 (1) As used in this section:

5 (1) "Concealed carry license" means a license to carry concealed  
6 handguns issued pursuant to the personal and family protection act, K.S.A.  
7 75-7c01 et seq., and amendments thereto, or by any other jurisdiction.

8 (2) "Defendant" means:

9 (A) A person subject to a qualifying protection order; or

10 (B) a person convicted of domestic battery as described in K.S.A.  
11 2020 Supp. 21-5414, and amendments thereto, or any misdemeanor for a  
12 domestic violence offense as defined in K.S.A. 2020 Supp. 21-6301, and  
13 amendments thereto.

14 (3) "Intimate partner" means, with respect to a person, the spouse of  
15 the person, a former spouse of the person, an individual who is a parent of  
16 a child of the person, an individual who cohabitates or has cohabitated  
17 with the person or an individual with whom the person is involved or has  
18 been involved in a dating relationship as defined in K.S.A. 2020 Supp. 21-  
19 5111, and amendments thereto.

20 (4) "Plaintiff" means a person who successfully petitions for a  
21 qualifying protection order.

22 (5) "Qualifying protection order" means an order issued under the  
23 protection from abuse act, K.S.A. 60-3101 et seq., and amendments  
24 thereto, or the protection from stalking, sexual assault or human trafficking  
25 act, K.S.A. 60-31a01 et seq., and amendments thereto, and that:

26 (A) Was issued after a hearing, of which the defendant received  
27 actual notice, and at which the defendant had an opportunity to participate;

28 (B) restrains the defendant from harassing, stalking or threatening an  
29 intimate partner of the defendant, or a child of the defendant or such  
30 intimate partner, or engaging in other conduct that would place an intimate  
31 partner in reasonable fear of bodily injury to the partner or the child; and

32 (C) (i) Includes a finding that the defendant represents a credible  
33 threat to the physical safety of such intimate partner or child; or

34 (ii) by its terms explicitly prohibits the use, attempted use or  
35 threatened use of physical force against such intimate partner or child that  
36 would reasonably be expected to cause bodily injury.

37 New Sec. 2. (a) It shall be unlawful for a person to possess a firearm  
38 or concealed carry license issued to such person while there is a  
39 relinquishment order issued pursuant to section 1, and amendments  
40 thereto, in effect against such person.

41 (b) Violation of this section is a severity level 8, nonperson felony.

42 (c) It is not a violation of this section if the person is possessing,  
43 carrying or otherwise transporting a firearm or a concealed carry license

1 for the sole purpose of relinquishing such firearm or concealed carry  
2 license in accordance with section 1(b) or (c), and amendments thereto, if:

3 (1) The person is in possession of a written relinquishment order  
4 issued by a court and such order was issued within the previous 24 hours;

5 (2) any firearm being transported is unloaded; and

6 (3) the person transports the firearm or concealed carry license  
7 directly to the sheriff of the county in which the court that issued the  
8 relinquishment order is located, or, in the case of a firearm, directly to a  
9 licensed federal firearms dealer.

10 (d) As used in this section, the term "concealed carry license" means  
11 a license to carry concealed handguns issued pursuant to the personal and  
12 family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, or  
13 by any other jurisdiction.

14 (e) The provisions of this section shall be a part of and supplemental  
15 to the Kansas criminal code.

16 Sec. 3. K.S.A. 2020 Supp. 22-3426 is hereby amended to read as  
17 follows: 22-3426. (a) When judgment is rendered or sentence of  
18 imprisonment is imposed, upon a plea or verdict of guilty, a record thereof  
19 shall be made upon the journal of the court, reflecting, if applicable,  
20 conviction or other judgment, the sentence if imposed, and the  
21 commitment, which record among other things shall contain a statement of  
22 the crime charged, and under what statute; the plea or verdict and the  
23 judgment rendered or sentence imposed, and under what statute, and a  
24 statement that the defendant was duly represented by counsel naming such  
25 counsel, or a statement that the defendant has stated on the record or in  
26 writing that the defendant did not want representation of counsel.

27 (b) If defendant is sentenced to the custody of the secretary of  
28 corrections the journal entry shall record, in a judgment form, if used, all  
29 the information required under K.S.A. 2020 Supp. 21-6711, and  
30 amendments thereto, unless such section is not applicable.

31 (c) It shall be the duty of the court personally to examine the journal  
32 entry and to sign the same.

33 (d) For felony convictions for crimes committed on or after July 1,  
34 1993, in addition to the provisions of subsections (a) through (c), the  
35 journal entry shall contain the following information:

- 36 (1) Court case number;
- 37 (2) Kansas bureau of investigation number;
- 38 (3) case transaction number;
- 39 (4) court O.R.I. number;
- 40 (5) the type of counsel;
- 41 (6) type of trial, if any;
- 42 (7) pretrial status of the offender;
- 43 (8) the date of the sentencing hearing;

- 1 (9) a listing of offenses for which the defendant is convicted;
- 2 (10) the criminal history classification;
- 3 (11) the sentence imposed for each offense including postrelease or
- 4 probation supervision durations;
- 5 (12) whether the sentences run concurrently or consecutively;
- 6 (13) amount of credit for time spent incarcerated;
- 7 (14) period ordered in county jail as a condition of probation;
- 8 (15) a listing of offenses in which a departure sentence is imposed;
- 9 (16) type of departure sentence; and
- 10 (17) factors cited as a basis for departure sentence.

11 The journal entry shall be recorded on a form approved by the Kansas  
12 sentencing commission.

13 *(e) For convictions of domestic battery as described in K.S.A. 2020*  
14 *Supp. 21-5414, and amendments thereto, and any misdemeanor for a*  
15 *domestic violence offense as defined in K.S.A. 2020 Supp. 21-6301, and*  
16 *amendments thereto, in addition to the provisions of subsections (a)*  
17 *through (d), the court shall issue a relinquishment order against the*  
18 *defendant pursuant to section 1, and amendments thereto.*

19 Sec. 4. K.S.A. 2020 Supp. 60-3107 is hereby amended to read as  
20 follows: 60-3107. (a) The court may approve any consent agreement to  
21 bring about a cessation of abuse of the plaintiff or minor children or grant  
22 any of the following orders:

23 (1) Restraining the defendant from abusing, molesting or interfering  
24 with the privacy or rights of the plaintiff or of any minor children of the  
25 parties. Such order shall contain a statement that if such order is violated,  
26 such violation may constitute assault as defined in ~~subsection (a) of~~ K.S.A.  
27 2020 Supp. 21-5412(a), and amendments thereto, battery as defined in  
28 ~~subsection (a) of~~ K.S.A. 2020 Supp. 21-5413(a), and amendments thereto,  
29 domestic battery as defined in K.S.A. 2020 Supp. 21-5414, and  
30 amendments thereto, and violation of a protective order as defined in  
31 K.S.A. 2020 Supp. 21-5924, and amendments thereto.

32 (2) Granting possession of the residence or household to the plaintiff  
33 to the exclusion of the defendant, and further restraining the defendant  
34 from entering or remaining upon or in such residence or household,  
35 subject to the limitation of subsection (d). Such order shall contain a  
36 statement that if such order is violated, such violation shall constitute  
37 criminal trespass as defined in ~~subsection (a)(1)(C) of~~ K.S.A. 2020 Supp.  
38 21-5808(a)(1)(C), and amendments thereto, and violation of a protective  
39 order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto.  
40 The court may grant an order, which shall expire 60 days following the  
41 date of issuance, restraining the defendant from cancelling utility service  
42 to the residence or household.

43 (3) Requiring defendant to provide suitable, alternate housing for the

1 plaintiff and any minor children of the parties.

2 (4) Awarding temporary custody and residency and establishing  
3 temporary parenting time with regard to minor children.

4 (5) Ordering a law enforcement officer to evict the defendant from  
5 the residence or household.

6 (6) Ordering support payments by a party for the support of a party's  
7 minor child, if the party is the father or mother of the child, or the plaintiff,  
8 if the plaintiff is married to the defendant. Such support orders shall  
9 remain in effect until modified or dismissed by the court or until expiration  
10 and shall be for a fixed period of time not to exceed one year. On the  
11 motion of the plaintiff, the court may extend the effect of such order for 12  
12 months.

13 (7) Awarding costs and attorney fees to either party.

14 (8) Making provision for the possession of personal property of the  
15 parties and ordering a law enforcement officer to assist in securing  
16 possession of that property, if necessary.

17 (9) Requiring any person against whom an order is issued to seek  
18 counseling to aid in the cessation of abuse.

19 (10) Ordering or restraining any other acts deemed necessary to  
20 promote the safety of the plaintiff or of any minor children of the parties.

21 (b) No protection from abuse order shall be entered against the  
22 plaintiff unless:

23 (1) The defendant properly files a written cross or counter petition  
24 seeking such a protection order;

25 (2) the plaintiff had reasonable notice of the written cross or counter  
26 petition by personal service as provided in ~~subsection (d) of~~ K.S.A. 60-  
27 3104(d), and amendments thereto; and

28 (3) the issuing court made specific findings of abuse against both the  
29 plaintiff and the defendant and determined that both parties acted primarily  
30 as aggressors and neither party acted primarily in self-defense.

31 (c) Any order entered under the protection from abuse act shall not be  
32 subject to modification on ex parte application or on motion for temporary  
33 orders in any action filed pursuant to K.S.A. 60-1601 et seq., prior to their  
34 transfer or repeal, or article 22 or 27 of chapter 23 of the Kansas Statutes  
35 Annotated, and amendments thereto, or K.S.A. 38-1101 et seq., and  
36 amendments thereto. Orders previously issued in an action filed pursuant  
37 to K.S.A. 60-1601 et seq., prior to their transfer or repeal, or article 22 or  
38 27 of chapter 23 of the Kansas Statutes Annotated, and amendments  
39 thereto, or K.S.A. 38-1101 et seq., and amendments thereto, shall be  
40 subject to modification under the protection from abuse act only as to  
41 those matters subject to modification by the terms of K.S.A. 2020 Supp.  
42 23-3201 through 23-3207 and 23-3218 and article 27 of chapter 23 of the  
43 Kansas Statutes Annotated, and amendments thereto, and on sworn

1 testimony to support a showing of good cause. Immediate and present  
2 danger of abuse to the plaintiff or minor children shall constitute good  
3 cause. If an action is filed pursuant to K.S.A. 2020 Supp. 23-3201 through  
4 23-3207 or 23-3218 or article 22 or 27 of chapter 23 of the Kansas Statutes  
5 Annotated, and amendments thereto, during the pendency of a proceeding  
6 filed under the protection from abuse act or while an order issued under  
7 the protection from abuse act is in effect, the court, on final hearing or on  
8 agreement of the parties, may issue final orders authorized by K.S.A. 2020  
9 Supp. 23-3201 through 23-3207 and 23-3218 and articles 22 and 27 of  
10 chapter 23 of the Kansas Statutes Annotated, and amendments thereto, that  
11 are inconsistent with orders entered under the protection from abuse act.  
12 Any inconsistent order entered pursuant to this subsection shall be specific  
13 in its terms, reference the protection from abuse order and parts thereof  
14 being modified and a copy thereof shall be filed in both actions. The court  
15 shall consider whether the actions should be consolidated in accordance  
16 with K.S.A. 60-242, and amendments thereto. Any custody or parenting  
17 time order, or order relating to the best interests of a child, issued pursuant  
18 to the revised Kansas code for care of children or the revised Kansas  
19 juvenile justice code, shall be binding and shall take precedence over any  
20 such custody or parenting order involving the same child issued under the  
21 protection from abuse act, until jurisdiction under the revised Kansas code  
22 for care of children or the revised Kansas juvenile justice code is  
23 terminated. Any inconsistent custody or parenting order issued in the  
24 revised Kansas code for care of children case or the revised Kansas  
25 juvenile justice code case shall be specific in its terms, reference any  
26 preexisting protection from abuse order and the custody being modified,  
27 and a copy of such order shall be filed in the preexisting protection from  
28 abuse case.

29 (d) If the parties to an action under the protection from abuse act are  
30 not married to each other and one party owns the residence or household,  
31 the court shall not have the authority to grant possession of the residence  
32 or household under subsection (a)(2) to the exclusion of the party who  
33 owns it.

34 (e) Subject to the provisions of subsections (b), (c) and (d), a  
35 protective order or approved consent agreement shall remain in effect until  
36 modified or dismissed by the court and shall be for a fixed period of time  
37 not to exceed one year, except as provided in subsection (e)(1) and (e)(2).

38 (1) Upon motion of the plaintiff, such period may be extended for one  
39 additional year.

40 (2) Upon verified motion of the plaintiff and after the defendant has  
41 been personally served with a copy of the motion and has had an  
42 opportunity to present evidence and cross-examine witnesses at a hearing  
43 on the motion, if the court determines by a preponderance of the evidence



1 that the defendant has violated a valid protection order; or (A) has  
2 previously violated a valid protection order<sup>5</sup>; or (B) has been convicted of  
3 a person felony or any conspiracy, criminal solicitation or attempt thereof,  
4 under the laws of Kansas or the laws of any other jurisdiction which are  
5 substantially similar to such person felony, committed against the plaintiff  
6 or any member of the plaintiff's household, the court shall extend a  
7 protective order for not less than two additional years and may extend the  
8 protective order up to the lifetime of the defendant. No service fee shall be  
9 required for a motion filed pursuant to this subsection.

10 (f) The court may amend its order or agreement at any time upon  
11 motion filed by either party.

12 (g) No order or agreement under the protection from abuse act shall  
13 in any manner affect title to any real property.

14 (h) If a person enters or remains on premises or property violating an  
15 order issued pursuant to subsection (a)(2), such violation shall constitute  
16 criminal trespass as defined in ~~subsection (a)(1)(C) of K.S.A. 2020 Supp.~~  
17 ~~21-5808(a)(1)(C)~~, and amendments thereto, and violation of a protective  
18 order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto.  
19 If a person abuses, molests or interferes with the privacy or rights of  
20 another violating an order issued pursuant to subsection (a)(1), such  
21 violation may constitute assault as defined in ~~subsection (a) of K.S.A.~~  
22 ~~2020 Supp. 21-5412(a)~~, and amendments thereto, battery as defined in  
23 ~~subsection (a) of K.S.A. 2020 Supp. 21-5413(a)~~, and amendments thereto,  
24 domestic battery as defined in K.S.A. 2020 Supp. 21-5414, and  
25 amendments thereto, and violation of a protective order as defined in  
26 K.S.A. 2020 Supp. 21-5924, and amendments thereto.

27 (i) (1) *Upon the issuance of a qualifying protection from abuse order*  
28 *against a defendant, the court shall issue a relinquishment order against*  
29 *such defendant pursuant to section 1, and amendments thereto.*

30 (2) *As used in this subsection, the term "qualifying protection from*  
31 *abuse order" means a protection from abuse order that:*

32 (A) *Was issued after a hearing, of which the defendant received*  
33 *actual notice and at which the defendant had an opportunity to*  
34 *participate;*

35 (B) *restrains the defendant from harassing, stalking or threatening an*  
36 *intimate partner of the defendant, or a child of the defendant or such*  
37 *intimate partner; or engaging in other conduct that would place an*  
38 *intimate partner in reasonable fear of bodily injury to the partner or the*  
39 *child; and*

40 (C) (i) *includes a finding that the defendant represents a credible*  
41 *threat to the physical safety of such intimate partner or child; or*

42 (ii) *by its terms explicitly prohibits the use, attempted use or*  
43 *threatened use of physical force against such intimate partner or child that*

1 *would reasonably be expected to cause bodily injury.*

2 Sec. 5. K.S.A. 2020 Supp. 60-31a06 is hereby amended to read as  
3 follows: 60-31a06. (a) The court may issue a protection from stalking,  
4 sexual assault or human trafficking order granting any one or more of the  
5 following orders:

6 (1) Restraining the defendant from following, harassing, telephoning,  
7 contacting or otherwise communicating with the victim. The order shall  
8 contain a statement that, if the order is violated, the violation may  
9 constitute stalking as defined in K.S.A. 2020 Supp. 21-5427, and  
10 amendments thereto, and violation of a protective order as defined in  
11 K.S.A. 2020 Supp. 21-5924, and amendments thereto.

12 (2) Restraining the defendant from abusing, molesting or interfering  
13 with the privacy rights of the victim. The order shall contain a statement  
14 that, if the order is violated, the violation may constitute stalking as  
15 defined in K.S.A. 2020 Supp. 21-5427, and amendments thereto, assault as  
16 defined in K.S.A. 2020 Supp. 21-5412(a), and amendments thereto, battery  
17 as defined in K.S.A. 2020 Supp. 21-5413(a), and amendments thereto, and  
18 violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924,  
19 and amendments thereto.

20 (3) Restraining the defendant from entering upon or in the victim's  
21 residence or the immediate vicinity thereof. The order shall contain a  
22 statement that, if the order is violated, the violation shall constitute  
23 criminal trespass as defined in K.S.A. 2020 Supp. 21-5808(a)(1)(C), and  
24 amendments thereto, and violation of a protective order as defined in  
25 K.S.A. 2020 Supp. 21-5924, and amendments thereto.

26 (4) Restraining the defendant from committing or attempting to  
27 commit a sexual assault upon the victim. The order shall contain a  
28 statement that, if the order is violated, the violation shall constitute  
29 violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924,  
30 and amendments thereto. The order shall also contain a statement that, if  
31 the order is violated, the violation may constitute a sex offense under  
32 article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments  
33 thereto, and the accused may be prosecuted, convicted of and punished for  
34 such sex offense.

35 (5) Restraining the defendant from following, harassing, telephoning,  
36 contacting, recruiting, harboring, transporting, or committing or attempting  
37 to commit human trafficking upon the human trafficking victim, or  
38 otherwise communicating with the human trafficking victim. The order  
39 shall contain a statement that, if the order is violated, the violation shall  
40 constitute violation of a protective order as defined in K.S.A. 2020 Supp.  
41 21-5924, and amendments thereto. The order shall also contain a statement  
42 that, if the order is violated, the violation may constitute an offense under  
43 chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and

1 the accused may be prosecuted, convicted of and punished for such  
2 offense.

3 (6) Any other order deemed necessary by the court to carry out the  
4 provisions of this act.

5 (b) A protection from stalking, sexual abuse or human trafficking  
6 order shall remain in effect until modified or dismissed by the court and  
7 shall be for a fixed period of time not to exceed one year except as  
8 provided in subsections (c) and (d).

9 (c) Upon motion of the plaintiff the court may extend the order for an  
10 additional year.

11 (d) Upon verified motion of the plaintiff and after the defendant has  
12 been personally served with a copy of the motion and has had an  
13 opportunity to present evidence and cross-examine witnesses at a hearing  
14 on the motion, the court shall extend a protective order for not less than  
15 two additional years and up to a period of time not to exceed the lifetime  
16 of the defendant, if the court determines by a preponderance of the  
17 evidence that the defendant has:

18 (1) Violated a valid protection order;

19 (2) previously violated a valid protection order; or

20 (3) been convicted of a person felony or any conspiracy, criminal  
21 solicitation or attempt thereof, under the laws of Kansas or the laws of any  
22 other jurisdiction which are substantially similar to such person felony,  
23 committed against the plaintiff or any member of the plaintiff's household.

24 No service fee shall be required for a motion filed pursuant to this  
25 subsection.

26 (e) The court may amend its order at any time upon motion filed by  
27 either party.

28 (f) The court shall assess costs against the defendant and may award  
29 attorney fees to the victim in any case in which the court issues a  
30 protection from stalking, sexual assault or human trafficking order  
31 pursuant to this act. The court may award attorney fees to the defendant in  
32 any case where the court finds that the petition to seek relief pursuant to  
33 this act is without merit.

34 (g) A no contact or restraining provision in a protective order issued  
35 pursuant to this section shall not be construed to prevent:

36 (1) Contact between the attorneys representing the parties;

37 (2) a party from appearing at a scheduled court or administrative  
38 hearing; or

39 (3) a defendant or defendant's attorney from sending the plaintiff  
40 copies of any legal pleadings filed in court relating to civil or criminal  
41 matters presently relevant to the plaintiff.

42 (h) (1) *Upon the issuance of a qualifying protection from stalking,*  
43 *sexual assault or human trafficking order against a defendant, the court*

1 shall issue a relinquishment order against such defendant pursuant to  
2 section 1, and amendments thereto.

3 (2) As used in this subsection:

4 (A) "Intimate partner" means, with respect to a person, the spouse of  
5 the person, a former spouse of the person, an individual who is a parent of  
6 a child of the person or an individual who cohabitates or has cohabitated  
7 with the person.

8 (B) "Qualifying protection from stalking, sexual assault or human  
9 trafficking order" means a protection from stalking, sexual assault or  
10 human trafficking order that:

11 (i) Was issued after a hearing, of which the defendant received actual  
12 notice and at which the defendant had an opportunity to participate;

13 (ii) restrains the defendant from harassing, stalking or threatening an  
14 intimate partner of the defendant, or a child of the defendant or such  
15 intimate partner; or engaging in other conduct that would place an  
16 intimate partner in reasonable fear of bodily injury to the partner or the  
17 child; and

18 (iii) (a) includes a finding that the defendant represents a credible  
19 threat to the physical safety of such intimate partner or child; or

20 (b) by its terms explicitly prohibits the use, attempted use or  
21 threatened use of physical force against such intimate partner or child that  
22 would reasonably be expected to cause bodily injury.

23 Sec. 6. K.S.A. 2020 Supp. 22-3426, 60-3107 and 60-31a06 are  
24 hereby repealed.

25 Sec. 7. This act shall take effect and be in force from and after its  
26 publication in the statute book.