

STATE OF KANSAS

KANSAS COMMISSION ON PEACE
OFFICERS' STANDARDS AND TRAINING
1999 N AMIDON STE 350
WICHITA KS, 67203



PHONE: (316) 832-9906
FAX: (316) 832-9679
gsteed@kscpost.org
www.kscpost.org

GOVERNOR JEFF COLYER, M.D.
GARY STEED, EXECUTIVE DIRECTOR

Testimony to the Senate Judiciary Committee In Support of HB 2480 March 13, 2018

Chairperson Wilborn and Members of the Committee:

HB 2480 amends the definition of "Misdemeanor crime of domestic violence" in the Kansas Law Enforcement Training Act, K.S.A. 74-5601 *et seq.*, so that the definition is consistent with state statute.

A conviction for a misdemeanor crime of domestic violence disqualifies an applicant for certification as a police officer or law enforcement officer pursuant to K.S.A. 74-5605(b)(3). The Commission may also take an action on the certification of a police officer or law enforcement officer who engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime of domestic violence as defined in the KLETA at the time the conduct occurred. K.S.A. 74-5616(b)(5). The definitions for the KLETA are set forth in K.S.A. 74-5602.

Pursuant to HB 2480 - K.S.A. 74-5602(j) would be amended as follows:

(j) "Misdemeanor crime of domestic violence" means a violation of domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2017 Supp. 21-5414, and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed ~~by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim~~ against a person with whom the offender is involved or has been involved in a "dating relationship" or a "family or household member" as defined in K.S.A. 21-5414, and amendments thereto, at the time of the offense.

The current definition of misdemeanor crime of domestic violence in the KLETA creates inconsistency in how the Commission addresses certification issues, based upon where a case is charged. In 2011, the legislature defined “Domestic violence” in K.S.A. 21-5111. That definition includes violence against a person with whom the offender is involved in a dating relationship. In July 2017, the legislature amended the domestic battery statute, K.S.A. 21-5414, to include a battery against a person with whom the offender is involved in a dating relationship. Additionally, the definition for a family or household member in the state domestic violence definition is broader than what is included in the misdemeanor crime of domestic violence definition in the KLETA. The state definition includes parents or stepparents and children or stepchildren. Under the current domestic violence definition in the KLETA, an offender can be a parent or guardian of the victim, but if the offender is an adult child and commits an act of violence against a parent, that act would not be considered domestic violence. Thus, an act of domestic violence charged in state court yields a different result than the same act if charged in municipal court.

In that a conviction for a misdemeanor crime of domestic violence is a disqualifier for law enforcement certification, consistency in application of the law is important. The question of whether an individual may become certified as a law enforcement officer should not hinge upon the jurisdiction in which the charges were brought, but upon the underlying act.

Michelle R. Meier
Commission Counsel