

**HB 2029**  
**Committee on Corrections and Juvenile Justice**  
**WRITTEN TESTIMONY ONLY**  
**January 21, 2021**  
**NEUTRAL**

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 26 sexual and domestic violence programs serving victims across Kansas. KCSDV provides information; training; and analysis and policy work on issues impacting victims of domestic and sexual violence, their families, and their communities.

HB 2029 amends the current domestic battery law. Currently, in order to move the crime from a misdemeanor to a felony one must be convicted of three domestic battery charges. Unfortunately, what is a frequent practice in Kansas is to plea down a charge of domestic battery to a lesser charge. Therefore, an abuser can commit domestic battery more than three times but never have those charges aggregate to a felony because the convictions are for lesser or different crimes.

While KCSDV recognizes that this could cure one problem related to offender accountability, we fear it could also lead to other, unintended consequences which leads us to our neutral position. **One domestic violence incident happens every 23 minutes, 25 seconds in Kansas.**<sup>1</sup> Most cities and counties hover around 10% of arrests classified as dual arrest cases but there are some counties/cities in Kansas where that number increases to 20%. With this number of dual arrests occurring in Kansas we believe we must first settle how to determine the appropriate victim and abuser in each case before settling on an aggregate system of charging that enhances the crime, conviction and, potentially, the sentence. Many abusers are master manipulators, and they find ways to convince responding law enforcement officers that they are the one who has been victimized resulting in the true victim going to jail. Or, in some cases, responding officers are unclear as to the actual abuser and victim and decide to arrest both parties (dual arrest) and let the court sort it out. Due to the lack of data available as to when and how the domestic violence designation pursuant to K.S.A. 2020 Supp. 22-4616 has been and is being used by the courts also leads KCSDV to remain neutral.

KCSDV recognizes that this bill could potentially improve the accountability structure in place for abusers and supports that measure. However, because there is a potential, albeit unintended, negative impact to victims, KCSDV must remain neutral on HB2029.

Submitted by,  
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<sup>1</sup> Kansas Bureau of Investigation, *Domestic Violence, Stalking and Sexual Assault in Kansas* (2019).