

REPORT OF THE JUDICIAL COUNCIL CRIMINAL LAW ADVISORY COMMITTEE ON PRIOR DOMESTIC VIOLENCE OFFENSES AS PROPENSITY EVIDENCE

December 6, 2024

Representative Stephen Owens requested that the Judicial Council study whether evidence of a defendant's previous commission of another domestic violence offense should be admissible in a criminal proceeding for a separate domestic violence offense. The request arose from a hearing on 2024 HB 2630, which would have amended K.S.A. 60-455 to allow the admission of prior domestic violence offenses as propensity evidence. See attached study request. The Judicial Council assigned the study to its Criminal Law Advisory Committee.

COMMITTEE MEMBERSHIP

The members of the Criminal Law Advisory Committee (Committee) are:

Victor Braden, Chair, Deputy Attorney General; Topeka

Aaron Breitenbach, Deputy District Attorney for Sedgwick County; Wichita

Natalie Chalmers, Principal Assistant Solicitor General; Topeka

Randall Hodgkinson, Kansas Appellate Defender Office & Visiting Assistant Professor of Law at Washburn University School of Law; Topeka

Sal Intagliata, Member at Triad Legal, PLLC; Wichita

Christopher M. Joseph, Partner at Joseph Hollander & Craft, LLC; Topeka

Ed Klumpp, Chief of Police-Retired, Topeka Police Department; Topeka

Robert Jacobs, Assistant Director, Kansas Bureau of Investigation; Topeka

Hon. Cheryl A. Rios, District Court Judge in the Third Judicial District;
Topeka

Ann Sagan, Director of Special Projects, Kansas State Board of Indigents' Defense Services; Lawrence

Ronald Wurtz, Retired Public Defender (Federal and Kansas); Topeka

BACKGROUND

House Bill 2630

House Bill 2630 would have amended K.S.A. 60-455 to allow prior domestic violence offenses to be admitted as propensity evidence. The bill would have added new subsection (b)(4) providing that, in a prosecution for a domestic violence offense, “evidence of the defendant’s commission of another domestic violence offense is admissible and may be considered for its bearing on any matter to which it is relevant and probative.” The new language is patterned on K.S.A. 60-455(d), which allows the admission of evidence of a defendant’s commission of another act or offense of sexual misconduct in a sex offense prosecution.

Four conferees testified on the bill during a hearing in the House Corrections and Juvenile Justice Committee. The Criminal Law Committee reviewed those conferees’ written testimony and invited them to attend a meeting and discuss the bill.

Two prosecutors testified in support of HB 2630: Will Hurst, Assistant Johnson County District Attorney, and Brigid Markey, Assistant City of Topeka Attorney. According to the prosecutors, domestic violence offenses are especially difficult to prosecute because victims frequently refuse to cooperate and juries struggle to reach a verdict when presented with two conflicting narratives. Allowing evidence that a defendant has a propensity to commit domestic violence would assist juries in weighing the credibility of witnesses and reaching an appropriate verdict.

The prosecutors also pointed out that prior sexual misconduct is already admissible as propensity evidence in prosecutions for sex offenses, and recidivism is a strong concern with domestic violence perpetrators just as it is with sex offenders.

Lindsie Ford, Assistant Public Defender, presented opponent testimony on behalf of the BIDS Legislative Committee. She argued that HB 2630 could be weaponized against domestic violence victims, who are sometimes charged with and plead guilty to domestic violence offenses themselves. She also argued that the bill could result in fewer guilty pleas and more cases being taken to trial as defendants weigh the risk of a domestic violence conviction being admitted as evidence in a future prosecution. Finally, Ms. Ford pointed out that courts tag a variety of offenses as domestic violence even though they are only tangentially related to an actual domestic violence allegation. For example, thefts or burglaries may be designated as domestic violence offenses if directed against someone in a dating relationship with the defendant or a member of the defendant's family or household. See K.S.A. 21-5111(i).

Neutral testimony presented by Michelle McCormick, Executive Director of the Kansas Coalition Against Sexual and Domestic Violence, agreed with proponents that allowing admission of prior acts of domestic violence could provide helpful context given that domestic violence is frequently part of a pattern in a relationship. However, Ms. McCormick also requested an amendment requiring a prosecutor to complete a "dominant aggressor analysis" as part of introducing evidence of past offenses. Some other states require responding law enforcement to conduct such an analysis in determining when and whom to arrest, though Kansas does not have a similar requirement. The Committee agreed that this type of amendment was beyond the scope of its study assignment.

K.S.A. 60-455 and Evidence of Prior Sexual Misconduct

The admission of evidence of other crimes committed by a defendant is governed by K.S.A. 60-455. That statute generally prohibits the admission of other crimes evidence tending to show a defendant's disposition or propensity to commit crimes but allows such evidence to be admitted when relevant to prove some other material fact such as "motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." This list is not exclusive. *State v. Gunby*, 282 Kan. 39, 56, 144 P.3d 647, 659 (2006).

In 2009, the legislature added an exception to K.S.A. 60-455 relating to prior acts of sexual misconduct. Under new subsection (d), "Except as provided in K.S.A. 60-445, and amendments thereto, in a criminal action in which the defendant is

accused of a sex offense . . . evidence of the defendant’s commission of another act or offense of sexual misconduct is admissible, and may be considered for its bearing on any matter to which it is relevant and probative.” L. 2009, Ch. 103, § 12.

The legislature added this exception at the invitation of the Kansas Supreme Court in *State v. Prine*, 287 Kan. 713, 200 P.3d 1 (2009). *Prine* held that evidence of prior sexual abuse of the victim’s half-sister was not admissible under K.S.A. 60-455 because it tended to show propensity and did not satisfy the other permissible statutory grounds for admission. However, the court noted that “the modern psychology of pedophilia tells us that propensity evidence may actually possess probative value for juries faced with deciding the guilt or innocence of a person accused of sexually abusing a child. In short, sexual attraction to children and a propensity to act upon it are defining symptoms of this recognized mental illness.” *Prine*, 287 Kan. at 737. The court then said that it might be time for the legislature to consider amending K.S.A. 60-455, and a few months later, the legislature did just that.

The amendment to allow prior sex offense evidence encompasses not just child sex crimes but all sex offenses. It is patterned on Federal Rule of Evidence 413, which also allows the admission of prior sex offenses as propensity evidence.

The Kansas Supreme Court upheld the constitutionality of K.S.A. 60-455(d) in *State v. Boysaw*, 309 Kan. 526, 439 P.3d 909 (2019). *Boysaw* held that the admission of a defendant’s prior sex offenses as propensity evidence did not violate federal due process because Kansas has a long history of allowing the admission of evidence tending to show a propensity to engage in sexual misconduct. Thus, K.S.A. 60-455(d) did not “offend any principle of justice so rooted in the traditions and conscience of the people of this state that it may be deemed fundamental.” *Boysaw*, 309 Kan. at 536.

Other States’ Laws re Prior Domestic Violence Offenses as Propensity Evidence

While roughly one third of the states have adopted rules or statutes similar to Federal Rule of Evidence 413 allowing the admission of prior sex offenses as propensity evidence, only a handful have adopted similar provisions relating to prior domestic violence offenses. Six states have adopted rules or statutes allowing

the admission of prior domestic violence offenses in domestic violence prosecutions. Of those states, only four – Alaska, California, Illinois and Michigan - allow the admission of such evidence for any relevant purpose including propensity. See Alaska R. Evid 404(b)(4); Cal. Evid. Code § 1109; 725 Ill. Comp. Stat. Ann. 5/115-7.4; and Mich. Comp. Laws Ann. § 768.27b.

DISCUSSION

The Committee opposes adding another exception to K.S.A. 60-455 to allow the admission of prior domestic violence offenses as propensity evidence for several reasons. First, prosecutors can already request admission of such evidence under K.S.A. 60-455 as relevant to show the relationship of the parties or one of the other material facts listed in K.S.A. 60-455(b).

The Committee noted that, historically, propensity evidence has been limited for good reasons. Before the 2009 amendment allowing sexual misconduct as propensity evidence, the appellate courts had treated the admission of other crimes evidence as dangerous because of the prejudicial effect such evidence might have. As stated in *State v. Bly*, 215 Kan. 168, 174, 523 P.2d 397 (1974):

[A]t least three types of prejudice . . . might result from the use of other crimes as evidence. First, a jury might well exaggerate the value of other crimes as evidence proving that, because the defendant has committed a similar crime before, it might properly be inferred that he committed this one. Secondly, the jury might conclude that the defendant deserves punishment because he is a general wrongdoer even if the prosecution has not established guilt beyond a reasonable doubt in the prosecution at hand. Thirdly, the jury might conclude that because the defendant is a criminal, the evidence put in on his behalf should not be believed. Thus, in several ways the defendant may be prejudiced by such evidence.

Though not admissible to show propensity, evidence of a defendant's prior bad acts, including domestic violence offenses, may be admitted under K.S.A. 60-

455 if the state meets three requirements. The state must show that: (1) the evidence is relevant to establish a material fact at issue other than propensity, (2) the material fact is disputed, and (3) the probative value of the evidence outweighs its prejudicial effect. If the evidence is admitted, the district court must provide a limiting instruction informing the jury of the specific purpose for which the evidence was admitted. *State v. Evans*, 313 Kan. 972, 987, 492 P.3d 418 (2021). The Committee believes this is the appropriate standard for the admission of evidence regarding prior domestic violence offenses.

The Committee was also concerned by the breadth of the amendment contained in HB 2630. The amendment uses the exact same language as 60-455(d), which has been interpreted quite broadly by the appellate courts. As stated in *Boysaw*, K.S.A. 60-455(d) allows the admission of evidence of a defendant's sexual misconduct "for the bearing that the evidence has 'on any matter to which it is relevant and probative.' The language is expansive and places little limitation on admitting such evidence." *Boysaw*, 309 Kan. at 539. The court has also said that the decision whether to admit evidence under K.S.A. 60-455(d) "is often uncomplicated" because "[g]iven the broad wording of subsection (d), evidence that meets its criteria usually will be admissible." *State v. Satchell*, 311 Kan. 633, 641, 466 P.3d 459 (2020).

The amendment in HB 2630 would likely be interpreted just as broadly and could be read to allow evidence of prior domestic violence offenses involving different victims or prior offenses that were tagged as domestic violence but were completely unrelated to the charged offense. The bill does not require that the prior offenses be similar to the offense charged, or even that the prior conduct was charged or resulted in a conviction.

One Committee member suggested, as an alternative to HB 2630, adding the "relationship of the parties," "pattern of abuse" or similar language to the list of material facts in K.S.A. 60-455(b). This change might encourage judges to admit domestic violence evidence on that basis. However, a majority of the Committee opposed this idea because caselaw already makes clear that the list of material facts in K.S.A. 60-455(b) is nonexclusive.

RECOMMENDATION

For the reasons set out above, the Committee opposes any amendment to K.S.A. 60-455 that would allow the admission of prior domestic violence offenses as propensity evidence. However, the Committee does recognize the need for additional education of attorneys and judges about how to properly admit evidence of prior bad acts under K.S.A. 60-455.

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STEPHEN OWENS
74TH DISTRICT

March 7, 2024

Nancy Strouse, Executive Director Kansas Judicial
Council
301 SW 10th Avenue
Topeka, KS 66612

Dear Executive Director Strouse:

As Chairperson of the House Committee on Corrections and Juvenile Justice, I request the Judicial Council study the question of whether evidence of a defendant's previous commission of another domestic violence offense should be admissible in a criminal proceeding for a separate domestic violence offense. I believe an in-depth study of admissibility of such evidence would be appropriate and helpful as the Legislature considers taking action on the topic.

The House Committee on Corrections and Juvenile Justice held a hearing on 2024 HB 2630 on February 7, 2024, concerning amending the rules of evidence to allow history of previous domestic violence offenses to be admitted during a prosecution of a domestic violence offense. One proponent of the bill stated crimes of domestic violence and sexual misconduct are very similar in nature, because both are very fact-dependent and usually are part of a larger behavior pattern. Current law allows for evidence of a defendant's commission of another act or offense of sexual misconduct to be admitted in sexual misconduct cases (KSA 2023 Supp. 60- 455(d) [attached]). HB 2630 would apply the same language to domestic violence cases.

Upon further review, the Committee learned the sexual misconduct evidentiary exception was added to statute in response to the Kansas Supreme Court decision in *State v. Prine*, 297 Kan. 460 (2009). In the opinion, the Court stated, "It may be time for the Legislature to examine the advisability of amendment to KSA 60-455 or some other appropriate adjustment to the statutory scheme," regarding propensity evidence to support a criminal conviction in a child sex crime prosecution.

If the Judicial Council agrees to this study, I request it specifically consider the admissibility of such evidence and the potential impact of the bill on the court system. I would appreciate any recommendation regarding modifications to the legislation or introduction of alternative measures. HB 2630 has been tabled until we have this necessary context.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Owens". The signature is fluid and cursive, with a large loop at the end.

Representative Stephen Owens

Chairperson, House Committee on Corrections and Juvenile Justice

2023 Kansas Statutes

- 60-455. Other crimes or civil wrongs.** (a) Subject to K.S.A. 60-447, and amendments thereto, evidence that a person committed a crime or civil wrong on a specified occasion, is inadmissible to prove such person's disposition to commit crime or civil wrong as the basis for an inference that the person committed another crime or civil wrong on another specified occasion.
- (b) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, such evidence is admissible when relevant to prove some other material fact including motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident.
- (c) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, in any criminal action other than a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto, such evidence is admissible to show the modus operandi or general method used by a defendant to perpetrate similar but totally unrelated crimes when the method of committing the prior acts is so similar to that utilized in the current case before the court that it is reasonable to conclude the same individual committed both acts.
- (d) Except as provided in K.S.A. 60-445, and amendments thereto, in a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto, evidence of the defendant's commission of another act or offense of sexual misconduct is admissible, and may be considered for its bearing on any matter to which it is relevant and probative.
- (e) In a criminal action in which the prosecution intends to offer evidence under this rule, the prosecuting attorney shall disclose the evidence to the defendant, including statements of witnesses, at least 10 days before the scheduled date of trial or at such later time as the court may allow for good cause.
- (f) This rule shall not be construed to limit the admission or consideration of evidence under any other rule or to limit the admissibility of the evidence of other crimes or civil wrongs in a criminal action under a criminal statute other than in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto.
- (g) As used in this section, an "act or offense of sexual misconduct" includes:
- (1) Any conduct proscribed by article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6419 through 21-6422, and amendments thereto;
 - (2) the sexual gratification component of aggravated human trafficking, as described in K.S.A. 21-3447(a)(1)(B) or (a)(2), prior to its repeal, or K.S.A. 21-5426(b)(1)(B) or (b)(2), and amendments thereto;
 - (3) exposing another to a life threatening communicable disease, as described in K.S.A. 21-3435(a)(1), prior to its repeal, or K.S.A. 21-5424(a)(1), and amendments thereto;
 - (4) incest, as described in K.S.A. 21-3602, prior to its repeal, or K.S.A. 21-5604(a), and amendments thereto;
 - (5) aggravated incest, as described in K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto;
 - (6) contact, without consent, between any part of the defendant's body or an object and the genitals, mouth or anus of the victim;
 - (7) contact, without consent, between the genitals, mouth or anus of the defendant and any part of the victim's body;
 - (8) deriving sexual pleasure or gratification from the infliction of death, bodily injury

or physical pain to the victim;

(9) an attempt, solicitation or conspiracy to engage in conduct described in paragraphs (1) through (8); or

(10) any federal or other state conviction of an offense, or any violation of a city ordinance or county resolution, that would constitute an offense under article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6419 through 21-6422, and amendments thereto, the sexual gratification component of aggravated human trafficking, as described in K.S.A. 21-3447(a)(1)(B) or (a)(2), prior to its repeal, or K.S.A. 21-5426(b)(1)(B) or (b)(2), and amendments thereto; incest, as described in K.S.A. 21-3602, prior to its repeal, or K.S.A. 21-5604(a), and amendments thereto; or aggravated incest, as described in K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto, or involved conduct described in paragraphs (6) through (9).

(h) If any provisions of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. To this end the provisions of this section are severable.

History: L. 1963, ch. 303, 60-455; L. 2009, ch. 103, § 12; L. 2011, ch. 30, § 215; L. 2015, ch. 94, § 20; July 1.

HOUSE BILL No. 2630

By Committee on Corrections and Juvenile Justice

Requested by Abraham Pfannenstiel on behalf of the Kansas County and District Attorneys Association

1-30

1 AN ACT concerning the rules of evidence; relating to extrinsic policies
2 affecting admissibility; evidence of other crimes or civil wrongs;
3 allowing evidence of previous domestic violence offenses to be
4 admitted during a prosecution of a domestic violence offense;
5 amending K.S.A. 2023 Supp. 60-455 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2023 Supp. 60-455 is hereby amended to read as
9 follows: 60-455. (a) Subject to K.S.A. 60-447, and amendments thereto,
10 evidence that a person committed a crime or civil wrong on a specified
11 occasion, is inadmissible to prove such person's disposition to commit
12 crime or civil wrong as the basis for an inference that the person
13 committed another crime or civil wrong on another specified occasion.

14 (b) (1) Subject to K.S.A. 60-445 and 60-448, and amendments
15 thereto, such evidence is admissible when relevant to prove some other
16 material fact including motive, opportunity, intent, preparation, plan,
17 knowledge, identity or absence of mistake or accident.

18 ~~(e)~~(2) Subject to K.S.A. 60-445 and 60-448, and amendments thereto,
19 in any criminal action other than a criminal action in which the defendant
20 is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the
21 Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of
22 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325,
23 21-6326 or 21-6419 through 21-6422, and amendments thereto, such
24 evidence is admissible to show the modus operandi or general method
25 used by a defendant to perpetrate similar but totally unrelated crimes when
26 the method of committing the prior acts is so similar to that utilized in the
27 current case before the court that it is reasonable to conclude the same
28 individual committed both acts.

29 ~~(d)~~(3) Except as provided in K.S.A. 60-445, and amendments thereto,
30 in a criminal action in which the defendant is accused of a sex offense
31 under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated,
32 prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas
33 Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6419
34 through 21-6422, and amendments thereto, evidence of the defendant's

1 commission of another act or offense of sexual misconduct is admissible;
 2 and may be considered for its bearing on any matter to which it is relevant
 3 and probative.

4 ~~(e)~~(4) *Except as provided in K.S.A. 60-445, and amendments thereto,*
 5 *in a criminal action in which the defendant is accused of a domestic*
 6 *violence offense, evidence of the defendant's commission of another*
 7 *domestic violence offense is admissible and may be considered for its*
 8 *bearing on any matter to which it is relevant and probative.*

9 (c) In a criminal action in which the prosecution intends to offer
 10 evidence under this rule, the prosecuting attorney shall disclose the
 11 evidence to the defendant, including statements of witnesses, at least 10
 12 days before the scheduled date of trial or at such later time as the court
 13 may allow for good cause.

14 ~~(f)~~(d) This rule shall not be construed to limit the admission or
 15 consideration of evidence under any other rule or to limit the admissibility
 16 of the evidence of other crimes or civil wrongs in a criminal action under a
 17 criminal statute other than in articles 34, 35 or 36 of chapter 21 of the
 18 Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of
 19 chapter 21 of the Kansas Statutes Annotated, ~~or~~ K.S.A. 21-6104, 21-6325,
 20 21-6326 or 21-6419 through 21-6422, and amendments thereto.

21 ~~(g)~~(e) As used in this section, ~~an~~:

22 (1) "Act or offense of sexual misconduct" includes:

23 ~~(1)~~(A) Any conduct proscribed by article 35 of chapter 21 of the
 24 Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21
 25 of the Kansas Statutes Annotated, or K.S.A. 21-6419 through 21-6422, and
 26 amendments thereto;

27 ~~(2)~~(B) the sexual gratification component of aggravated human
 28 trafficking, as described in K.S.A. 21-3447(a)(1)(B) or (a)(2), prior to its
 29 repeal, or K.S.A. 21-5426(b)(1)(B) or (b)(2), and amendments thereto;

30 ~~(3)~~(C) exposing another to a life threatening communicable disease,
 31 as described in K.S.A. 21-3435(a)(1), prior to its repeal, or K.S.A. 21-
 32 5424(a)(1), and amendments thereto;

33 ~~(4)~~(D) incest, as described in K.S.A. 21-3602, prior to its repeal, or
 34 K.S.A. 21-5604(a), and amendments thereto;

35 ~~(5)~~(E) aggravated incest, as described in K.S.A. 21-3603, prior to its
 36 repeal, or K.S.A. 21-5604(b), and amendments thereto;

37 ~~(6)~~(F) contact, without consent, between any part of the defendant's
 38 body or an object and the genitals, mouth or anus of the victim;

39 ~~(7)~~(G) contact, without consent, between the genitals, mouth or anus
 40 of the defendant and any part of the victim's body;

41 ~~(8)~~(H) deriving sexual pleasure or gratification from the infliction of
 42 death, bodily injury or physical pain to the victim;

43 ~~(9)~~(I) an attempt, solicitation or conspiracy to engage in conduct

1 described in paragraphs ~~(4)~~ (1)(A) through ~~(8)~~ (1)(H); or
2 ~~(10)~~(J) any federal or other state conviction of an offense, or any
3 violation of a city ordinance or county resolution, that would constitute an
4 offense under article 35 of chapter 21 of the Kansas Statutes Annotated,
5 prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes
6 Annotated, or K.S.A. 21-6419 through 21-6422, and amendments thereto,
7 the sexual gratification component of aggravated human trafficking, as
8 described in K.S.A. 21-3447(a)(1)(B) or (a)(2), prior to its repeal, or
9 K.S.A. 21-5426(b)(1)(B) or (b)(2), and amendments thereto; incest, as
10 described in K.S.A. 21-3602, prior to its repeal, or K.S.A. 21-5604(a), and
11 amendments thereto; or aggravated incest, as described in K.S.A. 21-3603,
12 prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto, or
13 involved conduct described in paragraphs (6) through (9).

14 (2) *"Domestic violence offense" means the same as defined in K.S.A.*
15 *21-5111, and amendments thereto.*

16 ~~(4)~~(f) If any provisions of this section or the application thereof to any
17 person or circumstances is held invalid, the invalidity does not affect other
18 provisions or applications of this section which can be given effect without
19 the invalid provisions or application. To this end the provisions of this
20 section are severable.

21 Sec. 2. K.S.A. 2023 Supp. 60-455 is hereby repealed.

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