

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2025

By Representative Corbet

12-31

1 AN ACT concerning privacy rights; relating to real property; imposing
2 restrictions on access and surveillance by certain governmental officials
3 and agencies.
4

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

6 Section 1. (a) No employee of the Kansas department of wildlife,
7 parks and tourism authorized to enforce the laws of the state of Kansas
8 pursuant to K.S.A. 32-808, and amendments thereto, ~~or a county weed~~
9 ~~supervisor pursuant to K.S.A. 2-1316, and amendments thereto,~~ shall
10 conduct surveillance on private property unless authorized pursuant to a
11 warrant under K.S.A. 22-2502, and amendments thereto, the constitution
12 of the United States ~~or a judicially recognized exception~~ **one of the**
13 **following exceptions** to the search warrant requirement:

14 (1) **Exigent circumstances;**

15 (2) **consent searches; or**

16 (3) **plain view doctrine.**

17 (b) As used in this section:

18 (1) "Surveillance" means either physical or electronic presence on
19 private property, including the use or installation of a tracking device, to
20 monitor activity or collect information related to the enforcement of the
21 laws of the state of Kansas, including the use or installation of a tracking
22 device.

23 (2) "Tracking device" means the same as defined in K.S.A. 22-2502,
24 and amendments thereto.

25 Sec. 2. (a) No law enforcement agency in this state shall enter into
26 an agreement, whether informal or formal, with an owner or operator of a
27 utility pole to install or have installed a tracking device to conduct
28 surveillance on private property, unless authorized pursuant to a warrant
29 under K.S.A. 22-2502, and amendments thereto, the constitution of the
30 United States ~~or a judicially recognized exception~~ **one of the following**
31 **exceptions** to the search warrant requirement:

32 (1) **Exigent circumstances;**

33 (2) **consent searches; or**

34 (3) **plain view doctrine.**

35 (b) As used in this section:

36 (1) "Surveillance" means either physical or electronic presence on

1 private property, including the use or installation of a tracking device, to
2 monitor activity or collect information related to the enforcement of the
3 laws of the state of Kansas, including the use or installation of a tracking
4 device.

5 (2) "Tracking device" means the same as defined in K.S.A. 22-2502,
6 and amendments thereto.

7 (3) "Utility pole" means the same as defined in K.S.A. 66-2019, and
8 amendments thereto.

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