

As Further Amended by House Committee

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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.~~

1 (b) ~~As used in this section:~~

2 (1) ~~"Surveillance" means either physical or electronic presence on~~  
3 ~~private property, including the use or installation of a tracking device, to~~  
4 ~~monitor activity or collect information related to the enforcement of the~~  
5 ~~laws of the state of Kansas, including the use or installation of a tracking~~  
6 ~~device.~~

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

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

11 ~~Sec. 3. 2.~~ This act shall take effect and be in force from and after its  
12 publication in the statute book.