

SENATE BILL No. 395

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning privacy rights; relating to real property; imposing
2 restrictions on ~~access and~~ surveillance by employees of the Kansas
3 department of wildlife and parks.
4

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

6 Section 1. (a) ***Except as provided in subsection (b)***, no employee of
7 the Kansas department of wildlife and parks authorized to enforce the laws
8 of the state of Kansas pursuant to K.S.A. 32-808, and amendments thereto,
9 shall conduct surveillance on private property unless authorized pursuant
10 to a ~~warrant under K.S.A. 22-2502, and amendments thereto~~ ***lawfully***
11 ***issued warrant, court order or subpoena***, the constitution of the United
12 States or one of the following exceptions to the search warrant
13 requirement:

- 14 (1) Exigent circumstances;
15 (2) consent searches; or
16 (3) the plain view doctrine.

17 (b) ***The provisions of subsection (a) shall not apply to any activities***
18 ***of:***

- 19 (1) ***A wildlife biologist or a bio-technician when the primary***
20 ***purpose of the surveillance is to track wildlife movement or migration;***
21 ***or***
22 (2) ***an employee of the Kansas department of wildlife and parks***
23 ***when the primary purpose of the surveillance is to locate and retrieve a***
24 ***missing person.***

25 (c) As used in this section:

26 (1) "Surveillance" means ~~either physical or electronic presence~~ ***the***
27 ***installation and use of electronic equipment or devices*** on private
28 property, including, ***but not limited to***, the ~~use of~~ ***installation and use*** of a
29 tracking device, ***video camera or audio recording device***, to monitor
30 activity or collect information related to the enforcement of the laws of the
31 state of Kansas.

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

34 Sec. 2. This act shall take effect and be in force from and after its
35 publication in the statute book.