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

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

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

(1) Exigent circumstances;
(2) consent searches; or
(3) plain view doctrine.

(b) As used in this section:

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

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

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

(1) Exigent circumstances;
(2) consent searches; or
(3) plain view doctrine.

(b) As used in this section:

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

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

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

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