

SENATE BILL No. 424

By Committee on Judiciary

2-10

1 AN ACT concerning the Kansas law enforcement training act; amending
2 K.S.A. ~~19-801b, 31-157~~, 74-5601 and 74-5622 and K.S.A. 2011 Supp.
3 ~~12-1,120~~, 74-5602, 74-5603, 74-5605, 74-5607, 74-5607a, 74-5608a
4 and 74-5616 and repealing the existing sections; also repealing K.S.A.
5 74-5618.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 74-5601 is hereby amended to read as follows: 74-
9 5601. The provisions of ~~K.S.A. 74-5601 to 74-5611, inclusive, and~~
10 ~~amendments thereto, K.S.A. 74-5604a, 74-5607a, 74-5609a, 74-5611a, 74-~~
11 ~~5616 and 74-5617~~ *article 56 of chapter 74 of the Kansas Statutes*
12 *Annotated*, and amendments thereto, shall be known and be cited as the
13 Kansas law enforcement training act.

14 Sec. 2. K.S.A. 2011 Supp. 74-5602 is hereby amended to read as
15 follows: 74-5602. As used in the Kansas law enforcement training act:

16 (a) "Training center" means the law enforcement training center
17 within ~~the division of continuing education~~ of the university of Kansas,
18 created by K.S.A. 74-5603, and amendments thereto.

19 (b) "Commission" means the Kansas commission on peace officers'
20 standards and training, created by K.S.A. 74-5606, and amendments
21 thereto, *or the commission's designee*.

22 (c) ~~"Dean Chancellor"~~ means the ~~dean of continuing education-~~
23 ~~chancellor~~ of the university of Kansas, *or the chancellor's designee*.

24 (d) "Director of police training" means the director of police training
25 at the law enforcement training center.

26 (e) "Director" means the executive director of the Kansas commission
27 on peace officers' standards and training.

28 (f) "Law enforcement" means the prevention or detection of crime
29 and the enforcement of the criminal or traffic laws of this state or of any
30 municipality thereof.

31 (g) "Police officer" or "law enforcement officer" means a full-time or
32 part-time salaried officer or employee of the state, a county or a city,
33 whose duties include the prevention or detection of crime and the
34 enforcement of the criminal or traffic laws of this state or of any
35 municipality thereof. Such terms shall include, but not be limited to, the
36 sheriff, undersheriff and full-time or part-time salaried deputies in the

1 sheriff's office in each county; deputy sheriffs deputized pursuant to
2 K.S.A. 19-2858, and amendments thereto; conservation officers of the
3 Kansas department of wildlife ~~and parks~~, *parks and tourism*; university
4 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;
5 campus police officers, as defined in K.S.A. 22-2401a, and amendments
6 thereto; law enforcement agents of the director of alcoholic beverage
7 control; law enforcement agents designated by the secretary of revenue
8 pursuant to K.S.A. 2011 Supp. 75-5157, and amendments thereto; law
9 enforcement agents of the Kansas lottery; law enforcement agents of the
10 Kansas racing commission; deputies and assistants of the state fire marshal
11 having law enforcement authority; capitol police, existing under the
12 authority of K.S.A. 75-4503, and amendments thereto; and law
13 enforcement officers appointed by the adjutant general pursuant to K.S.A.
14 48-204, and amendments thereto. Such terms shall also include railroad
15 policemen appointed pursuant to K.S.A. 66-524, and amendments thereto;
16 school security officers designated as school law enforcement officers
17 pursuant to K.S.A. 72-8222, and amendments thereto; the manager and
18 employees of the horsethief reservoir benefit district pursuant to K.S.A.
19 2011 Supp. 82a-2212, and amendments thereto; and the director of the
20 Kansas commission on peace officers' standards and training and any other
21 employee of such commission designated by the director pursuant to
22 K.S.A. 74-5603, and amendments thereto, as a law enforcement officer.
23 Such terms shall not include any elected official, other than a sheriff,
24 serving in the capacity of a law enforcement or police officer solely by
25 virtue of such official's elected position; any attorney-at-law having
26 responsibility for law enforcement and discharging such responsibility
27 solely in the capacity of an attorney; any employee of the commissioner of
28 juvenile justice, the secretary of corrections or the secretary of social and
29 rehabilitation services; any deputy conservation officer of the Kansas
30 department of wildlife ~~and parks~~, *parks and tourism*; or any employee of a
31 city or county who is employed solely to perform correctional duties
32 related to jail inmates and the administration and operation of a jail; or any
33 full-time or part-time salaried officer or employee whose duties include the
34 issuance of a citation or notice to appear provided such officer or
35 employee is not vested by law with the authority to make an arrest for
36 violation of the laws of this state or any municipality thereof, and is not
37 authorized to carry firearms when discharging the duties of such person's
38 office or employment. Such term shall include any officer appointed or
39 elected on a provisional basis.

40 (h) "Full-time" means employment requiring at least 1,000 hours of
41 law enforcement related work per year.

42 (i) "Part-time" means employment on a regular schedule or
43 employment which requires a minimum number of hours each payroll

1 period, but in any case requiring less than 1,000 hours of law enforcement
2 related work per year.

3 (j) "Misdemeanor crime of domestic violence" means a violation of
4 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or
5 K.S.A. 2011 Supp. 21-5414, and amendments thereto, or any other
6 misdemeanor under federal, municipal or state law that has as an element
7 the use or attempted use of physical force, or the threatened use of a
8 deadly weapon, committed by a current or former spouse, parent, or
9 guardian of the victim, by a person with whom the victim shares a child in
10 common, by a person who is cohabiting with or has cohabited with the
11 victim as a spouse, parent or guardian, or by a person similarly situated to
12 a spouse, parent or guardian of the victim.

13 (k) "Auxiliary personnel" means members of organized nonsalaried
14 groups ~~which~~ *who* operate as an adjunct to a police or sheriff's department,
15 including reserve officers, posses and search and rescue groups.

16 (l) "Active law enforcement certificate" means a certificate which
17 attests to the qualification of a person to perform the duties of a law
18 enforcement officer and which has not been suspended or revoked by
19 action of the Kansas commission on peace officers' standards and training
20 and has not lapsed by operation of law as provided in K.S.A. 74-5622, and
21 amendments thereto.

22 Sec. 3. K.S.A. 2011 Supp. 74-5603 is hereby amended to read as
23 follows: 74-5603. (a) There is hereby created within ~~continuing education~~
24 ~~of the university of Kansas~~ a law enforcement training center, to be located
25 at the former site of the U.S. naval air station in Reno county. The purpose
26 and function of such training center shall be the promotion and
27 development of improved law enforcement personnel and procedures
28 throughout the state, and the training center shall offer to qualified
29 applicants, as defined in K.S.A. 74-5605, and amendments thereto, such
30 programs and courses of instruction designed to fulfill this end. No person
31 shall enroll in a basic course of instruction at the Kansas law enforcement
32 training center unless the person holds a provisional law enforcement
33 certificate.

34 (b) The ~~dean~~ *chancellor*, upon consultation with and approval of the
35 commission, shall appoint a director of police training. The ~~dean~~
36 *chancellor* shall ~~also~~ appoint such additional personnel as deemed
37 necessary to carry out the law enforcement training programs of the
38 training center. Such personnel, whether administrative, instructional or
39 research, shall be in the unclassified service under the Kansas civil service
40 act.

41 (c) The director of police training shall be responsible for the
42 administration of the training center and for the operation of the programs
43 thereunder. The director of police training shall be responsible for

1 determining the curriculum of the program, subject to such changes and
2 modification as are directed by the commission. In consultation with the
3 commission, the director of police training may prescribe a code of
4 conduct applicable to all trainees at the Kansas law enforcement training
5 center. Upon consultation with and approval of the commission, the
6 director of police training is authorized to adopt such rules and regulations
7 *and policies* as are necessary for the effective ~~operation~~ *administration* of
8 the law enforcement training program.

9 (d) Kansas commission on peace officers' standards and training shall
10 appoint a director who shall be in the unclassified service under the
11 Kansas civil service act.

12 (1) The director shall serve at the pleasure of the Kansas commission
13 on peace officers' standards and training and shall be subject to removal by
14 vote of 3/4 of the entire commission membership.

15 (2) The director shall enter into contracts necessary to administer the
16 provisions of the Kansas law enforcement training act.

17 (3) The director may appoint employees, agents and consultants as
18 the director considers necessary and prescribe their duties.

19 (4) The director shall be a law enforcement officer. The director may
20 designate any other employee of the Kansas commission on peace officers'
21 standards and training as a law enforcement officer. The director and any
22 employee designated as a law enforcement officer by the director shall
23 possess all powers and privileges which are now or may hereafter be given
24 to an agent of the Kansas bureau of investigation and may exercise such
25 powers and privileges throughout the state.

26 Sec. 4. K.S.A. 2011 Supp. 74-5605 is hereby amended to read as
27 follows: 74-5605. (a) Every applicant for certification shall be an
28 employee of a state, county or city law enforcement agency, a municipal
29 university police officer, a railroad policeman appointed pursuant to
30 K.S.A. 66-524, and amendments thereto; an employee of the tribal law
31 enforcement agency of an Indian nation that has entered into a tribal-state
32 gaming compact with this state; a manager or employee of the horsethief
33 reservoir benefit district pursuant to K.S.A. 2011 Supp. 82a-2212, and
34 amendments thereto; or a school security officer designated as a school
35 law enforcement officer pursuant to K.S.A. 72-8222, and amendments
36 thereto.

37 (b) Prior to admission to a course conducted at the training center or
38 at a certified state or local law enforcement agency, the ~~applicant~~
39 *applicant's appointing authority or agency head* shall furnish to the
40 director of police training *and to the commission* a statement ~~from the~~
41 ~~applicant's appointing authority or agency head certifying the applicant's~~
42 ~~fulfillment of the following requirements. The applicant certifying that the~~
43 *applicant has been found to meet the minimum requirements of*

1 certification established by this subsection. The commission may rely upon
2 the statement of the appointing authority or agency head as evidence that
3 the applicant meets the minimum requirements for certification to issue a
4 provisional certification. Each applicant for certification shall meet the
5 following minimum requirements:

6 (a) (1) Is Be a United States citizen;

7 (b) (2) ~~has~~ have been fingerprinted and a search of local, state and
8 national fingerprint files ~~has been~~ made to determine whether the applicant
9 has a criminal record;

10 (c) (3) ~~has not have been convicted, does not have an expunged~~
11 ~~conviction, and on and after July 1, 1995, has not been placed on diversion~~
12 ~~by any state or the federal government for a crime which is a felony or its~~
13 ~~equivalent under the uniform code of military justice of a crime that would~~
14 ~~constitute a felony under the laws of this state, a misdemeanor crime of~~
15 ~~domestic violence or a misdemeanor offense that the commission~~
16 ~~determines reflects on the honesty, trustworthiness, integrity or~~
17 ~~competence of the applicant as defined by rules and regulations of the~~
18 ~~commission;~~

19 (d) ~~has not been convicted, does not have an expunged conviction,~~
20 ~~has not been placed on diversion by any state or the federal government~~
21 ~~for a misdemeanor crime of domestic violence or its equivalent under the~~
22 ~~uniform code of military justice, when such misdemeanor crime of~~
23 ~~domestic violence was committed on or after the effective date of this act;~~

24 (e) is the holder of a high school diploma or furnishes evidence of
25 successful completion of an examination indicating an equivalent
26 achievement;

27 (4) have graduated from a high school accredited by the Kansas state
28 board of education or the appropriate accrediting agency of another state
29 jurisdiction or have obtained the equivalent of a high school education as
30 defined by rules and regulations of the commission;

31 (f) (5) is ~~of~~ be of sufficient good moral character to warrant the
32 public trust in the applicant as a police officer or law enforcement officer;

33 (g) (6) ~~has completed a psychological test~~ have completed an
34 assessment, including psychological testing approved by the commission,
35 to determine that the applicant does not have a mental or personality
36 disorder that would adversely affect the ability to perform the essential
37 functions of a police officer or law enforcement officer with reasonable
38 skill, safety and judgment;

39 (h) (7) is be free of any physical or mental condition which ~~might~~
40 ~~adversely affect the applicant's performance of a police officer's or law~~
41 ~~enforcement officer's duties~~ adversely affects the ability to perform the
42 essential functions of a police officer or law enforcement officer with
43 reasonable skill, safety and judgment; and

1 (+) (8) is be at least 21 years of age.

2 (c) *The commission may deny a provisional or other certification*
3 *upon a finding that the applicant has engaged in conduct for which a*
4 *certificate may be revoked, suspended or otherwise disciplined as*
5 *provided in K.S.A. 74-5616, and amendments thereto. When it appears*
6 *that grounds for denial of a certification exist under this subsection, after*
7 *a conditional offer of employment has been made to an applicant seeking*
8 *appointment as a police officer or law enforcement officer, the applicant's*
9 *appointing authority or agency head may request an order from the*
10 *commission to determine whether a provisional certification will be issued*
11 *to that applicant.*

12 (d) *As used in this section, "conviction" includes rendering of*
13 *judgment by a military court martial pursuant to the uniform code of*
14 *military justice, by a court of the United States or by a court of competent*
15 *jurisdiction in any state, whether or not expunged; and any diversion*
16 *agreement entered into for a misdemeanor crime of domestic violence and*
17 *any diversion agreement entered into on or after July 1, 1995, for a*
18 *felony; and any felony juvenile adjudication or diversion after July 1,*
19 *2012.*

20 Sec. 5. K.S.A. 2011 Supp. 74-5607 is hereby amended to read as
21 follows: 74-5607. (a) In addition to other powers and duties prescribed by
22 law, the commission shall adopt, in accordance with the provisions of
23 K.S.A. 77-415 et seq., and amendments thereto, rules and regulations
24 necessary to carry out the provisions of ~~subsection (e) of K.S.A. 74-5616,~~
25 ~~and amendments thereto, and such other rules and regulations as necessary~~
26 *and to administer this the Kansas law enforcement training act. The*
27 *commission may also adopt such rules of procedure or guidance*
28 *documents as are necessary for conducting the business of the commission.*

29 (b) *The commission or a designated committee or member of the*
30 *commission may conduct investigations and proceedings necessary to*
31 *carry out the provisions of the Kansas law enforcement training act. In all*
32 *investigations, hearings or other matters pending before the commission,*
33 *the commission or any person acting as a presiding officer for the*
34 *commission shall have the power to:*

35 (1) Administer oaths and take testimony;

36 (2) issue subpoenas, compel the attendance of witnesses and the
37 production of any papers, books, accounts, documents and testimony, and
38 to cause the deposition of witnesses, either residing within or without the
39 state, to be taken in the manner prescribed by law for taking depositions in
40 civil actions in the district courts. In case of the failure of any person to
41 comply with any subpoena issued on behalf of the commission, or on the
42 refusal of any witness to testify to any matters regarding which the witness
43 may be lawfully ~~interrogated~~ *questioned*, the district court of any county,

1 on application of a member of the commission, may require compliance by
2 proceedings for contempt, as in the case of failure to comply with a
3 subpoena issued from such court or a refusal to testify in such court. Each
4 witness who appears before the commission by its order or subpoena,
5 other than a state officer or employee, shall receive for such attendance the
6 fees and mileage provided for witnesses in civil cases in courts of record
7 which shall be audited and paid upon presentation of proper vouchers
8 sworn to by such witnesses and approved by the chairperson of the
9 commission or by a person or persons designated by the chairperson;

10 (3) enter into contracts necessary to administer the provisions of ~~this~~
11 *the Kansas law enforcement training act* and the certification of law
12 enforcement officers; and

13 (4) assess the costs of such matters pending before the commission
14 under this section against the governmental entity employing the police
15 officer or law enforcement officer.

16 (c) Members of the commission attending meetings of the
17 commission, or attending a ~~subcommittee~~ *committee* meeting authorized
18 by the commission, shall be paid amounts provided for in subsection (e) of
19 K.S.A. 75-3223, and amendments thereto. The ~~director~~ *commission* shall
20 be responsible for approving all expense vouchers of members.

21 (d) The commission shall meet at least once each year at the training
22 center and may hold other meetings whenever they are called by the
23 chairperson.

24 (e) The commission shall adopt the rules and regulations that are
25 necessary to ensure that law enforcement officers are adequately trained
26 and to enforce the provisions of ~~this~~ *the Kansas law enforcement training*
27 *act*. Such rules and regulations shall include, but are not limited to, the
28 establishment of a course of fire as a standard qualification for active law
29 enforcement officers to carry firearms that may also be used for qualified
30 retired officers to carry firearms pursuant to federal law. The *director of*
31 *police training* shall provide qualification opportunities for qualified
32 retired officers ~~at least twice a year~~ at the times and places the director
33 determines to be necessary. The training center shall charge and collect a
34 fee from retired state, local and federal officers for the qualification
35 opportunities, but these fees shall be limited to the actual costs of
36 presenting the standard qualifications course.

37 (f) *On and after July 1, 2012, the commission shall require*
38 *fingerprinting of each applicant for certification under the Kansas law*
39 *enforcement training act, and may require fingerprinting of a person who*
40 *has received a certificate under the Kansas law enforcement training act*
41 *prior to July 1, 2012, if such person's conduct is investigated pursuant to*
42 *this section. The commission shall appoint an employee of the commission*
43 *whose official duty includes seeking and maintaining confidential*

1 *information as provided by this subsection. The appointed employee shall*
2 *submit fingerprints to the Kansas bureau of investigation and to the*
3 *federal bureau of investigation for the purpose of verifying the identity of*
4 *such applicant or certificate holder and for obtaining records of that*
5 *person's criminal arrests and convictions. Upon the request of the*
6 *appointed employee, the Kansas bureau of investigation and other*
7 *criminal justice agencies shall provide to the appointed employee all*
8 *background investigation information including criminal history record*
9 *information, arrest and nonconviction data and criminal intelligence*
10 *information. Such information, other than conviction data, shall be*
11 *confidential and shall not be disclosed by the appointed employee, except*
12 *for a purpose stated in this section. In addition to any other penalty*
13 *provided by law, unauthorized disclosure of such information shall be*
14 *grounds for removal from office or termination of employment.*

15 Sec. 6. K.S.A. 2011 Supp. 74-5607a is hereby amended to read as
16 follows: 74-5607a. (a) The commission shall not issue a certification as a
17 full-time police officer or law enforcement officer unless such officer has
18 been awarded a certificate attesting to satisfactory completion of a full-
19 time officer basic course of accredited instruction at the training center or
20 at a certified state or local law enforcement training school or has been
21 awarded such a certificate for not less than the number of hours of
22 instruction required by the Kansas law enforcement training act at the time
23 such certificate was issued or received a permanent appointment as a full-
24 time police officer or law enforcement officer prior to July 1, 1969, or was
25 appointed a railroad policeman pursuant to K.S.A. 66-524, and
26 amendments thereto, on or before January 1, 1982. No person shall receive
27 certification as a part-time police officer or law enforcement officer unless
28 such officer has been awarded a certificate attesting to the satisfactory
29 completion of a part-time officer basic course of instruction in law
30 enforcement at the training center or at a certified state or local law
31 enforcement training school.

32 (b) Beginning the second year after certification, every full-time
33 police officer or law enforcement officer shall complete annually 40 hours
34 of *continuing* law enforcement education or training in subjects relating
35 directly to law enforcement. Failure to complete such training shall be
36 grounds for suspension ~~from work without pay of a certificate issued~~
37 ~~under the Kansas law enforcement training act~~ until such training is
38 completed, *except that the commission may stay any such suspension upon*
39 *a showing of hardship upon the employing law enforcement agency. The*
40 ~~director with the approval of the~~ *commission, in consultation with the*
41 *director of police training, shall adopt rules and regulations regarding such*
42 *education or training. Such education or training may include procedures*
43 *for law enforcement to follow when responding to an allegation of*

1 stalking. Every city, county and state agency shall send to the director
2 certified reports of the completion of such education or training. The
3 ~~director~~ *commission* shall maintain a record of the reports in the central
4 registry.

5 (c) Subject to the provisions of subsection (d):

6 (1) Any person who is appointed or elected as a police officer or law
7 enforcement officer and who does not hold a certificate as required by
8 subsection (a) may be issued a provisional certificate for a period of one
9 year. The ~~director~~ *commission* may extend the one-year period for the
10 provisional certificate if in the ~~director's~~ *commission's* determination the
11 extension would not constitute an intentional avoidance of the
12 requirements of subsection (a). If a person's provisional certificate expires
13 or is revoked, the person shall not be issued another provisional certificate
14 within one year of the expiration or revocation. A provisional certificate
15 shall be revoked upon dismissal from any basic training program
16 authorized by K.S.A. 74-5604a, and amendments thereto. A provisional
17 certificate may be revoked upon voluntary withdrawal from any basic
18 training program authorized by K.S.A. 74-5604a, and amendments thereto.

19 (2) Any police officer or law enforcement officer who does not
20 complete the education or training required by subsection (b) by the date
21 such education or training is required to have been completed shall be
22 subject to revocation or suspension of certification and loss of the officer's
23 office or position.

24 (d) The ~~director~~ *commission* may extend, waive or modify the annual
25 continuing education requirement, when it is shown that the failure to
26 comply with the requirements of subsection (a) or (b) was not due to the
27 intentional avoidance of the law.

28 Sec. 7. K.S.A. 2011 Supp. 74-5608a is hereby amended to read as
29 follows: 74-5608a. (a) The ~~director~~ *commission* may, in the exercise of
30 discretion, award a certificate to any person who has been duly certified
31 under the laws of another state or territory if, in the opinion of the director
32 *of police training*, the requirements for certification in such other
33 jurisdiction equal or exceed the qualifications required to complete
34 satisfactorily the basic course of instruction at the training center.

35 (b) The ~~director~~ *commission* may waive any number of the hours or
36 courses required to complete the basic course of instruction at the training
37 center, part-time school, reciprocity school or for the hours required for
38 annual continuing education for any person who, in the opinion of the
39 director *of police training*, has received sufficient training or experience
40 that such hours of instruction ~~at the training center~~ would be, unless
41 waived, unduly burdensome or ~~duplicitous~~ *duplicative*.

42 Sec. 8. K.S.A. 2011 Supp. 74-5616 is hereby amended to read as
43 follows: 74-5616. (a) No person shall be appointed as a full-time law

1 enforcement officer unless the person holds a full-time active law
2 enforcement certificate or a provisional law enforcement certificate. No
3 person shall be appointed as a part-time officer unless the person holds a
4 full-time active law enforcement certificate, a part-time active law
5 enforcement certificate or a provisional certificate. ~~The commission's~~
6 ~~certification shall be awarded to persons who:~~

7 (1) ~~Received a permanent appointment as a police officer or law~~
8 ~~enforcement officer prior to July 1, 1969; or~~

9 (2) ~~hold a permanent appointment as a police officer or law~~
10 ~~enforcement officer on July 1, 1983.~~

11 (b) The commission may suspend, ~~revoke, reprimand, censure~~
12 ~~condition or revoke the certification of a police officer or law enforcement~~
13 ~~officer; reprimand or censure a police officer or law enforcement officer; or~~
14 deny the certification of a police officer or law enforcement officer who:

15 (1) Fails to meet *and maintain* the requirements of K.S.A. 74-5605 or
16 74-5607a, and amendments thereto, ~~or has met such requirements by~~
17 ~~falsifying documents or failing to disclose information required for~~
18 ~~certification;~~

19 (2) ~~fails to meet and maintain the minimum standards for certification~~
20 ~~adopted by the commission~~ *has knowingly submitted false or misleading*
21 *documents or willfully failed to obtain any certification under the Kansas*
22 *law enforcement training act;*

23 (3) provides false information or otherwise fails to cooperate in a
24 commission investigation to determine a person's *continued* suitability for
25 law enforcement certification;

26 (4) fails to complete the annual continuing education required by
27 K.S.A. 74-5607a, and amendments thereto, and implementing rules and
28 regulations or otherwise fails to comply with the requirements of ~~this~~ *the*
29 *Kansas law enforcement training act; or*

30 (5) ~~fails to maintain the requirements for initial certification as set~~
31 ~~forth in K.S.A. 74-5605, and amendments thereto, and any implementing~~
32 ~~rules and regulations~~

33 (5) *engaged in conduct which, if charged as a crime, would constitute*
34 *a felony crime under the laws of this state, a misdemeanor crime of*
35 *domestic violence as defined in the Kansas law enforcement training act*
36 *at the time the conduct occurred or a misdemeanor crime that the*
37 *commission determines reflects on the honesty, trustworthiness, integrity*
38 *or competence of the applicant as defined by rules and regulations of the*
39 *commission;*

40 (6) *has used racial or other biased-based policing prohibited by*
41 *K.S.A. 2011 Supp. 22-4609, and amendments thereto; or*

42 (7) *has engaged in unprofessional conduct as defined by rules and*
43 *regulations of the commission.*

1 ~~(e) The commission shall immediately institute proceedings to revoke~~
2 ~~the certification of any police officer or law enforcement officer convicted~~
3 ~~of, or on or after July 1, 1995, diverted for a felony under the laws of this~~
4 ~~state, another state or the United States or of its equivalent under the~~
5 ~~uniform code of military justice or convicted of or diverted for a~~
6 ~~misdemeanor crime of domestic violence under the laws of this state,~~
7 ~~another state or the United States or of its equivalent under the uniform~~
8 ~~code of military justice, when such misdemeanor crime of domestic~~
9 ~~violence was committed on or after the effective date of this act.~~

10 ~~(d) (c)~~ The procedure for the public or private censure; or reprimand
11 *of a police officer or law enforcement officer, probation or ordering a*
12 *condition, suspension, revocation and or denial of certification of a person*
13 *as a police officer or law enforcement officer or an applicant for*
14 *certification, shall be in accordance with the Kansas administrative*
15 *procedure act.*

16 *(d) The commission may commence an emergency proceeding under*
17 *the Kansas administrative procedure act to suspend the certification of*
18 *any police officer or law enforcement officer who engages in conduct*
19 *constituting grounds for discipline in this section and whose continued*
20 *performance of duties constitutes an immediate danger to the public.*

21 (e) Any action of the commission pursuant to ~~subsection (d)~~ *this*
22 *section* is subject to review in accordance with the Kansas judicial review
23 act. Upon request of the commission, the attorney general shall prosecute
24 or defend any action for review on behalf of the state, but the county or
25 district attorney of the county where the police or law enforcement officer
26 has been employed as such shall appear and prosecute or defend such
27 action upon request of the attorney general or commission. The
28 commission may elect to retain the services of a private attorney to appear
29 and prosecute or defend any action on behalf of the commission.

30 Sec. 9. K.S.A. 74-5622 is hereby amended to read as follows: 74-
31 5622. (a) Certification by the commission will remain active for a period
32 of five years after leaving employment as a law enforcement officer.
33 Certification which has lapsed due to more than five years since
34 employment as a law enforcement officer may be reinstated if the
35 applicant, within one year of reappointment:

36 (1) Satisfactorily completes the current basic training required under
37 K.S.A. 74-5607a, and amendments thereto;

38 (2) passes a written competency test and firearms proficiency
39 qualification course developed and administered by the Kansas law
40 enforcement training center; or

41 (3) obtains from the ~~director~~ *commission* pursuant to subsection (b) of
42 K.S.A. 74-5608a, and amendments thereto, a waiver based on the training,
43 experience and circumstances of the applicant.

1 (b) ~~The provisions of this section shall be part of and supplemental to~~
2 ~~the Kansas law enforcement training act.~~

3 (b) *A person whose certificate issued under the Kansas law*
4 *enforcement training act has been suspended or revoked may petition the*
5 *commission to reinstate the certificate. The commission may reinstate a*
6 *suspended or revoked certificate upon a finding that the petitioner is*
7 *otherwise qualified for certification under the Kansas law enforcement*
8 *training act and is sufficiently rehabilitated to warrant the public trust.*
9 *The burden shall be upon the petitioner to establish rehabilitation by clear*
10 *and convincing evidence. In determining whether a petitioner is*
11 *sufficiently rehabilitated to warrant the public trust, the commission may*
12 *consider any relevant evidence, and may, but shall not be required, to*
13 *consider the following factors:*

14 (1) *The present moral fitness of the petitioner for performance of*
15 *duties as a police officer or law enforcement officer;*

16 (2) *the demonstrated consciousness of the wrongful conduct and*
17 *disrepute which the conduct has brought upon the law enforcement*
18 *profession and the administration of justice;*

19 (3) *the extent of the petitioner's rehabilitation;*

20 (4) *the nature and seriousness of the original misconduct;*

21 (5) *the conduct subsequent to discipline;*

22 (6) *the time elapsed since the original discipline; and*

23 (7) *the petitioner's character, maturity and experience at the time of*
24 *the original revocation.*

25 **Sec. 10. K.S.A. 2011 Supp. 12-1,120 is hereby amended to read as**
26 **follows: 12-1,120. (a) Each person holding office as chief of police of**
27 **any city in this state shall be fingerprinted as provided by this section.**

28 **(b) Before assuming the office of chief of police of any city in this**
29 **state, a person shall be fingerprinted as provided by this section.**

30 **(c) Fingerprinting pursuant to this section shall be done by the law**
31 **enforcement agency of the city in the presence of the city clerk. The city**
32 **clerk shall forthwith forward the fingerprints to the Kansas bureau of**
33 **investigation for a search of state and national fingerprint files to**
34 **determine whether the person qualifies for admission to the law**
35 **enforcement training center pursuant to subsection (c) of K.S.A. 74-5605**
36 **subsection (f) of K.S.A. 74-5607, and amendments thereto. The Kansas**
37 **bureau of investigation shall certify any conviction record of the person,**
38 **or lack thereof, found as a result of such search to the city clerk and, if**
39 **such a record is found, to the attorney general.**

40 **(d) Fingerprints taken and submitted pursuant to this section shall**
41 **be on forms approved by the attorney general.**

42 **(e) The cost of a search of fingerprint files pursuant to this section**
43 **shall be paid by the person being fingerprinted.**

1 *Sec. 11. K.S.A. 19-801b is hereby amended to read as follows: 19-*
2 *801b. (a) No person shall be eligible for nomination, election or*
3 *appointment to the office of sheriff unless such person:*

4 *(1) Is a citizen of the United States and a qualified elector of the*
5 *county;*

6 *(2) possesses a high-school education or its recognized equivalent;*
7 *and*

8 *(3) has never been convicted of or pleaded guilty or entered a plea*
9 *of nolo contendere to any felony charge, a misdemeanor crime of*
10 *domestic violence as defined in K.S.A. 74-5602, and amendments*
11 *thereto, or to any violation of any federal or state laws or city ordinances*
12 *relating to gambling, liquor or narcotics.*

13 *(b) Every person elected to the office of sheriff for the first time, or*
14 *anyone reelected or appointed to the office after having been out of the*
15 *office for five years or more shall be required to attend the law*
16 *enforcement training center as established by K.S.A. 74-5601 et seq.,*
17 *and amendments thereto, and satisfactorily complete the required*
18 *training course of not less than 320 hours, unless such person has*
19 *satisfactorily completed such training course within the five years prior*
20 *to election or appointment, passes a written competency test and*
21 *firearms proficiency qualification course developed and administered by*
22 *the Kansas law enforcement training center or unless the ~~director~~*
23 *commission, as defined in subsection ~~(a)~~ (b) of K.S.A. 74-5602, and*
24 *amendments thereto, waives the requirements of this subsection as*
25 *provided in K.S.A. 74-5608a, and amendments thereto. Unless the*
26 *requirements are waived, any person elected or appointed to the office of*
27 *sheriff who has not attended the law enforcement training center shall*
28 *hold office on a provisional basis, and such person shall attend the next*
29 *scheduled training program at the law enforcement training center and*
30 *satisfactorily complete such training program or the one subsequent to*
31 *it, or shall forfeit such office.*

32 *(c) Each newly elected sheriff of each county who is required to*
33 *attend the law enforcement training center shall be hired as a deputy*
34 *sheriff and shall be paid a salary as deputy sheriff while attending the*
35 *law enforcement training center. The tuition, board, room and travel*
36 *expense for the sheriff-elect at the law enforcement training center shall*
37 *be paid by the county.*

38 *Sec. 12. K.S.A. 31-157 is hereby amended to read as follows: 31-*
39 *157. (a) The state fire marshal, the state fire marshal's deputies and full-*
40 *time fire prevention personnel assigned investigation duties who are*
41 *members of a paid fire department who have been certified by the state*
42 *fire marshal pursuant to this section shall have the authority to make*
43 *arrests, carry firearms and conduct searches and seizures while*

1 *investigating any fire or explosion in which arson or attempted arson is*
2 *suspected or in which there is an attempt or suspected attempt to defraud*
3 *an insurance company. Any affidavits necessary to authorize arrests,*
4 *searches or seizures pursuant to this section shall be made in*
5 *accordance with K.S.A. 22-2302 and 22-2502, and amendments thereto.*

6 *(b) The state fire marshal, with the assistance of an advisory*
7 *committee appointed pursuant to K.S.A. 31-135, and amendments*
8 *thereto, shall adopt rules and regulations and specify the number of*
9 *investigators for departments or areas and establish standards for*
10 *certification of members of fire departments to make arrests, carry*
11 *firearms and conduct searches and seizures pursuant to this section. No*
12 *fire department personnel shall be certified to carry firearms under the*
13 *provisions of this act without having first successfully completed the*
14 *firearm training course or courses prescribed for law enforcement*
15 *officers under K.S.A. ~~74-5604~~ 74-5604a, and amendments thereto.*

16 *(c) With the exception of firearms training, nothing in this section*
17 *shall be construed to require persons employed prior to the effective date*
18 *of this act to comply with the standards established by the state fire*
19 *marshal pursuant to this section as a condition of continued*
20 *employment, and such persons' failure to comply with such standards*
21 *shall not make such persons ineligible for any promotional examination*
22 *for which they are otherwise eligible or affect in any way any pension*
23 *rights to which they are entitled on the effective date of this act.*

24 ~~Sec. 13.~~ K.S.A. ~~19-801b, 31-157,~~ 74-5601, 74-5618 and 74-5622
25 and K.S.A. 2011 Supp. ~~12-1,120,~~ 74-5602, 74-5603, 74-5605, 74-5607,
26 74-5607a, 74-5608a and 74-5616 are hereby repealed.

27 ~~Sec. 14.~~ This act shall take effect and be in force from and after
28 its publication in the statute book.