

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 424

As Amended by House Committee on Judiciary

Brief*

SB 424, as amended, would make several changes to the Kansas Law Enforcement Training Act as follows:

- The organizational structure of the Kansas Law Enforcement Training Center would be modified so that responsibility for the Center lies with the University Chancellor or Chancellor's designee, rather than with the University's continuing education division;
- Course admission requirements would be changed so that an applicant's appointing authority or agency head is required to furnish a certifying statement. The list of disqualifying convictions would be amended to include a misdemeanor offense the Commission on Peace Officers' Standards and Training (CPOST) determines reflects on the honesty, trustworthiness, integrity, or competence of the applicant as defined by CPOST rules and regulations. The high school diploma requirement would be changed to include an accreditation standard and require rules and regulations to establish equivalency. The good moral character and psychological testing requirements would be made more specific. CPOST would be allowed to deny provisional or other certification if it finds the applicant engaged in prohibited conduct specified elsewhere in the Act. If it appears grounds for denial exist, an appointing

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

authority or agency would be allowed to request a determination from CPOST as to whether a provisional certification will be issued to an applicant;

- CPOST, and its designated committee or member, would be given explicit authority to conduct investigations and proceedings necessary to carry out the provisions of the Act;
- Fingerprinting requirements would be revised so that on and after July 1, 2012, CPOST would be required to fingerprint each applicant, as well as each person previously certified if such person is investigated by CPOST. CPOST would be required to appoint an employee to administer the fingerprinting, request background investigation information from criminal justice agencies, and maintain the confidentiality of such information. Unauthorized disclosure would be grounds for removal or termination, in addition to other penalties provided by law;
- Continuing education requirements would be clarified and failure to complete such requirements would be grounds for suspension of a certificate issued under the Act, unless the employing law enforcement agency can show hardship;
- Grandfathering provisions for officers prior to July 1, 1969, or July 1, 1983, would be removed;
- Disciplinary provisions would be revised to allow CPOST to impose disciplinary conditions, clarify ongoing compliance responsibilities, make conduct constituting a disqualifying crime grounds for discipline even if not charged, make prohibited racial or other biased-based policing grounds for discipline, and make unprofessional conduct as defined by CPOST rules and regulations grounds

for discipline. CPOST would be permitted to commence emergency suspension proceedings for an officer whose continued performance of duties constitutes an immediate danger to the public; and

- Procedures for certificate reinstatement would be established, and reinstatement would be permitted upon a finding that an otherwise qualified petitioner is sufficiently rehabilitated to warrant the public trust. Seven suggested factors for CPOST's consideration in making this determination would be provided in the statute.

Background

SB 424 was introduced by the Senate Judiciary Committee at the request of CPOST. In the Senate Judiciary Committee, representatives of CPOST and the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association testified in support of the bill. The Committee amended the bill to correct statutory references and to remove felony juvenile adjudications or diversions after July 1, 2012, from the list of disqualifying convictions. The Committee recommended the bill be passed as amended.

In the House Judiciary Committee, the same conferees provided testimony supporting the bill. The House Committee made technical amendments to the bill and recommended the bill be passed as amended.

The fiscal note on the bill indicates it would have no fiscal effect.