

HOUSE BILL No. 2069

By Committee on Judiciary

1-18

1 AN ACT concerning the Kansas law enforcement training act; relating to
2 qualifications of applicants for certification; definitions; amending
3 K.S.A. 2016 Supp. 74-5605 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 74-5605 is hereby amended to read as
7 follows: 74-5605. (a) Every applicant for certification shall be an
8 employee of a state, county or city law enforcement agency, a municipal
9 university police officer, a railroad policeman appointed pursuant to
10 K.S.A. 66-524, and amendments thereto; an employee of the tribal law
11 enforcement agency of an Indian nation that has entered into a tribal-state
12 gaming compact with this state; a manager or employee of the horsethief
13 reservoir benefit district pursuant to K.S.A. 2016 Supp. 82a-2212, and
14 amendments thereto; or a school security officer designated as a school
15 law enforcement officer pursuant to K.S.A. 72-8222, and amendments
16 thereto.

17 (b) Prior to admission to a course conducted at the training center or
18 at a certified state or local law enforcement agency, the applicant's
19 appointing authority or agency head shall furnish to the director of police
20 training and to the commission a statement certifying that the applicant has
21 been found to meet the minimum requirements of certification established
22 by this subsection. The commission may rely upon the statement of the
23 appointing authority or agency head as evidence that the applicant meets
24 the minimum requirements for certification to issue a provisional
25 certification. Each applicant for certification shall meet the following
26 minimum requirements:

- 27 (1) Be a United States citizen;
- 28 (2) have been fingerprinted and a search of local, state and national
29 fingerprint files made to determine whether the applicant has a criminal
30 record;
- 31 (3) not have been convicted of a crime that would constitute a felony
32 under the laws of this state, a misdemeanor crime of domestic violence or
33 a misdemeanor offense that the commission determines reflects on the
34 honesty, trustworthiness, integrity or competence of the applicant as
35 defined by rules and regulations of the commission;
- 36 (4) have graduated from a high school accredited by the Kansas state

1 board of education or the appropriate accrediting agency of another state
2 jurisdiction or have obtained the equivalent of a high school education as
3 defined by rules and regulations of the commission;

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

6 (6) have completed an assessment, including psychological testing
7 approved by the commission, to determine that the applicant does not have
8 a mental or personality disorder that would adversely affect the ability to
9 perform the essential functions of a police officer or law enforcement
10 officer with reasonable skill, safety and judgment;

11 (7) be free of any physical or mental condition which adversely
12 affects the ability to perform the essential functions of a police officer or
13 law enforcement officer with reasonable skill, safety and judgment; and

14 (8) be at least 21 years of age.

15 (c) The commission may deny a provisional or other certification
16 upon a finding that the applicant has engaged in conduct for which a
17 certificate may be revoked, suspended or otherwise disciplined as provided
18 in K.S.A. 74-5616, and amendments thereto. When it appears that grounds
19 for denial of a certification exist under this subsection, after a conditional
20 offer of employment has been made to an applicant seeking appointment
21 as a police officer or law enforcement officer, the applicant's appointing
22 authority or agency head may request an order from the commission to
23 determine whether a provisional certification will be issued to that
24 applicant.

25 (d) As used in this section, "conviction" includes rendering of
26 judgment by a military court martial pursuant to the uniform code of
27 military justice, by a court of the United States or by a court of competent
28 jurisdiction in any state, whether or not expunged; and any diversion *or*
29 *deferred judgment* agreement entered into for a misdemeanor crime of
30 domestic violence *or a misdemeanor offense that the commission*
31 *determines reflects on the honesty, trustworthiness, integrity or*
32 *competence of the applicant as defined by rules and regulations by the*
33 *commission* and any diversion agreement *or deferred judgment* entered
34 into on or after July 1, 1995, for a felony.

35 Sec. 2. K.S.A. 2016 Supp. 74-5605 is hereby repealed.

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