

HOUSE BILL No. 2025

By Committee on Judiciary

1-15

1 AN ACT concerning the Kansas law enforcement training act; amending
2 K.S.A. 2014 Supp. 74-5616 and 74-5622 and repealing the existing
3 sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 74-5616 is hereby amended to read as
7 follows: 74-5616. (a) No person shall be appointed as a full-time law
8 enforcement officer unless the person holds a full-time active law
9 enforcement certificate or a provisional law enforcement certificate. No
10 person shall be appointed as a part-time officer unless the person holds a
11 full-time active law enforcement certificate, a part-time active law
12 enforcement certificate or a provisional certificate.

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

17 (1) Fails to meet and maintain the requirements of K.S.A. 74-5605 or
18 74-5607a, and amendments thereto;

19 (2) has knowingly submitted false or misleading documents or
20 willfully failed to obtain any certification under the Kansas law
21 enforcement training act;

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

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

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

36 (6) has used racial or other biased-based policing prohibited by

1 K.S.A. 2014 Supp. 22-4609, and amendments thereto; or

2 (7) has engaged in unprofessional conduct as defined by rules and
3 regulations of the commission.

4 (c) The procedure for the censure or reprimand of a police officer or
5 law enforcement officer, or ordering a condition, suspension, revocation or
6 denial of certification of a person as a police officer or law enforcement
7 officer or an applicant for certification, shall be in accordance with the
8 Kansas administrative procedure act.

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

14 (e) Any action of the commission pursuant to this section is subject to
15 review in accordance with the Kansas judicial review act. Upon request of
16 the commission, the attorney general shall prosecute or defend any action
17 for review on behalf of the state, but the county or district attorney of the
18 county where the police or law enforcement officer has been employed as
19 such shall appear and prosecute or defend such action upon request of the
20 attorney general or commission. The commission may elect to retain the
21 services of a private attorney to appear and prosecute or defend any action
22 on behalf of the commission.

23 *(f) The agency head or other appointing authority for a police officer*
24 *or law enforcement officer under investigation for a violation of this*
25 *section shall provide all reports, documentation, transcripts, recordings*
26 *and other information to the commission when requested during the*
27 *course of such investigation.*

28 Sec. 2. K.S.A. 2014 Supp. 74-5622 is hereby amended to read as
29 follows: 74-5622. (a) Certification by the commission will remain active for
30 a period of five years after leaving employment as a law enforcement
31 officer. Certification which has lapsed due to more than five years since
32 employment as a law enforcement officer may be reinstated if the
33 applicant, within one year of reappointment:

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

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

39 (3) obtains from the commission pursuant to ~~subsection (b)~~ of K.S.A.
40 74-5608a(b), and amendments thereto, a waiver based on the training,
41 experience and circumstances of the applicant.

42 (b) (1) A person whose certificate issued under the Kansas law
43 enforcement training act has been ~~suspended or~~ revoked may petition the

1 commission to reinstate the certificate *after the expiration of five years*
2 *from the effective date of such revocation. If the commission denies a*
3 *petition for reinstatement, such person may petition the commission to*
4 *reinstate the certificate after the expiration of five years from such denial.*

5 (2) The commission may reinstate a ~~suspended~~ or revoked certificate
6 upon a finding that the petitioner is otherwise qualified for certification
7 under the Kansas law enforcement training act and is sufficiently
8 rehabilitated to warrant the public trust. The burden shall be upon the
9 petitioner to establish rehabilitation by clear and convincing evidence.

10 (3) In determining whether a petitioner is sufficiently rehabilitated to
11 warrant the public trust, the commission may consider any relevant
12 evidence, and may, but shall not be required, to consider the following
13 factors:

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

16 ~~(2)~~ (B) 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)~~ (C) the extent of the petitioner's rehabilitation;

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

21 ~~(5)~~ (E) the conduct subsequent to discipline;

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

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

25 (4) *The proceedings on a petition for reinstatement shall be*
26 *conducted in accordance with the Kansas administrative procedure act.*

27 Sec. 3. K.S.A. 2014 Supp. 74-5616 and 74-5622 are hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.