

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2496

By Committee on Corrections and Juvenile Justice

1-20

1 AN ACT concerning law enforcement; relating to law enforcement
2 officers and juvenile justice authority employees; amending K.S.A.
3 2011 Supp. **38-2386 and 74-5602** and repealing the existing ~~section~~
4 **sections**.

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

7 **Section 1. K.S.A. 2011 Supp. 38-2386 is hereby amended to read**
8 **as follows: 38-2386. (a) The superintendent of any juvenile**
9 **correctional facility operated by the commissioner, all persons on the**
10 **staff of the juvenile justice authority who are in the chain of command**
11 **from the commissioner of juvenile justice to the juvenile corrections**
12 **officer and every juvenile corrections officer, regardless of rank and**
13 **every investigator, while acting within the scope of their duties as**
14 **employees of the juvenile justice authority, shall possess such powers**
15 **and duties of a law enforcement officer as are necessary for**
16 **performing such duties for the purpose of regaining or maintaining**
17 **custody, security and control of any person in the custody of the**
18 **commissioner and may exercise such powers and duties anywhere**
19 **within the state of Kansas. Such powers and duties may be exercised**
20 **outside the state of Kansas for the purpose of maintaining custody,**
21 **security and control of any person in the custody of the commissioner**
22 **being transported or escorted by anyone authorized to so act. Such**
23 **employees of the juvenile justice authority shall be responsible to and**
24 **shall be at all times under the supervision and control of the**
25 **commissioner of juvenile justice or the commissioner's designee.**

26 *(b) The commissioner shall have the authority to appoint and*
27 *designate special investigators. Each special investigator designated by*
28 *the commissioner is hereby vested with the power and authority of peace*
29 *and police officers and shall have the authority to:*

- 30 *(1) Make arrests;*
31 *(2) conduct searches and seizures;*
32 *(3) maintain custody, security and control of any person in the*
33 *custody of the commissioner; and*
34 *(4) generally enforce all the criminal laws of the state as violations of*
35 *those laws are encountered during the routine performance of duty.*
36 *(c) No special investigator may carry firearms while performing such*

1 *duties without having first successfully completed the training course*
2 *prescribed for law enforcement officers under the Kansas law enforcement*
3 *training act, K.S.A. 74-5601 et seq., and amendments thereto.*

4 *(d) Each special investigator designated shall:*

5 *(1) Be vested with law enforcement authority;*

6 *(2) be in classified service under the Kansas civil service act; and*

7 *(3) be subject to the requirements of the Kansas law enforcement*
8 *training act, K.S.A. 74-5601 et seq., and amendments thereto.*

9 *(e) The commissioner may adopt rules and regulations prescribing*
10 *additional training required for such special investigators.*

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

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

16 (b) "Commission" means the Kansas commission on peace officers'
17 standards and training, created by K.S.A. 74-5606, and amendments
18 thereto.

19 (c) "Dean" means the dean of continuing education of the university
20 of Kansas.

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

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

25 (f) "Law enforcement" means the prevention or detection of crime
26 and the enforcement of the criminal or traffic laws of this state or of any
27 municipality thereof.

28 (g) "Police officer" or "law enforcement officer" means a full-time or
29 part-time salaried officer or employee of the state, a county or a city,
30 whose duties include the prevention or detection of crime and the
31 enforcement of the criminal or traffic laws of this state or of any
32 municipality thereof. Such terms shall include, but not be limited to: The
33 sheriff, undersheriff and full-time or part-time salaried deputies in the
34 sheriff's office in each county; deputy sheriffs deputized pursuant to
35 K.S.A. 19-2858, and amendments thereto; conservation officers of the
36 Kansas department of wildlife ~~and parks~~, *parks and tourism*; university
37 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;
38 campus police officers, as defined in K.S.A. 22-2401a, and amendments
39 thereto; law enforcement agents of the director of alcoholic beverage
40 control; law enforcement agents designated by the secretary of revenue
41 pursuant to K.S.A. 2011 Supp. 75-5157, and amendments thereto; law
42 enforcement agents of the Kansas lottery; law enforcement agents of the
43 Kansas racing commission; deputies and assistants of the state fire marshal

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

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

35 (i) "Part-time" means employment on a regular schedule or
36 employment which requires a minimum number of hours each payroll
37 period, but in any case requiring less than 1,000 hours of law enforcement
38 related work per year.

39 (j) "Misdemeanor crime of domestic violence" means a violation of
40 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or
41 K.S.A. 2011 Supp. 21-5414, and amendments thereto, or any other
42 misdemeanor under federal, municipal or state law that has as an element
43 the use or attempted use of physical force, or the threatened use of a

1 deadly weapon, committed by a current or former spouse, parent, or
2 guardian of the victim, by a person with whom the victim shares a child in
3 common, by a person who is cohabiting with or has cohabited with the
4 victim as a spouse, parent or guardian, or by a person similarly situated to
5 a spouse, parent or guardian of the victim.

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

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

15 ~~Sec.-2.~~ **3.** K.S.A. 2011 Supp. **38-2386** and 74-5602 ~~is~~ **are** hereby
16 repealed.

17 ~~Sec.-3.~~ **4.** This act shall take effect and be in force from and after its
18 publication in the statute book.

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