

**SENATE BILL No. 430**

By Committee on Judiciary

2-13

1 AN ACT concerning law enforcement; relating to officer-involved deaths  
2 and use of force; requiring investigations and reports.

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

5 Section 1. (a) As used in this section:

6 (1) "Law enforcement officer" means the same as in K.S.A. 74-5602,  
7 and amendments thereto.

8 (2) "Next of kin" means the closest surviving blood or legal relative  
9 of the decedent in the following order of succession:

10 (A) The surviving spouse;

11 (B) the decedent's surviving son or daughter, if there is no surviving  
12 spouse;

13 (C) the decedent's surviving parent, if there is no surviving spouse,  
14 son or daughter;

15 (D) the decedent's surviving brother or sister, if none of the persons in  
16 subparagraphs (A) through (C) survive the decedent.

17 (3) "Officer-involved death" means a death of an individual that  
18 results directly from an action of a law enforcement officer while the law  
19 enforcement officer is on duty or while the law enforcement officer is off  
20 duty but performing activities that are within the scope of such officer's  
21 law enforcement duties, but shall not include a death resulting directly  
22 from an officer-involved motor vehicle accident.

23 (4) "Officer-involved use of aggressive force" means the application  
24 of physical force, including by a weapon, by a law enforcement officer  
25 while the law enforcement officer is on duty or while the law enforcement  
26 officer is off duty but performing activities that are within the scope of  
27 such officer's law enforcement duties, that results in the great bodily harm  
28 or disfigurement of an individual.

29 (b) Each law enforcement agency in this state shall adopt written  
30 policies regarding officer-involved deaths or use of aggressive force that  
31 involve a law enforcement officer employed by the law enforcement  
32 agency. Policies adopted pursuant to this section shall be implemented by  
33 each Kansas law enforcement agency on or before July 1, 2021. Such  
34 policies shall be available for public inspection during normal business  
35 hours.

36 (c) Such written policies shall include, but not be limited to, the

1 following:

2 (1) A requirement that when an officer-involved death or use of  
3 aggressive force occurs, an investigation shall be conducted by an outside  
4 law enforcement agency and shall not be conducted by the law  
5 enforcement agency that employs any law enforcement officer involved in  
6 the death or use of aggressive force;

7 (2) a requirement that law enforcement agencies cooperate and share  
8 information with the agency conducting the investigation;

9 (3) a statement requiring the outside law enforcement agency  
10 conducting the investigation to produce a written, investigative report  
11 following the completion of the investigation and that such investigative  
12 report shall contain, at minimum, a complete and accurate summary of the  
13 investigation and an explanation of charges filed, if any; and

14 (4) procedures to inform and update the individual involved in the use  
15 of aggressive force or decedent's next of kin, if known, about the  
16 investigation:

17 (A) A requirement that the outside law enforcement agency  
18 conducting the investigation make reasonable efforts to identify and  
19 contact an individual involved in a use of excessive force incident or a  
20 decedent's next of kin; and

21 (B) except as provided in subsection (d)(1)(B), a requirement that the  
22 investigative report shall be released to the individual involved in the use  
23 of aggressive force or the decedent's next of kin within 30 days of the  
24 investigation being completed.

25 (d)(1) If the county attorney or district attorney of the county in  
26 which the law enforcement officer involved in the death is employed,  
27 determines:

28 (A) That there is no basis to prosecute the law enforcement officer  
29 involved in the officer-involved death or use of aggressive force, then the  
30 investigative report required by this section, with redactions of information  
31 otherwise protected from disclosure, shall be released.

32 (B) That there is a basis to prosecute the law enforcement officer  
33 involved in the officer-involved death or use of aggressive force, then the  
34 investigative report required by this section, with redactions of information  
35 otherwise protected from disclosure, need not be released until any  
36 prosecution is complete.

37 (2) Reports under this subsection shall not be considered criminal  
38 investigation records pursuant to K.S.A. 45-221(a)(10), and amendments  
39 thereto, and are open under the open records act, K.S.A. 45-215 et seq.,  
40 and amendments thereto.

41 Sec. 2. This act shall take effect and be in force from and after its  
42 publication in the statute book.