

## SENATE BILL No. 424

By Committee on Judiciary

2-10

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1 AN ACT concerning the Kansas law enforcement training act; amending  
2 K.S.A. 74-5601 and 74-5622 and K.S.A. 2011 Supp. 74-5602, 74-5603,  
3 74-5605, 74-5607, 74-5607a, 74-5608a and 74-5616 and repealing the  
4 existing sections; also repealing K.S.A. 74-5618.  
5

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

7 Section 1. K.S.A. 74-5601 is hereby amended to read as follows: 74-  
8 5601. The provisions of ~~K.S.A. 74-5601 to 74-5611, inclusive, and~~  
9 ~~amendments thereto, K.S.A. 74-5604a, 74-5607a, 74-5609a, 74-5611a, 74-~~  
10 ~~5616 and 74-5617~~ *article 56 of chapter 74 of the Kansas Statutes*  
11 *Annotated*, and amendments thereto, shall be known and be cited as the  
12 Kansas law enforcement training act.

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

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

18 (b) "Commission" means the Kansas commission on peace officers'  
19 standards and training, created by K.S.A. 74-5606, and amendments  
20 thereto, *or the commission's designee*.

21 (c) ~~"Dean Chancellor"~~ means ~~the dean of continuing education-~~  
22 ~~chancellor~~ of the university of Kansas, *or the chancellor's designee*.

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

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

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

30 (g) "Police officer" or "law enforcement officer" means a full-time or  
31 part-time salaried officer or employee of the state, a county or a city,  
32 whose duties include the prevention or detection of crime and the  
33 enforcement of the criminal or traffic laws of this state or of any  
34 municipality thereof. Such terms shall include, but not be limited to, the  
35 sheriff, undersheriff and full-time or part-time salaried deputies in the  
36 sheriff's office in each county; deputy sheriffs deputized pursuant to

1 K.S.A. 19-2858, and amendments thereto; conservation officers of the  
2 Kansas department of wildlife ~~and parks~~, *parks and tourism*; university  
3 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;  
4 campus police officers, as defined in K.S.A. 22-2401a, and amendments  
5 thereto; law enforcement agents of the director of alcoholic beverage  
6 control; law enforcement agents designated by the secretary of revenue  
7 pursuant to K.S.A. 2011 Supp. 75-5157, and amendments thereto; law  
8 enforcement agents of the Kansas lottery; law enforcement agents of the  
9 Kansas racing commission; deputies and assistants of the state fire marshal  
10 having law enforcement authority; capitol police, existing under the  
11 authority of K.S.A. 75-4503, and amendments thereto; and law  
12 enforcement officers appointed by the adjutant general pursuant to K.S.A.  
13 48-204, and amendments thereto. Such terms shall also include railroad  
14 policemen appointed pursuant to K.S.A. 66-524, and amendments thereto;  
15 school security officers designated as school law enforcement officers  
16 pursuant to K.S.A. 72-8222, and amendments thereto; the manager and  
17 employees of the horsethief reservoir benefit district pursuant to K.S.A.  
18 2011 Supp. 82a-2212, and amendments thereto; and the director of the  
19 Kansas commission on peace officers' standards and training and any other  
20 employee of such commission designated by the director pursuant to  
21 K.S.A. 74-5603, and amendments thereto, as a law enforcement officer.  
22 Such terms shall not include any elected official, other than a sheriff,  
23 serving in the capacity of a law enforcement or police officer solely by  
24 virtue of such official's elected position; any attorney-at-law having  
25 responsibility for law enforcement and discharging such responsibility  
26 solely in the capacity of an attorney; any employee of the commissioner of  
27 juvenile justice, the secretary of corrections or the secretary of social and  
28 rehabilitation services; any deputy conservation officer of the Kansas  
29 department of wildlife ~~and parks~~, *parks and tourism*; or any employee of a  
30 city or county who is employed solely to perform correctional duties  
31 related to jail inmates and the administration and operation of a jail; or any  
32 full-time or part-time salaried officer or employee whose duties include the  
33 issuance of a citation or notice to appear provided such officer or  
34 employee is not vested by law with the authority to make an arrest for  
35 violation of the laws of this state or any municipality thereof, and is not  
36 authorized to carry firearms when discharging the duties of such person's  
37 office or employment. Such term shall include any officer appointed or  
38 elected on a provisional basis.

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

41 (i) "Part-time" means employment on a regular schedule or  
42 employment which requires a minimum number of hours each payroll  
43 period, but in any case requiring less than 1,000 hours of law enforcement

1 related work per year.

2 (j) "Misdemeanor crime of domestic violence" means a violation of  
3 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or  
4 K.S.A. 2011 Supp. 21-5414, and amendments thereto, or any other  
5 misdemeanor under federal, municipal or state law that has as an element  
6 the use or attempted use of physical force, or the threatened use of a  
7 deadly weapon, committed by a current or former spouse, parent, or  
8 guardian of the victim, by a person with whom the victim shares a child in  
9 common, by a person who is cohabiting with or has cohabited with the  
10 victim as a spouse, parent or guardian, or by a person similarly situated to  
11 a spouse, parent or guardian of the victim.

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

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

21 Sec. 3. K.S.A. 2011 Supp. 74-5603 is hereby amended to read as  
22 follows: 74-5603. (a) There is hereby created within ~~continuing education~~  
23 ~~of the university of Kansas~~ a law enforcement training center, to be located  
24 at the former site of the U.S. naval air station in Reno county. The purpose  
25 and function of such training center shall be the promotion and  
26 development of improved law enforcement personnel and procedures  
27 throughout the state, and the training center shall offer to qualified  
28 applicants, as defined in K.S.A. 74-5605, and amendments thereto, such  
29 programs and courses of instruction designed to fulfill this end. No person  
30 shall enroll in a basic course of instruction at the Kansas law enforcement  
31 training center unless the person holds a provisional law enforcement  
32 certificate.

33 (b) The ~~dean~~ *chancellor*, upon consultation with and approval of the  
34 commission, shall appoint a director of police training. The ~~dean~~  
35 *chancellor* shall ~~also~~ appoint such additional personnel as deemed  
36 necessary to carry out the law enforcement training programs of the  
37 training center. Such personnel, whether administrative, instructional or  
38 research, shall be in the unclassified service under the Kansas civil service  
39 act.

40 (c) The director of police training shall be responsible for the  
41 administration of the training center and for the operation of the programs  
42 thereunder. The director of police training shall be responsible for  
43 determining the curriculum of the program, subject to such changes and

1 modification as are directed by the commission. In consultation with the  
2 commission, the director of police training may prescribe a code of  
3 conduct applicable to all trainees at the Kansas law enforcement training  
4 center. Upon consultation with and approval of the commission, the  
5 director of police training is authorized to adopt such rules and regulations  
6 *and policies* as are necessary for the effective ~~operation~~ *administration* of  
7 the law enforcement training program.

8 (d) Kansas commission on peace officers' standards and training shall  
9 appoint a director who shall be in the unclassified service under the  
10 Kansas civil service act.

11 (1) The director shall serve at the pleasure of the Kansas commission  
12 on peace officers' standards and training and shall be subject to removal by  
13 vote of <sup>3</sup>/<sub>4</sub> of the entire commission membership.

14 (2) The director shall enter into contracts necessary to administer the  
15 provisions of the Kansas law enforcement training act.

16 (3) The director may appoint employees, agents and consultants as  
17 the director considers necessary and prescribe their duties.

18 (4) The director shall be a law enforcement officer. The director may  
19 designate any other employee of the Kansas commission on peace officers'  
20 standards and training as a law enforcement officer. The director and any  
21 employee designated as a law enforcement officer by the director shall  
22 possess all powers and privileges which are now or may hereafter be given  
23 to an agent of the Kansas bureau of investigation and may exercise such  
24 powers and privileges throughout the state.

25 Sec. 4. K.S.A. 2011 Supp. 74-5605 is hereby amended to read as  
26 follows: 74-5605. (a) Every applicant for certification shall be an  
27 employee of a state, county or city law enforcement agency, a municipal  
28 university police officer, a railroad policeman appointed pursuant to  
29 K.S.A. 66-524, and amendments thereto; an employee of the tribal law  
30 enforcement agency of an Indian nation that has entered into a tribal-state  
31 gaming compact with this state; a manager or employee of the horsethief  
32 reservoir benefit district pursuant to K.S.A. 2011 Supp. 82a-2212, and  
33 amendments thereto; or a school security officer designated as a school  
34 law enforcement officer pursuant to K.S.A. 72-8222, and amendments  
35 thereto.

36 (b) Prior to admission to a course conducted at the training center or  
37 at a certified state or local law enforcement agency, the ~~applicant~~  
38 *applicant's appointing authority or agency head* shall furnish to the  
39 director of police training *and to the commission* a statement ~~from the~~  
40 ~~applicant's appointing authority or agency head certifying the applicant's~~  
41 ~~fulfillment of the following requirements. The applicant certifying that the~~  
42 *applicant has been found to meet the minimum requirements of*  
43 *certification established by this subsection. The commission may rely upon*

1 *the statement of the appointing authority or agency head as evidence that*  
2 *the applicant meets the minimum requirements for certification to issue a*  
3 *provisional certification. Each applicant for certification shall meet the*  
4 *following minimum requirements:*

5 ~~(a)~~ (1) ~~is~~ *Be* a United States citizen;

6 ~~(b)~~ (2) ~~has~~ *have* been fingerprinted and a search of local, state and  
7 national fingerprint files ~~has been~~ made to determine whether the applicant  
8 has a criminal record;

9 ~~(c)~~ (3) ~~has not have~~ been convicted, ~~does not have an expunged~~  
10 ~~conviction, and on and after July 1, 1995, has not been placed on diversion~~  
11 ~~by any state or the federal government for a crime which is a felony or its~~  
12 ~~equivalent under the uniform code of military justice of a crime that would~~  
13 ~~constitute a felony under the laws of this state, a misdemeanor crime of~~  
14 ~~domestic violence or a misdemeanor offense that the commission~~  
15 ~~determines reflects on the honesty, trustworthiness, integrity or~~  
16 ~~competence of the applicant as defined by rules and regulations of the~~  
17 ~~commission;~~

18 ~~(d)~~ ~~has not been convicted, does not have an expunged conviction,~~  
19 ~~has not been placed on diversion by any state or the federal government~~  
20 ~~for a misdemeanor crime of domestic violence or its equivalent under the~~  
21 ~~uniform code of military justice, when such misdemeanor crime of~~  
22 ~~domestic violence was committed on or after the effective date of this act;~~

23 ~~(e)~~ *is* the holder of a high school diploma or furnishes evidence of  
24 successful completion of an examination indicating an equivalent  
25 achievement;

26 ~~(f)~~ (4) *have* graduated from a high school accredited by the Kansas state  
27 board of education or the appropriate accrediting agency of another state  
28 jurisdiction or have obtained the equivalent of a high school education as  
29 defined by rules and regulations of the commission;

30 ~~(g)~~ (5) ~~is~~ ~~of~~ *be* of sufficient good moral character to warrant the  
31 public trust in the applicant as a police officer or law enforcement officer;

32 ~~(h)~~ (6) ~~has completed a psychological test~~ *have* completed an  
33 assessment, including psychological testing approved by the commission,  
34 to determine that the applicant does not have a mental or personality  
35 disorder that would adversely affect the ability to perform the essential  
36 functions of a police officer or law enforcement officer with reasonable  
37 skill, safety and judgment;

38 ~~(i)~~ (7) ~~is~~ *be* free of any physical or mental condition which ~~might~~  
39 ~~adversely affect the applicant's performance of a police officer's or law~~  
40 ~~enforcement officer's duties~~ *adversely* affects the ability to perform the  
41 essential functions of a police officer or law enforcement officer with  
42 reasonable skill, safety and judgment; and

43 ~~(j)~~ (8) *is* *be* at least 21 years of age.

1       (c) *The commission may deny a provisional or other certification*  
2 *upon a finding that the applicant has engaged in conduct for which a*  
3 *certificate may be revoked, suspended or otherwise disciplined as*  
4 *provided in K.S.A. 74-5616, and amendments thereto. When it appears*  
5 *that grounds for denial of a certification exist under this subsection, after*  
6 *a conditional offer of employment has been made to an applicant seeking*  
7 *appointment as a police officer or law enforcement officer, the applicant's*  
8 *appointing authority or agency head may request an order from the*  
9 *commission to determine whether a provisional certification will be issued*  
10 *to that applicant.*

11       (d) *As used in this section, "conviction" includes rendering of*  
12 *judgment by a military court martial pursuant to the uniform code of*  
13 *military justice, by a court of the United States or by a court of competent*  
14 *jurisdiction in any state, whether or not expunged; any diversion*  
15 *agreement entered into for a misdemeanor crime of domestic violence and*  
16 *any diversion agreement entered into on or after July 1, 1995, for a*  
17 *felony; and any felony juvenile adjudication or diversion after July 1,*  
18 *2012.*

19       Sec. 5. K.S.A. 2011 Supp. 74-5607 is hereby amended to read as  
20 follows: 74-5607. (a) In addition to other powers and duties prescribed by  
21 law, the commission shall adopt, in accordance with the provisions of  
22 K.S.A. 77-415 *et seq.*, and amendments thereto, rules and regulations  
23 necessary to carry out the provisions of ~~subsection (c) of K.S.A. 74-5616,~~  
24 ~~and amendments thereto, and such other rules and regulations as necessary~~  
25 *and to administer this the Kansas law enforcement training act. The*  
26 *commission may also adopt such rules of procedure or guidance*  
27 *documents as are necessary for conducting the business of the commission.*

28       (b) *The commission or a designated committee or member of the*  
29 *commission may conduct investigations and proceedings necessary to*  
30 *carry out the provisions of the Kansas law enforcement training act. In all*  
31 *investigations, hearings or other matters pending before the commission,*  
32 *the commission or any person acting as a presiding officer for the*  
33 *commission shall have the power to:*

34       (1) Administer oaths and take testimony;

35       (2) issue subpoenas, compel the attendance of witnesses and the  
36 production of any papers, books, accounts, documents and testimony, and  
37 to cause the deposition of witnesses, either residing within or without the  
38 state, to be taken in the manner prescribed by law for taking depositions in  
39 civil actions in the district courts. In case of the failure of any person to  
40 comply with any subpoena issued on behalf of the commission, or on the  
41 refusal of any witness to testify to any matters regarding which the witness  
42 may be lawfully ~~interrogated~~ *questioned*, the district court of any county,  
43 on application of a member of the commission, may require compliance by

1 proceedings for contempt, as in the case of failure to comply with a  
2 subpoena issued from such court or a refusal to testify in such court. Each  
3 witness who appears before the commission by its order or subpoena,  
4 other than a state officer or employee, shall receive for such attendance the  
5 fees and mileage provided for witnesses in civil cases in courts of record  
6 which shall be audited and paid upon presentation of proper vouchers  
7 sworn to by such witnesses and approved by the chairperson of the  
8 commission or by a person or persons designated by the chairperson;

9 (3) enter into contracts necessary to administer the provisions of ~~this~~  
10 *the Kansas law enforcement training act* and the certification of law  
11 enforcement officers; and

12 (4) assess the costs of such matters pending before the commission  
13 under this section against the governmental entity employing the police  
14 officer or law enforcement officer.

15 (c) Members of the commission attending meetings of the  
16 commission, or attending a ~~subcommittee~~ *committee* meeting authorized  
17 by the commission, shall be paid amounts provided for in subsection (e) of  
18 K.S.A. 75-3223, and amendments thereto. The ~~director~~ *commission* shall  
19 be responsible for approving all expense vouchers of members.

20 (d) The commission shall meet at least once each year at the training  
21 center and may hold other meetings whenever they are called by the  
22 chairperson.

23 (e) The commission shall adopt the rules and regulations that are  
24 necessary to ensure that law enforcement officers are adequately trained  
25 and to enforce the provisions of ~~this~~ *the Kansas law enforcement training*  
26 *act*. Such rules and regulations shall include, but are not limited to, the  
27 establishment of a course of fire as a standard qualification for active law  
28 enforcement officers to carry firearms that may also be used for qualified  
29 retired officers to carry firearms pursuant to federal law. The *director of*  
30 *police training* shall provide qualification opportunities for qualified  
31 retired officers ~~at least twice a year~~ at the times and places the director  
32 determines to be necessary. The training center shall charge and collect a  
33 fee from retired state, local and federal officers for the qualification  
34 opportunities, but these fees shall be limited to the actual costs of  
35 presenting the standard qualifications course.

36 (f) *On and after July 1, 2012, the commission shall require*  
37 *fingerprinting of each applicant for certification under the Kansas law*  
38 *enforcement training act, and may require fingerprinting of a person who*  
39 *has received a certificate under the Kansas law enforcement training act*  
40 *prior to July 1, 2012, if such person's conduct is investigated pursuant to*  
41 *this section. The commission shall appoint an employee of the commission*  
42 *whose official duty includes seeking and maintaining confidential*  
43 *information as provided by this subsection. The appointed employee shall*

1 *submit fingerprints to the Kansas bureau of investigation and to the*  
2 *federal bureau of investigation for the purpose of verifying the identity of*  
3 *such applicant or certificate holder and for obtaining records of that*  
4 *person's criminal arrests and convictions. Upon the request of the*  
5 *appointed employee, the Kansas bureau of investigation and other*  
6 *criminal justice agencies shall provide to the appointed employee all*  
7 *background investigation information including criminal history record*  
8 *information, arrest and nonconviction data and criminal intelligence*  
9 *information. Such information, other than conviction data, shall be*  
10 *confidential and shall not be disclosed by the appointed employee, except*  
11 *for a purpose stated in this section. In addition to any other penalty*  
12 *provided by law, unauthorized disclosure of such information shall be*  
13 *grounds for removal from office or termination of employment.*

14 Sec. 6. K.S.A. 2011 Supp. 74-5607a is hereby amended to read as  
15 follows: 74-5607a. (a) The commission shall not issue a certification as a  
16 full-time police officer or law enforcement officer unless such officer has  
17 been awarded a certificate attesting to satisfactory completion of a full-  
18 time officer basic course of accredited instruction at the training center or  
19 at a certified state or local law enforcement training school or has been  
20 awarded such a certificate for not less than the number of hours of  
21 instruction required by the Kansas law enforcement training act at the time  
22 such certificate was issued or received a permanent appointment as a full-  
23 time police officer or law enforcement officer prior to July 1, 1969, or was  
24 appointed a railroad policeman pursuant to K.S.A. 66-524, and  
25 amendments thereto, on or before January 1, 1982. No person shall receive  
26 certification as a part-time police officer or law enforcement officer unless  
27 such officer has been awarded a certificate attesting to the satisfactory  
28 completion of a part-time officer basic course of instruction in law  
29 enforcement at the training center or at a certified state or local law  
30 enforcement training school.

31 (b) Beginning the second year after certification, every full-time  
32 police officer or law enforcement officer shall complete annually 40 hours  
33 of *continuing* law enforcement education or training in subjects relating  
34 directly to law enforcement. Failure to complete such training shall be  
35 grounds for suspension ~~from work without pay of a certificate issued~~  
36 ~~under the Kansas law enforcement training act~~ until such training is  
37 completed, *except that the commission may stay any such suspension upon*  
38 *a showing of hardship upon the employing law enforcement agency. The*  
39 ~~director with the approval of the~~ *commission, in consultation with the*  
40 *director of police training, shall adopt rules and regulations regarding such*  
41 *education or training. Such education or training may include procedures*  
42 *for law enforcement to follow when responding to an allegation of*  
43 *stalking. Every city, county and state agency shall send to the director*



1 certified reports of the completion of such education or training. The  
2 ~~director~~ *commission* shall maintain a record of the reports in the central  
3 registry.

4 (c) Subject to the provisions of subsection (d):

5 (1) Any person who is appointed or elected as a police officer or law  
6 enforcement officer and who does not hold a certificate as required by  
7 subsection (a) may be issued a provisional certificate for a period of one  
8 year. The ~~director~~ *commission* may extend the one-year period for the  
9 provisional certificate if in the ~~director's~~ *commission's* determination the  
10 extension would not constitute an intentional avoidance of the  
11 requirements of subsection (a). If a person's provisional certificate expires  
12 or is revoked, the person shall not be issued another provisional certificate  
13 within one year of the expiration or revocation. A provisional certificate  
14 shall be revoked upon dismissal from any basic training program  
15 authorized by K.S.A. 74-5604a, and amendments thereto. A provisional  
16 certificate may be revoked upon voluntary withdrawal from any basic  
17 training program authorized by K.S.A. 74-5604a, and amendments thereto.

18 (2) Any police officer or law enforcement officer who does not  
19 complete the education or training required by subsection (b) by the date  
20 such education or training is required to have been completed shall be  
21 subject to revocation or suspension of certification and loss of the officer's  
22 office or position.

23 (d) The ~~director~~ *commission* may extend, waive or modify the annual  
24 continuing education requirement, when it is shown that the failure to  
25 comply with the requirements of subsection (a) or (b) was not due to the  
26 intentional avoidance of the law.

27 Sec. 7. K.S.A. 2011 Supp. 74-5608a is hereby amended to read as  
28 follows: 74-5608a. (a) The ~~director~~ *commission* may, in the exercise of  
29 discretion, award a certificate to any person who has been duly certified  
30 under the laws of another state or territory if, in the opinion of the director  
31 *of police training*, the requirements for certification in such other  
32 jurisdiction equal or exceed the qualifications required to complete  
33 satisfactorily the basic course of instruction at the training center.

34 (b) The ~~director~~ *commission* may waive any number of the hours or  
35 courses required to complete the basic course of instruction at the training  
36 center, part-time school, reciprocity school or for the hours required for  
37 annual continuing education for any person who, in the opinion of the  
38 director *of police training*, has received sufficient training or experience  
39 that such hours of instruction ~~at the training center~~ would be, unless  
40 waived, unduly burdensome or ~~duplicitous~~ *duplicative*.

41 Sec. 8. K.S.A. 2011 Supp. 74-5616 is hereby amended to read as  
42 follows: 74-5616. (a) No person shall be appointed as a full-time law  
43 enforcement officer unless the person holds a full-time active law

1 enforcement certificate or a provisional law enforcement certificate. No  
2 person shall be appointed as a part-time officer unless the person holds a  
3 full-time active law enforcement certificate, a part-time active law  
4 enforcement certificate or a provisional certificate. ~~The commission's~~  
5 ~~certification shall be awarded to persons who:~~

6 ~~(1) Received a permanent appointment as a police officer or law~~  
7 ~~enforcement officer prior to July 1, 1969; or~~

8 ~~(2) hold a permanent appointment as a police officer or law~~  
9 ~~enforcement officer on July 1, 1983.~~

10 (b) The commission may suspend, ~~revoke, reprimand, censure~~  
11 ~~condition or revoke the certification of a police officer or law enforcement~~  
12 ~~officer; reprimand or censure a police officer or law enforcement officer; or~~  
13 deny the certification of a police officer or law enforcement officer who:

14 (1) Fails to meet *and maintain* the requirements of K.S.A. 74-5605 or  
15 74-5607a, and amendments thereto, ~~or has met such requirements by~~  
16 ~~falsifying documents or failing to disclose information required for~~  
17 ~~certification;~~

18 (2) ~~fails to meet and maintain the minimum standards for certification~~  
19 ~~adopted by the commission~~ *has knowingly submitted false or misleading*  
20 *documents or willfully failed to obtain any certification under the Kansas*  
21 *law 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 ~~this~~ *the*  
28 *Kansas law enforcement training act; or*

29 ~~(5) fails to maintain the requirements for initial certification as set~~  
30 ~~forth in K.S.A. 74-5605, and amendments thereto, and any implementing~~  
31 ~~rules and regulations~~

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

39 (6) *has used racial or other biased-based policing prohibited by*  
40 *K.S.A. 2011 Supp. 22-4609, and amendments thereto; or*

41 (7) *has engaged in unprofessional conduct as defined by rules and*  
42 *regulations of the commission.*

43 ~~(e) The commission shall immediately institute proceedings to revoke~~

1 ~~the certification of any police officer or law enforcement officer convicted~~  
2 ~~of, or on or after July 1, 1995, diverted for a felony under the laws of this~~  
3 ~~state, another state or the United States or of its equivalent under the~~  
4 ~~uniform code of military justice or convicted of or diverted for a~~  
5 ~~misdemeanor crime of domestic violence under the laws of this state,~~  
6 ~~another state or the United States or of its equivalent under the uniform~~  
7 ~~code of military justice, when such misdemeanor crime of domestic~~  
8 ~~violence was committed on or after the effective date of this act.~~

9 ~~(d) (c)~~ The procedure for the ~~public or private~~ censure; ~~or~~ reprimand  
10 ~~of a police officer or law enforcement officer, probation or ordering a~~  
11 ~~condition, suspension, revocation and or~~ denial of certification of a person  
12 as a police officer or law enforcement officer or an applicant for  
13 certification, shall be in accordance with the Kansas administrative  
14 procedure act.

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

20 (e) Any action of the commission pursuant to ~~subsection (d)~~ *this*  
21 *section* is subject to review in accordance with the Kansas judicial review  
22 act. Upon request of the commission, the attorney general shall prosecute  
23 or defend any action for review on behalf of the state, but the county or  
24 district attorney of the county where the police or law enforcement officer  
25 has been employed as such shall appear and prosecute or defend such  
26 action upon request of the attorney general or commission. The  
27 commission may elect to retain the services of a private attorney to appear  
28 and prosecute or defend any action on behalf of the commission.

29 Sec. 9. K.S.A. 74-5622 is hereby amended to read as follows: 74-  
30 5622. (a) Certification by the commission will remain active for a period  
31 of five years after leaving employment as a law enforcement officer.  
32 Certification which has lapsed due to more than five years since  
33 employment as a law enforcement officer may be reinstated if the  
34 applicant, within one year of reappointment:

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

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

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

43 ~~(b) The provisions of this section shall be part of and supplemental to~~

1 ~~the Kansas law enforcement training act.~~

2 *(b) A person whose certificate issued under the Kansas law*  
3 *enforcement training act has been suspended or revoked may petition the*  
4 *commission to reinstate the certificate. The commission may reinstate a*  
5 *suspended or revoked certificate upon a finding that the petitioner is*  
6 *otherwise qualified for certification under the Kansas law enforcement*  
7 *training act and is sufficiently rehabilitated to warrant the public trust.*  
8 *The burden shall be upon the petitioner to establish rehabilitation by clear*  
9 *and convincing evidence. In determining whether a petitioner is*  
10 *sufficiently rehabilitated to warrant the public trust, the commission may*  
11 *consider any relevant evidence, and may, but shall not be required, to*  
12 *consider the following factors:*

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

15 *(2) the demonstrated consciousness of the wrongful conduct and*  
16 *disrepute which the conduct has brought upon the law enforcement*  
17 *profession and the administration of justice;*

18 *(3) the extent of the petitioner's rehabilitation;*

19 *(4) the nature and seriousness of the original misconduct;*

20 *(5) the conduct subsequent to discipline;*

21 *(6) the time elapsed since the original discipline; and*

22 *(7) the petitioner's character, maturity and experience at the time of*  
23 *the original revocation.*

24 Sec. 10. K.S.A. 74-5601, 74-5618 and 74-5622 and K.S.A. 2011  
25 Supp. 74-5602, 74-5603, 74-5605, 74-5607, 74-5607a, 74-5608a and 74-  
26 5616 are hereby repealed.

27 Sec. 11. This act shall take effect and be in force from and after its  
28 publication in the statute book.