

HOUSE BILL No. 2277

By Committee on Corrections and Juvenile Justice

2-8

1 AN ACT concerning law enforcement; relating to the juvenile justice
2 authority; amending K.S.A. 2012 Supp. 38-2386 and 74-5602 and
3 repealing the existing sections.

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

6 Section 1. K.S.A. 2012 Supp. 38-2386 is hereby amended to read as
7 follows: 38-2386. ~~(a)~~ The superintendent of any juvenile correctional
8 facility operated by the commissioner, all persons on the staff of the
9 juvenile justice authority who are in the chain of command from the
10 commissioner of juvenile justice to the juvenile corrections officer and
11 every juvenile corrections officer, regardless of rank and every
12 investigator, while acting within the scope of their duties as employees of
13 the juvenile justice authority, shall possess such powers and duties of a law
14 enforcement officer as are necessary for performing such duties ~~for the~~
15 ~~purpose of regaining or maintaining custody, security and control of any~~
16 ~~person in the custody of the commissioner~~ and may exercise such powers
17 and duties anywhere within the state of Kansas. Such powers and duties
18 may be exercised outside the state of Kansas for the purpose of
19 maintaining custody, security and control of any person in the custody of
20 the commissioner being transported or escorted by anyone authorized to so
21 act. Such employees of the juvenile justice authority shall be responsible
22 to and shall be at all times under the supervision and control of the
23 commissioner of juvenile justice or the commissioner's designee.

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

28 ~~(1) Make arrests;~~

29 ~~(2) conduct searches and seizures;~~

30 ~~(3) maintain custody, security and control of any person in the~~
31 ~~custody of the commissioner; and~~

32 ~~(4) generally enforce all the criminal laws of the state as violations of~~
33 ~~those laws are encountered during the routine performance of duty.~~

34 ~~(e) No special investigator may carry firearms while performing such~~
35 ~~duties without having first successfully completed the training course~~
36 ~~prescribed for law enforcement officers under the Kansas law enforcement~~

1 ~~training act, K.S.A. 74-5601 et seq., and amendments thereto.~~

2 ~~(d) Each special investigator designated shall:~~

3 ~~(1) Be vested with law enforcement authority;~~

4 ~~(2) be in classified service under the Kansas civil service act; and~~

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

7 ~~(e) The commissioner may adopt rules and regulations prescribing~~
8 ~~additional training required for such special investigators.~~

9 Sec. 2. K.S.A. 2012 Supp. 74-5602 is hereby amended to read as
10 follows: 74-5602. As used in the Kansas law enforcement training act:

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

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

17 (c) "Chancellor" means the chancellor of the university of Kansas, or
18 the chancellor's designee.

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

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

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

26 (g) "Police officer" or "law enforcement officer" means a full-time or
27 part-time salaried officer or employee of the state, a county or a city,
28 whose duties include the prevention or detection of crime and the
29 enforcement of the criminal or traffic laws of this state or of any
30 municipality thereof. Such terms shall include, but not be limited to: The
31 sheriff, undersheriff and full-time or part-time salaried deputies in the
32 sheriff's office in each county; deputy sheriffs deputized pursuant to
33 K.S.A. 19-2858, and amendments thereto; conservation officers of the
34 Kansas department of wildlife, parks and tourism; university police
35 officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus
36 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;
37 law enforcement agents of the director of alcoholic beverage control; law
38 enforcement agents designated by the secretary of revenue pursuant to
39 K.S.A. 2012 Supp. 75-5157, and amendments thereto; law enforcement
40 agents of the Kansas lottery; law enforcement agents of the Kansas racing
41 commission; deputies and assistants of the state fire marshal having law
42 enforcement authority; capitol police, existing under the authority of
43 K.S.A. 75-4503, and amendments thereto; ~~special investigators of the~~

1 ~~juvenile justice authority~~; and law enforcement officers appointed by the
2 adjutant general pursuant to K.S.A. 48-204, and amendments thereto. Such
3 terms shall also include railroad policemen appointed pursuant to K.S.A.
4 66-524, and amendments thereto; school security officers designated as
5 school law enforcement officers pursuant to K.S.A. 72-8222, and
6 amendments thereto; the manager and employees of the horsethief
7 reservoir benefit district pursuant to K.S.A. 2012 Supp. 82a-2212, and
8 amendments thereto; and the director of the Kansas commission on peace
9 officers' standards and training and any other employee of such
10 commission designated by the director pursuant to K.S.A. 74-5603, and
11 amendments thereto, as a law enforcement officer. Such terms shall not
12 include any elected official, other than a sheriff, serving in the capacity of
13 a law enforcement or police officer solely by virtue of such official's
14 elected position; any attorney-at-law having responsibility for law
15 enforcement and discharging such responsibility solely in the capacity of
16 an attorney; any employee of the commissioner of juvenile justice ~~who is~~
17 ~~employed solely to perform correctional, administrative or operational~~
18 ~~duties related to juvenile correctional facilities~~; any employee of the
19 secretary of corrections, any employee of the secretary of social and
20 rehabilitation services; any deputy conservation officer of the Kansas
21 department of wildlife, parks and tourism; or any employee of a city or
22 county who is employed solely to perform correctional duties related to
23 jail inmates and the administration and operation of a jail; or any full-time
24 or part-time salaried officer or employee whose duties include the issuance
25 of a citation or notice to appear provided such officer or employee is not
26 vested by law with the authority to make an arrest for violation of the laws
27 of this state or any municipality thereof, and is not authorized to carry
28 firearms when discharging the duties of such person's office or
29 employment. Such term shall include any officer appointed or elected on a
30 provisional basis.

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

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

37 (j) "Misdemeanor crime of domestic violence" means a violation of
38 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or
39 K.S.A. 2012 Supp. 21-5414, and amendments thereto, or any other
40 misdemeanor under federal, municipal or state law that has as an element
41 the use or attempted use of physical force, or the threatened use of a
42 deadly weapon, committed by a current or former spouse, parent, or
43 guardian of the victim, by a person with whom the victim shares a child in

1 common, by a person who is cohabiting with or has cohabited with the
2 victim as a spouse, parent or guardian, or by a person similarly situated to
3 a spouse, parent or guardian of the victim.

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

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

13 Sec. 3. K.S.A. 2012 Supp. 38-2386 and 74-5602 are hereby repealed.

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