

Senate Substitute for HOUSE BILL No. 2056

By Committee on Corrections and Juvenile Justice

3-12

1 AN ACT concerning bail enforcement agents; relating to licensure by the
2 attorney general; sureties and bail agents; amending K.S.A. 2014 2015
3 Supp. 12-4516, 21-6614 and 22-2809a and repealing the existing
4 section sections; also repealing K.S.A. 2015 Supp. 12-4516d and 21-
5 6614f.
6

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

8 New Section 1. As used in sections 1 through 9 10, and amendments
9 thereto:

10 (a) "Surety" means a person or commercial surety, other than a
11 defendant in a criminal proceeding, that guarantees the appearance of a
12 defendant in a criminal proceeding, by executing an appearance bond.

13 (b) "Bail agent" means a person authorized by a surety to execute
14 surety bail bonds on its behalf.

15 (c) "Bail enforcement agent" means a person not performing the
16 duties of a law enforcement officer who tracks down, captures and
17 surrenders to the custody of a court a fugitive who has violated a surety or
18 bail bond agreement, commonly referred to as a bounty hunter.

19 New Sec. 2. (a) Except as provided in subsection (b), it shall be
20 unlawful for any person to engage in the business of a bail enforcement
21 agent in this state unless such person is licensed as a bail enforcement
22 agent under sections 1 through 9 10, and amendments thereto.

23 (b) The following persons shall not be deemed to be engaging in the
24 bail enforcement business:

25 (1) A surety, authorized as such in the state of Kansas, who is
26 attempting to enforce a bail bond; or

27 (2) a bail agent attempting to enforce a bail bond.

28 New Sec. 3. (a) Every person desiring to be licensed in Kansas as a
29 bail enforcement agent shall make application to the attorney general. An
30 application for a bail enforcement agent license shall be on a form
31 prescribed by the attorney general and accompanied by the required
32 application fee. An application shall be verified under penalty of perjury
33 and shall include:

34 (1) The full name and business address of the applicant;

35 (2) two photographs of the applicant taken within 30 days before the
36 date of application, of a type prescribed by the attorney general;

- 1 (3) a statement of the applicant's employment history;
2 (4) a statement of the applicant's criminal history, if any; and
3 (5) one classifiable set of the applicant's fingerprints.

4 (b) (1) Fingerprints submitted pursuant to this section shall be
5 released by the attorney general to the Kansas bureau of investigation for
6 the purpose of conducting criminal history records checks, utilizing the
7 files and records of the Kansas bureau of investigation and the federal
8 bureau of investigation.

9 (2) Each applicant shall be subject to a state and national criminal
10 history records check which conforms to applicable federal standards for
11 the purpose of verifying the identity of the applicant and whether the
12 applicant has been convicted of any crime that would disqualify the
13 applicant from being licensed as a bail enforcement agent under sections 1
14 through 9 10, and amendments thereto. The attorney general is authorized
15 to use the information obtained from the state and national criminal history
16 records check to determine the applicant's eligibility for such license.

17 (3) Each applicant shall pay a fee for the criminal history records
18 check in an amount necessary to reimburse the attorney general for the
19 cost of the criminal history records check. Such fee shall be in an amount
20 fixed by the attorney general pursuant to section 8, and amendments
21 thereto, and shall be in addition to the applicable original or renewal
22 application fee amount fixed by the attorney general pursuant to section 8,
23 and amendments thereto.

24 (c) In accordance with the summary proceedings provisions of the
25 Kansas administrative procedure act, the attorney general may deny a
26 license if the applicant has:

27 (1) Committed any act on or after July 1, 2016, which, if committed
28 by a licensee, would be grounds for the censure, limitation, conditioning,
29 suspension or revocation of a license under sections 1 through 9 10, and
30 amendments thereto;

31 (2) been convicted of a felony, unless such conviction has been
32 expunged;

33 (3) in the 10 years immediately preceding the submission of the
34 application, been convicted of an offense classified as a person
35 misdemeanor offense, or a substantially similar offense from another
36 jurisdiction, unless such conviction has been expunged;

37 (4) while unlicensed, on or after July 1, 2016, committed or aided and
38 abetted the commission of any act for which a license is required by
39 sections 1 through 9 10, and amendments thereto; or

40 (4) (5) knowingly made any false statement in the application.

41 (d) The attorney general may charge a fee for initial application forms
42 and materials in an amount fixed by the attorney general pursuant to
43 section 8, and amendments thereto. Such fee shall be credited against the

1 application fee of any person who subsequently submits an application.

2 (e) Every application for an initial or a renewal license shall be
3 accompanied by a fee in an amount fixed by the attorney general pursuant
4 to section 8, and amendments thereto.

5 New Sec. 4. (a) The license, when issued, shall be in such form as
6 may be determined by the attorney general and shall include the:

7 (1) Name of the licensee; and

8 (2) number and date of the license.

9 (b) The license at all times shall be posted in a conspicuous place in
10 the principal place of business of the licensee. Upon the issuance of a
11 license, a pocket card of such size, design and content as determined by
12 the attorney general shall be issued without charge to each licensee. Such
13 card shall be evidence that the licensee is duly licensed pursuant to
14 sections 1 through 9 10, and amendments thereto. When any licensee
15 terminates such licensee's activities as a bail enforcement agent, or such
16 licensee's license has been suspended or revoked, the card shall be
17 surrendered, within five days after such termination, suspension or
18 revocation, to the attorney general for cancellation. Within 30 days after
19 any change of address or of any change in its officers, directors, partners
20 or associates, a licensee shall notify the attorney general thereof. The
21 principal place of business may be at a residence or at a business address,
22 but it shall be the place at which the licensee maintains a permanent office.

23 New Sec. 5. (a) Any license issued under sections 1 through 9 10, and
24 amendments thereto, shall expire two years from the date of issuance and
25 may be renewed every two years thereafter. Renewal of any such license
26 shall be made in the manner prescribed for obtaining an original license,
27 including payment of the appropriate fee required by section 8, and
28 amendments thereto, except that:

29 (1) The application for renewal shall provide the information required
30 of original applicants if the information shown on the original application
31 or any renewal thereof on file with the attorney general is no longer
32 accurate;

33 (2) a new photograph and classifiable set of fingerprints shall be
34 submitted with the application for renewal only if the photograph and
35 fingerprints on file with the attorney general has been on file more than
36 four years; and

37 (3) additional information may be required by rules and regulations
38 adopted by the attorney general.

39 (b) A license issued under sections 1 through 9, and amendments
40 thereto, shall not be assignable.

41 New Sec. 6. (a) In accordance with the Kansas administrative
42 procedure act, the attorney general may censure, limit, condition, suspend
43 or revoke a license issued under sections 1 through 9 10, and amendments

1 thereto, if after notice and opportunity for hearing in accordance with the
2 provisions of the Kansas administrative procedure act, the attorney general
3 determines that the licensee has:

4 (1) Made any false statement or given any false information in
5 connection with an application for a license or a renewal or reinstatement
6 thereof;

7 (2) violated any provisions of K.S.A. 22-2809a or sections 1 through
8 9 10, and amendments thereto;

9 (3) been convicted of a felony or any other offense described in
10 section 3, and amendments thereto;

11 (4) committed any act, while the license was expired, which would be
12 cause for the suspension or revocation of a license, or grounds for the
13 denial of an application for a license; or

14 (5) committed any act which is grounds for denial of an application
15 for a license;

16 (6) become subject to a domestic protection order from this or any
17 jurisdiction which complies with 18 U.S.C. 922(g)(8);

18 (7) become subject to K.S.A. 59-2945 et seq. or K.S.A. 59-29b45 et
19 seq., and amendments thereto, or a substantially similar proceeding from
20 another jurisdiction; or

21 (8) become subject to any proceeding which could render the licensee
22 subject to censure, limitation, condition, suspension or revocation of their
23 license under the provisions of this section.

24 (b) The record of conviction, or a certified copy thereof, shall be
25 conclusive evidence of such conviction as that term is used in this section
26 or in section 3, and amendments thereto, and a plea or verdict of guilty or a
27 conviction following a plea of nolo contendere is deemed to be a
28 conviction within the meaning thereof.

29 New Sec. 7. (a) The licensing and regulation of bail enforcement
30 agents shall be under the exclusive jurisdiction and control of the attorney
31 general, as provided in sections 1 through 9 10, and amendments thereto,
32 and no city may adopt any ordinance which provides for the licensing or
33 regulation of bail enforcement agents. Any such ordinance which is so
34 adopted, or which has been adopted on or before July 1, 2015, is hereby
35 declared null and void.

36 (b) The attorney general shall adopt such rules and regulations as may
37 be necessary to carry out the provisions of sections 1 through 9 10, and
38 amendments thereto.

39 New Sec. 8. (a) In each fiscal year, the attorney general shall
40 determine the amount of funds which will be required during the next
41 ensuing fiscal year to properly administer the laws which the attorney
42 general is directed to enforce and administer relating to the licensure and
43 regulation of bail enforcement agents. The attorney general, by the

1 adoption of rules and regulations, shall fix fees in accordance with this
2 section in such reasonable sums as may be necessary for such purposes.

3 (b) After fixing such fees, the attorney general may charge and collect
4 the fees, in advance for the following purposes, subject to the following
5 limitations:

6 (1) For initial application forms and materials, not to exceed \$15;

7 (2) for application for licensure, not to exceed \$200; and

8 (3) for renewal of license, not to exceed \$175.

9 (c) A duplicate license shall be issued upon the filing of a statement
10 covering the loss of the license and the payment of a fee of ~~\$5~~ \$15 for the
11 issuance of a duplicate license. Each duplicate license shall have the word
12 "duplicate" stamped across the face thereof and shall bear the same
13 number as the original.

14 (d) In addition to the applicable original or renewal application fee
15 amount fixed by the attorney general pursuant to this section, the attorney
16 general may charge and collect a fee from each applicant to conduct a
17 criminal history records check. Such fee shall be in an amount fixed by the
18 attorney general and shall not exceed an amount necessary to reimburse
19 the attorney general for the cost of such criminal history records check.

20 New Sec. 9. The attorney general shall remit all moneys received
21 from fees or charges imposed pursuant to sections 1 through ~~9~~ 10, and
22 amendments thereto, to the state treasurer in accordance with the
23 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
24 each such remittance, the state treasurer shall deposit the entire amount in
25 the state treasury to the credit of the bail enforcement agents fee fund,
26 which is hereby created. Moneys in the bail enforcement agents fee fund
27 shall be used solely for the purpose of administering and implementing
28 sections 1 through ~~9~~ 10, and amendments thereto, and any other law
29 relating to the licensure and regulation of bail enforcement agents. All
30 expenditures from such fund shall be made in accordance with
31 appropriation acts upon warrants of the director of accounts and reports
32 issued pursuant to vouchers approved by the attorney general or by a
33 person or persons designated by the attorney general.

34 New Sec. 10. (a) The unlicensed conduct as a bail enforcement agent
35 prohibited by this act and K.S.A. 22-2809a, and amendments thereto,
36 constitutes an unconscionable act or practice in violation of K.S.A. 50-
37 627, and amendments thereto, and any person who engages in unlicensed
38 conduct as a bail enforcement agent shall be subject to the remedies and
39 penalties provided by the Kansas consumer protection act.

40 (b) For the purposes of the remedies and penalties provided by the
41 Kansas consumer protection act:

42 (1) The person committing unlicensed conduct as a bail enforcement
43 agent shall be deemed the supplier, and the person who is the victim of

1 such conduct shall be deemed the consumer; and

2 (2) proof of a consumer transaction shall not be required.

3 (c) Notwithstanding any provision of the Kansas consumer protection
4 act to the contrary, only the attorney general, or the attorney general's
5 designee, may bring a civil action alleging a violation of the Kansas
6 consumer protection act pursuant to this section. This section shall not be
7 construed as creating or allowing a private right of action under the Kansas
8 consumer protection act.

9 (d) In addition to any civil penalties provided by this section, a person
10 who violates any provision of sections 1 through 10, and amendments
11 thereto, may be prosecuted for, convicted of, and punished for an offense
12 under K.S.A. 22-2809a, and amendments thereto.

13 (e) This section shall be part of and supplemental to the Kansas
14 consumer protection act.

15 Sec. 11. K.S.A. 2015 Supp. 12-4516 is hereby amended to read as
16 follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d), (e)
17 and (f), any person who has been convicted of a violation of a city
18 ordinance of this state may petition the convicting court for the
19 expungement of such conviction and related arrest records if three or more
20 years have elapsed since the person:

21 (A) Satisfied the sentence imposed; or

22 (B) was discharged from probation, parole or a suspended sentence.

23 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
24 person who has fulfilled the terms of a diversion agreement based on a
25 violation of a city ordinance of this state may petition the court for the
26 expungement of such diversion agreement and related arrest records if
27 three or more years have elapsed since the terms of the diversion
28 agreement were fulfilled.

29 (b) Any person convicted of a violation of any ordinance that is
30 prohibited by either K.S.A. 2015 Supp. 12-16,134(a) or (b), and
31 amendments thereto, and which was adopted prior to July 1, 2014, or who
32 entered into a diversion agreement in lieu of further criminal proceedings
33 for such violation, may petition the convicting court for the expungement
34 of such conviction or diversion agreement and related arrest records.

35 (c) Any person convicted of the violation of a city ordinance which
36 would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a
37 violation of K.S.A. 2015 Supp. 21-6419, and amendments thereto, or who
38 entered into a diversion agreement in lieu of further criminal proceedings
39 for such violation, may petition the convicting court for the expungement
40 of such conviction or diversion agreement and related arrest records if:

41 (1) One or more years have elapsed since the person satisfied the
42 sentence imposed or the terms of a diversion agreement or was discharged
43 from probation, parole, conditional release or a suspended sentence; and

1 (2) such person can prove they were acting under coercion caused by
2 the act of another. For purposes of this subsection, "coercion" means:
3 Threats of harm or physical restraint against any person; a scheme, plan or
4 pattern intended to cause a person to believe that failure to perform an act
5 would result in bodily harm or physical restraint against any person; or the
6 abuse or threatened abuse of the legal process.

7 (d) No person may petition for expungement until five or more years
8 have elapsed since the person satisfied the sentence imposed or the terms
9 of a diversion agreement or was discharged from probation, parole,
10 conditional release or a suspended sentence, if such person was convicted
11 of the violation of a city ordinance which would also constitute:

12 (1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its
13 repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto;

14 (2) driving while the privilege to operate a motor vehicle on the
15 public highways of this state has been canceled, suspended or revoked, as
16 prohibited by K.S.A. 8-262, and amendments thereto;

17 (3) perjury resulting from a violation of K.S.A. 8-261a, and
18 amendments thereto;

19 (4) a violation of the provisions of K.S.A. 8-142 *Fifth*, and
20 amendments thereto, relating to fraudulent applications;

21 (5) any crime punishable as a felony wherein a motor vehicle was
22 used in the perpetration of such crime;

23 (6) failing to stop at the scene of an accident and perform the duties
24 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and
25 amendments thereto;

26 (7) a violation of the provisions of K.S.A. 40-3104, and amendments
27 thereto, relating to motor vehicle liability insurance coverage; or

28 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

29 (e) (1) No person may petition for expungement until five or more
30 years have elapsed since the person satisfied the sentence imposed or the
31 terms of a diversion agreement or was discharged from probation, parole,
32 conditional release or a suspended sentence, if such person was convicted
33 of a first violation of a city ordinance which would also constitute a first
34 violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments
35 thereto.

36 (2) No person may petition for expungement until 10 or more years
37 have elapsed since the person satisfied the sentence imposed or was
38 discharged from probation, parole, conditional release or a suspended
39 sentence, if such person was convicted of a second or subsequent violation
40 of a city ordinance which would also constitute a second or subsequent
41 violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments
42 thereto.

43 (f) There shall be no expungement of convictions or diversions for a

1 violation of a city ordinance which would also constitute a violation of
2 K.S.A. 8-2,144, and amendments thereto.

3 (g) (1) When a petition for expungement is filed, the court shall set a
4 date for a hearing of such petition and shall cause notice of such hearing to
5 be given to the prosecuting attorney and the arresting law enforcement
6 agency. The petition shall state the:

7 (A) Defendant's full name;

8 (B) full name of the defendant at the time of arrest, conviction or
9 diversion, if different than the defendant's current name;

10 (C) defendant's sex, race and date of birth;

11 (D) crime for which the defendant was arrested, convicted or
12 diverted;

13 (E) date of the defendant's arrest, conviction or diversion; and

14 (F) identity of the convicting court, arresting law enforcement agency
15 or diverting authority.

16 (2) A municipal court may prescribe a fee to be charged as costs for a
17 person petitioning for an order of expungement pursuant to this section.

18 (3) Any person who may have relevant information about the
19 petitioner may testify at the hearing. The court may inquire into the
20 background of the petitioner and shall have access to any reports or
21 records relating to the petitioner that are on file with the secretary of
22 corrections or the prisoner review board.

23 (h) At the hearing on the petition, the court shall order the petitioner's
24 arrest record, conviction or diversion expunged if the court finds that:

25 (1) The petitioner has not been convicted of a felony in the past two
26 years and no proceeding involving any such crime is presently pending or
27 being instituted against the petitioner;

28 (2) the circumstances and behavior of the petitioner warrant the
29 expungement; and

30 (3) the expungement is consistent with the public welfare.

31 (i) When the court has ordered an arrest record, conviction or
32 diversion expunged, the order of expungement shall state the information
33 required to be contained in the petition. The clerk of the court shall send a
34 certified copy of the order of expungement to the Kansas bureau of
35 investigation which shall notify the federal bureau of investigation, the
36 secretary of corrections and any other criminal justice agency which may
37 have a record of the arrest, conviction or diversion. After the order of
38 expungement is entered, the petitioner shall be treated as not having been
39 arrested, convicted or diverted of the crime, except that:

40 (1) Upon conviction for any subsequent crime, the conviction that
41 was expunged may be considered as a prior conviction in determining the
42 sentence to be imposed;

43 (2) the petitioner shall disclose that the arrest, conviction or diversion

- 1 occurred if asked about previous arrests, convictions or diversions:
- 2 (A) In any application for licensure as a private detective, private
3 detective agency, certification as a firearms trainer pursuant to K.S.A.
4 2015 Supp. 75-7b21, and amendments thereto, or employment as a
5 detective with a private detective agency, as defined by K.S.A. 75-7b01,
6 and amendments thereto; as security personnel with a private patrol
7 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
8 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
9 the Kansas department for aging and disability services;
- 10 (B) in any application for admission, or for an order of reinstatement,
11 to the practice of law in this state;
- 12 (C) to aid in determining the petitioner's qualifications for
13 employment with the Kansas lottery or for work in sensitive areas within
14 the Kansas lottery as deemed appropriate by the executive director of the
15 Kansas lottery;
- 16 (D) to aid in determining the petitioner's qualifications for executive
17 director of the Kansas racing and gaming commission, for employment
18 with the commission or for work in sensitive areas in parimutuel racing as
19 deemed appropriate by the executive director of the commission, or to aid
20 in determining qualifications for licensure or renewal of licensure by the
21 commission;
- 22 (E) to aid in determining the petitioner's qualifications for the
23 following under the Kansas expanded lottery act: (i) Lottery gaming
24 facility manager or prospective manager, racetrack gaming facility
25 manager or prospective manager, licensee or certificate holder; or (ii) an
26 officer, director, employee, owner, agent or contractor thereof;
- 27 (F) upon application for a commercial driver's license under K.S.A.
28 8-2,125 through 8-2,142, and amendments thereto;
- 29 (G) to aid in determining the petitioner's qualifications to be an
30 employee of the state gaming agency;
- 31 (H) to aid in determining the petitioner's qualifications to be an
32 employee of a tribal gaming commission or to hold a license issued
33 pursuant to a tribal-state gaming compact;
- 34 (I) in any application for registration as a broker-dealer, agent,
35 investment adviser or investment adviser representative all as defined in
36 K.S.A. 17-12a102, and amendments thereto;
- 37 (J) in any application for employment as a law enforcement officer, as
38 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; **or**
- 39 (K) for applications received on and after July 1, 2006, to aid in
40 determining the petitioner's qualifications for a license to carry a concealed
41 weapon pursuant to the personal and family protection act, K.S.A. 2015
42 Supp. 75-7c01 et seq., and amendments thereto; **or**
- 43 (L) **for applications received on and after July 1, 2016, to aid in**

1 determining the petitioner's qualifications for a license to act as a bail
2 enforcement agent pursuant to sections 1 through 10, and amendments
3 thereto;

4 (3) the court, in the order of expungement, may specify other
5 circumstances under which the arrest, conviction or diversion is to be
6 disclosed; and

7 (4) the conviction may be disclosed in a subsequent prosecution for
8 an offense which requires as an element of such offense a prior conviction
9 of the type expunged.

10 (j) Whenever a person is convicted of an ordinance violation, pleads
11 guilty and pays a fine for such a violation, is placed on parole or probation
12 or is granted a suspended sentence for such a violation, the person shall be
13 informed of the ability to expunge the arrest records or conviction.
14 Whenever a person enters into a diversion agreement, the person shall be
15 informed of the ability to expunge the diversion.

16 (k) Subject to the disclosures required pursuant to subsection (i), in
17 any application for employment, license or other civil right or privilege, or
18 any appearance as a witness, a person whose arrest records, conviction or
19 diversion of an offense has been expunged under this statute may state that
20 such person has never been arrested, convicted or diverted of such offense.

21 (l) Whenever the record of any arrest, conviction or diversion has
22 been expunged under the provisions of this section or under the provisions
23 of any other existing or former statute, the custodian of the records of
24 arrest, conviction, diversion and incarceration relating to that crime shall
25 not disclose the existence of such records, except when requested by:

26 (1) The person whose record was expunged;

27 (2) a private detective agency or a private patrol operator, and the
28 request is accompanied by a statement that the request is being made in
29 conjunction with an application for employment with such agency or
30 operator by the person whose record has been expunged;

31 (3) a court, upon a showing of a subsequent conviction of the person
32 whose record has been expunged;

33 (4) the secretary for aging and disability services, or a designee of the
34 secretary, for the purpose of obtaining information relating to employment
35 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
36 of the Kansas department for aging and disability services of any person
37 whose record has been expunged;

38 (5) a person entitled to such information pursuant to the terms of the
39 expungement order;

40 (6) a prosecuting attorney, and such request is accompanied by a
41 statement that the request is being made in conjunction with a prosecution
42 of an offense that requires a prior conviction as one of the elements of such
43 offense;

1 (7) the supreme court, the clerk or disciplinary administrator thereof,
2 the state board for admission of attorneys or the state board for discipline
3 of attorneys, and the request is accompanied by a statement that the
4 request is being made in conjunction with an application for admission, or
5 for an order of reinstatement, to the practice of law in this state by the
6 person whose record has been expunged;

7 (8) the Kansas lottery, and the request is accompanied by a statement
8 that the request is being made to aid in determining qualifications for
9 employment with the Kansas lottery or for work in sensitive areas within
10 the Kansas lottery as deemed appropriate by the executive director of the
11 Kansas lottery;

12 (9) the governor or the Kansas racing and gaming commission, or a
13 designee of the commission, and the request is accompanied by a
14 statement that the request is being made to aid in determining
15 qualifications for executive director of the commission, for employment
16 with the commission, for work in sensitive areas in parimutuel racing as
17 deemed appropriate by the executive director of the commission or for
18 licensure, renewal of licensure or continued licensure by the commission;

19 (10) the Kansas racing and gaming commission, or a designee of the
20 commission, and the request is accompanied by a statement that the
21 request is being made to aid in determining qualifications of the following
22 under the Kansas expanded lottery act:

23 (A) Lottery gaming facility managers and prospective managers,
24 racetrack gaming facility managers and prospective managers, licensees
25 and certificate holders; and

26 (B) their officers, directors, employees, owners, agents and
27 contractors;

28 (11) the state gaming agency, and the request is accompanied by a
29 statement that the request is being made to aid in determining
30 qualifications:

31 (A) To be an employee of the state gaming agency; or

32 (B) to be an employee of a tribal gaming commission or to hold a
33 license issued pursuant to a tribal-state gaming compact;

34 (12) the Kansas securities commissioner, or a designee of the
35 commissioner, and the request is accompanied by a statement that the
36 request is being made in conjunction with an application for registration as
37 a broker-dealer, agent, investment adviser or investment adviser
38 representative by such agency and the application was submitted by the
39 person whose record has been expunged;

40 (13) the attorney general, and the request is accompanied by a
41 statement that the request is being made to aid in determining
42 qualifications for a license to:

43 (A) Carry a concealed weapon pursuant to the personal and family

1 protection act; or

2 (B) act as a bail enforcement agent pursuant to sections 1 through 10,
3 and amendments thereto;

4 (14) the Kansas sentencing commission;

5 (15) the Kansas commission on peace officers' standards and training
6 and the request is accompanied by a statement that the request is being
7 made to aid in determining certification eligibility as a law enforcement
8 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

9 (16) a law enforcement agency and the request is accompanied by a
10 statement that the request is being made to aid in determining eligibility
11 for employment as a law enforcement officer as defined by K.S.A. 22-
12 2202, and amendments thereto.

13 Sec. 12. K.S.A. 2015 Supp. 21-6614 is hereby amended to read as
14 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
15 and (f), any person convicted in this state of a traffic infraction, cigarette
16 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
17 committed on or after July 1, 1993, any nongrid felony or felony ranked in
18 severity levels 6 through 10 of the nondrug grid, or for crimes committed
19 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
20 severity level 4 of the drug grid, or for crimes committed on or after July
21 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
22 the convicting court for the expungement of such conviction or related
23 arrest records if three or more years have elapsed since the person: (A)
24 Satisfied the sentence imposed; or (B) was discharged from probation, a
25 community correctional services program, parole, postrelease supervision,
26 conditional release or a suspended sentence.

27 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
28 person who has fulfilled the terms of a diversion agreement may petition
29 the district court for the expungement of such diversion agreement and
30 related arrest records if three or more years have elapsed since the terms of
31 the diversion agreement were fulfilled.

32 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
33 3512, prior to its repeal, convicted of a violation of K.S.A. 2015 Supp. 21-
34 6419, and amendments thereto, or who entered into a diversion agreement
35 in lieu of further criminal proceedings for such violation, may petition the
36 convicting court for the expungement of such conviction or diversion
37 agreement and related arrest records if:

38 (1) One or more years have elapsed since the person satisfied the
39 sentence imposed or the terms of a diversion agreement or was discharged
40 from probation, a community correctional services program, parole,
41 postrelease supervision, conditional release or a suspended sentence; and

42 (2) such person can prove they were acting under coercion caused by
43 the act of another. For purposes of this subsection, "coercion" means:

1 Threats of harm or physical restraint against any person; a scheme, plan or
2 pattern intended to cause a person to believe that failure to perform an act
3 would result in bodily harm or physical restraint against any person; or the
4 abuse or threatened abuse of the legal process.

5 (c) Except as provided in subsections (e) and (f), no person may
6 petition for expungement until five or more years have elapsed since the
7 person satisfied the sentence imposed or the terms of a diversion
8 agreement or was discharged from probation, a community correctional
9 services program, parole, postrelease supervision, conditional release or a
10 suspended sentence, if such person was convicted of a class A, B or C
11 felony, or for crimes committed on or after July 1, 1993, if convicted of an
12 off-grid felony or any felony ranked in severity levels 1 through 5 of the
13 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
14 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
15 grid, or for crimes committed on or after July 1, 2012, any felony ranked
16 in severity levels 1 through 4 of the drug grid, or:

17 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
18 repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto, or as
19 prohibited by any law of another state which is in substantial conformity
20 with that statute;

21 (2) driving while the privilege to operate a motor vehicle on the
22 public highways of this state has been canceled, suspended or revoked, as
23 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
24 any law of another state which is in substantial conformity with that
25 statute;

26 (3) perjury resulting from a violation of K.S.A. 8-261a, and
27 amendments thereto, or resulting from the violation of a law of another
28 state which is in substantial conformity with that statute;

29 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
30 thereto, relating to fraudulent applications or violating the provisions of a
31 law of another state which is in substantial conformity with that statute;

32 (5) any crime punishable as a felony wherein a motor vehicle was
33 used in the perpetration of such crime;

34 (6) failing to stop at the scene of an accident and perform the duties
35 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and
36 amendments thereto, or required by a law of another state which is in
37 substantial conformity with those statutes;

38 (7) violating the provisions of K.S.A. 40-3104, and amendments
39 thereto, relating to motor vehicle liability insurance coverage; or

40 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

41 (d) (1) No person may petition for expungement until five or more
42 years have elapsed since the person satisfied the sentence imposed or the
43 terms of a diversion agreement or was discharged from probation, a

1 community correctional services program, parole, postrelease supervision,
2 conditional release or a suspended sentence, if such person was convicted
3 of a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and
4 amendments thereto, including any diversion for such violation.

5 (2) No person may petition for expungement until 10 or more years
6 have elapsed since the person satisfied the sentence imposed or was
7 discharged from probation, a community correctional services program,
8 parole, postrelease supervision, conditional release or a suspended
9 sentence, if such person was convicted of a second or subsequent violation
10 of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

11 (e) There shall be no expungement of convictions for the following
12 offenses or of convictions for an attempt to commit any of the following
13 offenses:

14 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
15 2015 Supp. 21-5503, and amendments thereto;

16 (2) indecent liberties with a child or aggravated indecent liberties
17 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
18 or K.S.A. 2015 Supp. 21-5506, and amendments thereto;

19 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
20 prior to its repeal, or K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and
21 amendments thereto;

22 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
23 to its repeal, or K.S.A. 2015 Supp. 21-5504, and amendments thereto;

24 (5) indecent solicitation of a child or aggravated indecent solicitation
25 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
26 or K.S.A. 2015 Supp. 21-5508, and amendments thereto;

27 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
28 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

29 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
30 repeal, or K.S.A. 2015 Supp. 21-5604, and amendments thereto;

31 (8) endangering a child or aggravated endangering a child, as defined
32 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2015 Supp.
33 21-5601, and amendments thereto;

34 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
35 or K.S.A. 2015 Supp. 21-5602, and amendments thereto;

36 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
37 or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

38 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
39 its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

40 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
41 to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

42 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
43 its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

- 1 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
- 2 its repeal, or K.S.A. 2015 Supp. 21-5405, and amendments thereto;
- 3 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
- 4 or K.S.A. 2015 Supp. 21-5505, and amendments thereto, when the victim
- 5 was less than 18 years of age at the time the crime was committed;
- 6 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
- 7 its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto;
- 8 (17) a violation of K.S.A. 8-2,144, and amendments thereto,
- 9 including any diversion for such violation; or
- 10 (18) any conviction for any offense in effect at any time prior to July
- 11 1, 2011, that is comparable to any offense as provided in this subsection.
- 12 (f) Notwithstanding any other law to the contrary, for any offender
- 13 who is required to register as provided in the Kansas offender registration
- 14 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
- 15 expungement of any conviction or any part of the offender's criminal
- 16 record while the offender is required to register as provided in the Kansas
- 17 offender registration act.
- 18 (g) (1) When a petition for expungement is filed, the court shall set a
- 19 date for a hearing of such petition and shall cause notice of such hearing to
- 20 be given to the prosecutor and the arresting law enforcement agency. The
- 21 petition shall state the:
- 22 (A) Defendant's full name;
- 23 (B) full name of the defendant at the time of arrest, conviction or
- 24 diversion, if different than the defendant's current name;
- 25 (C) defendant's sex, race and date of birth;
- 26 (D) crime for which the defendant was arrested, convicted or
- 27 diverted;
- 28 (E) date of the defendant's arrest, conviction or diversion; and
- 29 (F) identity of the convicting court, arresting law enforcement
- 30 authority or diverting authority.
- 31 (2) Except as otherwise provided by law, a petition for expungement
- 32 shall be accompanied by a docket fee in the amount of \$176. On and after
- 33 July 1, 2013 2015, through July 1, 2015 June 30, 2017, the supreme court
- 34 may impose a charge, not to exceed \$19 per case, to fund the costs of non-
- 35 judicial personnel. The charge established in this section shall be the only
- 36 fee collected or moneys in the nature of a fee collected for the case. Such
- 37 charge shall only be established by an act of the legislature and no other
- 38 authority is established by law or otherwise to collect a fee.
- 39 (3) All petitions for expungement shall be docketed in the original
- 40 criminal action. Any person who may have relevant information about the
- 41 petitioner may testify at the hearing. The court may inquire into the
- 42 background of the petitioner and shall have access to any reports or
- 43 records relating to the petitioner that are on file with the secretary of

1 corrections or the prisoner review board.

2 (h) At the hearing on the petition, the court shall order the petitioner's
3 arrest record, conviction or diversion expunged if the court finds that:

4 (1) The petitioner has not been convicted of a felony in the past two
5 years and no proceeding involving any such crime is presently pending or
6 being instituted against the petitioner;

7 (2) the circumstances and behavior of the petitioner warrant the
8 expungement; and

9 (3) the expungement is consistent with the public welfare.

10 (i) When the court has ordered an arrest record, conviction or
11 diversion expunged, the order of expungement shall state the information
12 required to be contained in the petition. The clerk of the court shall send a
13 certified copy of the order of expungement to the Kansas bureau of
14 investigation which shall notify the federal bureau of investigation, the
15 secretary of corrections and any other criminal justice agency which may
16 have a record of the arrest, conviction or diversion. After the order of
17 expungement is entered, the petitioner shall be treated as not having been
18 arrested, convicted or diverted of the crime, except that:

19 (1) Upon conviction for any subsequent crime, the conviction that
20 was expunged may be considered as a prior conviction in determining the
21 sentence to be imposed;

22 (2) the petitioner shall disclose that the arrest, conviction or diversion
23 occurred if asked about previous arrests, convictions or diversions:

24 (A) In any application for licensure as a private detective, private
25 detective agency, certification as a firearms trainer pursuant to K.S.A.
26 2015 Supp. 75-7b21, and amendments thereto, or employment as a
27 detective with a private detective agency, as defined by K.S.A. 75-7b01,
28 and amendments thereto; as security personnel with a private patrol
29 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
30 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
31 the Kansas department for aging and disability services;

32 (B) in any application for admission, or for an order of reinstatement,
33 to the practice of law in this state;

34 (C) to aid in determining the petitioner's qualifications for
35 employment with the Kansas lottery or for work in sensitive areas within
36 the Kansas lottery as deemed appropriate by the executive director of the
37 Kansas lottery;

38 (D) to aid in determining the petitioner's qualifications for executive
39 director of the Kansas racing and gaming commission, for employment
40 with the commission or for work in sensitive areas in parimutuel racing as
41 deemed appropriate by the executive director of the commission, or to aid
42 in determining qualifications for licensure or renewal of licensure by the
43 commission;

1 (E) to aid in determining the petitioner's qualifications for the
2 following under the Kansas expanded lottery act: (i) Lottery gaming
3 facility manager or prospective manager, racetrack gaming facility
4 manager or prospective manager, licensee or certificate holder; or (ii) an
5 officer, director, employee, owner, agent or contractor thereof;

6 (F) upon application for a commercial driver's license under K.S.A.
7 8-2,125 through 8-2,142, and amendments thereto;

8 (G) to aid in determining the petitioner's qualifications to be an
9 employee of the state gaming agency;

10 (H) to aid in determining the petitioner's qualifications to be an
11 employee of a tribal gaming commission or to hold a license issued
12 pursuant to a tribal-state gaming compact;

13 (I) in any application for registration as a broker-dealer, agent,
14 investment adviser or investment adviser representative all as defined in
15 K.S.A. 17-12a102, and amendments thereto;

16 (J) in any application for employment as a law enforcement officer as
17 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

18 (K) for applications received on and after July 1, 2006, to aid in
19 determining the petitioner's qualifications for a license to carry a concealed
20 weapon pursuant to the personal and family protection act, K.S.A. 2015
21 Supp. 75-7c01 et seq., and amendments thereto; or

22 (L) for applications received on and after July 1, 2016, to aid in
23 determining the petitioner's qualifications for a license to act as a bail
24 enforcement agent pursuant to sections 1 through 10, and amendments
25 thereto;

26 (3) the court, in the order of expungement, may specify other
27 circumstances under which the conviction is to be disclosed;

28 (4) the conviction may be disclosed in a subsequent prosecution for
29 an offense which requires as an element of such offense a prior conviction
30 of the type expunged; and

31 (5) upon commitment to the custody of the secretary of corrections,
32 any previously expunged record in the possession of the secretary of
33 corrections may be reinstated and the expungement disregarded, and the
34 record continued for the purpose of the new commitment.

35 (j) Whenever a person is convicted of a crime, pleads guilty and pays
36 a fine for a crime, is placed on parole, postrelease supervision or
37 probation, is assigned to a community correctional services program, is
38 granted a suspended sentence or is released on conditional release, the
39 person shall be informed of the ability to expunge the arrest records or
40 conviction. Whenever a person enters into a diversion agreement, the
41 person shall be informed of the ability to expunge the diversion.

42 (k) (1) Subject to the disclosures required pursuant to subsection (i),
43 in any application for employment, license or other civil right or privilege,

1 or any appearance as a witness, a person whose arrest records, conviction
2 or diversion of a crime has been expunged under this statute may state that
3 such person has never been arrested, convicted or diverted of such crime.

4 (2) Notwithstanding the provisions of subsection (k)(1), and except as
5 provided in K.S.A. 2015 Supp. 21-6304(a)(3)(A), and amendments
6 thereto, the expungement of a prior felony conviction does not relieve the
7 individual of complying with any state or federal law relating to the use,
8 shipment, transportation, receipt or possession of firearms by persons
9 previously convicted of a felony.

10 (1) Whenever the record of any arrest, conviction or diversion has
11 been expunged under the provisions of this section or under the provisions
12 of any other existing or former statute, the custodian of the records of
13 arrest, conviction, diversion and incarceration relating to that crime shall
14 not disclose the existence of such records, except when requested by:

15 (1) The person whose record was expunged;

16 (2) a private detective agency or a private patrol operator, and the
17 request is accompanied by a statement that the request is being made in
18 conjunction with an application for employment with such agency or
19 operator by the person whose record has been expunged;

20 (3) a court, upon a showing of a subsequent conviction of the person
21 whose record has been expunged;

22 (4) the secretary for aging and disability services, or a designee of the
23 secretary, for the purpose of obtaining information relating to employment
24 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
25 of the Kansas department for aging and disability services of any person
26 whose record has been expunged;

27 (5) a person entitled to such information pursuant to the terms of the
28 expungement order;

29 (6) a prosecutor, and such request is accompanied by a statement that
30 the request is being made in conjunction with a prosecution of an offense
31 that requires a prior conviction as one of the elements of such offense;

32 (7) the supreme court, the clerk or disciplinary administrator thereof,
33 the state board for admission of attorneys or the state board for discipline
34 of attorneys, and the request is accompanied by a statement that the
35 request is being made in conjunction with an application for admission, or
36 for an order of reinstatement, to the practice of law in this state by the
37 person whose record has been expunged;

38 (8) the Kansas lottery, and the request is accompanied by a statement
39 that the request is being made to aid in determining qualifications for
40 employment with the Kansas lottery or for work in sensitive areas within
41 the Kansas lottery as deemed appropriate by the executive director of the
42 Kansas lottery;

43 (9) the governor or the Kansas racing and gaming commission, or a

1 designee of the commission, and the request is accompanied by a
2 statement that the request is being made to aid in determining
3 qualifications for executive director of the commission, for employment
4 with the commission, for work in sensitive areas in parimutuel racing as
5 deemed appropriate by the executive director of the commission or for
6 licensure, renewal of licensure or continued licensure by the commission;

7 (10) the Kansas racing and gaming commission, or a designee of the
8 commission, and the request is accompanied by a statement that the
9 request is being made to aid in determining qualifications of the following
10 under the Kansas expanded lottery act: (A) Lottery gaming facility
11 managers and prospective managers, racetrack gaming facility managers
12 and prospective managers, licensees and certificate holders; and (B) their
13 officers, directors, employees, owners, agents and contractors;

14 (11) the Kansas sentencing commission;

15 (12) the state gaming agency, and the request is accompanied by a
16 statement that the request is being made to aid in determining
17 qualifications: (A) To be an employee of the state gaming agency; or (B)
18 to be an employee of a tribal gaming commission or to hold a license
19 issued pursuant to a tribal-gaming compact;

20 (13) the Kansas securities commissioner or a designee of the
21 commissioner, and the request is accompanied by a statement that the
22 request is being made in conjunction with an application for registration as
23 a broker-dealer, agent, investment adviser or investment adviser
24 representative by such agency and the application was submitted by the
25 person whose record has been expunged;

26 (14) the Kansas commission on peace officers' standards and training
27 and the request is accompanied by a statement that the request is being
28 made to aid in determining certification eligibility as a law enforcement
29 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

30 (15) a law enforcement agency and the request is accompanied by a
31 statement that the request is being made to aid in determining eligibility
32 for employment as a law enforcement officer as defined by K.S.A. 22-
33 2202, and amendments thereto;

34 (16) the attorney general and the request is accompanied by a
35 statement that the request is being made to:

36 (A) Aid in determining qualifications for a license to carry a
37 concealed weapon pursuant to the personal and family protection act; or
38 (B) act as a bail enforcement agent pursuant to sections 1 through 10,
39 and amendments thereto; or

40 (17) the Kansas bureau of investigation for the purposes of:

41 (A) Completing a person's criminal history record information within
42 the central repository, in accordance with K.S.A. 22-4701 et seq., and
43 amendments thereto; or

1 (B) providing information or documentation to the federal bureau of
2 investigation, in connection with the national instant criminal background
3 check system, to determine a person's qualification to possess a firearm.

4 (m) The provisions of subsection (l)(17) shall apply to records
5 created prior to, on and after July 1, 2011.

6 Sec. 10, 13. K.S.A. 2014 Supp. 22-2809a is hereby amended to read
7 as follows: 22-2809a. (a) As used in this section:

8 (1) "Surety" means a person or commercial surety, other than a
9 defendant in a criminal proceeding, that guarantees the appearance of a
10 defendant in a criminal proceeding, by executing an appearance bond;

11 (2) ~~"agent of a surety" means a person not performing the duties of a~~
12 ~~law enforcement officer who tracks down, captures and surrenders to the~~
13 ~~custody of a court a fugitive who has violated a surety or bail bond~~
14 ~~agreement. "bail agent" means a person authorized by a surety to execute~~
15 ~~surety bail bonds on behalf of such surety; and~~

16 (3) *"bail enforcement agent" means a person not performing the duties*
17 *of a law enforcement officer who tracks down, captures and surrenders to*
18 *the custody of a court a fugitive who has violated a surety or bail bond*
19 *agreement, commonly referred to as a bounty hunter, but is not a surety or*
20 *bail agent.*

21 (b) ~~Any surety or agent of a surety, commonly referred to as a bounty~~
22 ~~hunter, bail agent or bail enforcement agent~~ who intends to apprehend any
23 person in this state pursuant to K.S.A. 22-2809, and amendments thereto,
24 or under similar authority from any other state, shall inform law
25 enforcement authorities in the city or county in which such surety ~~or agent~~
26 ~~of a surety, bail agent or bail enforcement agent~~ intends such
27 apprehension, before attempting such apprehension. The surety ~~or agent of~~
28 ~~a surety, bail agent or bail enforcement agent~~ shall present to the local law
29 enforcement authorities a certified copy of the bond, a valid government-
30 issued photo identification, written appointment of agency, if not the actual
31 surety, and all other appropriate paperwork identifying the principal and
32 the person to be apprehended. Local law enforcement may accompany the
33 surety ~~or agent, bail agent or bail enforcement agent.~~

34 (c) No person who has been convicted, in this or any other
35 jurisdiction, of a felony shall act as a surety ~~or as an agent of a surety, bail~~
36 ~~agent or bail enforcement agent, unless such conviction has been~~
37 ~~expunged.~~

38 (d) *A bail enforcement agent must be licensed under sections 1*
39 *through 9 10, and amendments thereto, in order to apprehend a person*
40 *pursuant to K.S.A. 22-2809, and amendments thereto.*

41 (e) An out-of-state surety ~~or agent of a surety, bail agent or bail~~
42 ~~enforcement agent~~ who intends to apprehend any person in this state
43 pursuant to K.S.A. 22-2809, and amendments thereto, or under similar

1 authority from any other state, ~~shall contract with an individual that has~~
2 ~~been authorized by any court in this state to act as a surety or agent of a~~
3 ~~surety, before attempting such apprehension, and be accompanied by such~~
4 ~~individual during such apprehension shall:~~

5 (1) *Have a bail enforcement agent's license pursuant to sections 1*
6 *through 9 10, and amendments thereto;*

7 (2) *contract with an individual that has been authorized by any court*
8 *in this state to act as a surety and be accompanied by such individual*
9 *during such apprehension; or*

10 (3) *contract with an individual who is currently a licensed bail*
11 *enforcement agent pursuant to sections 1 through 9 10, and amendments*
12 *thereto, and be accompanied by such individual during such apprehension.*

13 (e)-(f) Violation of this section is a class A nonperson misdemeanor
14 for the first conviction of a violation and a severity level 9, nonperson
15 felony upon a second or subsequent conviction of a violation.

16 Sec. 11, 14, K.S.A. 2014 2015 Supp. 12-4516, 12-4516d, 21-6614,
17 21-6614f and 22-2809a ~~is~~ **are** hereby repealed.

18 Sec. 12. 15. This act shall take effect and be in force from and after
19 its publication in the statute book.