

**SENATE BILL No. 159**

By Committee on Judiciary

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1 AN ACT concerning the revised Kansas code for care of children; relating  
2 to when law enforcement officers shall take a child into custody;  
3 amending K.S.A. 2014 Supp. 38-2231 and repealing the existing  
4 section.  
5

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

7 Section 1. K.S.A. 2014 Supp. 38-2231 is hereby amended to read as  
8 follows: 38-2231. (a) A law enforcement officer or court services officer  
9 shall take a child under 18 years of age into custody when:

10 (1) The law enforcement officer or court services officer has a court  
11 order commanding that the child be taken into custody as a child in need  
12 of care; or

13 (2) the law enforcement officer or court services officer has probable  
14 cause to believe that a court order commanding that the child be taken into  
15 custody as a child in need of care has been issued in this state or in another  
16 jurisdiction.

17 (b) A law enforcement officer shall take a child under 18 years of age  
18 into custody when the officer:

19 (1) Reasonably believes the child will be harmed if not immediately  
20 removed from the place or residence where the child has been found;

21 (2) has probable cause to believe that the child is a missing person  
22 and a verified missing person entry for the child can be found in the  
23 national crime information center missing person system; ~~or~~

24 (3) reasonably believes the child is a victim of human trafficking,  
25 aggravated human trafficking or commercial sexual exploitation of a  
26 child; or

27 (4) *reasonably believes that there is a violation of article 57 of*  
28 *chapter 21 of the Kansas Statutes Annotated, and amendments thereto,*  
29 *occurring in the child's residence that threatens the safety of the child.*

30 (c) (1) If a person provides shelter to a child whom the person knows  
31 is a runaway, such person shall promptly report the child's location either  
32 to a law enforcement agency or to the child's parent or other custodian.

33 (2) If a person reports a runaway's location to a law enforcement  
34 agency pursuant to this section and a law enforcement officer of the  
35 agency has reasonable grounds to believe that it is in the child's best  
36 interests, the child may be allowed to remain in the place where shelter is

1 being provided, subject to subsection (b), in the absence of a court order to  
2 the contrary. If the child is allowed to so remain, the law enforcement  
3 agency shall promptly notify the secretary of the child's location and  
4 circumstances.

5 (d) Except as provided in subsections (a) and (b), a law enforcement  
6 officer may temporarily detain and assume temporary custody of any child  
7 subject to compulsory school attendance, pursuant to K.S.A. 72-1111, and  
8 amendments thereto, during the hours school is actually in session and  
9 shall deliver the child pursuant to ~~subsection (g)~~ of K.S.A. 2014 Supp. 38-  
10 2232(g), and amendments thereto.

11 Sec. 2. K.S.A. 2014 Supp. 38-2231 is hereby repealed.

12 Sec. 3. This act shall take effect and be in force from and after its  
13 publication in the statute book.