

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2523

By Committee on Judiciary

1-23

1 AN ACT concerning law enforcement officers; relating to the office of
2 sheriff; qualifications for office; amending K.S.A. 2017 Supp. 19-801b
3 and repealing the existing section.

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

6 Section 1. K.S.A. 2017 Supp. 19-801b is hereby amended to read as
7 follows: 19-801b. (a) No person shall be eligible for nomination, election
8 or appointment to the office of sheriff unless such person:

9 (1) Is a citizen of the United States and a qualified elector of the
10 county;

11 ~~(2) possesses a high school education or its recognized equivalent;~~
12 ~~and~~

13 ~~(3) has never been convicted of or pleaded guilty or entered a plea of~~
14 ~~nolo contendere to any felony charge, a misdemeanor crime of domestic~~
15 ~~violence as defined in K.S.A. 74-5602, and amendments thereto, or to any~~
16 ~~violation of any federal or state laws or city ordinances relating to~~
17 ~~gambling, liquor or narcotics.~~

18 (b) ~~Every person elected to the office of sheriff for the first time, or~~
19 ~~anyone reelected or appointed to the office after having been out of the~~
20 ~~office for five years or more shall be required to attend the law~~
21 ~~enforcement training center as established by K.S.A. 74-5601 et seq., and~~
22 ~~amendments thereto, and satisfactorily complete the required training~~
23 ~~course of not less than 320 hours, unless such person has satisfactorily~~
24 ~~completed such training course within the five years prior to election or~~
25 ~~appointment, passes a written competency test and firearms proficiency~~
26 ~~qualification course developed and administered by the Kansas law~~
27 ~~enforcement training center or unless the commission, as defined in~~
28 ~~subsection (b) of K.S.A. 74-5602, and amendments thereto, waives the~~
29 ~~requirements of this subsection as provided in K.S.A. 74-5608a, and~~
30 ~~amendments thereto. Unless the requirements are waived, any person~~
31 ~~elected or appointed to the office of sheriff who has not attended the law~~
32 ~~enforcement training center shall hold office on a provisional basis, and~~
33 ~~such person shall attend the next scheduled training program at the law~~
34 ~~enforcement training center and satisfactorily complete such training~~
35 ~~program or the one subsequent to it, or shall forfeit such office.~~

36 (2) *has not been convicted of a crime that would constitute a*

1 *misdeemeanor crime of domestic violence or a felony under the laws of this*
2 *state;*

3 *(3) has not been convicted of a misdemeanor related to gambling,*
4 *liquor or narcotics within ~~10~~ five years immediately preceding the date of*
5 *election or appointment; and*

6 *(4) has graduated from a high school accredited by the state board of*
7 *education or the appropriate accrediting agency of another state*
8 *jurisdiction or obtained the equivalent of a high school education as*
9 *defined by rules and regulations of the Kansas commission on peace*
10 *officers' standards and training.*

11 *(b) Unless the commission waives the training requirements of this*
12 *subsection pursuant to K.S.A. 74-5608a, and amendments thereto, any*
13 *person elected or appointed to the office of sheriff:*

14 *(1) Shall possess current full-time law enforcement certification from*
15 *the commission;*

16 *(2) if such person has allowed such full-time certification to lapse*
17 *due to more than five years since employment as a Kansas law*
18 *enforcement officer, shall:*

19 *(A) Pass the next scheduled written competency test and firearms*
20 *proficiency qualification course developed and administered by the*
21 *Kansas law enforcement training center that is available for such person*
22 *to attend after election or appointment to the office of sheriff, or the*
23 *subsequent scheduled written competency test and firearms proficiency*
24 *qualification course; or*

25 *(B) satisfactorily complete the next scheduled full-time basic training*
26 *course required by K.S.A. 74-5607a, and amendments thereto, that is*
27 *available for such person to attend after election or appointment to the*
28 *office of sheriff, or the one subsequent to it; or*

29 *(3) if such person has not obtained full-time certification by the*
30 *commission, shall satisfactorily complete the next scheduled full-time*
31 *basic training course required by K.S.A. 74-5607a, and amendments*
32 *thereto, that is available for such person to attend after election or*
33 *appointment to the office of sheriff, or the one subsequent to it.*

34 *(c) Unless the training requirements of subsection (b) are waived by*
35 *the commission, any person elected or appointed to the office of sheriff*
36 *who does not meet the training requirements of subsection (b) shall*
37 *complete such training requirements, or forfeit such office.*

38 ~~(e)~~*(d) Each newly elected sheriff of each county who is required to*
39 *attend the law enforcement training center shall be hired as a deputy*
40 *sheriff and shall be paid a salary as deputy sheriff while attending the law*
41 *enforcement training center. The tuition, board, room and travel expense*
42 *for the sheriff-elect at the law enforcement training center shall be paid by*
43 *the county.*

1 Sec. 2. K.S.A. 2017 Supp. 19-801b is hereby repealed.

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