

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; ***Kansas law enforcement training act;***
3 ***definitions;*** amending K.S.A. 2017 Supp. 19-801b ***and 74-5602*** and
4 repealing the existing ~~section~~ ***sections.***
5

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

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

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

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

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

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

1 enforcement training center shall hold office on a provisional basis, and
2 such person shall attend the next scheduled training program at the law
3 enforcement training center and satisfactorily complete such training
4 program or the one subsequent to it, or shall forfeit such office.

5 (2) *has not been convicted of a crime that would constitute a*
6 *misdemeanor crime of domestic violence or a felony under the laws of this*
7 *state;*

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

11 (4) *has*: (A) *Graduated from a high school accredited by the state*
12 *board of education or the appropriate accrediting agency of another state*
13 *jurisdiction*; (B) **obtained a high school education from a nonaccredited**
14 **private secondary school as defined in K.S.A. 2017 Supp. 72-4345, and**
15 **amendments thereto**; or (C) *obtained the equivalent of a high school*
16 *education as defined by rules and regulations of the Kansas commission*
17 *on peace officers' standards and training.*

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

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

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

26 (A) *Pass the next scheduled written competency test and firearms*
27 *proficiency qualification course developed and administered by the*
28 *Kansas law enforcement training center that is available for such person*
29 *to attend after election or appointment to the office of sheriff, or the*
30 *subsequent scheduled written competency test and firearms proficiency*
31 *qualification course; or*

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

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

41 (c) *Unless the training requirements of subsection (b) are waived by*
42 *the commission, any person elected or appointed to the office of sheriff*
43 *who does not meet the training requirements of subsection (b) shall*

1 *complete such training requirements, or forfeit such office.*

2 ~~(e)~~(d) Each newly elected sheriff of each county who is required to
3 attend the law enforcement training center shall be hired as a deputy
4 sheriff and shall be paid a salary as deputy sheriff while attending the law
5 enforcement training center. The tuition, board, room and travel expense
6 for the sheriff-elect at the law enforcement training center shall be paid by
7 the county.

8 *Sec. 2. K.S.A. 2017 Supp. 74-5602 is hereby amended to read as*
9 *follows: 74-5602. As used in the Kansas law enforcement training act:*

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

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

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

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

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

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

25 (g) *"Police officer" or "law enforcement officer" means a full-time*
26 *or part-time salaried officer or employee of the state, a county or a city,*
27 *whose duties include the prevention or detection of crime and the*
28 *enforcement of the criminal or traffic laws of this state or of any*
29 *municipality thereof. Such terms shall include, but not be limited to: The*
30 *sheriff, undersheriff and full-time or part-time salaried deputies in the*
31 *sheriff's office in each county; deputy sheriffs deputized pursuant to*
32 *K.S.A. 19-2858, and amendments thereto; conservation officers of the*
33 *Kansas department of wildlife, parks and tourism; university police*
34 *officers, as defined in K.S.A. 22-2401a, and amendments thereto;*
35 *campus police officers, as defined in K.S.A. 22-2401a, and amendments*
36 *thereto; law enforcement agents of the director of alcoholic beverage*
37 *control; law enforcement agents designated by the secretary of revenue*
38 *pursuant to K.S.A. 2017 Supp. 75-5157, and amendments thereto; law*
39 *enforcement agents of the Kansas lottery; law enforcement agents of the*
40 *Kansas racing commission; deputies and assistants of the state fire*
41 *marshal having law enforcement authority; capitol police, existing*
42 *under the authority of K.S.A. 75-4503, and amendments thereto; special*
43 *investigators of the juvenile justice authority; special investigators*

1 *designated by the secretary of labor; and law enforcement officers*
2 *appointed by the adjutant general pursuant to K.S.A. 48-204, and*
3 *amendments thereto. Such terms shall also include railroad policemen*
4 *appointed pursuant to K.S.A. 66-524, and amendments thereto; school*
5 *security officers designated as school law enforcement officers pursuant*
6 *to K.S.A. 2017 Supp. 72-6146, and amendments thereto; the manager*
7 *and employees of the horsethief reservoir benefit district pursuant to*
8 *K.S.A. 2017 Supp. 82a-2212, and amendments thereto; and the director*
9 *of the Kansas commission on peace officers' standards and training and*
10 *any other employee of such commission designated by the director*
11 *pursuant to K.S.A. 74-5603, and amendments thereto, as a law*
12 *enforcement officer. Such terms shall not include any elected official,*
13 *other than a sheriff, serving in the capacity of a law enforcement or*
14 *police officer solely by virtue of such official's elected position; any*
15 *attorney-at-law having responsibility for law enforcement and*
16 *discharging such responsibility solely in the capacity of an attorney; any*
17 *employee of the commissioner of juvenile justice who is employed solely*
18 *to perform correctional, administrative or operational duties related to*
19 *juvenile correctional facilities; any employee of the secretary of*
20 *corrections, any employee of the secretary for children and families; any*
21 *deputy conservation officer of the Kansas department of wildlife, parks*
22 *and tourism; or any employee of a city or county who is employed solely*
23 *to perform correctional duties related to jail inmates and the*
24 *administration and operation of a jail; or any full-time or part-time*
25 *salaried officer or employee whose duties include the issuance of a*
26 *citation or notice to appear provided such officer or employee is not*
27 *vested by law with the authority to make an arrest for violation of the*
28 *laws of this state or any municipality thereof, and is not authorized to*
29 *carry firearms when discharging the duties of such person's office or*
30 *employment. Such term shall include any officer appointed or elected on*
31 *a provisional basis.*

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

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

38 *(j) "Misdemeanor crime of domestic violence" means a violation of*
39 *domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or*
40 *K.S.A. 2017 Supp. 21-5414, and amendments thereto, or any other*
41 *misdemeanor under federal, municipal or state law that has as an*
42 *element the use or attempted use of physical force, or the threatened use*
43 *of a deadly weapon, committed by a current or former spouse, parent, or*

1 ~~guardian of the victim, by a person with whom the victim shares a child in~~
2 ~~common, by a person who is cohabiting with or has cohabited with the~~
3 ~~victim as a spouse, parent or guardian, or by a person similarly situated to~~
4 ~~a spouse, parent or guardian of the victim~~ *against a person with whom the*
5 *offender is involved or has been involved in a "dating relationship" or is a*
6 *"family or household member" as defined in K.S.A. 2017 Supp. 21-5414,*
7 *and amendments thereto, at the time of the offense.*

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

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

18 ~~Sec. 2.~~ 3. K.S.A. 2017 Supp. 19-801b~~is~~ *and 74-5602 are* hereby
19 repealed.

20 ~~Sec. 3.~~ 4. This act shall take effect and be in force from and after its
21 publication in the statute book.