

HOUSE BILL No. 2656

By Committee on Corrections and Juvenile Justice

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to law enforcement profiling; defining motorcycle profiling; requiring
3 law enforcement agencies to adopt policies prohibiting motorcycling
4 profiling; requiring training for law enforcement officers on motorcycle
5 profiling; amending K.S.A. 2021 Supp. 22-4606 and 22-4610 and
6 repealing the existing sections.

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

9 Section 1. K.S.A. 2021 Supp. 22-4606 is hereby amended to read as
10 follows: 22-4606. As used in this act:

11 (a) "Governmental unit" means the state, or any county, city or other
12 political subdivision thereof, or any department, division, board or other
13 agency of any of the foregoing, except governmental unit shall not include
14 the board of education of any school district employing school security
15 officers.

16 (b) "Law enforcement agency" means the governmental unit
17 employing the law enforcement officer.

18 (c) "Law enforcement officer" has the meaning ascribed thereto in
19 K.S.A. 74-5602, and amendments thereto, except law enforcement officer
20 shall not include school security officers designated as school law
21 enforcement officers pursuant to K.S.A. 72-6146, and amendments
22 thereto.

23 (d) "Racial or other biased-based policing" means the unreasonable
24 use of race, ethnicity, national origin, gender or religion by a law
25 enforcement officer in deciding to initiate an enforcement action. It is not
26 racial or other biased-based policing when race, ethnicity, national origin,
27 gender or religion is used in combination with other identifying factors as
28 part of a specific individual description to initiate an enforcement action.

29 (e) "Enforcement action" means any law enforcement act, as
30 described in K.S.A. 22-4609, and amendments thereto, during a
31 nonconsensual contact with an individual or individuals.

32 (f) "Collection of data" means that information collected by Kansas
33 law enforcement officers after each traffic stop.

34 (g) *"Motorcycle profiling" means the unreasonable use of the fact*
35 *that a person is riding a motorcycle, wears motorcycle related clothing or*
36 *paraphernalia or associates with a motorcycle association, club or group*

1 *by a law enforcement officer in deciding to stop to question such person,*
2 *perform a search of such person or such person's vehicle or arrest such*
3 *person.*

4 Sec. 2. K.S.A. 2021 Supp. 22-4610 is hereby amended to read as
5 follows: 22-4610. (a) All law enforcement agencies in this state shall adopt
6 a detailed, written policy to preempt racial or other biased-based policing.
7 Each agency's policy shall include the definition of racial or other biased-
8 based policing found in K.S.A. 22-4606, and amendments thereto.

9 (b) Policies adopted pursuant to this section shall be implemented by
10 all Kansas law enforcement agencies within one year after the effective
11 date of this act. ~~The policies and data collection procedures shall be~~
12 ~~available for public inspection during normal business hours.~~

13 (c) The policies adopted pursuant to ~~this section~~ subsection (a) shall
14 include, but not be limited to, the following:

15 (1) A detailed written policy that prohibits racial or other biased-
16 based policing and that clearly defines acts constituting racial or other
17 biased-based policing using language that has been recommended by the
18 attorney general.

19 (2) (A) The agency policies shall require annual racial or other
20 biased-based policing training which shall include, but not be limited to,
21 training relevant to racial or other biased-based policing. Distance learning
22 training technology shall be allowed for racial or other biased-based
23 policing training.

24 (B) Law enforcement agencies may appoint an advisory body of not
25 less than five persons composed of representatives of law enforcement,
26 community leaders and educational leaders to recommend and review
27 appropriate training curricula.

28 (3) (A) For law enforcement agencies of cities or counties that have
29 exercised the option to establish community advisory boards pursuant to
30 K.S.A. 2021 Supp. 22-4611b, and amendments thereto, use of such
31 community advisory boards which include participants who reflect the
32 racial and ethnic community, to advise and assist in policy development,
33 education and community outreach and communications related to racial
34 or other biased-based policing by law enforcement officers and agencies.

35 (B) Community advisory boards shall receive training on fair and
36 impartial policing and comprehensive plans for law enforcement agencies.

37 (4) Policies for discipline of law enforcement officers who engage in
38 racial or other biased-based policing.

39 (5) A provision that, if the investigation of a complaint of racial or
40 other biased-based policing reveals the officer was in direct violation of
41 the law enforcement agency's written policies regarding racial or other
42 biased-based policing, the employing law enforcement agency shall take
43 appropriate action consistent with applicable laws, rules and regulations,

1 resolutions, ordinances or policies, including demerits, suspension or
2 removal of the officer from the agency.

3 (6) Provisions for community outreach and communications efforts to
4 inform the public of the individual's right to file with the law enforcement
5 agency or the office of the attorney general complaints regarding racial or
6 other biased-based policing, which outreach and communications to the
7 community shall include ongoing efforts to notify the public of the law
8 enforcement agency's complaint process.

9 (7) Procedures for individuals to file complaints of racial or other
10 biased-based policing with the agency, which, if appropriate, may provide
11 for use of current procedures for addressing such complaints.

12 (d) *All law enforcement agencies in this state shall adopt a detailed,*
13 *written policy to preempt motorcycle profiling in such agency's policing.*
14 *Such policy shall be implemented by all Kansas law enforcement agencies*
15 *prior to July 1, 2023. Such policy shall include:*

16 (1) *Provisions for discipline of law enforcement officers who engage*
17 *in motorcycle profiling;*

18 (2) *procedures for individuals to file complaints of motorcycle*
19 *profiling with the law enforcement agency; and*

20 (3) *a requirement for law enforcement officers to participate in*
21 *motorcycle profiling training.*

22 (e) (1) Each law enforcement agency shall compile an annual report
23 for the period of July 1 to June 30 and shall submit the report on or before
24 July 31 to the office of the attorney general for review. Annual reports filed
25 pursuant to this subsection shall be open public records and shall be posted
26 on the official website of the attorney general.

27 (2) The annual report shall include:

28 (A) The number of racial or other biased-based policing complaints
29 received;

30 (B) the date each racial or other biased-based policing complaint is
31 filed;

32 (C) action taken in response to each racial or other biased-based
33 policing complaint;

34 (D) the disposition of each racial or other biased-based policing
35 complaint;

36 (E) the date each racial or other biased-based policing complaint is
37 closed;

38 (F) whether or not all agency law enforcement officers not exempted
39 by Kansas commission on peace officers' standards and training received
40 the training required in subsection (c)(2)(A);

41 (G) whether the agency has a policy prohibiting racial or other
42 biased-based policing;

43 (H) whether the agency policy mandates specific discipline for

1 sustained complaints of racial or other biased-based policing;

2 (I) whether the agency has a community advisory board; ~~and~~

3 (J) whether the agency has a racial or other biased-based policing
4 comprehensive plan or if it collects traffic or pedestrian stop data;

5 (K) *the number of motorcycle profiling complaints received;*

6 (L) *action taken in response to each motorcycle profiling complaint*
7 *received;*

8 (M) *the disposition of each motorcycle profiling complaint received;*
9 *and*

10 (N) *whether or not all agency law enforcement officers have received*
11 *motorcycle profiling training.*

12 (f) *The policies and data collection procedures adopted pursuant to*
13 *this section shall be available for public inspection during normal*
14 *business hours.*

15 Sec. 3. K.S.A. 2021 Supp. 22-4606 and 22-4610 are hereby repealed.

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