

SENATE BILL No. 247

By Committee on Judiciary

2-12

1 AN ACT concerning law enforcement; relating to certification and hiring
2 of law enforcement officers; prohibiting hiring of officers fired for
3 egregious offenses; requiring psychological testing and firearms and
4 use of force training; amending K.S.A. 74-5605 and 74-5617 and
5 repealing the existing sections.

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

8 New Section 1. (a) A hiring agency that interviews an applicant for a
9 law enforcement officer position who has been employed by another state
10 or local law enforcement or governmental agency shall review an
11 applicant's records contained in the registry established by K.S.A. 74-
12 5611a, and amendments thereto, or any other available registry containing
13 such applicant's records from previous employment in a law enforcement
14 agency.

15 (b) A hiring agency shall not hire an applicant if the review pursuant
16 to subsection (a) reveals that the applicant was terminated by another law
17 enforcement agency for conduct that would subject the applicant to
18 revocation or suspension of certification as provided in K.S.A. 74-5616,
19 and amendments thereto.

20 (c) As used in this section:

21 (1) "Governmental agency" means the state or a subdivision of the
22 state with oversight of a state or local law enforcement agency.

23 (2) "Hiring agency" means a state or local law enforcement agency
24 processing an application for employment, regardless of whether the
25 applicant is ultimately hired.

26 (3) "State or local law enforcement agency" means any public agency
27 employing a law enforcement officer as defined in K.S.A. 74-5602, and
28 amendments thereto.

29 Sec. 2. K.S.A. 74-5605 is hereby amended to read as follows: 74-
30 5605. (a) Every applicant for certification shall be an employee of a state,
31 county or city law enforcement agency, a municipal university police
32 officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and
33 amendments thereto; an employee of the tribal law enforcement agency of
34 an Indian nation that has entered into a tribal-state gaming compact with
35 this state; a manager or employee of the horsethief reservoir benefit
36 district pursuant to K.S.A. 2020 Supp. 82a-2212, and amendments

1 thereto; or a school security officer designated as a school law
2 enforcement officer pursuant to K.S.A. 72-6146, and amendments thereto.

3 (b) Prior to admission to a course conducted at the training center or
4 at a certified state or local law enforcement agency, the applicant's
5 appointing authority or agency head shall furnish to the director of police
6 training and to the commission a statement certifying that the applicant has
7 been found to meet the minimum requirements of certification established
8 by this subsection. The commission may rely upon the statement of the
9 appointing authority or agency head as evidence that the applicant meets
10 the minimum requirements for certification to issue a provisional
11 certification. Each applicant for certification shall meet the following
12 minimum requirements:

13 (1) Be a United States citizen;

14 (2) have been fingerprinted and a search of local, state and national
15 fingerprint files made to determine whether the applicant has a criminal
16 record;

17 (3) not have been convicted of a crime that would constitute a felony
18 under the laws of this state, a misdemeanor crime of domestic violence or
19 a misdemeanor offense that the commission determines reflects on the
20 honesty, trustworthiness, integrity or competence of the applicant as
21 defined by rules and regulations of the commission;

22 (4) have:

23 (A) Graduated from a high school accredited by the Kansas state
24 board of education or the appropriate accrediting agency of another state
25 jurisdiction;

26 (B) obtained a high school education from a nonaccredited private
27 secondary school as defined in K.S.A. 72-4345, and amendments thereto;
28 or

29 (C) obtained the equivalent of a high school education as defined by
30 rules and regulations of the commission;

31 (5) be of good moral character sufficient to warrant the public trust in
32 the applicant as a police officer or law enforcement officer;

33 (6) have completed an assessment, ~~including psychological testing~~
34 ~~approved by the commission~~, to determine that the applicant does not have
35 a mental or personality disorder that would adversely affect the ability to
36 perform the essential functions of a police officer or law enforcement
37 officer with reasonable skill, safety and judgment, *including psychological*
38 *testing approved by the commission that is administered by an*
39 *independent licensee of the behavioral sciences regulatory board*;

40 (7) be free of any physical or mental condition ~~which~~ *that* adversely
41 affects the ability to perform the essential functions of a police officer or
42 law enforcement officer with reasonable skill, safety and judgment; and

43 (8) be at least 21 years of age.

1 (c) The commission may deny a provisional or other certification
2 upon a finding that the applicant has engaged in conduct for which a
3 certificate may be revoked, suspended or otherwise disciplined as provided
4 in K.S.A. 74-5616, and amendments thereto. When it appears that grounds
5 for denial of a certification exist under this subsection, after a conditional
6 offer of employment has been made to an applicant seeking appointment
7 as a police officer or law enforcement officer, the applicant's appointing
8 authority or agency head may request an order from the commission to
9 determine whether a provisional certification will be issued to that
10 applicant.

11 (d) As used in this section, "conviction" includes rendering of
12 judgment by a military court martial pursuant to the uniform code of
13 military justice, by a court of the United States or by a court of competent
14 jurisdiction in any state, whether or not expunged; and any diversion or
15 deferred judgment agreement entered into for a misdemeanor crime of
16 domestic violence or a misdemeanor offense that the commission
17 determines reflects on the honesty, trustworthiness, integrity or
18 competence of the applicant as defined by rules and regulations by the
19 commission and any diversion agreement or deferred judgment entered
20 into on or after July 1, 1995, for a felony.

21 Sec. 3. K.S.A. 74-5617 is hereby amended to read as follows: 74-
22 5617. (a) Every candidate for appointment to a position as a police officer
23 or law enforcement officer shall hold permanent or provisional
24 certification.

25 (b) For the purpose of determining the eligibility of an individual for
26 certification under this act, the commission may require the submission of
27 training and education records, and experience history, medical history,
28 medical examination reports and records, and interview appraisal forms.

29 (c) Law enforcement agencies in Kansas shall be responsible for their
30 agency's observance of the hiring requirements of this section.

31 (d) No law enforcement agency head or other appointing authority
32 shall knowingly permit the hiring of any person in violation of the
33 requirements of this act; or knowingly permit the continued employment
34 of any person as a law enforcement officer after receiving written notice
35 from the commission that the person does not hold an active law
36 enforcement certificate. No law enforcement agency head or other
37 appointing authority shall knowingly permit any auxiliary personnel who
38 have been convicted of a felony offense under the laws of Kansas or any
39 other jurisdiction access to law enforcement records or communication
40 systems that are restricted under state or federal law or appoint as auxiliary
41 personnel any person who does not meet the requirements of K.S.A. 74-
42 5605, and amendments thereto. Any violation of the requirements of this
43 act shall be deemed to constitute misconduct in office and shall subject the

1 agency head or appointing authority to:

2 (1) Removal from office pursuant to K.S.A. 60-1205, and
3 amendments thereto; or

4 (2) a civil penalty in a sum set by the court of not to exceed \$500 for
5 each occurrence of noncompliance in an action brought in the district
6 court, ~~which penalty~~ *that* shall be paid to the state treasurer for deposit in
7 the state treasury and credit to the Kansas commission on peace officers'
8 standards and training fund.

9 (e) Whenever in the judgment of the commission any person has
10 engaged in any acts or practices ~~which~~ *that* constitute a violation of this
11 act, or any rules and regulations of the commission, the commission may
12 make application to the district court, without giving bond, for civil
13 enforcement of this act or rules and regulations in accordance with the
14 Kansas judicial review act. The district or county attorney of any county
15 shall at the request of the commission render such legal assistance as
16 necessary in carrying out the provisions of this act. Upon the request of the
17 commission, the district or county attorney of the proper county shall
18 institute in the name of the state or commission proceedings for
19 appropriate relief, whether mandatory, injunctive or declaratory,
20 preliminary or final, temporary or permanent, equitable or legal, against
21 any person regarding whom a complaint has been made charging such
22 person with the violation of any provision of this act.

23 (f) The commission shall make such inquiry as necessary to
24 determine compliance with the requirements of this section and the rules
25 and regulations adopted under it.

26 (g) (1) It shall be the responsibility of the agency head *or other*
27 *appointing authority* to ensure that every police officer or law enforcement
28 officer under ~~their~~ *such agency head's or appointing authority's*
29 supervision has the opportunity to receive the mandatory training as
30 prescribed in K.S.A. 74-5604a, and amendments thereto.

31 (2) *An agency head or other appointing authority shall ensure that no*
32 *police officer or law enforcement officer under the agency head's or*
33 *appointing authority's supervision is issued a firearm or carries a firearm*
34 *in the line of duty unless such officer has passed the firearms proficiency*
35 *qualification course developed and administered by the Kansas law*
36 *enforcement training center and has received use of force training.*

37 Sec. 4. K.S.A. 74-5605 and 74-5617 are hereby repealed.

38 Sec. 5. This act shall take effect and be in force from and after its
39 publication in the statute book.