

SENATE BILL No. 159

By Committee on Judiciary

2-5

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~~ **has probable cause to believe**
28 **that a violation of article 57 of chapter 21 of the Kansas Statutes**
29 **Annotated, and amendments thereto, is occurring in the child's residence**
30 **that and reasonably believes such violation threatens the safety of the**
31 **child.**

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

35 (2) If a person reports a runaway's location to a law enforcement
36 agency pursuant to this section and a law enforcement officer of the

1 agency has reasonable grounds to believe that it is in the child's best
2 interests, the child may be allowed to remain in the place where shelter is
3 being provided, subject to subsection (b), in the absence of a court order to
4 the contrary. If the child is allowed to so remain, the law enforcement
5 agency shall promptly notify the secretary of the child's location and
6 circumstances.

7 (d) Except as provided in subsections (a) and (b), a law enforcement
8 officer may temporarily detain and assume temporary custody of any child
9 subject to compulsory school attendance, pursuant to K.S.A. 72-1111, and
10 amendments thereto, during the hours school is actually in session and
11 shall deliver the child pursuant to ~~subsection (g)~~ of K.S.A. 2014 Supp. 38-
12 2232(g), and amendments thereto.

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 K.S.A. 2014 Supp. 38-2231 is hereby repealed.

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