

HOUSE BILL No. 2907

By Representative Brunk

2-14

9 AN ACT concerning law enforcement continuing education and training;
10 concerning appropriations for fiscal year ending June 30, 2007, for the
11 Kansas law enforcement training commission; income tax credits;
12 amending K.S.A. 74-5601, 74-5607a, 74-5608a, 74-5616 and 74-5619
13 and K.S.A. 2005 Supp. 74-5602, 74-5607 and 74-5611a and repealing
14 the existing sections.
15

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

17 New Section 1. (a) There is hereby created within the Kansas law en-
18 forcement training commission on peace officer standards and training a
19 division of law enforcement continuing education and training. The pur-
20 pose and function of such division shall be the continuing education and
21 training of law enforcement personnel throughout the state, and shall
22 offer to law enforcement officers such programs and courses of instruc-
23 tion designed to fulfill the requirements of section 2, and amendments
24 thereto.

25 (b) The commission shall employ an executive director for the division
26 and shall fix the duties, responsibilities and qualifications thereof. The
27 executive director shall be a full-time employee of the commission who
28 shall be in the unclassified service under the Kansas civil service act and
29 shall receive an annual salary to be fixed by the commission. The executive
30 director shall receive actual and necessary expenses incurred while in the
31 discharge of official duties. The commission shall employ such other em-
32 ployees as necessary to carry on the work of the commission concerning
33 continuing education and training of law enforcement personnel, who
34 shall be in the classified service under the Kansas civil service act board.

35 (c) The executive director shall be responsible:

36 (1) For the administration of the division;

37 (2) for the development and approval of curricula for courses of con-
38 tinuing education and training;

39 (3) to initiate education and training sessions, subject to such changes
40 and modification as are directed by the commission; and

41 (4) accrediting sponsors and programs and determining the number of
42 hours of credit to be given for participation.

43 (d) Upon consultation with and approval of the commission, the ex-

1 executive director is authorized to adopt such rules and regulations as are
2 necessary for the effective operation of the division.

3 New Sec. 2. (a) Beginning the second year after certification for per-
4 manent appointment pursuant to K.S.A. 74-5607a, and amendments
5 thereto, every full-time police officer or law enforcement officer shall
6 complete annually 40 hours of law enforcement continuing education or
7 training in subjects relating directly to law enforcement. Failure to com-
8 plete such continuing training shall be grounds for suspension from work
9 without pay until such training is completed. The executive director, with
10 the approval of the commission, shall adopt rules and regulations regard-
11 ing such education or training. Every city, county and state agency shall
12 annually send to the executive director certified reports of the completion
13 of such education or training. The executive director shall maintain a
14 record of the reports in the central registry.

15 (b) Any police officer or law enforcement officer who does not com-
16 plete the continuing education or training required by subsection (a) by
17 the date such education or training is required to have been completed
18 shall be subject to revocation or suspension of certification and loss of
19 the officer's office or position.

20 (c) The executive director may extend, waive or modify the annual
21 continuing education requirement, when it is shown that the failure to
22 comply with the requirements of subsection (a) was not due to the inten-
23 tional avoidance of the law.

24 (d) The executive director may waive any number of the hours or
25 courses required for annual continuing education for any person who, in
26 the opinion of the executive director, has received sufficient training or
27 experience that such hours or courses would be, unless waived, unduly
28 burdensome or duplicitous.

29 (e) This section shall be part of and supplemental to the Kansas law
30 enforcement training act.

31 Sec. 3.

32 KANSAS LAW ENFORCEMENT TRAINING COMMISSION

33 (a) There is appropriated for the above agency from the following spe-
34 cial revenue fund or funds for the fiscal year ending June 30, 2007, all
35 moneys now or hereafter lawfully credited to and available in such fund
36 or funds, except that expenditures other than refunds or indirect cost
37 recoveries authorized by law shall not exceed the following:

38 Continuing law enforcement training fund..... No limit

39 (b) On July 1, 2006, or as soon thereafter as moneys are available, the
40 director of accounts and reports shall transfer \$5,000,000 from the state
41 general fund to the continuing law enforcement training fund of the Kan-
42 sas law enforcement training commission. The number of full-time and
43 regular part-time positions equated to full-time, paid from appropriations

1 for fiscal year 2007, made in this section for the Kansas law enforcement
2 training commission shall not exceed 3.0 positions.

3 New Sec. 4. For tax years commencing after December 31, 2005, any
4 business firm which contributes to the Kansas law enforcement training
5 center to be used by division of law enforcement continuing education
6 and training of the Kansas law enforcement training commission on peace
7 officer standards and training for the purposes specified in section I, and
8 amendments thereto, shall be allowed a credit against the tax imposed by
9 the Kansas income tax act. The amount of such credit shall not exceed
10 50% of the total amount contributed during the taxable year by the busi-
11 ness firm pursuant to this section. In no event shall the total amount of
12 credits allowed under this section in any one tax year exceed the amount
13 of money that the Kansas law enforcement training commission has cer-
14 tified is necessary to fund the division of law enforcement continuing
15 education and training of the commission for the fiscal year following
16 such tax year. The credit allowed by this section shall be deducted from
17 the taxpayer's income tax liability imposed by the Kansas income tax act
18 for the taxable year in which the contributions are made by the taxpayer.
19 If the amount of the credit allowed by this section exceeds the taxpayers'
20 income tax liability imposed by the Kansas income tax act for such taxable
21 year, such excess may be carried over for credit in the same manner in
22 the succeeding taxable years until the total amount of such credit is used.
23 As used in this section, "business firm" means any business entity au-
24 thorized to do business in the state of Kansas which is subject to the state
25 income tax imposed by the Kansas income tax act and any individual
26 subject to the state income tax imposed by the Kansas income tax act.

27 Sec. 5. K.S.A. 74-5601 is hereby amended to read as follows: 74-5601.
28 The provisions of K.S.A. 74-5601 to ~~74-5611, inclusive, and amendments~~
29 ~~thereto, K.S.A. 74-5604a, 74-5607a, 74-5609a, 74-5611a, 74-5616 and 74-~~
30 ~~5617 74-5622, sections 1 and 2,~~ and amendments thereto, shall be known
31 and be cited as the Kansas law enforcement training act.

32 Sec. 6. K.S.A. 2005 Supp. 74-5602 is hereby amended to read as fol-
33 lows: 74-5602. As used in the Kansas law enforcement training act:

34 (a) "Training center" means the law enforcement training center within
35 the division of continuing education of the university of Kansas, created
36 by K.S.A. 74-5603 and amendments thereto.

37 (b) "Commission" means the Kansas law enforcement training com-
38 mission, created by K.S.A. 74-5606 and amendments thereto.

39 (c) "Dean" means the dean of the division of continuing education of
40 the university of Kansas.

41 (d) "Director," as created in K.S.A. 74-5603 and amendments thereto,
42 means the director of police training at the law enforcement training
43 center.

1 (e) “Law enforcement” means the prevention or detection of crime
2 and the enforcement of the criminal or traffic laws of this state or of any
3 municipality thereof.

4 (f) “Police officer” or “law enforcement officer” means a full-time or
5 part-time salaried officer or employee of the state, a county or a city,
6 whose duties include the prevention or detection of crime and the en-
7 forcement of the criminal or traffic laws of this state or of any municipality
8 thereof. Such terms shall include, but not be limited to, the sheriff, un-
9 dersheriff and full-time or part-time salaried deputies in the sheriff’s of-
10 fice in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858
11 and amendments thereto; conservation officers of the Kansas department
12 of wildlife and parks; university police officers, as defined in K.S.A. 22-
13 2401a, and amendments thereto; campus police officers, as defined in
14 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of
15 the director of alcoholic beverage control; law enforcement agents of the
16 Kansas lottery; law enforcement agents of the Kansas racing commission;
17 deputies and assistants of the state fire marshal having law enforcement
18 authority; capitol area security guards, existing under the authority of
19 K.S.A. 75-4503 and amendments thereto. Such terms shall also include
20 railroad policemen appointed pursuant to K.S.A. 66-524 and amendments
21 thereto; and school security officers designated as school law enforcement
22 officers pursuant to K.S.A. 72-8222 and amendments thereto. Such terms
23 shall not include any elected official, other than a sheriff, serving in the
24 capacity of a law enforcement or police officer solely by virtue of such
25 official’s elected position; any attorney-at-law having responsibility for law
26 enforcement and discharging such responsibility solely in the capacity of
27 an attorney; any employee of the commissioner of juvenile justice, the
28 secretary of corrections or the secretary of social and rehabilitation serv-
29 ices; any deputy conservation officer of the Kansas department of wildlife
30 and parks; or any employee of a city or county who is employed solely to
31 perform correctional duties related to jail inmates and the administration
32 and operation of a jail; or any full-time or part-time salaried officer or
33 employee whose duties include the issuance of a citation or notice to
34 appear provided such officer or employee is not vested by law with the
35 authority to make an arrest for violation of the laws of this state or any
36 municipality thereof, and is not authorized to carry firearms when dis-
37 charging the duties of such person’s office or employment. Such term
38 shall include any officer appointed or elected on a provisional basis.

39 (g) “Full-time” means employment requiring at least 1,000 hours of
40 law enforcement related work per year.

41 (h) “Part-time” means employment on a regular schedule or employ-
42 ment which requires a minimum number of hours each payroll period,
43 but in any case requiring less than 1,000 hours of law enforcement related

1 work per year.

2 (i) "Misdemeanor crime of domestic violence" means a violation of
3 domestic battery as provided by K.S.A. 2005 Supp. 21-3412a and amend-
4 ments thereto, or any other misdemeanor under federal, municipal or
5 state law that has as an element the use or attempted use of physical
6 force, or the threatened use of a deadly weapon, committed by a current
7 or former spouse, parent, or guardian of the victim, by a person with
8 whom the victim shares a child in common, by a person who is cohabiting
9 with or has cohabited with the victim as a spouse, parent or guardian, or
10 by a person similarly situated to a spouse, parent or guardian of the victim.

11 (j) "Auxiliary personnel" means members of organized nonsalaried
12 groups which operate as an adjunct to a police or sheriff's department,
13 including reserve officers, posses and search and rescue groups.

14 (k) "*Executive director*" means the executive director of the division of
15 law enforcement continuing education and training pursuant to section
16 1, and amendments thereto.

17 Sec. 7. K.S.A. 2005 Supp. 74-5607 is hereby amended to read as fol-
18 lows: 74-5607. (a) In addition to other powers and duties prescribed by
19 law, the commission shall adopt, in accordance with the provisions of
20 K.S.A. 77-415 et seq., and amendments thereto, rules and regulations
21 necessary to carry out the provisions of subsection (c) of K.S.A. 74-5616,
22 and amendments thereto, and such other rules and regulations as nec-
23 essary to administer this act. The commission may also adopt such rules
24 of procedure as are necessary for conducting the business of the com-
25 mission.

26 (b) In all matters pending before the commission, the commission shall
27 have the power to:

28 (1) Administer oaths and take testimony;

29 (2) issue subpoenas, compel the attendance of witnesses and the pro-
30 duction of any papers, books, accounts, documents and testimony, and to
31 cause the deposition of witnesses, either residing within or without the
32 state, to be taken in the manner prescribed by law for taking depositions
33 in civil actions in the district courts. In case of the failure of any person
34 to comply with any subpoena issued on behalf of the commission, or on
35 the refusal of any witness to testify to any matters regarding which the
36 witness may be lawfully interrogated, the district court of any county, on
37 application of a member of the commission, may require compliance by
38 proceedings for contempt, as in the case of failure to comply with a sub-
39 poena issued from such court or a refusal to testify in such court. Each
40 witness who appears before the commission by its order or subpoena,
41 other than a state officer or employee, shall receive for such attendance
42 the fees and mileage provided for witnesses in civil cases in courts of
43 record which shall be audited and paid upon presentation of proper

1 vouchers sworn to by such witnesses and approved by the chairperson of
2 the commission or by a person or persons designated by the chairperson;
3 (3) enter into contracts necessary to administer the provisions of this
4 act and the certification of law enforcement officers; and

5 (4) assess the costs of such matters pending before the commission
6 under this section against the governmental entity employing the police
7 officer or law enforcement officer.

8 (c) Members of the law enforcement training commission attending
9 meetings of the commission, or attending a subcommittee meeting au-
10 thorized by the commission, shall be paid amounts provided for in sub-
11 section (e) of K.S.A. 75-3223, and amendments thereto. The director and
12 the chairperson of the commission shall be responsible for approving all
13 expense vouchers of members.

14 (d) The commission shall meet at least once each year at the training
15 center and may hold special meetings whenever they are called by the
16 chairperson.

17 (e) The commission shall adopt the rules and regulations that are nec-
18 essary to ensure that law enforcement officers are adequately trained and
19 to enforce the provisions of this act. Such rules and regulations shall
20 include, but are not limited to, the establishment of a course of fire as a
21 standard qualification for active law enforcement officers to carry firearms
22 that may also be used for qualified retired officers to carry firearms pur-
23 suant to federal law. The director shall provide qualification opportunities
24 for qualified retired officers at least twice a year at the times and places
25 the director determines to be necessary. The training center shall charge
26 and collect a fee from retired state, local and federal officers for the
27 qualification opportunities, but these fees shall be limited to the actual
28 costs of presenting the standard qualifications course.

29 (f) *The commission shall:*

30 (1) *Perform the duties prescribed in sections 1 and 2, and amendments*
31 *thereto; and*

32 (2) *have the authority to accept grants, gifts and other appropriation*
33 *of funds.*

34 Sec. 8. K.S.A. 74-5607a is hereby amended to read as follows: 74-5607a.

35 (a) No person shall receive a permanent appointment as a full-time police
36 officer or law enforcement officer, unless such officer has been awarded
37 a certificate attesting to satisfactory completion of a course of not less
38 than 320 hours of accredited instruction at the training center or at a
39 certified state or local law enforcement training school or has been
40 awarded such a certificate for not less than the number of hours of in-
41 struction required by the Kansas law enforcement training act at the time
42 such certificate was issued or received a permanent appointment as a full-
43 time police officer or law enforcement officer prior to July 1, 1969, or

1 was appointed a railroad policeman pursuant to K.S.A. 66-524, and
2 amendments thereto, on or before January 1, 1982. No person shall re-
3 ceive a permanent appointment as a part-time police officer or law en-
4 forcement officer, unless such officer has been awarded a certificate at-
5 testing to the satisfactory completion of the basic course of not less than
6 80 hours of accredited instruction in law enforcement at the training
7 center or at a certified state or local law enforcement training school.

8 ~~(b) Beginning the second year after certification, every full-time police~~
9 ~~officer or law enforcement officer shall complete annually 40 hours of~~
10 ~~law enforcement education or training in subjects relating directly to law~~
11 ~~enforcement. Failure to complete such training shall be grounds for sus-~~
12 ~~sension from work without pay until such training is completed. The~~
13 ~~director with the approval of the commission shall adopt rules and reg-~~
14 ~~ulations regarding such education or training. Every city, county and state~~
15 ~~agency shall annually send to the director certified reports of the com-~~
16 ~~pletion of such education or training. The director shall maintain a record~~
17 ~~of the reports in the central registry.~~

18 ~~—(c) Subject to the provisions of subsection (d), (1) (c) any person who~~
19 ~~is appointed or elected as a police officer or law enforcement officer and~~
20 ~~who does not hold a certificate as required by subsection (a) may be~~
21 ~~elected or appointed as an officer on a provisional basis for a period of~~
22 ~~not more than one year. Any person appointed as a police officer or law~~
23 ~~enforcement officer on a provisional basis who does not receive the cer-~~
24 ~~tificate required under subsection (a) within one year following the date~~
25 ~~of the person's original election or appointment shall forfeit such office~~
26 ~~or position at the end of such one-year period. Any person appointed as~~
27 ~~a police officer or law enforcement officer on a provisional basis who does~~
28 ~~not receive the certificate required under subsection (a) within one year~~
29 ~~following such original appointment shall not be reappointed as a police~~
30 ~~officer or law enforcement officer on a provisional basis within one year~~
31 ~~following the date on which such person last served as a police officer or~~
32 ~~law enforcement officer.~~

33 ~~(2) Any police officer or law enforcement officer who does not com-~~
34 ~~plete the education or training required by subsection (b) by the date~~
35 ~~such education or training is required to have been completed shall be~~
36 ~~subject to revocation or suspension of certification and loss of the officer's~~
37 ~~office or position.~~

38 ~~—(d) (c) The director may extend the one-year time period for the 320~~
39 ~~hour basic-reciprocity school or 80 hour part-time school and may extend,~~
40 ~~waive or modify the annual continuing education requirement, when it is~~
41 ~~shown that the failure to comply with the requirements of subsection (a)~~
42 ~~or (b) was not due to the intentional avoidance of the law.~~

43 Sec. 9. K.S.A. 74-5608a is hereby amended to read as follows: 74-5608a.

1 (a) The director may, in the exercise of discretion, award a certificate
2 attesting to the satisfactory completion of a basic course of instruction to
3 any person who has been duly certified under the laws of another state
4 or territory if, in the opinion of the director, the requirements for certi-
5 fication in such other jurisdiction equal or exceed the qualifications re-
6 quired to complete satisfactorily the basic course of instruction at the
7 training center.

8 (b) The director may waive any number of the hours or courses re-
9 quired to complete the basic course of instruction at the training center,
10 80 hour part-time school, *or* reciprocity school ~~or for the hours required~~
11 ~~for annual continuing education~~ for any person who, in the opinion of the
12 director, has received sufficient training or experience that such hours of
13 instruction at the training center would be, unless waived, unduly bur-
14 densome or duplicitous.

15 Sec. 10. K.S.A. 2005 Supp. 74-5611a is hereby amended to read as
16 follows: 74-5611a. (a) The *executive* director shall establish and maintain
17 a central registry of all Kansas police officers or law enforcement officers.
18 The purpose of the registry is to be a resource for all agencies who appoint
19 or elect police or law enforcement officers to use when reviewing em-
20 ployment applications of such officers. The registry shall be made avail-
21 able only to those agencies who appoint or elect police or law enforcement
22 officers.

23 (b) The *executive* director shall provide forms for registration and shall
24 refuse any registration not submitted on such form in full detail.

25 (c) Within 30 days of appointment, election or termination, every city,
26 county and state agency, every school district and every community col-
27 lege shall submit the name of any person appointed or elected to or
28 terminated from the position of police officer or law enforcement officer
29 within its jurisdiction.

30 (d) Upon termination, the agency head shall include a report explaining
31 the circumstances under which the officer resigned or was terminated.
32 Such termination report shall be available to the terminated officer and
33 any law enforcement agency to which the terminated officer later applies
34 for a position as a police officer or law enforcement officer. The termi-
35 nated officer may submit a written statement in response to the termi-
36 nation and any such statement shall be included in the registry file con-
37 cerning such officer. The *executive* director shall adopt a format for the
38 termination report.

39 (e) The agency, agency head and any officer or employee of the agency
40 shall be absolutely immune from civil liability:

41 (1) For the report made in accordance with subsection (d); and

42 (2) when responding in writing to a written request concerning a cur-
43 rent or former officer from a prospective law enforcement agency of that

1 officer for the report made in accordance with subsection (d) and for the
2 disclosure of such report.

3 Sec. 11. K.S.A. 74-5616 is hereby amended to read as follows: 74-5616.

4 (a) To be eligible for permanent appointment as a police officer or law
5 enforcement officer, a person must first be certified to perform the func-
6 tion of law enforcement by the Kansas law enforcement training com-
7 mission. The commission's certification shall be awarded to persons who:

8 (1) Are at least 21 years of age, have successfully completed or satisfied
9 the training requirements specified by subsection (a) of K.S.A. 74-5607a
10 and amendments thereto and meet the requirements of K.S.A. 74-5605
11 and amendments thereto; (2) received a permanent appointment as a
12 police officer or law enforcement officer prior to July 1, 1969; or (3) hold
13 a permanent appointment as a police officer or law enforcement officer
14 on July 1, 1983.

15 (b) The commission may suspend, revoke or deny the certification of
16 a police officer or law enforcement officer who fails to meet the require-
17 ments of K.S.A. 74-5605 or, 74-5607a or *section 2*, and amendments
18 thereto, or has met such requirements by falsifying documents or failing
19 to disclose information required for certification.

20 (c) The commission shall immediately institute proceedings to revoke
21 the certification of any police officer or law enforcement officer convicted
22 of, or on or after July 1, 1995, diverted for a felony under the laws of this
23 state, another state or the United States or of its equivalent under the
24 uniform code of military justice or convicted of or diverted for a misde-
25 meanor crime of domestic violence under the laws of this state, another
26 state or the United States or of its equivalent under the uniform code of
27 military justice, when such misdemeanor crime of domestic violence was
28 committed on or after the effective date of this act.

29 (d) The procedure for the public or private censure, reprimand, pro-
30 bation, suspension, revocation and denial of certification of a person as a
31 police officer or law enforcement officer or an applicant for certification
32 shall be in accordance with the Kansas administrative procedure act.

33 (e) Any action of the commission pursuant to subsection (d) is subject
34 to review in accordance with the act for judicial review and civil enforce-
35 ment of agency actions. The attorney general shall prosecute or defend
36 any action for review on behalf of the state, but the county or district
37 attorney of the county where the police or law enforcement officer has
38 been employed as such shall appear and prosecute or defend such action
39 upon request of the attorney general.

40 Sec. 12. K.S.A. 74-5619 is hereby amended to read as follows: 74-5619.

41 (a) There is hereby created in the state treasury the law enforcement
42 training center fund. All moneys credited to such fund under the provi-
43 sions of this act or any other law shall be expended only for the purpose

1 and in the manner prescribed by law, including the expenditures for the
2 operation of the Kansas law enforcement training commission to carry
3 out its powers and duties as mandated by law.

4 (b) All moneys received for assessments as provided pursuant to *sub-*
5 *section (b)(4) of K.S.A. 74-5607*, and amendments thereto, shall be re-
6 mitted to the state treasurer in accordance with the provisions of K.S.A.
7 75-4215, and amendments thereto. Upon receipt of each such remittance,
8 the state treasurer shall deposit the entire amount in the state treasury
9 to the credit of the law enforcement training center fund.

10 (c) *There is hereby created in the state treasury the continuing law*
11 *enforcement training fund. All moneys credited to such fund under the*
12 *provisions of this act or any other law shall be expended only for the:*

13 (1) *Salary and associated benefits relating to the employment of the*
14 *executive director of continuing law enforcement training and support*
15 *staff to carry out the duties of the division of law enforcement continuing*
16 *education and training; or*

17 (2) *classes and training opportunities for law enforcement officers to*
18 *obtain continuing education and training.*

19 (d) *All moneys received for income tax credits as provided pursuant to*
20 *section 4, and amendments thereto, by the commission shall be remitted*
21 *to the state treasurer in accordance with the provisions of K.S.A. 75-4215,*
22 *and amendments thereto. Upon receipt of each such remittance, the state*
23 *treasurer shall deposit the entire amount in the state treasury to the credit*
24 *of the continuing law enforcement training fund.*

25 ~~(e)~~ (e) This section shall be part of and supplemental to the Kansas law
26 enforcement training act.

27 Sec. 13. K.S.A. 74-5601, 74-5607a, 74-5608a, 74-5616 and 74-5619 and
28 K.S.A. 2005 Supp. 74-5602, 74-5607 and 74-5611a are hereby repealed.

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