

HOUSE BILL No. 2961

By Committee on Federal and State Affairs

2-20

9 AN ACT concerning security officers appointed by the adjutant general;
10 relating to powers as law enforcement officers; amending K.S.A. 48-
11 204 and K.S.A. 2005 Supp. 74-5602 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 48-204 is hereby amended to read as follows: 48-
15 204. (a) The adjutant general shall:

16 (1) Be in control of the military department of the state and subor-
17 dinate only to the governor in matters pertaining to the department;

18 (2) have general supervision over all the subordinate military depart-
19 ments, to include the department of the army national guard and the
20 department of the air national guard;

21 (3) perform such duties as pertain to the adjutant general's depart-
22 ment under the regulations and usage of the army of the United States;

23 (4) superintend the preparation of all returns and reports required
24 by the United States from the state;

25 (5) require a certificate of the military service to be furnished, in
26 accordance with K.S.A. 73-209 and amendments thereto, to any soldier
27 who has served in the army in any of the state military organizations; and

28 (6) audit and pass upon all claims of a military character against the
29 state, and no contract of a military nature against the state shall be valid
30 or paid until approved by the adjutant general.

31 (b) The adjutant general is authorized to:

32 (1) Adopt regulations pertaining to the preparation and rendering of
33 reports and returns and to the care and preservation of public property
34 as in the adjutant general's opinion the conditions demand, which regu-
35 lations shall be operative and in force when promulgated in the form of
36 general orders, circulars or circular letters;

37 (2) administer oaths in matters pertaining to the duties of the office
38 as relates to: (A) Claims against the state; (B) the organization of boards
39 of survey, courts-martial and courts of inquiry; (C) affidavits covering loss
40 of military property belonging to the state or the United States; (D) oaths
41 of office of officers of the Kansas national guard; (E) statements and
42 reports required from officers pertaining to property and money account-
43 ability and expenditures; and (F) any other official military matters com-

1 ing before the adjutant general; ~~and~~

2 (3) adopt an appropriate seal for use in the office, to be affixed to all
3 oaths that the adjutant general administers under authority of law, and to
4 authenticate all certificates required of the adjutant general; *and*

5 (4) *appoint such officers as necessary as security officers for the pro-*
6 *tection of all national guard property and equipment, owned by or under*
7 *the control of the Kansas national guard wherever located in the state of*
8 *Kansas, including when transported over public roads or located on tem-*
9 *porary national guard sites, and for the protection of persons and prop-*
10 *erty associated with the national guard.*

11 (c) (1) *Any security officer appointed pursuant to the provisions of*
12 *subsection (b)(4) who successfully completes a training program in law*
13 *enforcement as provided in K.S.A. 74-5607a, and amendments thereto,*
14 *shall be deemed to have met all the requirements for certification as a law*
15 *enforcement officer. Those members of the adjutant general's department*
16 *who are appointed as security officers and who have successfully com-*
17 *pleted such training are hereby empowered: (A) While on duty, to make*
18 *arrests on the property owned by or under the control of the Kansas*
19 *national guard for any violations of the law of this state or of the United*
20 *States; and (B) to cooperate with state and local authorities in detecting*
21 *and apprehending any person or persons engaged in or suspected of the*
22 *commission of any crime, misdemeanor or offense against the law of this*
23 *state or of the United States, or of any ordinance of any municipality of*
24 *this state, if such is committed or attempted to be committed on any*
25 *Kansas national guard property.*

26 (2) *A security officer engaged in the protective functions specified in*
27 *subsection (b)(4) shall possess and exercise all general law enforcement*
28 *powers, rights, privileges, protections and immunities in every county*
29 *where there is located any Kansas national guard property. All persons*
30 *arrested by a security officer shall be turned over to the appropriate local*
31 *police or county sheriff in whose jurisdiction the offense was committed*
32 *to be processed in the same manner as other persons turned over to such*
33 *police or sheriff.*

34 (3) *While on duty, security officers appointed pursuant to subsection*
35 *(b)(4) shall wear and display publicly a badge of office.*

36 Sec. 2. K.S.A. 2005 Supp. 74-5602 is hereby amended to read as
37 follows: 74-5602. As used in the Kansas law enforcement training act:

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

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

43 (c) "Dean" means the dean of the division of continuing education

1 of the university of Kansas.

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

5 (e) "Law enforcement" means the prevention or detection of crime
6 and the enforcement of the criminal or traffic laws of this state or of any
7 municipality thereof.

8 (f) "Police officer" or "law enforcement officer" means a full-time or
9 part-time salaried officer or employee of the state, a county or a city,
10 whose duties include the prevention or detection of crime and the en-
11 forcement of the criminal or traffic laws of this state or of any municipality
12 thereof. Such terms shall include, but not be limited to, the sheriff, un-
13 dersheriff and full-time or part-time salaried deputies in the sheriff's of-
14 fice in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858
15 and amendments thereto; conservation officers of the Kansas department
16 of wildlife and parks; university police officers, as defined in K.S.A. 22-
17 2401a, and amendments thereto; campus police officers, as defined in
18 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of
19 the director of alcoholic beverage control; law enforcement agents of the
20 Kansas lottery; law enforcement agents of the Kansas racing commission;
21 deputies and assistants of the state fire marshal having law enforcement
22 authority; capitol area security guards, existing under the authority of
23 K.S.A. 75-4503 and amendments thereto; *and security officers appointed*
24 *by the adjutant general pursuant to K.S.A. 48-204, and amendments*
25 *thereto*. Such terms shall also include railroad policemen appointed pur-
26 suant to K.S.A. 66-524 and amendments thereto; and school security of-
27 ficers designated as school law enforcement officers pursuant to K.S.A.
28 72-8222 and amendments thereto. Such terms shall not include any
29 elected official, other than a sheriff, serving in the capacity of a law en-
30 forcement or police officer solely by virtue of such official's elected po-
31 sition; any attorney-at-law having responsibility for law enforcement and
32 discharging such responsibility solely in the capacity of an attorney; any
33 employee of the commissioner of juvenile justice, the secretary of cor-
34 rections or the secretary of social and rehabilitation services; any deputy
35 conservation officer of the Kansas department of wildlife and parks; or
36 any employee of a city or county who is employed solely to perform
37 correctional duties related to jail inmates and the administration and op-
38 eration of a jail; or any full-time or part-time salaried officer or employee
39 whose duties include the issuance of a citation or notice to appear pro-
40 vided such officer or employee is not vested by law with the authority to
41 make an arrest for violation of the laws of this state or any municipality
42 thereof, and is not authorized to carry firearms when discharging the
43 duties of such person's office or employment. Such term shall include

1 any officer appointed or elected on a provisional basis.

2 (g) "Full-time" means employment requiring at least 1,000 hours of
3 law enforcement related work per year.

4 (h) "Part-time" means employment on a regular schedule or em-
5 ployment which requires a minimum number of hours each payroll pe-
6 riod, but in any case requiring less than 1,000 hours of law enforcement
7 related work per year.

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

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

20 Sec. 3. K.S.A. 48-204 and K.S.A. 2005 Supp. 74-5602 are hereby
21 repealed.

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