

*As Amended by Senate Committee*

Session of 2009

**SENATE BILL No. 179**

By Committee on Federal and State Affairs

2-3

10 AN ACT concerning racial and other profiling; relating to the governor's  
11 task force, adoption of policies against and investigation of complaint;  
12 amending K.S.A. 22-4606, 22-4607, 22-4609, 22-4610 and 22-4611 and  
13 ~~K.S.A. 2008 Supp. 74-9501~~ and repealing the existing sections.

14

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

16 Section 1. K.S.A. 22-4606 is hereby amended to read as follows: 22-  
17 4606. As used in this act:

18 (a) "Collection of data" means that information collected by Kansas  
19 law enforcement officers after each traffic stop.

20 ~~(a)~~ (b) "Governmental unit" means the state, or any county, city or  
21 other political subdivision thereof, or any department, division, board or  
22 other agency of any of the foregoing.

23 ~~(b)~~ (c) "Law enforcement agency" means the governmental unit em-  
24 ploying the law enforcement officer.

25 ~~(c)~~ (d) "Law enforcement officer" has the meaning ascribed thereto  
26 in K.S.A. 74-5602, and amendments thereto.

27 (e) "Profiling on the basis of ethnicity" means the practice of unlaw-  
28 fully utilizing information regarding members of a cultural group with a  
29 shared identity, ancestry or linguistic characteristics common to the mem-  
30 bers or their affiliates. Ethnic groups may also have a common religious  
31 association or history.

32 ~~(d)~~ (f) (1) "Racial profiling" means the practice of a law enforcement  
33 officer or agency relying, as the sole factor, on race, ethnicity, national  
34 origin, gender or religious dress in selecting which individuals to subject  
35 to routine investigatory activities, or in deciding upon the scope and sub-  
36 stance of law enforcement activity following the initial routine investiga-  
37 tory activity. Racial profiling does not include reliance on such criteria in  
38 combination with other identifying factors when the law enforcement  
39 officer or agency is seeking to apprehend a specific suspect whose race,  
40 ethnicity, national origin, gender or religious dress is part of the descrip-  
41 tion of the suspect ~~unlawfully~~ selecting or subjecting an individual to  
42 routine investigatory activities, or in deciding upon the scope and sub-  
43 stance of law enforcement activity, **in whole or in part**, based upon the

1 individual's race, ethnicity or gender ~~when~~ **except when the officer has**  
 2 **reason to believe:** (A) ~~The law enforcement officer does not have a reason~~  
 3 ~~to believe the person has committed a violation of traffic laws or ordi-~~  
 4 ~~nances; (B) the law enforcement officer does not have trustworthy infor-~~  
 5 ~~mation leading a reasonable law enforcement officer to believe~~ the person  
 6 stopped is committing, has committed or is about to commit a crime as  
 7 provided in K.S.A. 22-2402, and amendments thereto; (C) ~~the law en-~~  
 8 ~~forcement officer does not have trustworthy information leading a rea-~~  
 9 ~~sonable law enforcement officer to believe~~ probable cause exists to arrest  
 10 the person as provided in K.S.A. 22-2401, and amendments thereto; or  
 11 (D) the law enforcement officer or agency is **not** seeking to apprehend a  
 12 suspect whose race, ethnicity, **or** gender ~~or religious dress~~ is part of the  
 13 description of a suspect.

14 (2) "Racial profiling" does not include a contact by a law enforcement  
 15 officer of a person when the contact is only for the purpose of asking the  
 16 person if they have information regarding the investigation of a complaint,  
 17 crime or suspicious activity, checking a person's welfare or as part of  
 18 community outreach or community policing.

19 ~~(e)~~ (g) "Routine investigatory activities" includes, but is not limited  
 20 to, the following activities conducted by law enforcement officers and  
 21 agencies in conjunction with traffic stops: (1) Frisks and other types of  
 22 body searches; and (2) consensual or nonconsensual searches of persons  
 23 or possessions, including vehicles, ~~dormitory rooms, school lockers,~~  
 24 ~~homes and apartments and domiciles.~~

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

27 Sec. 2. K.S.A. 22-4607 is hereby amended to read as follows: 22-  
 28 4607. (a) A 15-member task force on racial profiling shall be appointed  
 29 by the governor. The task force shall include representatives of the Kansas  
 30 attorney general's office, the Kansas highway patrol, city and county law  
 31 enforcement agencies, ~~the Kansas state lodge of the fraternal order of~~  
 32 ~~police~~, the Hispanic and Latino American affairs commission, the advisory  
 33 commission on African-American affairs, the department of revenue,  
 34 Kansas human rights commission, Kansas district courts, Kansas civil  
 35 rights advocates and others who can assist in the performance of the  
 36 functions of the task force.

37 (b) The governor's task force on racial profiling shall work in part-  
 38 nership with local and state law enforcement agencies to review current  
 39 policies and make recommendations ~~for training programs and~~ for future  
 40 policies and procedures statewide for the full implementation of the pro-  
 41 visions of K.S.A. 22-4606 through 22-4611, and amendments thereto. ~~The~~  
 42 ~~task force shall work in partnership with law enforcement and the public~~  
 43 ~~to design, develop and implement methods for the collection, analysis~~

1 *and public dissemination of data regarding traffic stops ~~utilizing the uni-~~*  
2 *~~form traffic citation. The methods for collection, analysis and dissemina-~~*  
3 *~~tion of data required by this subsection shall be designed no later than~~*  
4 *~~January 1, 2010 of motorists and passengers.~~* The task force shall hold  
5 public hearings and meetings as needed to involve and inform the public  
6 on issues related to racial profiling.

7 (c) Members of the task force serving on the effective date of this act  
8 shall continue to serve terms until July 1, 2007. Thereafter, members shall  
9 be appointed for terms of two years. Vacancies shall be filled by appoint-  
10 ment for the unexpired term. Upon expiration of a member's term, the  
11 member shall serve until a successor is appointed and qualifies. ~~No mem-~~  
12 ~~ber shall serve more than two consecutive full terms.~~

13 (d) The chairperson of the task force shall be designated by the gov-  
14 ernor. The task force shall meet at the call of the chairperson at least  
15 quarterly or as often as necessary to carry out the functions of the task  
16 force.

17 (e) The staff of the Kansas advisory commission on African-American  
18 affairs and the Kansas Hispanic/Latino American affairs commission shall  
19 provide administrative support to the task force and its chairperson.

20 (f) Members of the task force attending a meeting of the task force,  
21 or any subcommittee meeting authorized by the task force, shall receive  
22 amounts provided for in subsection (e) of K.S.A. 75-3223, and amend-  
23 ments thereto.

24 (g) The task force shall make a report of its activity to the public each  
25 calendar year.

26 ~~(h) The provisions of this section shall expire on July 1, 2009.~~

27 **(h) The provisions of this section shall expire on July 1, 2011.**

28 Sec. 3. K.S.A. 22-4609 is hereby amended to read as follows: 22-  
29 4609. ~~The race, ethnicity, national origin, gender or religious dress~~ **(a)**  
30 **Racial profiling** of an individual or group shall not be ~~the sole factor~~ **a**  
31 **factor used** in determining the existence of probable cause to take into  
32 custody or to arrest an individual or in constituting a reasonable and ar-  
33 ticulable suspicion that an offense has been or is being committed so as  
34 to justify the detention of an individual or the investigatory stop of a  
35 vehicle **or pedestrian.**

36 **(b) No law enforcement officer shall use violations of the traffic**  
37 **laws as a pretext for racial profiling.**

38 Sec. 4. K.S.A. 22-4610 is hereby amended to read as follows: 22-  
39 4610. (a) All law enforcement agencies in this state shall adopt a detailed,  
40 written policy to preempt racial profiling. Each agency's policy shall in-  
41 clude the definition of racial profiling found in K.S.A. 22-4606, and  
42 amendments thereto.

43 (b) Policies adopted pursuant to this section shall be implemented by

1 all Kansas law enforcement agencies within one year after the effective  
2 date of this act. The policies and data collection procedures shall be avail-  
3 able for public inspection during normal business hours.

4 (c) The policies adopted pursuant to this section shall include, but  
5 not be limited to, the following:

6 (1) A prohibition of racial profiling.

7 (2) Annual educational training which shall include, but not be lim-  
8 ited to, an understanding of the historical and cultural systems that per-  
9 petuate racial profiling, assistance in identifying racial profiling practices,  
10 and providing officers with self-evaluation strategies to preempt racial  
11 profiling ~~prior to stopping a citizen.~~

12 (3) For law enforcement agencies ~~of cities of the first class with more~~  
13 ~~than 10 full-time certified law enforcement officers,~~ establishment or use  
14 of current ~~independent~~ citizen advisory boards which include participants  
15 who ~~reflect~~ *represent* the racial and ethnic community, to advise and assist  
16 in policy development, education and community outreach and commu-  
17 nications related to racial profiling by law enforcement officers and  
18 agencies.

19 (4) Policies for discipline of law enforcement officers ~~and agencies~~  
20 who engage in racial profiling.

21 (5) A provision that, if the investigation of a complaint of racial pro-  
22 filing reveals the officer was in direct violation of the law enforcement  
23 agency's written policies regarding racial profiling, the employing law en-  
24 forcement agency shall take appropriate *disciplinary* action consistent  
25 with applicable laws, rules and regulations, resolutions, ~~and,~~ ordinances  
26 ~~and labor contracts~~ *or policies, including demerits, suspension or re-*  
27 ~~moval of the officer from the agency.~~

28 (6) Provisions for community outreach and communications efforts  
29 to inform the public of the individual's right to file with the law enforce-  
30 ment agency or the Kansas human rights commission complaints regard-  
31 ing racial profiling, which outreach and communications to the commu-  
32 nity shall include ongoing efforts to notify the public of the law  
33 enforcement agency's complaint process.

34 (7) Procedures for individuals to file complaints of racial profiling  
35 with the agency, which, if appropriate, may provide for use of current  
36 procedures for addressing such complaints.

37 (d) ~~Each law enforcement agency shall compile an annual report of~~  
38 ~~all complaints of racial profiling received and shall submit the report on~~  
39 ~~or before January 31 to the office of the attorney general for review. Each~~  
40 ~~law enforcement agency shall compile and submit an annual report on or~~  
41 ~~before August 1 of each year to the attorney general regardless of whether~~  
42 ~~the agency received any racial profiling complaints between July 1 of the~~  
43 ~~previous year and June 30 of the current year.~~ The annual report shall

1 include: (1) The date the complaint is filed; (2) action taken in response  
 2 to the complaint; (3) the decision upon disposition of the complaint; ~~and~~  
 3 (4) the date the complaint is closed; (5) *whether all officers employed by*  
 4 *the agency received the statutorily required annual racial profiling train-*  
 5 *ing for the prior training year running from July 1 of the previous year*  
 6 *to June 30 of the current year; (6) whether the agency has a written policy*  
 7 *that prohibits racial profiling; (7) whether the agency mandates specific*  
 8 *discipline of law enforcement officers who engage in racial profiling; (8)*  
 9 *whether the policy details the discipline to be administered for racial*  
 10 *profiling; (9) whether the policy includes provisions outlining the individ-*  
 11 *ual's right to file complaints with the agency or with the Kansas human*  
 12 *rights commission, or both, and the specific procedures for individuals to*  
 13 *file complaints with the agency; and (10) whether the agency has a citizen*  
 14 *advisory board. Annual reports filed pursuant to this subsection shall be*  
 15 *open public records and shall be posted on the official website of the*  
 16 *attorney general.*

17 Sec. 5. K.S.A. 22-4611 is hereby amended to read as follows: 22-  
 18 4611. (a) Any person who believes such person has been subjected to  
 19 racial profiling by a law enforcement officer or agency may file a com-  
 20 plaint with the law enforcement agency. The complainant may also file a  
 21 complaint with the Kansas human rights commission. The commission  
 22 shall review and, if necessary, investigate the complaint. The commission's  
 23 designee shall consult with the head of the law enforcement agency be-  
 24 fore making final recommendations regarding discipline of any law en-  
 25 forcement officer or other disposition of the complaint.

26 ***(b) Upon finding that an investigation is necessary, the com-***  
 27 ***mission shall be responsible for timely notification of the law en-***  
 28 ***forcement officer or officers and their respective law enforcement***  
 29 ***agency that an investigation has been initiated and shall provide:***  
 30 ***(1) A copy of the signed complaint; (2) a copy of any and all doc-***  
 31 ***umentation and evidence provided in support of the claim of racial***  
 32 ***profiling; and (3) the factors considered by the commission specific***  
 33 ***to the incident which support the necessity to investigate the claim***  
 34 ***of racial profiling.***

35 ~~(b)~~ (c) *The Kansas human rights commission shall forward all find-*  
 36 *ings of probable cause and supporting investigative reports to the Kan-*  
 37 *sas commission on peace officer standards and training. The Kansas hu-*  
 38 *man rights commission shall inform the complainant, officer or officers,*  
 39 *as the case may be, and the law enforcement agency of the outcome or*  
 40 *disposition of the complaint in writing to the head of the law enforce-*  
 41 *ment agency. Such writing shall include a summary of the rationale*  
 42 *for the finding and shall be made in accordance with K.S.A. 45-221,*  
 43 *and amendments thereto. Nothing in such outcome or disposition shall*

1 ~~be deemed an exception to the Kansas open records act.~~  
2 **(d) The Kansas commission on peace officer standards and training**  
3 **shall review the findings of the Kansas human rights commission and**  
4 **initiate further investigation if necessary. Pursuant to K.S.A. 74-5616, and**  
5 **amendments thereto, the Kansas commission on peace officer standards**  
6 **and training shall make a determination regarding the certification of any**  
7 **law enforcement officer engaged in unlawful profiling. This complaint**  
8 **process shall not prevent a motorist an individual who feels that their**  
9 **rights have been violated to file from filing a civil law suit against the**  
10 **law enforcement officer or agency.**

11 ~~(b) (e)~~ **(e)** Upon disposition of a complaint as provided for in subsec-  
12 tion (a) the complainant shall have a civil cause of action in the district  
13 court against the law enforcement officer or law enforcement agency, or  
14 both, and shall be entitled to recover damages if it is determined by the  
15 court that such persons or agency engaged in racial profiling.

16 **(f) Upon the disposition of a complaint as provided for in sub-**  
17 **section (a), the respondent may appeal a finding of probable cause**  
18 **by the Kansas human rights commission to the district court and**  
19 **shall have a civil cause of action against the complainant and shall**  
20 **be entitled to recover damages if it is determined by the court that**  
21 **the complainant knowingly made a false complaint.**

22 **(g)** The court may allow the prevailing party reasonable attorney fees  
23 and court costs.

24 ~~Sec. 6. K.S.A. 2008 Supp. 74-9501 is hereby amended to read as~~  
25 ~~follows: 74-9501. (a) There is hereby established the Kansas criminal jus-~~  
26 ~~tice coordinating council:~~

27 ~~—(b)—The council shall consist of the governor or designee, the chief~~  
28 ~~justice of the supreme court or designee, the attorney general or designee,~~  
29 ~~the secretary of corrections, the superintendent of the highway patrol,~~  
30 ~~the commissioner of juvenile justice and the director of the Kansas bureau~~  
31 ~~of investigation.~~

32 ~~—(c)—The governor shall designate staff to the Kansas criminal justice~~  
33 ~~coordinating council. The staff shall attend all meetings of the council,~~  
34 ~~be responsible for keeping a record of council meetings, prepare reports~~  
35 ~~of the council and perform such other duties as directed by the council.~~

36 ~~—(d)—The council shall elect a chairperson and vice-chairperson from~~  
37 ~~among the members of the council.~~

38 ~~—(e)—The council shall:~~

39 ~~—(1)—Appoint a standing local government advisory group to consult~~  
40 ~~and advise the council concerning local government criminal justice issues~~  
41 ~~and the impact of state criminal justice policy and decisions on local units~~  
42 ~~of government. The advisory group shall consist of a sheriff, chief of~~  
43 ~~police, county or district attorney, a member of a city governing body and~~

1 a county commissioner. Appointees to such advisory group shall serve  
2 without compensation or reimbursement for travel and subsistence or any  
3 other expenses.

4 ~~—(2) Define and analyze issues and processes in the criminal justice~~  
5 ~~system, identify alternative solutions and make recommendations for~~  
6 ~~improvements.~~

7 ~~—(3) Perform such criminal justice studies or tasks as requested by the~~  
8 ~~governor, the attorney general, the legislature or the chief justice, as~~  
9 ~~deemed appropriate or feasible by the council.~~

10 ~~—(4) Oversee development and management of a criminal justice da-~~  
11 ~~tabase. All criminal justice agencies as defined in subsection (c) of K.S.A.~~  
12 ~~22-4701, and amendments thereto, and the juvenile justice authority shall~~  
13 ~~provide any data or information, including juvenile offender information~~  
14 ~~which is requested by the council, in a form and manner established by~~  
15 ~~the council, in order to facilitate the development and management of~~  
16 ~~the criminal justice council database.~~

17 ~~—(5) Oversee the development, implementation and management of a~~  
18 ~~uniform traffic citation for use by all Kansas law enforcement agencies to~~  
19 ~~collect data on traffic stops. The collection of data shall include informa-~~  
20 ~~tion necessary to conduct analysis of traffic stops with regard to race,~~  
21 ~~gender and ethnicity of drivers. The uniform traffic citation shall be avail-~~  
22 ~~able for use by law enforcement agencies not later than January 1, 2011.~~

23 ~~(5) (6) Develop and oversee reporting of all criminal justice federal~~  
24 ~~funding available to the state or local units of government including as-~~  
25 ~~suming the designation and functions of administering the United States~~  
26 ~~bureau of justice assistance grants.~~

27 ~~—(6) (7) Form such task groups as necessary and appoint individuals~~  
28 ~~who appropriately represent law enforcement, the judiciary, legal profes-~~  
29 ~~sion, state, local, or federal government, the public, or other professions~~  
30 ~~or groups as determined by the council, to represent the various aspects~~  
31 ~~of the issue being analyzed or studied, when analyzing criminal justice~~  
32 ~~issues and performing criminal justice studies. Members of the legislature~~  
33 ~~may be appointed ex officio members to such task groups. A member of~~  
34 ~~the council shall serve as the chairperson of each task group appointed~~  
35 ~~by the council. The council may appoint other members of the council~~  
36 ~~to any task group formed by the council.~~

37 ~~—(7) (8) Review reports submitted by each task group named by the~~  
38 ~~council and shall submit the report with the council's recommendations~~  
39 ~~pertaining thereto to the governor, the attorney general, the chief justice~~  
40 ~~of the supreme court, the chief clerk of the house of representatives and~~  
41 ~~the secretary of the senate.~~

42 ~~—(8) (9) (A) Establish the sex offender policy board to consult and~~  
43 ~~advise the council concerning issues and policies pertaining to the treat-~~

- 1 ~~ment, sentencing, rehabilitation, reintegration and supervision of sex~~  
2 ~~offenders.~~
- 3 ~~—(B) The sex offender policy board shall consist of the secretary of~~  
4 ~~corrections, the commissioner of juvenile justice, the secretary of social~~  
5 ~~and rehabilitation services, the director of the Kansas bureau of investi-~~  
6 ~~gation and the chief justice of the supreme court or the chief justice's~~  
7 ~~designee and two persons appointed by the criminal justice coordinating~~  
8 ~~council. Of the persons appointed by the criminal justice coordinating~~  
9 ~~council, one shall be a mental health service provider and the other shall~~  
10 ~~be engaged in the provision of services involving child welfare or crime~~  
11 ~~victims.~~
- 12 ~~—(C) Each member of the board shall receive compensation, subsis-~~  
13 ~~tence allowances, mileage and other expenses as provided for in K.S.A.~~  
14 ~~75-3223, and amendments thereto, except that the public members of~~  
15 ~~the board shall receive compensation in the amount provided for legis-~~  
16 ~~lators pursuant to K.S.A. 75-3212, and amendments thereto, for each day~~  
17 ~~or part thereof actually spent on board activities. No per diem compen-~~  
18 ~~sation shall be paid under this subsection to salaried state, county or city~~  
19 ~~officers or employees.~~
- 20 ~~—(D) The sex offender policy board shall elect a chairperson from its~~  
21 ~~membership and shall meet upon the call of its chairperson as necessary~~  
22 ~~to carry out its duties.~~
- 23 ~~—(E) Each appointed member of the sex offender policy board shall~~  
24 ~~be appointed for a term of two years and shall continue to serve during~~  
25 ~~that time as long as the member occupies the position which made the~~  
26 ~~member eligible for the appointment. Each member shall continue in~~  
27 ~~office until a successor is appointed and qualifies. Members shall be eli-~~  
28 ~~gible for reappointment, and appointment may be made to fill an unex-~~  
29 ~~pired term.~~
- 30 ~~—(F) The board shall submit its reports to the criminal justice coordi-~~  
31 ~~nating council and to the governor, the attorney general, the chief justice~~  
32 ~~of the supreme court, the chief clerk of the house of representatives and~~  
33 ~~the secretary of the senate.~~
- 34 ~~—(i) The board shall submit a report regarding public notification per-~~  
35 ~~taining to sex offenders, restrictions on the residence of released sex of-~~  
36 ~~fenders, utilization of electronic monitoring, and the management of ju-~~  
37 ~~venile sex offenders by the first day of the 2007 legislative session.~~
- 38 ~~—(ii) The board shall submit a report regarding treatment and super-~~  
39 ~~vision standards for sex offenders, suitability of lifetime release super-~~  
40 ~~vision and safety education and prevention strategies for the public by the~~  
41 ~~first day of the 2008 legislative session.~~
- 42 ~~—(iii) The board shall submit reports regarding any other studies, issues~~  
43 ~~or policy recommendations as completed.~~

1 ~~—(G) The sex offender policy board established pursuant to subsection~~  
2 ~~(e)(8) (9) (A) of this section shall expire on June 30, 2011.~~

3 ~~—(9) (10) (A) Establish the substance abuse policy board to consult~~  
4 ~~and advise the council concerning issues and policies pertaining to the~~  
5 ~~treatment, sentencing, rehabilitation and supervision of substance abuse~~  
6 ~~offenders. The board shall specifically analyze and study driving under~~  
7 ~~the influence and the use of drug courts by other states.~~

8 ~~—(B) The substance abuse policy board shall consist of the secretary of~~  
9 ~~corrections, the commissioner of juvenile justice, the secretary of social~~  
10 ~~and rehabilitation services, the director of the Kansas bureau of investi-~~  
11 ~~gation, the chief justice of the supreme court or the chief justice's des-~~  
12 ~~ignee, a member of the Kansas sentencing commission, a prosecutor ap-~~  
13 ~~pointed by the Kansas county and district attorneys association, and two~~  
14 ~~persons appointed by the Kansas association of addiction professionals.~~  
15 ~~Of the persons appointed by the Kansas association of addiction profes-~~  
16 ~~sionals, one shall be an addiction counselor and the other shall be a pro-~~  
17 ~~fessional program administrator.~~

18 ~~—(C) Each member of the board shall receive compensation, subsis-~~  
19 ~~tence allowances, mileage and other expenses as provided for in K.S.A.~~  
20 ~~75-3223, and amendments thereto, except that the public members of~~  
21 ~~the board shall receive compensation in the amount provided for legis-~~  
22 ~~lators pursuant to K.S.A. 75-3212, and amendments thereto, for each day~~  
23 ~~or part thereof actually spent on board activities. No per diem compen-~~  
24 ~~sation shall be paid under this subsection to salaried state, county or city~~  
25 ~~officers or employees.~~

26 ~~—(D) The substance abuse policy board shall elect a chairperson from~~  
27 ~~its membership and shall meet upon the call of its chairperson as nec-~~  
28 ~~essary to carry out its duties.~~

29 ~~—(E) Each appointed member of the substance abuse policy board~~  
30 ~~shall be appointed for a term of two years and shall continue to serve~~  
31 ~~during that time as long as the member occupies the position which made~~  
32 ~~the member eligible for the appointment. Each member shall continue~~  
33 ~~in office until a successor is appointed and qualifies. Members shall be~~  
34 ~~eligible for reappointment, and appointment may be made to fill an unex-~~  
35 ~~pired term.~~

36 ~~—(F) The board shall submit its reports to the criminal justice coordi-~~  
37 ~~nating council and to the governor, the attorney general, the chief justice~~  
38 ~~of the supreme court, the chief clerk of the house of representatives and~~  
39 ~~the secretary of the senate.~~

40 ~~Sec. 7. 6. K.S.A. 22-4606, 22-4607, 22-4609, 22-4610 and 22-4611~~  
41 ~~and K.S.A. 2008 Supp. 74-9501 are hereby repealed.~~

42 ~~Sec. 8. 7. This act shall take effect and be in force from and after its~~  
43 ~~publication in the statute book.~~