

SENATE BILL No. 352

By Senator Hensley

1-11

9 AN ACT concerning law enforcement officers; relating to eligibility and
10 certification; amending K.S.A. 2009 Supp. 74-5605 and 74-5616 and
11 repealing the existing sections.
12

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

14 Section 1. K.S.A. 2009 Supp. 74-5605 is hereby amended to read as
15 follows: 74-5605. (a) Every applicant for certification shall be an employee
16 of a state, county or city law enforcement agency, a municipal university
17 police officer, a railroad policeman appointed pursuant to K.S.A. 66-524,
18 and amendments thereto; an employee of the tribal law enforcement
19 agency of an Indian nation that has entered into a tribal-state gaming
20 compact with this state; or a school security officer designated as a school
21 law enforcement officer pursuant to K.S.A. 72-8222, and amendments
22 thereto. Prior to admission to a course conducted at the training center
23 or at a certified state or local law enforcement agency, the applicant shall
24 furnish to the director of police training a statement from the applicant's
25 appointing authority or agency head certifying the applicant's fulfillment
26 of the following requirements. The applicant:

- 27 (1) Is a United States citizen;
- 28 (2) has been fingerprinted and a search of local, state and national
29 fingerprint files has been made to determine whether the applicant has
30 a criminal record;
- 31 (3) has not been convicted, does not have an expunged conviction,
32 and on and after July 1, 1995, has not been placed on diversion by any
33 state or the federal government for a crime which is a felony or its equiv-
34 alent under the uniform code of military justice;
- 35 (4) has not been convicted, does not have an expunged conviction,
36 has not been placed on diversion by any state or the federal government
37 for a misdemeanor crime of domestic violence or its equivalent under the
38 uniform code of military justice, when such misdemeanor crime of do-
39 mestic violence was committed on or after ~~the effective date of this act~~
40 *May 22, 1997*;
- 41 (5) is the holder of a high-school diploma or furnishes evidence of
42 successful completion of an examination indicating an equivalent
43 achievement;

- 1 (6) is of good moral character;
- 2 (7) has completed a psychological test approved by the commission;
- 3 (8) is free of any physical or mental condition which might adversely
- 4 affect the applicant's performance of a police officer's or law enforcement
- 5 officer's duties; and
- 6 (9) is at least 21 years of age.
- 7 ~~(b) The provisions of paragraph (1) of subsection (a) shall not apply~~
- 8 ~~to a citizen of the United Kingdom with prior law enforcement experience~~
- 9 ~~who resides in Finney county. This subsection shall expire on July 1, 2007.~~
- 10 (b) *The provisions of paragraphs (3) and (4) of subsection (a) shall*
- 11 *only apply to convictions, expunged convictions and diversions for crimes*
- 12 *committed by the applicant when such applicant was 21 years of age or*
- 13 *older.*
- 14 Sec. 2. K.S.A. 2009 Supp. 74-5616 is hereby amended to read as
- 15 follows: 74-5616. (a) No person shall be appointed as a full-time law
- 16 enforcement officer unless the person holds a full-time active law en-
- 17 forcement certificate or a provisional law enforcement certificate. No per-
- 18 son shall be appointed as a part-time officer unless the person holds a
- 19 full-time active law enforcement certificate, a part-time active law en-
- 20 forcement certificate or a provisional certificate. The commission's cer-
- 21 tification shall be awarded to persons who:
- 22 (1) Received a permanent appointment as a police officer or law en-
- 23 forcement officer prior to July 1, 1969; or
- 24 (2) hold a permanent appointment as a police officer or law enforce-
- 25 ment officer on July 1, 1983.
- 26 (b) The commission may suspend, revoke, reprimand, censure or
- 27 deny the certification of a police officer or law enforcement officer who:
- 28 (1) Fails to meet the requirements of K.S.A. 74-5605 or 74-5607a,
- 29 and amendments thereto, or has met such requirements by falsifying
- 30 documents or failing to disclose information required for certification;
- 31 (2) fails to meet and maintain the minimum standards for certification
- 32 adopted by the commission;
- 33 (3) provides false information or otherwise fails to cooperate in a
- 34 commission investigation to determine a person's suitability for law en-
- 35 forcement certification;
- 36 (4) fails to complete the annual continuing education required by
- 37 K.S.A. 74-5607a, and amendments thereto, and implementing rules and
- 38 regulations or otherwise fails to comply with the requirements of this act;
- 39 or
- 40 (5) fails to maintain the requirements for initial certification as set
- 41 forth in K.S.A. 74-5605, and amendments thereto, and any implementing
- 42 rules and regulations.
- 43 (c) The commission shall immediately institute proceedings to revoke

1 the certification of any police officer or law enforcement officer convicted
2 of, or on or after July 1, 1995, diverted for a felony under the laws of this
3 state, another state or the United States or of its equivalent under the
4 uniform code of military justice or convicted of or diverted for a misde-
5 meanor crime of domestic violence under the laws of this state, another
6 state or the United States or of its equivalent under the uniform code of
7 military justice, when such misdemeanor crime of domestic violence was
8 committed on or after ~~the effective date of this act~~ *May 22, 1997. The*
9 *provisions of this subsection shall not apply to any crime committed by a*
10 *police officer or a law enforcement officer when such officer was under*
11 *21 years of age.*

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

16 (e) Any action of the commission pursuant to subsection (d) is subject
17 to review in accordance with the act for judicial review and civil enforce-
18 ment of agency actions. Upon request of the commission, the attorney
19 general shall prosecute or defend any action for review on behalf of the
20 state, but the county or district attorney of the county where the police
21 or law enforcement officer has been employed as such shall appear and
22 prosecute or defend such action upon request of the attorney general or
23 commission. The commission may elect to retain the services of a private
24 attorney to appear and prosecute or defend any action on behalf of the
25 commission.

26 Sec. 3. K.S.A. 2009 Supp. 74-5605 and 74-5616 are hereby repealed.

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