

[As Amended by House Committee of the Whole]

As Amended by House Committee

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 435

By Committee on Judiciary

1-25

14 AN ACT concerning criminal procedure ~~repealing K.S.A. 22-2501~~
15 **concerning criminal procedure**; relating to search incident to ar-
16 rest, ~~amending K.S.A. 22-2501 and repealing the existing section;~~
17 **amending K.S.A. 22-2501 and repealing the existing section.**

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 ~~Section 1. K.S.A. 22-2501 is hereby amended to read as follows: 22-~~
21 ~~2501. When a lawful arrest is effected a law enforcement officer may~~
22 ~~reasonably search the person arrested and the area within such person's~~
23 ~~immediate presence for the purpose of~~
24 ~~—(a) Protecting the officer from attack;~~
25 ~~—(b) Preventing the person from escaping; or~~
26 ~~—(c) Discovering the fruits, instrumentalities, or evidence of a the~~
27 ~~crime.~~

28 **Section 1. K.S.A. 22-2501 is hereby amended to read as fol-**
29 **lows: 22-2501. When a lawful arrest is effected a law enforcement**
30 **officer may reasonably search** the person arrested and the area within
31 ~~such person's immediate presence for the purpose of~~
32 ~~—(a) Protecting the officer from attack;~~
33 ~~—(b) Preventing the person from escaping; or~~
34 ~~—(c) Discovering the fruits, instrumentalities, or evidence of a crime.~~
35 *to the full extent allowed by and consistent with the constitution of the*
36 *United States.*

37 **[New Sec. 2. (a) On and after January 1, 2011, an optically**
38 **scanable “uniform citizen contact data form” shall be completed**
39 **and ready for use by all Kansas law enforcement officers to collect**
40 **data on each traffic or pedestrian stop. The uniform citizen contact**
41 **data form shall replace the various traffic tickets used by the law**
42 **enforcement agencies throughout the state of Kansas. The uniform**
43 **citizen contact data form shall be designed by the Kansas criminal**

- 1 **justice coordinating council in consultation with representatives**
2 **from the police officers, sheriffs, Kansas highway patrol, national**
3 **association for the advancement of colored persons, american civil**
4 **liberties union, Kansas human rights commission, national council**
5 **of La Raza and Kansas civil rights advocates.**
- 6 **[(b) The data collected at each stop shall include:**
- 7 **[(1) Officer identification number;**
8 **[(2) law enforcement agency code;**
9 **[(3) month, day and year of stop;**
10 **[(4) hour and minute of stop;**
11 **[(5) who was stopped, a motorist or pedestrian;**
12 **[(6) gender of person stopped, male or female;**
13 **[(7) specific age of person stopped;**
14 **[(8) race of person stopped, African-American, Hispanic, Na-**
15 **tive American, caucasian, Asian, or other as stated by the person**
16 **stopped or by officer observation;**
- 17 **[(9) reason for stop: Violation of the criminal code; violation of**
18 **a county resolution or city ordinance; calls for service; suspect or**
19 **vehicle description or pre-existing knowledge or information, such**
20 **as a warrant; citizens assist or welfare; or traffic violation such as**
21 **a moving violation, equipment failure or license plate violation. If**
22 **a moving violation, the officer shall indicate the specific violation;**
- 23 **[(10) result of stop: Citation, warning or arrest;**
24 **[(11) if person was arrested, what crime or violation was**
25 **alleged;**
- 26 **[(12) number of passengers in the vehicle;**
27 **[(13) what was the nature of the search conducted on the pe-**
28 **destrian, driver or passenger, or of the vehicle or property or no**
29 **search was conducted;**
- 30 **[(14) search authority: By consent; tow inventory; odor of**
31 **drugs or alcohol or both; plain view contraband; incidental to ar-**
32 **rest; dog alert; search warrant; or other;**
- 33 **[(15) was contraband discovered. If yes, was it illegal drugs;**
34 **drug paraphernalia; weapons; alcohol; currency or stolen prop-**
35 **erty; or other;**
- 36 **[(16) stop location in agency boundaries, using the specific ad-**
37 **dress of each stop including street address or highway mile**
38 **marker, city and county;**
- 39 **[(17) duration of stop listing the number of minutes; less than**
40 **5 minutes, 5-9 minutes, 10-19 minutes, 20-29 minutes, 30-39**
41 **minutes, 40-49 minutes, 50-59 minutes or 60 or more minutes;**
- 42 **[(18) vehicle license plate number; and**
43 **[(19) signature of law enforcement officer making the stop.**

1 [(c) Such uniform citizen contact data form shall be fully im-
2 plemented and used by all Kansas law enforcement agencies by
3 January 1, 2011.

4 [(d) A copy of this completed form shall be given by the law
5 enforcement officer to the motorist or pedestrian who was
6 stopped.

7 [(e) Within 15 days after each stop, such forms shall be mailed,
8 faxed, optically scanned or sent electronically by each Kansas law
9 enforcement agency to the office of the department of vehicles
10 where such data shall be compiled into a statewide citizen contact
11 database.

12 [(f) The Kansas attorney general shall monthly compile data
13 received from law enforcement agencies and make such data avail-
14 able to the public and all law enforcement agencies.

15 [(g) The data will be analyzed by statistical experts for patterns
16 of racial profiling at least once every three months. The results of
17 each three-month analysis shall be posted on the official website
18 of the attorney general starting with the data collected from Jan-
19 uary 1, 2011 through March 31, 2011.

20 [(h) Law enforcement agencies or individual officers who need
21 to correct such agency's or individual's racially biased behavior
22 shall be contacted by the attorney general's office within two
23 weeks after a pattern of racial discrimination is identified as one
24 standard deviation above the mean for all races of motorists and
25 pedestrians stopped in a five block radius in a town or city or a 10
26 mile section of road or highway.

27 [(i) An annual report summarizing the types of citizen contacts
28 and which law enforcement agencies need to end their racially
29 biased policing shall be prepared by the attorney general and sub-
30 mitted to the legislature, governor and Kansas law enforcement
31 agencies on or before January 31 of each year. Each annual report
32 shall be posted on the official website of the attorney general.

33 [(j) The department of transportation shall be responsible for
34 implementing the provisions of this section.]

35 ~~Sec. 2. Section 1. Sec. 2.~~ [3.] K.S.A. 22-2501 is hereby repealed.

36 Sec. 3. ~~2-3.~~ [4.] This act shall take effect and be in force from and
37 after its publication in the statute book.