

HOUSE BILL No. 2706

By Representative Carr

2-4

1 AN ACT concerning law enforcement; prohibiting certain federal law
2 enforcement officers from entering hospitals, schools and places of
3 worship under certain circumstances; prohibiting law enforcement
4 officers from wearing a facial covering that conceals or obscures their
5 facial identity in the performance of their duties with certain
6 exceptions.

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

9 Section 1. (a) No enforcement action by any federal law enforcement
10 officer may take place in or be focused on any hospital, school or place of
11 worship.

12 (b) As used in this section:

13 (1) "Enforcement action" means an apprehension, arrest, interview,
14 request for identification, search or surveillance for the purposes of
15 immigration enforcement, including, but not limited to, an action that is
16 part of a joint case led by another law enforcement agency;

17 (2) "federal law enforcement officer" means an officer or agent of the
18 department of homeland security, including an officer or agent of U.S.
19 immigration and customs enforcement or U.S. customs and border
20 protection and any individual designated to perform immigration
21 enforcement functions pursuant to a written agreement with a federal
22 department or agency;

23 (3) "hospital" means a medical care facility as defined in K.S.A. 65-
24 425, and amendments thereto; and

25 (4) "school" means any public or private educational institution,
26 including, but not limited to, postsecondary school, college, university,
27 community college, secondary school, high school, junior high school,
28 middle school, elementary school, trade school, vocational school or
29 professional school.

30 Sec. 2. (a) A law enforcement officer shall:

31 (1) Be reasonably identifiable by the officer's clearly displayed name
32 or other information on the officer's uniform that members of the public
33 can see and the law enforcement agency can use to identify such officer;
34 and

35 (2) not wear a facial covering while interacting with the public in the
36 performance of such officer's duties.

1 (b) This section shall not apply to a law enforcement officer who is:

2 (1) Performing such officer's duties as an undercover operative during
3 an active undercover operation; or

4 (2) wearing protective gear used by special weapons and tactics team
5 officers that is necessary to protect such officer from harm while
6 performing such special weapons and tactics team responsibilities.

7 (c) As used in this section:

8 (1) "Facial covering" means any opaque mask, garment, helmet,
9 headgear or other item that conceals or obscures the facial identity of an
10 individual, including, but not limited to, a balaclava, tactical mask, gator,
11 ski mask and any similar type of facial covering or face-shielding item.
12 "Facial covering" does not include any of the following:

13 (A) A translucent face shield or clear mask that does not conceal the
14 wearer's facial identity;

15 (B) a medical mask or surgical mask when used to protect against
16 transmission of disease or infection;

17 (C) any mask, helmet or device, including, but not limited to, air-
18 purifying respirators, full or half masks or self-contained breathing
19 apparatus, when necessary for underwater use or to protect against
20 exposure to any toxin, gas, smoke, inclement weather or other hazardous
21 or harmful environmental condition;

22 (D) a motorcycle helmet if worn by an officer utilizing a motorcycle
23 or other vehicle that requires a helmet for safe operation while in the
24 performance of such officer's duties; or

25 (E) eyewear necessary to protect from the use of retinal weapons,
26 including, but not limited to, lasers;

27 (2) "law enforcement agency" means any public agency that employs
28 law enforcement officers and is operating in this state; and

29 (3) "law enforcement officer" means:

30 (A) The same as defined in K.S.A. 21-5111, and amendments thereto;

31 (B) any officer or agent of a law enforcement agency of another state
32 or any person acting on behalf of a law enforcement agency of another
33 state who, as part of such person's duties, is permitted to make arrests and
34 be armed; and

35 (C) any employee or agent of the United States government who has
36 the authority to carry firearms and make warrantless arrests and whose
37 duties involve the enforcement of criminal, customs or immigration laws
38 of the United States.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the Kansas register.