

SENATE BILL No. 373

By Committee on Judiciary

1-22

AN ACT concerning public utilities; relating to agreements authorizing law enforcement to install certain equipment on utility poles or other structures; creating a maximum length of time for such agreements with exceptions; providing that evidence collected by such equipment is not admissible in legal proceedings under certain circumstances; amending K.S.A. 60-5402 and repealing the existing section.

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

Section 1. K.S.A. 60-5402 is hereby amended to read as follows: 60-5402. (a) *(1) A public utility shall not permit, allow or enter into an agreement that authorizes a law enforcement agency to attach, access, operate, maintain or remove law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility for more than 30 days unless:*

(A) Authorized by a lawfully issued warrant, court order or subpoena; or

(B) the utility pole or structure is in a public area zoned for commercial activity or in any park or recreation area operated by a municipality as defined in K.S.A. 12-105a, and amendments thereto.

(2) After 30 days, any equipment shall be removed as soon as reasonably possible and any evidence that is collected by such equipment after such 30 days shall not be admissible in any legal proceeding.

(b) Any public utility that authorizes a law enforcement agency or enters into an agreement with a law enforcement agency to authorize the law enforcement agency to attach, access, operate, maintain or remove law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility that complies with subsection (a) shall be immune from liability in any civil action that is based upon or arises from such authorization or agreement.

~~(b)~~(c) As used in this section:

(1) "Law enforcement agency" means a city police department, a county sheriff's department or a county police department.

(2) "Public utility" means ~~any public utility~~ *the same* as defined in K.S.A. 66-104, and amendments thereto, municipally owned or operated public utility or electric cooperative public utility.

Sec. 2. K.S.A. 60-5402 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.