

SENATE BILL No. 373

By Committee on Judiciary

1-22

1 AN ACT concerning public utilities; relating to agreements authorizing
2 law enforcement to install certain equipment on utility poles or other
3 structures; creating a maximum length of time for such agreements
4 with exceptions; providing that evidence collected by such equipment
5 is not admissible in legal proceedings under certain circumstances;
6 amending K.S.A. 60-5402 and repealing the existing section.
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9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 60-5402 is hereby amended to read as follows: 60-
11 5402. (a) *(1) A public utility shall not permit, allow or enter into an*
12 *agreement that authorizes a law enforcement agency to attach, access,*
13 *operate, maintain or remove law enforcement equipment on any utility*
14 *pole or other structure that is owned or operated by the public utility for*
15 *more than ~~30~~ 60 days unless:*

16 *(A) Authorized by a lawfully issued warrant; or court order ~~or~~*
17 *subpoena; or*

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

21 *(2) After ~~30~~ 60 days, if no warrant or court order is issued, any*
22 *equipment shall be removed as soon as reasonably possible and any*
23 *evidence that is collected by such equipment after such ~~30~~ 60 days shall*
24 *not be admissible in any legal proceeding.*

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

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

33 (1) "Law enforcement agency" means a city police department, a
34 county sheriff's department, ~~or~~ a county police department *or the Kansas*
35 *bureau of investigation.*

36 (2) "Law enforcement equipment" means any camera. "Law

1 *enforcement equipment" does not include any nonvideo equipment or*
2 *automatic license plate readers that destroy all data within 90 days*
3 *unless specific data is retained as part of an open investigation.*

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

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

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