

SENATE BILL No. 452

By Committee on Federal and State Affairs

2-3

1 AN ACT concerning law enforcement; *creating the crime of unlawful*
2 *approach of a first responder and providing penalties therefor;*
3 requiring traffic laws that apply to local and state law enforcement to
4 apply to federal law enforcement; including federal law enforcement in
5 the definitions used in the crime of interference with law enforcement;
6 including buildings owned by the United States in the crime of
7 interference with the conduct of public business in public buildings;
8 including enforcement of federal laws and executive orders in the
9 exceptions from liability in the tort claims act; amending K.S.A. 8-
10 1404, 8-2010, 21-5904 and 21-5922 and K.S.A. 2025 Supp. 8-1102 and
11 75-6104 and repealing the existing sections.
12

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

14 *New Section 1. (a) Unlawful approach of a first responder is*
15 *knowingly:*

16 *(1) Approaching or remaining within 25 feet of an individual whom*
17 *the person knows or reasonably should have known is a first responder;*

18 *(2) while such first responder is engaged in the performance of*
19 *such first responder's duties;*

20 *(3) after receiving a visual or audible signal not to approach or*
21 *remain within 25 feet of such first responder given by a first responder*
22 *because of a reasonable belief, under the totality of the circumstances,*
23 *that separation is necessary for the safety of any person or property; and*

24 *(4) causing such first responder to:*

25 *(A) Be distracted from performing such first responder's duties; or*

26 *(B) have an increased level of concern of physical harm to any*
27 *person or damage to property.*

28 *(b) Unlawful approach of a first responder is a class B person*
29 *misdemeanor.*

30 *(c) As used in this section:*

31 *(1) "First responder" means a law enforcement officer, an*
32 *emergency medical services provider as defined in K.S.A. 65-6112, and*
33 *amendments thereto, or a firefighter as defined in K.S.A. 40-1709, and*
34 *amendments thereto; and*

35 *(2) "law enforcement officer" means the same as defined in K.S.A.*
36 *21-5111, and amendments thereto, and any federal law enforcement*

1 *officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

2 *(d) This section shall be a part of and supplemental to the Kansas*
3 *criminal code.*

4 ~~Section 1.~~**Sec. 2.** K.S.A. 2025 Supp. 8-1102 is hereby amended to
5 read as follows: 8-1102. (a) (1) A person shall not use the public highway
6 to abandon vehicles or use the highway to leave vehicles unattended in
7 such a manner as to interfere with public highway operations. When a
8 person leaves a motor vehicle on a public highway or other property open
9 to use by the public, the public agency having jurisdiction of such highway
10 or other property open to use by the public, after 48 hours or when the
11 motor vehicle interferes with public highway operations, may remove and
12 impound the motor vehicle.

13 (2) Any motor vehicle that has been impounded as provided in this
14 section for 30 days or more shall be disposed of in the following manner:

15 (A) If such motor vehicle has displayed thereon a registration plate
16 issued by the division of vehicles and has been registered with the
17 division, the public agency shall request verification from the division of
18 vehicles of the last registered owner and any lienholders, if any. Such
19 verification request shall be submitted to the division of vehicles not more
20 than 30 days after such agency took possession of the vehicle. The public
21 agency shall mail a notice by certified mail to the registered owner thereof,
22 addressed to the address as shown on the certificate of registration, and to
23 the lienholder, if any, of record in the county where the title shows the
24 owner resides, if registered in this state. The notice shall state that if the
25 owner or lienholder does not claim such motor vehicle and pay the
26 removal and storage charges incurred by such public agency on it within
27 15 days from the date of the mailing of the notice, that it will be sold at
28 public auction to the highest bidder for cash. The notice shall be mailed
29 within 15 calendar days after receipt of verification of the last owner and
30 any lienholders, if any, as provided in this subsection.

31 (B) After 15 days from date of mailing notice, the public agency shall
32 publish a notice once a week for two consecutive weeks in a newspaper of
33 general circulation in the county where such motor vehicle was abandoned
34 and left. Such notice shall describe the motor vehicle by name of maker,
35 model, serial number, and owner, if known, and stating that it has been
36 impounded by the public agency and that it will be sold at public auction
37 to the highest bidder for cash if the owner thereof does not claim it within
38 10 days of the date of the second publication of the notice and pay the
39 removal and storage charges, and publication costs incurred by the public
40 agency. If the motor vehicle does not display a registration plate issued by
41 the division of vehicles and is not registered with the division, the public
42 agency after 30 days from the date of impoundment, shall request
43 verification from the division of vehicles of the last registered owner and

1 any lienholders, if any. Such verification request shall be submitted to the
2 division of vehicles no more than 30 days after such agency took
3 possession of the vehicle. The public agency shall mail a notice by
4 certified mail to the registered owner thereof, addressed to the address as
5 shown on the certificate of registration, and to the lienholder, if any, of
6 record in the county in which the title shows the owner resides, if
7 registered in this state. The notice shall state that if the owner or lienholder
8 does not claim such motor vehicle and pay the removal and storage
9 charges incurred by such public agency on it within 15 days from the date
10 of the mailing of the notice, it will be sold at public auction to the highest
11 bidder for cash. The notice shall be mailed within 10 days after receipt of
12 verification of the last owner and any lienholders, if any, as provided in
13 this subsection. After 15 days from the date of mailing notice, the public
14 agency shall publish a notice in a newspaper of general circulation in the
15 county where such motor vehicle was abandoned and left, which notice
16 shall describe the motor vehicle by name of maker, model, color and serial
17 number and shall state that it has been impounded by said public agency
18 and will be sold at public auction to the highest bidder for cash, if the
19 owner thereof does not claim it within 10 days of the date of the second
20 publication of the notice and pay the removal and storage charges incurred
21 by the public agency.

22 (C) When any public agency has complied with the provisions of this
23 section with respect to an abandoned motor vehicle and the owner thereof
24 does not claim it within the time stated in the notice and pay the removal
25 and storage charges and publication costs incurred by the public agency on
26 such motor vehicle, the public agency may sell the motor vehicle at public
27 auction to the highest bidder for cash. A public agency shall provide a
28 certification of compliance to a purchaser upon the sale and transfer of a
29 vehicle authorized by this section.

30 (3) After any sale pursuant to this section, the purchaser may file
31 proof thereof with the division of vehicles, and the division shall issue a
32 certificate of title to the purchaser of such motor vehicle. All moneys
33 derived from the sale of motor vehicles pursuant to this section, after
34 payment of the expenses of the impoundment and sale, shall be paid into
35 the fund of the public agency that is used by it for the construction or
36 maintenance of highways.

37 (b) Any person who abandons and leaves a vehicle on real property,
38 other than public property or property open to use by the public, that is not
39 owned or leased by such person or by the owner or lessee of such vehicle
40 shall be guilty of criminal trespass, as defined in K.S.A. 21-5808, and
41 amendments thereto, and upon request of the owner or occupant of such
42 real property, the public agency in whose jurisdiction such property is
43 situated may remove and dispose of such vehicle in the manner provided

1 in subsection (a), except that the provisions of subsection (a) requiring that
2 a motor vehicle be abandoned for a period of time in excess of 48 hours
3 prior to its removal shall not be applicable to abandoned vehicles that are
4 subject to the provisions of this subsection. Any person removing such
5 vehicle from the real property at the request of such public agency shall
6 have a possessory lien on such vehicle for the costs incurred in removing,
7 towing and storing such vehicle.

8 (c) Whenever any motor vehicle has been left unattended for more
9 than 48 hours or when any unattended motor vehicle interferes with public
10 highway operations *or any law enforcement operations*, any law
11 enforcement officer is hereby authorized to move such vehicle or cause to
12 have the vehicle moved as provided in K.S.A. 8-1103 et seq., and
13 amendments thereto.

14 (d) The notice provisions of this section shall apply to any motor
15 vehicle that has been impounded as provided in K.S.A. 8-1567, and
16 amendments thereto.

17 (e) Any person attempting to recover a motor vehicle impounded as
18 provided in this section or in accordance with a city ordinance or county
19 resolution providing for the impoundment of motor vehicles, shall show
20 proof of valid registration and ownership of the motor vehicle to the public
21 agency before obtaining the motor vehicle. In addition, the public agency
22 may require payment of all reasonable costs associated with the
23 impoundment of the motor vehicle, including transportation and storage
24 fees, prior to release of the motor vehicle.

25 (f) *As used in this section, "law enforcement officer" means the same*
26 *as defined in K.S.A. 21-5111, and amendments thereto, and any federal*
27 *law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

28 ~~Sec.-2.~~ **3.** K.S.A. 8-1404 is hereby amended to read as follows: 8-
29 1404. "Authorized emergency vehicle" means such fire department
30 vehicles or police bicycles or police vehicles—~~which~~ *that* are publicly
31 owned, *including law enforcement vehicles owned by the federal*
32 *government*; motor vehicles operated by ambulance services permitted by
33 the emergency medical services board under the provisions of K.S.A. 65-
34 6101 et seq., and amendments thereto; wreckers, tow trucks or car carriers,
35 as defined by K.S.A. 66-1329, and amendments thereto, and having a
36 certificate of public service from the state corporation commission; and
37 such other publicly or privately owned vehicles—~~which~~ *that* are designated
38 as emergency vehicles pursuant to K.S.A. 8-2010, and amendments
39 thereto.

40 ~~Sec.-3.~~ **4.** K.S.A. 8-2010 is hereby amended to read as follows: 8-
41 2010. (a) Any particular vehicle listed in ~~subsection (b)~~ of K.S.A. 8-
42 2010a(b), and amendments thereto, shall be designated, by the board of
43 county commissioners in which such vehicle is located, as an authorized

1 emergency vehicle upon the filing of an application pursuant to K.S.A. 8-
2 2010a, and amendments thereto and a finding that designation of such
3 vehicle is necessary to the preservation of life or property or to the
4 execution of emergency governmental functions. The designation shall be
5 in writing and the written designation shall be carried in the vehicle at all
6 times, but failure to carry the written designation shall not affect the status
7 of the vehicle as an authorized emergency vehicle.

8 (b) Any vehicle designated as an authorized emergency vehicle prior
9 to the effective date of this act, may continue to operate as an authorized
10 emergency vehicle, as long as:

11 (1) The ownership of such vehicle remains unchanged; and

12 (2) the use of such vehicle for purposes for which such vehicle was
13 designated remains unchanged, except that all future operation of such
14 vehicle as an authorized emergency vehicle shall be in accordance with
15 this section and such other applicable provisions of law.

16 (c) The following vehicles shall not be required to be designated by
17 the board of county commissioners as authorized emergency vehicles:

18 (1) Fire department vehicles or police vehicles—~~which~~ *that* are
19 publicly owned, *including any such vehicles—owed owned by the federal*
20 *government;*

21 (2) motor vehicles operated by ambulance services permitted by the
22 emergency medical services board under the provisions of K.S.A. 65-6101
23 et seq., and amendments thereto; and

24 (3) wreckers, tow trucks or car carriers, as defined by K.S.A. 66-
25 1329, and amendments thereto, and having a certificate of public service
26 from the state corporation commission.

27 (d) Any vehicle designated under the provisions of this section, as an
28 authorized emergency vehicle in the county in which such vehicle is
29 located, shall be a valid designation of such vehicle in any other county
30 and such vehicle shall be authorized to operate as an authorized emergency
31 vehicle without being required to obtain any additional designation in any
32 other county.

33 ~~Sec. 4.~~ **5.** K.S.A. 21-5904 is hereby amended to read as follows: 21-
34 5904. (a) Interference with law enforcement is:

35 (1) Falsely reporting to a law enforcement officer, law enforcement
36 agency or state investigative agency:

37 (A) That a particular person has committed a crime, knowing that
38 such information is false and intending that the officer or agency shall act
39 in reliance upon such information;

40 (B) that a law enforcement officer has committed a crime or
41 committed misconduct in the performance of such officer's duties,
42 knowing that such information is false and intending that the officer or
43 agency shall act in reliance upon such information;

1 (C) any information, knowing that such information is false and
2 intending to influence, impede or obstruct such officer's or agency's duty;
3 or

4 (D) any information concerning the death, disappearance or potential
5 death or disappearance of a child under the age of 13, knowing that such
6 information is false and intending that the officer or agency shall act in
7 reliance upon such information;

8 (2) concealing, destroying or materially altering evidence with the
9 intent to prevent or hinder the apprehension or prosecution of any person;

10 (3) knowingly obstructing, resisting or opposing any person
11 authorized by law to serve process in the service or execution or in the
12 attempt to serve or execute any writ, warrant, process or order of a court,
13 or in the discharge of any official duty; or

14 (4) knowingly fleeing from a law enforcement officer, other than
15 fleeing by operation of a motor vehicle, when the law enforcement officer
16 has:

17 (A) Reason to stop the person under K.S.A. 22-2402, and
18 amendments thereto; and

19 (B) given the person visual or audible signal to stop.

20 (b) Interference with law enforcement as defined in:

21 (1) Subsection (a)(1)(A) and (a)(1)(B) is a:

22 (A) Class A nonperson misdemeanor, except as provided in
23 subsection (b)(1)(B); and

24 (B) severity level 8, nonperson felony in the case of a felony;

25 (2) subsection (a)(1)(C) is a:

26 (A) Class A nonperson misdemeanor, except as provided in
27 subsection (b)(2)(B); and

28 (B) severity level 9, nonperson felony in the case of a felony;

29 (3) subsection (a)(1)(D) is a severity level 8, nonperson felony;

30 (4) subsection (a)(2) is a:

31 (A) Class A nonperson misdemeanor, except as provided in
32 subsection (b)(4)(B); and

33 (B) severity level 8, nonperson felony in the case of a felony;

34 (5) subsection (a)(3) is a:

35 (A) Severity level 9, nonperson felony in the case of a felony, or
36 resulting from parole or any authorized disposition for a felony; and

37 (B) class A nonperson misdemeanor in the case of a misdemeanor, or
38 resulting from any authorized disposition for a misdemeanor, or a civil
39 case; and

40 (6) subsection (a)(4) is a:

41 (A) Class A nonperson misdemeanor in the case of a misdemeanor, or
42 resulting from any authorized disposition for a misdemeanor, or a civil
43 case;

1 (B) severity level 7, nonperson felony in the case of a felony, or
2 resulting from parole or any authorized disposition for a felony; and

3 (C) severity level 5, nonperson felony if the offender discharged or
4 used a firearm while fleeing.

5 (c) *As used in this section:*

6 (1) *"Any person authorized by law" includes, but is not limited to, a*
7 *law enforcement officer as defined in paragraph (2); and*

8 (2) *"law enforcement officer" means the same as defined in K.S.A.*
9 *21-5111, and amendments thereto, and any federal law enforcement officer*
10 *as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

11 ~~Sec.-5.~~ 6. K.S.A. 21-5922 is hereby amended to read as follows: 21-
12 5922. (a) Interference with the conduct of public business in public
13 buildings is:

14 (1) Conduct at or in any public building owned, operated or
15 controlled by the *United States, the* state or any of its political subdivisions
16 so as to knowingly deny to any public official, public employee or any
17 invitee on such premises, the lawful rights of such official, employee or
18 invitee to enter, to use the facilities or to leave any such public building;

19 (2) knowingly impeding any public official or employee in the lawful
20 performance of duties or activities through the use of restraint, abduction,
21 coercion or intimidation or by force and violence or threat thereof;

22 (3) knowingly refusing or failing to leave any such public building
23 upon being requested to do so by the chief administrative officer, or such
24 officer's designee, charged with maintaining order in such public building,
25 if such person is committing, threatens to commit or incites others to
26 commit, any act ~~which~~ *that* did or would if completed, disrupt, impair,
27 interfere with or obstruct the lawful missions, processes, procedures or
28 functions being carried on in such public building;

29 (4) knowingly impeding, disrupting or hindering the normal
30 proceedings of any meeting or session conducted by any judicial or
31 legislative body or official at any *such* public building by any act of
32 intrusion into the chamber or other areas designated for the use of the body
33 or official conducting such meeting or session, or by any act designed to
34 intimidate, coerce or hinder any member of such body or any official
35 engaged in the performance of duties at such meeting or session; or

36 (5) knowingly impeding, disrupting or hindering, by any act of
37 intrusion into the chamber or other areas designed for the use of any
38 executive body or official, the normal proceedings of such body or official.

39 (b) Aggravated interference with the conduct of public business is
40 interference with the conduct of public business in public buildings, as
41 defined in subsection (a), when in possession of any firearm or weapon as
42 described in K.S.A. 21-6301 or 21-6302, and amendments thereto.

43 (c) (1) Interference with the conduct of public business in public

1 buildings is a class A nonperson misdemeanor.

2 (2) Aggravated interference with the conduct of public business is a
3 level 6, person felony.

4 Sec. ~~6~~. 7. K.S.A. 2025 Supp. 75-6104 is hereby amended to read as
5 follows: 75-6104. (a) A governmental entity or an employee acting within
6 the scope of the employee's employment shall not be liable for damages
7 resulting from:

8 (1) Legislative functions, including, but not limited to, the adoption
9 or failure to adopt any statute, regulation, ordinance or resolution;

10 (2) judicial function;

11 (3) enforcement of or failure to enforce a law, whether valid or
12 invalid, including, but not limited to, :

13 (A) Any statute, rule and regulation, ordinance or resolution; *or*

14 (B) *any federal law or executive order;*

15 (4) adoption or enforcement of, or failure to adopt or enforce, any
16 written personnel policy—~~which~~ *that* protects persons' health or safety
17 unless a duty of care, independent of such policy, is owed to the specific
18 individual injured, except that the finder of fact may consider the failure to
19 comply with any written personnel policy in determining the question of
20 negligence;

21 (5) any claim based upon the exercise or performance or the failure to
22 exercise or perform a discretionary function or duty on the part of a
23 governmental entity or employee, whether or not the discretion is abused
24 and regardless of the level of discretion involved;

25 (6) the assessment or collection of taxes or special assessments;

26 (7) any claim by an employee of a governmental entity arising from
27 the tortious conduct of another employee of the same governmental entity,
28 if such claim is:

29 (A) Compensable pursuant to the Kansas workers compensation act;
30 or

31 (B) not compensable pursuant to the Kansas workers compensation
32 act because the injured employee was a firemen's relief association
33 member who was exempt from such act pursuant to K.S.A. 44-505d, and
34 amendments thereto, at the time the claim arose;

35 (8) the malfunction, destruction or unauthorized removal of any
36 traffic or road sign, signal or warning device unless it is not corrected by
37 the governmental entity responsible within a reasonable time after actual
38 or constructive notice of such malfunction, destruction or removal.
39 Nothing herein shall give rise to liability arising from the act or omission
40 of any governmental entity in placing or removing any of the above signs,
41 signals or warning devices when such placement or removal is the result of
42 a discretionary act of the governmental entity;

43 (9) any claim—~~which~~ *that* is limited or barred by any other law or

1 which is for injuries or property damage against an officer, employee or
2 agent where the individual is immune from suit or damages;

3 (10) any claim based upon emergency management activities, except
4 that governmental entities shall be liable for claims to the extent provided
5 in article 9 of chapter 48 of the Kansas Statutes Annotated, and
6 amendments thereto;

7 (11) the failure to make an inspection, or making an inadequate or
8 negligent inspection, of any property other than the property of the
9 governmental entity, to determine whether the property complies with or
10 violates any law or rule and regulation or contains a hazard to public
11 health or safety;

12 (12) snow or ice conditions or other temporary or natural conditions
13 on any public way or other public place due to weather conditions, unless
14 the condition is affirmatively caused by the negligent act of the
15 governmental entity;

16 (13) the plan or design for the construction of or an improvement to
17 public property, either in its original construction or any improvement
18 thereto, if the plan or design is approved in advance of the construction or
19 improvement by the governing body of the governmental entity or some
20 other body or employee exercising discretionary authority to give such
21 approval and if the plan or design was prepared in conformity with the
22 generally recognized and prevailing standards in existence at the time such
23 plan or design was prepared;

24 (14) failure to provide, or the method of providing, police or fire
25 protection;

26 (15) any claim for injuries resulting from the use of any public
27 property intended or permitted to be used as a park, playground or open
28 area for recreational purposes, unless:

29 (A) The governmental entity or an employee thereof is guilty of gross
30 and wanton negligence proximately causing such injury; or

31 (B) an employee of the governmental entity commits childhood
32 sexual abuse as defined in K.S.A. 60-523, and amendments thereto;

33 (16) the natural condition of any unimproved public property of the
34 governmental entity;

35 (17) any claim for injuries resulting from the use or maintenance of a
36 public cemetery owned and operated by a municipality or an abandoned
37 cemetery, title to which has vested in a governmental entity pursuant to
38 K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the
39 governmental entity or an employee thereof is guilty of gross and wanton
40 negligence proximately causing the injury;

41 (18) the existence, in any condition, of a minimum maintenance road,
42 after being properly so declared and signed as provided in K.S.A. 68-
43 5,102, and amendments thereto;

1 (19) any claim for damages arising from the operation of vending
2 machines authorized pursuant to K.S.A. 68-432 or 75-3343a, and
3 amendments thereto;

4 (20) providing, distributing or selling information from geographic
5 information systems—~~which that~~ includes an entire formula, pattern,
6 compilation, program, device, method, technique, process, digital database
7 or system—~~which that~~ electronically records, stores, reproduces and
8 manipulates by computer geographic and factual information—~~which that~~
9 has been developed internally or provided from other sources and
10 compiled for use by a public agency, either alone or in cooperation with
11 other public or private entities;

12 (21) any claim arising from providing a juvenile justice program to
13 juvenile offenders, if such juvenile justice program has contracted with the
14 commissioner of juvenile justice or with another nonprofit program that
15 has contracted with the commissioner of juvenile justice. The provisions of
16 this section do not apply to community service work within the scope of
17 K.S.A. 60-3614, and amendments thereto, or to claims arising from
18 childhood sexual abuse as defined in K.S.A. 60-523, and amendments
19 thereto;

20 (22) performance of, or failure to perform, any activity pursuant to
21 K.S.A. 74-8922, and amendments thereto, including, but not limited to,
22 issuance and enforcement of a consent decree agreement, oversight of
23 contaminant remediation and taking title to any or all of the federal
24 enclave described in such statute;

25 (23) any claim arising from the making of a donation of used or
26 excess fire control, fire rescue, or emergency medical services equipment
27 to a fire department, fire district, volunteer fire department, medical
28 emergency response team or the Kansas forest service if at the time of
29 making the donation the donor believes that the equipment is serviceable
30 or may be made serviceable. This subsection also applies to equipment that
31 is acquired through the federal excess personal property program
32 established by the federal property and administrative services act of 1949,
33 40 U.S.C. § 483. This subsection shall apply to any breathing apparatus or
34 any mechanical or electrical device—~~which that~~ functions to monitor,
35 evaluate, or restore basic life functions, only if it is recertified to the
36 manufacturer's specifications by a technician certified by the
37 manufacturer; or

38 (24) any claim arising from the acceptance of a donation of fire
39 control, fire rescue or emergency medical services equipment, if at the
40 time of the donation the donee reasonably believes that the equipment is
41 serviceable or may be made serviceable and if after placing the donated
42 equipment into service, the donee maintains the donated equipment in a
43 safe and serviceable manner.

1 (b) The enumeration of exceptions to liability in this section shall not
2 be construed to be exclusive nor as legislative intent to waive immunity
3 from liability in the performance or failure to perform any other act or
4 function of a discretionary nature.

5 (c) The exceptions to liability in subsections (a)(1) through (a)(4)
6 shall not be construed to preclude, prohibit or otherwise limit a claim for
7 damages arising from childhood sexual abuse as defined in K.S.A. 60-523,
8 and amendments thereto. Failure of a governmental entity to adopt or
9 enforce a policy, regulation or law related to childhood sexual abuse and
10 failure to exercise reasonable discretion in the supervision of a
11 governmental employee who commits childhood sexual abuse may be
12 considered by the trier of fact in determining the question of a
13 governmental entity's negligence.

14 ~~Sec. 7.~~ **8.** K.S.A. 8-1404, 8-2010, 21-5904 and 21-5922 and K.S.A.
15 2025 Supp. 8-1102 and 75-6104 are hereby repealed.

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