Senate Substitute for HOUSE BILL No. 2372

AN ACT concerning law enforcement; creating the crime of unlawful approach of a first responder and providing penalties therefor; requiring traffic laws that apply to local and state law enforcement to apply to federal law enforcement; including federal law enforcement in the definitions used in the crime of interference with law enforcement; including buildings owned by the United States in the crime of interference with the conduct of public business in public buildings; including enforcement of federal laws and executive orders in the exceptions from liability in the tort claims act; relating to the enforcement of detainers issued by the United States immigration and customs enforcement by a county sheriff operating a county jail; requiring municipal insurance pools to provide coverage of law enforcement agencies enforcing federal law; requiring the state to pay certain judgments in federal civil actions and provide legal representation by the attorney general; exempting section 287(g) agreements from certain provisions of the interlocal cooperation act; amending K.S.A. 8-1404, 8-2010, 12-2904, 21-5904 and 21-5922 and K.S.A. 2025 Supp. 8-1102 and 75-6104 and repealing the existing sections.

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

New Section 1. (a) Any sheriff or keeper of the jail operating a jail pursuant to K.S.A. 19-1901, and amendments thereto, has authority to detain a person with:

(1) A facially sufficient immigration detainer request issued by the United States immigration and customs enforcement (ICE) on form I-247A issued pursuant to 8 U.S.C. §§ 1226 and 1357 and hold such person without criminal charges for the purpose of transferring custody to the United States immigration and customs enforcement; or

(2) a warrant as described in subsection (c).

(b) An immigration detainer request form I-247A presented to a jail as provided in subsection (a)(1) is deemed facially sufficient if either of the following applies:

(1) The United States immigration and customs enforcement form I-247A presented to law enforcement:

(A) Clearly states the identity of the person to be detained;

(B) has box 1, statement of probable cause, or box 2, transfer of custody, completed; and

(C) is signed by a United States immigration and customs enforcement official; or

(2) the United States immigration and customs enforcement form I-247A meets the requirements of subsections (b)(1)(A) and (C) but not subsection (b)(1)(B) and is supported by a signed warrant as described in subsection (c) or other affidavit or official documentation provided to the sheriff or keeper of the jail stating the United States immigration and customs enforcement has probable cause to believe that the person to be detained is unlawfully present in the United States.

(c) A warrant shall satisfy subsection (a)(2) or (b)(2) if it includes:

(1) A United States department of homeland security form I-200, warrant for arrest of alien; or

(2) a United States immigration and customs enforcement form I-205, warrant of removal or a successor warrant or other warrant authorized by federal law.

(d) After reviewing the form I-247A and finding that such form complies with the requirements of subsection (b), a sheriff or keeper of the jail operating a jail having custody of a person under the authority of subsection (a) shall:

(1) Inform the person that such person is being held pursuant to an immigration detainer request issued by the United States immigration and customs enforcement;

(2) provide a copy of the form I-247A to the person being held as soon as practicable;

(3) inform the United States immigration and customs enforcement that such person is in the custody of the sheriff or keeper of the jail on an immigration detainer; and

(4) complete the law enforcement agency section of the form I-247A and submit such form to the United States immigration and

customs enforcement.

(e) The sheriff or keeper of the jail operating a jail shall release a person being held under subsection (a) upon:

(1) The receipt of a subsequent form I-247A with the box checked canceling the detainer request;

(2) a finding that the detainer does not meet the requirements of subsection (b); or

(3) the person who is being held provides proof of citizenship of the United States or has been confirmed by the United States immigration and enforcement as being a person lawfully present in the United States.

(f) As used in this section, "proof of citizenship" includes:

(1) A birth certificate;

(2) a United States passport indicating citizenship;

(3) an official United States document showing completed naturalization of citizenship;

(4) a court order declaring a person's United States citizenship; or

(5) any other official document of the United States or the state of Kansas indicating the person is a United States citizen.

New Sec. 2. Any municipal insurance pool issuing liability coverage for law enforcement under the Kansas municipal group-funded pool act shall continue such coverage and include coverage for law enforcement operations authorized by the covered agency enforcing federal law in cooperation with federal agencies to the same extent of the coverage for enforcing state and local law regardless of whether the cooperation is under a written agreement and whether the officers involved are deputized by the federal agency. If the United States department of justice or the Kansas office of the attorney general does not provide legal representation in an action against the covered local law enforcement agency, the municipal insurance pool coverage shall provide the legal representation. The municipal insurance pool may also provide legal representation to protect its interest in a case in which the United States department of justice or the Kansas office of the attorney general is providing legal representation.

New Sec. 3. (a) In any federal civil action against a law enforcement agency or an officer working under an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g), if a judgment is rendered against such agency or such officer of the agency and the agency or officer was acting in good faith, the state shall pay such judgment costs or any portion thereof that the United States department of justice has failed to cover.

(b) In any state civil action against a law enforcement agency or an officer acting in good faith pursuant to an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g) or a detainer and takes a person into custody, such law enforcement agency or officer shall be entitled to immunity for any civil liability.

New Sec. 4. (a) If a federal civil action is brought against a law enforcement agency that has entered into an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g) or an officer of such law enforcement agency who has been deputized under any such agreement and such law enforcement agency or officer was acting in good faith under the terms of such agreement, the attorney general shall represent or provide representation of the law enforcement agency and officer in such action.

(b) If a habeas corpus action is filed against a law enforcement agency that has entered into an agreement with the United States

immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g) and such law enforcement agency was acting in good faith to hold a person under authority of a detainer request issued by the United States immigration and customs enforcement, the attorney general shall provide legal representation at any habeas corpus hearing held in such action.

New Sec. 5. (a) Unlawful approach of a first responder is knowingly:

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

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

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

(4) causing such first responder to:

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

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

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

(c) As used in this section:

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

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

(d) Nothing in this section shall grant law enforcement authority to a federal law enforcement officer.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

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

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

(A) If such motor vehicle has displayed thereon a registration plate issued by the division of vehicles and has been registered with the division, the public agency shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles not more than 30 days after such agency took possession of the vehicle. The public agency shall mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county where the title shows the owner resides, if registered in this state. The notice shall state that if the owner or lienholder does not claim such motor

vehicle and pay the removal and storage charges incurred by such public agency on it within 15 days from the date of the mailing of the notice, that it will be sold at public auction to the highest bidder for cash. The notice shall be mailed within 15 calendar days after receipt of verification of the last owner and any lienholders, if any, as provided in this subsection.

(B) After 15 days from date of mailing notice, the public agency shall publish a notice once a week for two consecutive weeks in a newspaper of general circulation in the county where such motor vehicle was abandoned and left. Such notice shall describe the motor vehicle by name of maker, model, serial number, and owner, if known, and stating that it has been impounded by the public agency and that it will be sold at public auction to the highest bidder for cash if the owner thereof does not claim it within 10 days of the date of the second publication of the notice and pay the removal and storage charges, and publication costs incurred by the public agency. If the motor vehicle does not display a registration plate issued by the division of vehicles and is not registered with the division, the public agency after 30 days from the date of impoundment, shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles no more than 30 days after such agency took possession of the vehicle. The public agency shall mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county in which the title shows the owner resides, if registered in this state. The notice shall state that if the owner or lienholder does not claim such motor vehicle and pay the removal and storage charges incurred by such public agency on it within 15 days from the date of the mailing of the notice, it will be sold at public auction to the highest bidder for cash. The notice shall be mailed within 10 days after receipt of verification of the last owner and any lienholders, if any, as provided in this subsection. After 15 days from the date of mailing notice, the public agency shall publish a notice in a newspaper of general circulation in the county where such motor vehicle was abandoned and left, which notice shall describe the motor vehicle by name of maker, model, color and serial number and shall state that it has been impounded by said public agency and will be sold at public auction to the highest bidder for cash, if the owner thereof does not claim it within 10 days of the date of the second publication of the notice and pay the removal and storage charges incurred by the public agency.

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

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

(b) Any person who abandons and leaves a vehicle on real property, other than public property or property open to use by the public, that is not owned or leased by such person or by the owner or

lessee of such vehicle shall be guilty of criminal trespass, as defined in K.S.A. 21-5808, and amendments thereto, and upon request of the owner or occupant of such real property, the public agency in whose jurisdiction such property is situated may remove and dispose of such vehicle in the manner provided in subsection (a), except that the provisions of subsection (a) requiring that a motor vehicle be abandoned for a period of time in excess of 48 hours prior to its removal shall not be applicable to abandoned vehicles that are subject to the provisions of this subsection. Any person removing such vehicle from the real property at the request of such public agency shall have a possessory lien on such vehicle for the costs incurred in removing, towing and storing such vehicle.

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

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

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

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

(g) Nothing in this section shall grant law enforcement authority to a federal law enforcement officer.

Sec. 7. K.S.A. 8-1404 is hereby amended to read as follows: 8-1404. "Authorized emergency vehicle" means such fire department vehicles or police bicycles or police vehicles ~~which~~ *that* are publicly owned*, including law enforcement vehicles owned by the federal government*; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., and amendments thereto; wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles ~~which~~ *that* are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

Sec. 8. K.S.A. 8-2010 is hereby amended to read as follows: 8-2010. (a) Any particular vehicle listed in ~~subsection (b) of~~ K.S.A. 8-2010a*(b)*, and amendments thereto, shall be designated, by the board of county commissioners in which such vehicle is located, as an authorized emergency vehicle upon the filing of an application pursuant to K.S.A. 8-2010a, and amendments thereto and a finding that designation of such vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions. The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

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

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

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

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

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

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

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

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

Sec. 9. K.S.A. 12-2904 is hereby amended to read as follows: 12-2904. (a) Subject to the limitations of subsection (g), any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state*,* including*,* but not limited to*,* those functions relating to economic development, public improvements, public utilities, police protection, public security, public safety and emergency preparedness, including*,* but not limited to, intelligence, antiterrorism and disaster recovery, libraries, data processing services, educational services, building and related inspection services, flood control and storm water drainage, weather modification, sewage disposal, refuse disposal, park and recreational programs and facilities, ambulance service, fire protection, the Kansas tort claims act or claims for civil rights violations~~,~~ may be exercised and enjoyed jointly with any other public agency of this state or with any private agency~~,~~ and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public or private agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any public agency may enter into agreements with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) *(1)* Any public agency may enter into agreements with Native American Indian tribes for joint or cooperative actions. Such agreements shall be considered to be an interlocal agreement and shall be subject to the procedures and limitations of the interlocal cooperation act.

(2) The provisions of this subsection shall not be construed as authorizing a public agency to enter into a gaming compact pursuant to

the interlocal cooperation act.

(d) Any such agreement shall specify the following:

(1) Its duration~~.~~*;*

(2) the precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto~~.~~*;*

(3) its purpose or purposes~~.~~*;*

(4) the manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor~~.~~*;*

(5) the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination~~.~~*; and*

(6) any other necessary and proper matters.

(e) In addition to the requirements of subsection (d), if the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement also shall contain the following:

(1) Provision for an administrator or a joint board or one of the participating public agencies to be responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented~~.~~*; and*

(2) the manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(f) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law, except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, such performance may be offered in satisfaction of the obligation or responsibility.

(g) Every agreement made hereunder, except: (1) Agreements between two or more public agencies establishing a council or other organization of local governments for the study of common problems of an area or region and for the promotion of intergovernmental cooperation; and (2) agreements entered into regarding joint or cooperative action that are subject to the oversight and regulation of a Kansas regulatory agency, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general, who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted hereunder unless the attorney general shall find that ~~it~~ *such agreement* does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public and private agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

(h) For the purposes of entering an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g), a sheriff shall be exempt from subsections (a), (b) and (c) and may sign such agreement without further authorization of the board of county commissioners.

Sec. 10. K.S.A. 21-5904 is hereby amended to read as follows: 21-5904. (a) Interference with law enforcement is:

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

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

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

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

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

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

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

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

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

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

(b) Interference with law enforcement as defined in:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) As used in this section:

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

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

(d) Nothing in this section shall grant law enforcement authority

to a federal law enforcement officer.

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

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

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

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

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

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

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

(c) (1) Interference with the conduct of public business in public buildings is a class A nonperson misdemeanor~~:~~.

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

(d) Nothing in this section shall grant law enforcement authority to a federal law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.

Sec. 12. K.S.A. 2025 Supp. 75-6104 is hereby amended to read as follows: 75-6104. (a) A governmental entity or an employee acting within the scope of the employee's employment shall not be liable for damages resulting from:

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

(2) judicial function;

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

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

(B) any federal law or executive order;

(4) adoption or enforcement of, or failure to adopt or enforce, any written personnel policy ~~which~~ *that* protects persons' health or safety unless a duty of care, independent of such policy, is owed to the

specific individual injured, except that the finder of fact may consider the failure to comply with any written personnel policy in determining the question of negligence;

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

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

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

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

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

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

(9) any claim ~~which~~ *that* is limited or barred by any other law or ~~which~~ is for injuries or property damage against an officer, employee or agent where the individual is immune from suit or damages;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The exceptions to liability in subsections (a)(1) through (a)(4)

shall not be construed to preclude, prohibit or otherwise limit a claim for damages arising from childhood sexual abuse as defined in K.S.A. 60-523, and amendments thereto. Failure of a governmental entity to adopt or enforce a policy, regulation or law related to childhood sexual abuse and failure to exercise reasonable discretion in the supervision of a governmental employee who commits childhood sexual abuse may be considered by the trier of fact in determining the question of a governmental entity's negligence.

Sec. 13. K.S.A. 8-1404, 8-2010, 12-2904, 21-5904 and 21-5922 and K.S.A. 2025 Supp. 8-1102 and 75-6104 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

_____

HOUSE adopted
Conference Committee Report_____

_____
Speaker of the House.

_____
Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

_____
President of the Senate.

_____
Secretary of the Senate.

APPROVED _____

_____
Governor.