

SENATE BILL No. 216

By Committee on Federal and State Affairs

2-12

1 AN ACT concerning law enforcement officers and officer-involved deaths;
2 enacting the investigation and review of deaths involving law
3 enforcement officers act.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. This act shall be known as and cited as the investigation
7 and review of deaths involving law enforcement officers act.

8 Sec. 2. For purposes of this act:

9 (a) "Law enforcement agency" means an agency of the state or local
10 unit of government which is vested by law with the duty to maintain public
11 order and to enforce criminal laws or local ordinances or resolutions.

12 (b) "Police officer or law enforcement officer" has the same meaning
13 as defined in K.S.A. 74-5602, and amendments thereto.

14 (c) "Officer-involved death" means any death of an individual that
15 results directly from an action or an omission of a law enforcement officer
16 while the officer is on duty or while the officer is off duty, but performing
17 activities that are within the scope of such officer's law enforcement
18 duties.

19 Sec. 3. (a) The law enforcement agency which employs the law
20 enforcement officer involved in an officer-involved death shall notify the
21 Kansas bureau of investigation within 48 hours of such death.

22 (b) The Kansas bureau of investigation shall conduct an investigation
23 of the officer-involved death in an expeditious manner and shall provide a
24 complete report to the Kansas attorney general.

25 (c) If the Kansas bureau of investigation determines there is no basis
26 to prosecute the law enforcement officer involved in the officer-involved
27 death, the investigators shall publicly release a report.

28 (d) If the report determines that the conduct of the police officer or
29 law enforcement officer involved in criminal wrong-doing, the attorney
30 general shall either bring a criminal prosecution against such officer or
31 refer the matter to a special prosecutor appointed by the attorney general.

32 (e) The venue for any criminal prosecution of a police officer or law
33 enforcement officer shall be in Shawnee county, Kansas.

34 Sec. 4. This act shall take effect and be in force from and after its
35 publication in the statute book.