

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **HB 2479**, as amended by Senate Committee, on page 4, following line 17, by inserting:

"New Sec. 6. (a) On and after July 1, 2018, data collected on each traffic or pedestrian stop by a law enforcement officer shall be sent to the Kansas bureau of investigation on a form and in a format approved by the attorney general.

(b) The data collected on each traffic or pedestrian stop shall include:

- (1) The officer identification number;
- (2) the law enforcement agency code;
- (3) the time and date of the stop;
- (4) the name of the person stopped;
- (5) whether the person was a motorist or pedestrian;
- (6) the gender of the person stopped;
- (7) the age of the person stopped;
- (8) the race of the person stopped: (A) African American; (B) Hispanic; (C) American Indian; (D) Caucasian; (E) Asian; (F) person of Middle-Eastern descent; or (G) other, as stated by the person stopped or by officer observation;
- (9) the reason for the stop: (A) Violation of the criminal code; (B) violation of a county resolution or city ordinance; (C) calls for service; (D) suspect or vehicle description or pre-existing knowledge or information, such as a warrant; (E) citizen's assist or welfare; (F) traffic violation, such as a moving violation, equipment failure or license plate violation; or (G) other. If a moving violation, the

officer shall indicate the specific violation;

(10) the result of the stop: (A) Citation; (B) warning; (C) arrest; or (D) other;

(11) if the person was arrested, what crime or violation was alleged;

(12) if applicable, the nature of the search conducted on the pedestrian, driver or passenger, or of the vehicle or property;

(13) if applicable, the search authority: (A) By consent; (B) tow inventory; (C) odor of drugs or alcohol; (D) plain view contraband; (E) incidental to arrest; (F) dog alert; (G) search warrant; or (H) other;

(14) if applicable, the type of contraband discovered: (A) Illegal drugs; (B) drug paraphernalia; (C) weapons; (D) alcohol; (E) currency or stolen property; or (F) other;

(15) the stop location within agency boundaries, using the specific address of each stop, including the street address or highway mile marker, city and county;

(16) the duration of the stop: (A) Under 5 minutes; (B) 5-9 minutes; (C) 10-19 minutes; (D) 20-29 minutes; (E) 30-39 minutes; (F) 40-49 minutes; (G) 50-59 minutes; or (H) greater than 60 minutes;

(17) the vehicle license plate number; and

(18) the signature of the law enforcement officer making the stop.

(c) Within 15 days after each traffic or pedestrian stop, the forms described in subsection (a) shall be transmitted by each Kansas law enforcement agency to the office of the Kansas bureau of investigation, where data from such forms shall be compiled into a statewide database.

(d) (1) At the beginning of each month, the attorney general shall receive compiled statewide data from the Kansas bureau of investigation and make such data available to the public and all law enforcement agencies.

(2) The data shall be analyzed by statistical experts for patterns of racial profiling and racial

or other biased-based policing at least once every three months. The results of each three-month statistical analysis shall be posted on the official website of the attorney general within two weeks after each analysis is completed.

(3) Law enforcement agencies or individual officers who exhibit patterns of racial profiling and racial or other biased-based policing behavior shall be contacted by the attorney general's office within two weeks after a pattern of racial profiling and racial or other biased-based policing is identified as one standard deviation above the mean for all racial or other groups of motorists and pedestrians stopped in a five-block radius in a town or city or a 10-mile section of road or highway.

(e) An annual report summarizing the types of citizen contacts and which law enforcement agencies exhibit patterns of racial profiling and racial or other biased-based policing shall be prepared by the attorney general and submitted to the legislature, governor and Kansas law enforcement agencies on or before January 10 of each year. Each annual report shall be posted on the official website of the attorney general by January 15 of each year.

(f) Any law enforcement officer shall provide, without being asked, such officer's business card to any person whom the law enforcement officer has detained in a traffic or pedestrian stop. The business card shall include identifying information about the law enforcement officer, including, but not limited to, the law enforcement officer's name, division, precinct and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, positive or negative, regarding the stop.

(g) Nothing in this section shall be construed to require the collection and maintenance of information in connection with roadblocks, vehicle checks or checkpoints, except when such traffic stops result in a citation, warning, search, seizure or arrest.

(h) This section shall be part of and supplemental to chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 7. K.S.A. 2017 Supp. 22-4611a is hereby amended to read as follows: 22-4611a. (a) The governing body of a city or the sheriff of the county ~~may~~ shall develop a comprehensive plan in conjunction with a community advisory board, if one exists, or with community leaders to prevent racial or other biased-based policing ~~or may require the law enforcement agency of such city or county to collect traffic or pedestrian stop data and make such data available to the public.~~

(b) Any comprehensive plan adopted pursuant to this section shall include the following:

(1) Policies prohibiting racial or other biased-based policing to guide well-meaning officers and address racist officers;

(2) policies to promote the recruitment and hiring of a diverse workforce to ensure the workforce is comprised of people who can police in a race-neutral and nonbiased fashion;

(3) training to promote employees' controlled responses to override racial and other biases;

(4) ongoing training of supervisors to enable them to detect and respond effectively to biased behavior;

(5) implement a style of policing that promotes positive interactions between police officers and all communities; and

~~(6) whether or not the governing body or sheriff has included data collection as part of the comprehensive plan; and~~

(7) other matters deemed appropriate.

~~(c) Data collection, if required, may consist of, but shall not be limited to, one or more of the following for every vehicle or pedestrian stop:~~

~~(1) Originating agency and officer identifier number;~~

~~(2) time and date of the stop;~~

~~(3) duration of the stop in ranges of one to 15 minutes, 16 to 30 minutes or more than 30 minutes;~~

~~(4) beat, district, territory or response area where the traffic stop is conducted;~~

~~(5) primary reason for the officer's investigation, and specifically, whether the stop was call related or self initiated;~~

~~(6) primary reason for the stop, and specifically, whether the stop was based on a moving violation, an equipment violation, reasonable suspicion of a criminal offense, other violation, to render service or assistance, suspicious circumstances, pre-existing knowledge or special detail;~~

~~(7) if a vehicle stop, the county code of vehicle registration, if registered in Kansas, and state code, if registered outside Kansas;~~

~~(8) age, race, gender and ethnicity of the primary person stopped by the officer;~~

~~(9) source of the information required by paragraph (8), and specifically, whether it was obtained from officer perception or investigation;~~

~~(10) whether the officer was aware of the information required by paragraph (8) prior to the stop;~~

~~(11) if a vehicle stop, the number of occupants in the stopped vehicle, including the driver;~~

~~(12) type of action taken, including citation, warning, search, arrest, assistance provided or no action. If the action taken is an arrest, the data collection shall also include the type of arrest, including warrant, resisting arrest, property crime, persons crime, drug crime, traffic crime, DUI or other type of arrest;~~

~~(13) if a search was conducted, the rationale for the search, including vehicle indicators, verbal indicators, physical or visual indicators, document indicators (DOT), incident to arrest or other rationale;~~

~~(14) if a search was conducted, the type of search, including consent search, consent requested but consent denied, inventory, stop and frisk, search warrant, incident to arrest, plain view or probable cause; or~~

~~(15) if a search was conducted, the type of contraband seized, if any, including currency, firearms, other weapons, drugs, drug paraphernalia, alcohol products, tobacco products, stolen property or other contraband.~~

~~(d) Nothing in this section shall require a governmental entity to collect data concerning pedestrian stops:";~~

Also on page 4, in line 18, by striking "and" and inserting a comma; also in line 18, after "22-3015" by inserting "and 22-4611a";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second semicolon by inserting "racial profiling; data collection and reporting by law enforcement;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "22-3015" by inserting "and 22-4611a"

Senator _____