

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2523**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2523, as amended, would amend the statute setting forth the qualifications required of sheriffs. Specifically, the bill would narrow language disqualifying a person from holding the office of sheriff if the person has been convicted of a violation of any federal or state laws or city ordinances relating to gambling, liquor, or narcotics, to disqualify only for a misdemeanor related to gambling, liquor, or narcotics within five years immediately preceding election or appointment. [Note: Any felony committed during the person's lifetime would continue to disqualify the person.]

The bill would remove a specific 320-hour training requirement and clarify the education, training, and testing required of sheriffs.

The remaining changes to the sheriff qualification statute reflect non-substantive reorganization of the existing standards.

The bill would also amend the definition of "misdemeanor crime of domestic violence" in the Kansas Law Enforcement Training Act to replace a list of persons with various relationships to the victim (e.g., current or former spouse) who may commit the crime with the phrase "against a person with whom the offender is involved or has been involved in a 'dating relationship' or is a 'family or household member' as defined in [the domestic battery criminal statute] at the time of the offense."

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

The bill, as amended, contains the contents of HB 2523, as amended by the House Committee on Judiciary, and HB 2480.

### ***HB 2523 (Amending Qualifications for Office of Sheriff)***

HB 2523 was introduced by the House Committee on Judiciary at the request of the Kansas Sheriffs' Association.

In the House Committee hearing, a representative of the Kansas Sheriffs' Association testified in support of the bill, stating it would eliminate a lifetime disqualification for certain misdemeanor convictions and make other requirements for sheriffs consistent with changes made to the Kansas Law Enforcement Training Act. Also appearing in support of the bill were the Chautauqua County Undersheriff and a representative of the Johnson County Sheriff's Office. The American Civil Liberties Union of Kansas submitted written-only testimony opposing the bill due to the inclusion of drug possession misdemeanor disqualification provisions. No other testimony was provided.

The House Committee amended the bill to reduce the ten-year look back for certain misdemeanor convictions to a five-year look back.

In the Senate Committee on Judiciary hearing, the same proponents testified as before the House Committee. No other testimony was provided.

The Senate Committee amended the bill by adding the contents of HB 2480, regarding the definition of "misdemeanor crime of domestic violence." [Note: Further background for HB 2480 is provided below.]

The Senate Committee of the Whole amended the bill to specify the high school education requirements may be met

by obtaining a high school education from a nonaccredited private secondary school as defined in statute.

According to the fiscal note prepared by the Division of the Budget on HB 2523, as introduced, the Kansas Commission on Peace Officers' Standards and Training and the Kansas Association of Counties indicate enactment of the bill would have no fiscal effect.

***HB 2480 (Definition of "Misdemeanor Crime of Domestic Violence")***

HB 2480 was introduced by the House Committee on Judiciary at the request of Representative Whitmer. In the House and Senate Committees on Judiciary hearings, a representative of the Kansas Commission on Peace Officers' Standards and Training testified in support of the bill, stating it would make the definition of "misdemeanor crime of domestic violence" in the Kansas Law Enforcement Training Act consistent with that in other state statutes. A representative of the Kansas Coalition Against Sexual and Domestic Violence submitted written-only proponent testimony. No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on HB 2480, the Kansas Commission on Peace Officers' Standards and Training indicates enactment of the bill would have no fiscal effect.