

**Senate Substitute for HOUSE BILL No. 2495**

By Committee on Judiciary

4-28

1 AN ACT concerning law enforcement; relating to criminal history record  
2 information; requiring the retention of fingerprint information;  
3 participation in the rap back program; limiting access to fingerprints  
4 and records relating to fingerprints; relating to privacy rights on real  
5 property; imposing restrictions on surveillance by employees of the  
6 Kansas department of wildlife and parks; expanding the jurisdiction  
7 and powers of law enforcement officers; relating to search and seizure;  
8 extending the time within which a search warrant may be executed;  
9 clarifying information exchange in investigations of child abuse  
10 between the Kansas department for children and families and law  
11 enforcement agencies; directing the department to release certain  
12 information to law enforcement agencies; amending K.S.A. 38-2210,  
13 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and  
14 22-2506 and repealing the existing sections; also repealing section 1 of  
15 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299  
16 and K.S.A. 38-2210, as amended by section 5 of 2022 House Bill No.  
17 2299, 38-2211, as amended by section 6 of 2022 House Bill No. 2299,  
18 38-2212, as amended by section 7 of 2022 House Bill No. 2299, and  
19 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and  
20 K.S.A. 2021 Supp. 22-2401a, as amended by section 3 of 2022 House  
21 Bill No. 2299, and 22-2506, as amended by section 4 of 2022 House  
22 Bill No. 2299.

23

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

25 New Section 1. (a) (1) An applicant, employee or volunteer who is  
26 subject to a criminal history record check shall provide to the requesting  
27 authorized entity written consent to obtain the applicant's, employee's or  
28 volunteer's fingerprints to conduct a criminal history record check and  
29 participate in the rap back program for the purpose of determining  
30 suitability or fitness for a permit, license, employment or volunteer  
31 service.

32 (2) An authorized entity shall notify each applicant, employee or  
33 volunteer subject to a criminal history record check:

34 (A) That fingerprints shall be retained by the Kansas bureau of  
35 investigation and the federal bureau of investigation for all current and  
36 future purposes and uses authorized for fingerprint submission; and

1 (B) when fingerprints will be enrolled in the rap back program.

2 (b) Fingerprints and records relating to fingerprints obtained by the  
3 Kansas bureau of investigation for a fingerprint-based criminal history  
4 record check shall be searched against:

5 (1) Known criminal fingerprints to determine if a criminal history  
6 record exists; and

7 (2) latent fingerprints entered into the unsolved latent fingerprint file.

8 (c) (1) A criminal history record check shall only be completed for  
9 the purpose for which such check was requested. Any additional record  
10 checks shall require the submission of a new set of fingerprints.

11 (2) An authorized entity enrolled in rap back shall immediately notify  
12 the Kansas bureau of investigation when such entity is no longer entitled  
13 to receive criminal history record information relating to a particular  
14 person enrolled in rap back. The Kansas bureau of investigation shall  
15 cancel the enrollment, and updates to criminal history record information  
16 shall no longer be provided to such entity.

17 (d) (1) Fingerprints and records relating to fingerprints acquired by  
18 the Kansas bureau of investigation shall be available only to authorized  
19 entities entitled to obtain the information. No employee of the Kansas  
20 bureau of investigation shall disclose any records of fingerprints or records  
21 relating to the fingerprints acquired in the performance of any of the  
22 employee's duties under this section to any person not authorized to  
23 receive the information pursuant to state or federal law. No person  
24 acquiring the records of fingerprints, records relating to fingerprints or any  
25 information concerning any individual shall disclose such information to  
26 any person who is not authorized to receive such information.

27 (2) Any intentional disclosure of such information in violation of this  
28 section is a class A nonperson misdemeanor.

29 (e) As used in this section:

30 (1) "Authorized entity" means an agency or entity with authorization  
31 under state or federal law to conduct a fingerprint-based criminal history  
32 record check;

33 (2) "criminal history record check" means the submission of  
34 fingerprints and demographic information by an authorized entity to the  
35 Kansas bureau of investigation for the purpose of receiving criminal  
36 history record results; and

37 (3) "rap back" means the state or federal system that enables an  
38 authorized entity to receive ongoing notifications of criminal history  
39 record updates for individuals whose fingerprints are enrolled.

40 New Sec. 2. (a) Except as provided in subsection (b), no employee of  
41 the Kansas department of wildlife and parks authorized to enforce the laws  
42 of the state of Kansas pursuant to K.S.A. 32-808, and amendments thereto,  
43 shall conduct surveillance on private property unless authorized pursuant

1 to a lawfully issued warrant, court order or subpoena, the constitution of  
2 the United States or one of the following exceptions to the search warrant  
3 requirement:

- 4 (1) Exigent circumstances;
- 5 (2) consent searches; or
- 6 (3) the plain view doctrine.

7 (b) The provisions of subsection (a) shall not apply to any activities  
8 of an employee of the Kansas department of wildlife and parks when the  
9 purpose of the surveillance is to locate and retrieve a missing person.

10 (c) As used in this section:

- 11 (1) "Surveillance" means the installation and use of electronic  
12 equipment or devices on private property, including, but not limited to, the  
13 installation and use of a tracking device, video camera or audio recording  
14 device, to monitor activity or collect information related to the  
15 enforcement of the laws of the state of Kansas; and
- 16 (2) "tracking device" means the same as defined in K.S.A. 22-2502,  
17 and amendments thereto.

18 Sec. 3. K.S.A. 2021 Supp. 22-2401a is hereby amended to read as  
19 follows: 22-2401a. (a) (1) Law enforcement officers employed by  
20 consolidated county law enforcement agencies or departments and sheriffs  
21 and their deputies may exercise ~~their powers as~~ *the powers and authority*  
22 *of law enforcement officers:*

- 23 ~~(a) — anywhere within their county; and~~
- 24 ~~(b) — in any other place when a request for assistance has been made by~~  
25 ~~law enforcement officers from that place or when in fresh pursuit of a~~  
26 ~~person.~~

27 (2) Law enforcement officers employed by any city may exercise  
28 ~~their powers as~~ *the powers and authority of law enforcement officers:*

- 29 ~~(a) — anywhere within the city limits of the city employing them and~~  
30 ~~outside of such city when on property owned or under the control of such~~  
31 ~~city; and~~
- 32 ~~(b) — in any other place when a request for assistance has been made by~~  
33 ~~law enforcement officers from that place or when in fresh pursuit of a~~  
34 ~~person.~~

35 ~~(3) (a) (b) (1)~~ Law enforcement officers employed by a Native  
36 American Indian Tribe may exercise *the powers and authority* of law  
37 enforcement officers anywhere within the exterior limits of the reservation  
38 of the tribe employing such tribal law enforcement officer, subject to the  
39 following:

40 ~~(i) (A)~~ The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be  
41 applicable only as long as such Native American Indian Tribe maintains in  
42 force a valid and binding agreement with an insurance carrier to provide  
43 liability insurance coverage for damages arising from the acts, errors or

1 omissions of such tribal law enforcement agency or officer while acting  
 2 pursuant to this section and waives its tribal immunity, as provided in  
 3 ~~subsection (3)(b) paragraph (2)~~, for any liability for damages arising from  
 4 the acts, errors or omissions of such tribal law enforcement agency or  
 5 officer while acting pursuant to this section. Such insurance policy shall:  
 6 ~~(A)(1)~~ (i) (a) Be in an amount not less than \$500,000 for any one person  
 7 and \$2,000,000 for any one occurrence for personal injury and \$1,000,000  
 8 for any one occurrence for property damage; ~~(2)~~ (b) be in an amount not  
 9 less than \$2,000,000 aggregate loss limit; and ~~(3)~~ (c) carry an endorsement  
 10 to provide coverage for mutual aid assistance; and ~~(B)~~ (ii) include an  
 11 endorsement providing that the insurer may not invoke tribal sovereign  
 12 immunity up to the limits of the policy set forth herein. Any insurance  
 13 carrier providing to a tribe the liability insurance coverage described in  
 14 this subsection shall certify to the attorney general that the tribe has in  
 15 effect coverage which complies with the requirements of this subsection.  
 16 Such carrier shall notify the attorney general immediately by first class  
 17 mail if for any reason such coverage terminates or no longer complies with  
 18 the requirements of this subsection.

19 ~~(ii)(B)~~ The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be  
 20 applicable only if such Native American Indian Tribe has filed with the  
 21 county clerk a map clearly showing the boundaries of the tribe's  
 22 reservation as defined in this section.

23 ~~(b)(2)~~ If a claim is brought against any tribal law enforcement agency  
 24 or officer for acts committed by such agency or officer while acting  
 25 pursuant to this section, such claim shall be subject to disposition as if the  
 26 tribe was the state pursuant to the Kansas tort claims act, provided that  
 27 such act shall not govern the tribe's purchase of insurance. The tribe shall  
 28 waive its sovereign immunity solely to the extent necessary to permit  
 29 recovery under the liability insurance, but not to exceed the policy limits.

30 ~~(e)(3)~~ Nothing in this subsection ~~(3)~~ shall be construed to prohibit any  
 31 agreement between any state, county or city law enforcement agency and  
 32 any Native American Indian Tribe.

33 ~~(d)(4)~~ Nothing in this subsection ~~(3)~~ shall be construed to affect the  
 34 provision of law enforcement services outside the exterior boundaries of  
 35 reservations so as to affect in any way the criteria by which the United  
 36 States department of the interior makes a determination regarding  
 37 placement of land into trust.

38 ~~(e)(5)~~ Neither the state nor any political subdivision of the state shall  
 39 be liable for any act or failure to act by any tribal law enforcement officer.

40 ~~(4)(c)~~ University police officers employed by the chief executive  
 41 officer of any state educational institution or municipal university may  
 42 exercise ~~their powers as~~ *the powers and authority of* university police  
 43 officers:

1       (a)(1) On property owned, occupied or operated by the state  
2 educational institution or municipal university, by a board of trustees of the  
3 state educational institution, an endowment association, an affiliated  
4 corporation, an athletic association, a fraternity, sorority or other student  
5 group associated with the state educational institution or municipal  
6 university or at the site of a function or academic program sponsored by  
7 the state educational institution or municipal university;

8       (b)(2) on the streets, property and highways immediately adjacent to  
9 and coterminous with the property described in ~~subsection (4)(a)~~  
10 *paragraph (1)*;

11       (c)(3) within the city or county where ~~such property as described in~~  
12 ~~this subsection~~ *property described in paragraph (1) or (2)* is located, as  
13 necessary to protect the health, safety and welfare of students and faculty  
14 of the state educational institution or municipal university, with  
15 appropriate agreement by the local law enforcement agencies. Such  
16 agreements shall include provisions defining the geographical scope of the  
17 jurisdiction conferred, circumstances requiring the extended jurisdiction,  
18 scope of law enforcement powers and duration of the agreement. Any  
19 agreement entered into pursuant to this provision shall be approved by the  
20 governing body of the city or county, or both, having jurisdiction where  
21 such property is located, and the chief executive officer of the state  
22 educational institution or municipal university involved before such  
23 agreement may take effect;

24       (d)(4) additionally, when there is reason to believe that a violation of  
25 a state law, a county resolution, or a city ordinance has occurred on  
26 property described in ~~subsection (4)(a) or (b)~~ *paragraph (1) or (2)*, such  
27 officers with appropriate notification of, and coordination with, local law  
28 enforcement agencies or departments, may investigate and arrest persons  
29 for such a violation anywhere within the city where such property, streets  
30 and highways are located. Such officers also may exercise such powers in  
31 any other place when in fresh pursuit of a person. University police  
32 officers shall also have authority to transport persons in custody to an  
33 appropriate facility, wherever it may be located. University police officers  
34 at the university of Kansas medical center may provide emergency  
35 transportation of medical supplies and transplant organs; and

36       (e)(5) additionally, pursuant to a written agreement between the  
37 university of Kansas hospital authority and the university of Kansas  
38 medical center, university police officers employed by the university of  
39 Kansas medical center may exercise their powers as law enforcement  
40 officers on property owned, occupied or operated by the university of  
41 Kansas healthcare system or university of Kansas hospital authority as  
42 authorized by this section and K.S.A. 76-726 and 76-3314, and  
43 amendments thereto.

1       ~~(5)(d) (1)~~ In addition to the areas where law enforcement officers  
2 may exercise ~~their powers~~ *the powers and authority of law enforcement*  
3 *officers* pursuant to subsection ~~(2) (a)(2)~~, law enforcement officers of any  
4 jurisdiction within Johnson or Sedgwick county may exercise ~~their powers~~  
5 *as the powers and authority of* law enforcement officers in any area within  
6 the respective county when executing a valid arrest warrant or search  
7 warrant, to the extent necessary to execute such warrants.

8       ~~(6)~~ In addition to the areas where ~~university police officers may~~  
9 ~~exercise their powers pursuant to subsection (4)~~, university police officers  
10 may exercise the powers of law enforcement officers in any area outside  
11 their normal jurisdiction when a request for assistance has been made by  
12 law enforcement officers from the area for which assistance is requested.

13       ~~(7)(2)~~ In addition to the areas where law enforcement officers may  
14 exercise ~~their powers~~ *the powers and authority of law enforcement officers*  
15 pursuant to subsection ~~(2) (a)(2)~~, law enforcement officers of any  
16 jurisdiction within Johnson county may exercise ~~their powers~~ *as the*  
17 *powers and authority as* law enforcement officers in any adjoining city  
18 within Johnson county when any crime, including a traffic infraction, has  
19 been or is being committed by a person in view of the law enforcement  
20 officer. A law enforcement officer shall be considered to be exercising  
21 such officer's powers pursuant to subsection ~~(2) (a)(2)~~, when such officer  
22 is responding to the scene of a crime, even if such officer exits the city  
23 limits of the city employing the officer and further reenters the city limits  
24 of the city employing the officer to respond to such scene.

25       ~~(8)(e)~~ Campus police officers employed by a community college or  
26 school district may exercise the ~~power~~ *powers* and authority of law  
27 enforcement officers anywhere:

28       ~~(a)(1)~~ On property owned, occupied or operated by the school district  
29 or community college or at the site of a function sponsored by the school  
30 district or community college;

31       ~~(b)(2)~~ on the streets, property and highways immediately adjacent to  
32 and coterminous with property described in ~~subsection (8)(a) paragraph~~  
33 ~~(1)~~;

34       ~~(c)(3)~~ within the city or county where property described in  
35 ~~subsection (8)(a) paragraph (1) or (2)~~ is located, as necessary to protect  
36 the health, safety and welfare of students and faculty of the school district  
37 or community college, with appropriate agreement by local law  
38 enforcement agencies. Such agreements shall include provisions, defining  
39 the geographical scope of the jurisdiction conferred, circumstances  
40 requiring the extended jurisdiction, scope of law enforcement powers and  
41 duration of the agreement. Before any agreement entered into pursuant to  
42 this section shall take effect, it shall be approved by the governing body of  
43 the city or county, or both, having jurisdiction where such property is

1 located, and the board of education or board of trustees involved; *and*

2 ~~(d)(4)~~ with appropriate notification of and coordination with local law  
3 enforcement agencies, within the city or county where property described  
4 in ~~subsection (8)(a) or (8)(b)~~ *paragraph (1) or (2)* is located, when there is  
5 reason to believe that a violation of a state law, county resolution or city  
6 ordinance has occurred on such property, as necessary to investigate and  
7 arrest persons for such a violation;

8 ~~(e)~~ ~~when in fresh pursuit of a person; and~~

9 ~~(f)~~ ~~when transporting persons in custody to an appropriate facility,~~  
10 ~~wherever it may be located.~~

11 ~~(9)(f)~~ TAG law enforcement officers employed by the adjutant  
12 general may exercise ~~their powers as police~~ *the powers and authority of*  
13 *law enforcement* officers anywhere:

14 ~~(a)(1)~~ On property owned or under the control of the Kansas national  
15 guard or any component under the command of the adjutant general;

16 ~~(b)(2)~~ on the streets, property and highways immediately adjacent to  
17 property owned or under the control of the Kansas national guard;

18 ~~(3)~~ within the city or county where ~~such property as described in~~  
19 ~~subsection (9)(a) or (b)~~ *property described in paragraph (1) or (2)* is  
20 located, as necessary to protect such property; or to protect the health,  
21 safety and welfare of members of the national guard, reserve or employees  
22 of the United States department of defense, the United States department  
23 of homeland security or any branch of the United States military, with  
24 appropriate agreement by the local law enforcement agencies. Such  
25 agreements shall include provisions defining the geographical scope of the  
26 jurisdiction conferred, circumstances requiring the extended jurisdiction,  
27 scope of law enforcement powers and duration of the agreement. Any  
28 agreement entered into pursuant to this provision shall be approved by the  
29 governing body of the city or county, or both, having jurisdiction where  
30 such property is located, and the adjutant general before such agreement  
31 may take effect. ~~In addition; and~~

32 ~~(4)~~ *additionally*, when there is reason to believe that a violation of a  
33 state law, a county resolution or a city ordinance has occurred on property  
34 described in ~~subsection (9)(a) or (b)~~ *paragraph (1) or (2)*, after providing  
35 appropriate notification to, and coordination with, local law enforcement  
36 agencies or departments, such officers may investigate and arrest persons  
37 for such a violation anywhere within the city or county where such  
38 property, streets and highways are located. ~~Such officers also may exercise~~  
39 ~~such powers in any other place when in fresh pursuit of a person. TAG law~~  
40 ~~enforcement officers shall also have authority to transport persons in~~  
41 ~~custody to an appropriate facility, wherever it may be located.~~

42 ~~(10)(g)~~ Horsethief reservoir benefit district law enforcement officers  
43 may exercise the ~~power~~ *powers* and authority of law enforcement officers

1 anywhere:

2 ~~(a)~~(1) On property owned, occupied or operated by the benefit district  
 3 or at the site of a function sponsored by the benefit district;

4 ~~(b)~~(2) on the streets, property and highways immediately adjacent to  
 5 and coterminous with property described in ~~subsection (10)(a) paragraph~~  
 6 ~~(1)~~;

7 ~~(e)~~(3) within the city or county where property described in  
 8 ~~subsection (10)(a) paragraph (1) or (2)~~ is located, as necessary to protect  
 9 the health, safety and welfare of benefit district employees, board  
 10 members, volunteers and visitors, with appropriate agreement by local law  
 11 enforcement agencies. Such agreements shall include provisions defining  
 12 the geographical scope of the jurisdiction conferred, circumstances  
 13 requiring the extended jurisdiction, scope of law enforcement powers and  
 14 duration of the agreement. Before any agreement entered into pursuant to  
 15 this section shall take effect, it shall be approved by the governing body of  
 16 the city or county, or both, having jurisdiction where such property is  
 17 located, and the governing board of the horsethief reservoir benefit district;  
 18 and

19 ~~(d)~~(4) with appropriate notification of and coordination with local law  
 20 enforcement agencies, within the city or county where property described  
 21 in ~~subsection (10)(a) or (10)(b) paragraph (1) or (2)~~ is located, when there  
 22 is reason to believe that a violation of a state law, county resolution or city  
 23 ordinance has occurred on such property, as necessary to investigate and  
 24 arrest persons for such a violation;

25 ~~(e)~~ when in fresh pursuit of a person; and

26 ~~(f)~~ when transporting persons in custody to an appropriate facility,  
 27 wherever it may be located.

28 ~~(H)~~(h) *All law enforcement officers not otherwise provided statewide  
 29 jurisdiction may exercise the powers and authority of law enforcement  
 30 officers anywhere when:*

31 *(1) A request for assistance has been made by law enforcement  
 32 officers from the area for which assistance is requested;*

33 *(2) in fresh pursuit of a person;*

34 *(3) transporting persons in custody to an appropriate facility,  
 35 wherever such facility may be located; and*

36 *(4) investigating a crime that occurred within the law enforcement  
 37 officer's jurisdiction, with appropriate notification to and coordination  
 38 with a local law enforcement agency with jurisdiction where the  
 39 investigation is to be conducted.*

40 *(i) In addition to the jurisdictional authority provided in this section  
 41 and any other provision of law, all law enforcement officers may exercise  
 42 the powers and authority of law enforcement officers when outside their  
 43 described jurisdiction and when an activity is observed leading the officer*

1 to reasonably suspect a person is committing, has committed or is about to  
 2 commit a crime and reasonably believe that a person is in imminent  
 3 danger of death or bodily injury without immediate action, subject to the  
 4 following:

5 (1) The officer is in an on-duty status, traveling in a law enforcement  
 6 vehicle to or from work or traveling to a training or law enforcement  
 7 function outside their jurisdiction;

8 (2) the officer reports the activity and their actions to a law  
 9 enforcement agency with jurisdiction;

10 (3) the officer remains at the location of the activity and cooperates  
 11 with officers responding from the jurisdiction of occurrence;

12 (4) the officer is in uniform or otherwise properly identified as a law  
 13 enforcement officer; and

14 (5) the agency employing the officer may impose additional  
 15 restrictions through written policies.

16 (j) As used in this section:

17 ~~(a)~~(1) "Law enforcement officer" means: ~~(i)~~ (A) Any law enforcement  
 18 officer as defined in K.S.A. ~~22-2202~~ 74-5602, and amendments thereto,  
 19 who is employed by a law enforcement agency described in this section; or  
 20 ~~(ii)~~ (B) any tribal law enforcement officer who is employed by a Native  
 21 American Indian Tribe and has completed successfully the initial and any  
 22 subsequent law enforcement training required under the Kansas law  
 23 enforcement training act.

24 ~~(b)~~(2) "University police officer" means a police officer employed by  
 25 the chief executive officer of: ~~(i)~~ (A) Any state educational institution  
 26 under the control and supervision of the state board of regents; or ~~(ii)~~ (B) a  
 27 municipal university.

28 ~~(c)~~(3) "Campus police officer" means a school security officer  
 29 designated as a campus police officer pursuant to K.S.A. 72-6146, and  
 30 amendments thereto.

31 ~~(d)~~(4) "Fresh pursuit" means pursuit, without unnecessary delay, of a  
 32 person who has committed a crime, or who is reasonably suspected of  
 33 having committed a crime.

34 ~~(e)~~(5) "Native American Indian Tribe" means the Prairie Band  
 35 Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of  
 36 Missouri and the Iowa Tribe of Kansas and Nebraska.

37 ~~(f)~~(6) "Reservation" means:

38 ~~(i)~~(A) With respect to the Iowa Tribe of Kansas and Nebraska, the  
 39 reservation established by treaties with the United States concluded May  
 40 17, 1854, and March 6, 1861;

41 ~~(ii)~~(B) with respect to the Kickapoo Nation, the reservation  
 42 established by treaty with the United States concluded June 28, 1862;

43 ~~(iii)~~(C) with respect to the Prairie Band Potawatomi Nation in

1 Kansas, the reservation established by treaties with the United States  
 2 concluded June 5, 1846, November 15, 1861, and February 27, 1867; and  
 3 ~~(iv)(D)~~ with respect to the Sac and Fox Nation of Missouri in Kansas  
 4 and Nebraska: ~~(A)~~ (i) The reservation established by treaties with the  
 5 United States concluded May 18, 1854, and March 6, 1861, and by acts of  
 6 Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat.  
 7 208); and ~~(B)~~ (ii) the premises of the gaming facility established pursuant  
 8 to the gaming compact entered into between such nation and the state of  
 9 Kansas, and the surrounding parcel of land held in trust which lies adjacent  
 10 to and east of U.S. Highway 75 and adjacent to and north of Kansas  
 11 Highway 20, as identified in such compact.

12 ~~(g)~~(7) "TAG law enforcement officer" means a police officer  
 13 employed by the adjutant general pursuant to K.S.A. 48-204, and  
 14 amendments thereto.

15 ~~(h)~~(8) "Horsethief reservoir benefit district law enforcement officer"  
 16 means a police officer employed by the horsethief reservoir benefit district  
 17 pursuant to K.S.A. 82a-2212, and amendments thereto.

18 Sec. 4. K.S.A. 2021 Supp. 22-2506 is hereby amended to read as  
 19 follows: 22-2506. (a) A search warrant shall be executed within ~~96 hours~~  
 20 *240 hours* from the time of issuance. If the warrant is executed the  
 21 duplicate copy shall be left with any person from whom any things are  
 22 seized or if no person is available the copy shall be left at the place from  
 23 which the things were seized. Any warrant not executed within such time  
 24 shall be void and shall be returned to the court of the magistrate issuing the  
 25 same as "not executed."

26 (b) (1) A search warrant for a tracking device issued pursuant to  
 27 ~~subsection (a)(2) of~~ K.S.A. 22-2502(a)(2), and amendments thereto, shall  
 28 be sealed by the court and no copy left or served except as discovery in a  
 29 criminal prosecution.

30 (2) The law enforcement officer executing a search warrant issued  
 31 pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-2502(a)(2), and amendments  
 32 thereto, shall complete the installation of the tracking device within 15  
 33 days from the date of issuance. Such officer shall record on such warrant  
 34 the exact date and time such tracking device was installed and the entire  
 35 period during which such tracking device was used.

36 (3) (A) A tracking device shall be deactivated and removed as soon as  
 37 practicable after the search warrant has expired. If removal of such  
 38 tracking device is not possible, such tracking device shall be deactivated  
 39 and shall not be reactivated without an additional warrant or extension of  
 40 the original warrant and the search warrant return shall state the reasons  
 41 removal has not been completed.

42 (B) A tracking device which has been deactivated may be accessed  
 43 after the authorized warrant has expired solely for the purpose of

1 collecting or retrieving tracking data obtained during the period specified  
2 by the search warrant.

3 (c) As used in this section:

4 (1) "Deactivate" means to discontinue the ability of a tracking device  
5 to determine or track the position or movement of a person or object; and

6 (2) "tracking data" and "tracking device" ~~have the same meanings~~  
7 *mean the same* as defined in K.S.A. 22-2502, and amendments thereto.

8 Sec. 5. K.S.A. 38-2210 is hereby amended to read as follows: 38-  
9 2210. To facilitate investigation and ensure the provision of necessary  
10 services to children who may be in need of care and such children's  
11 families, the following persons and entities with responsibilities  
12 concerning a child who is alleged or adjudicated to be in need of care shall  
13 freely exchange information:

14 (a) The secretary.

15 (b) The secretary of corrections.

16 (c) ~~The~~ A law enforcement agency *investigating or* receiving such  
17 report. *Such information shall include information and records disclosed*  
18 *pursuant to K.S.A. 38-2212(e), and amendments thereto.*

19 (d) Members of a court appointed multidisciplinary team.

20 (e) An entity mandated by federal law or an agency of any state  
21 authorized to receive and investigate reports of a child known or suspected  
22 to be in need of care.

23 (f) A military enclave or Indian tribal organization authorized to  
24 receive and investigate reports of a child known or suspected to be in need  
25 of care.

26 (g) A county or district attorney with responsibility for filing a  
27 petition pursuant to K.S.A. 38-2214, and amendments thereto.

28 (h) A court services officer who has taken a child into custody  
29 pursuant to K.S.A. 38-2231, and amendments thereto.

30 (i) An intake and assessment worker.

31 (j) Any community corrections program which has the child under  
32 court ordered supervision.

33 (k) The department of health and environment or persons authorized  
34 by the department of health and environment pursuant to K.S.A. 65-512,  
35 and amendments thereto, for the purpose of carrying out responsibilities  
36 relating to licensure or registration of child care providers as required by  
37 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments  
38 thereto.

39 (l) The interstate compact for juveniles compact administrator for the  
40 purpose of carrying out the responsibilities related to the interstate  
41 compact for juveniles.

42 Sec. 6. K.S.A. 38-2211 is hereby amended to read as follows: 38-  
43 2211. (a) *Access to the official file.* The following persons or entities shall

1 have access to the official file of a child in need of care proceeding  
2 pursuant to this code:

3 (1) The court having jurisdiction over the proceedings, including the  
4 presiding judge and any court personnel designated by the judge.

5 (2) The parties to the proceedings and their attorneys.

6 (3) The guardian ad litem for a child who is the subject of the  
7 proceeding.

8 (4) A court appointed special advocate for a child who is the subject  
9 of the proceeding or a paid staff member of a court appointed special  
10 advocate program.

11 (5) Any individual, or any public or private agency or institution,  
12 having custody of the child under court order or providing educational,  
13 medical or mental health services to the child or any placement provider or  
14 potential placement provider as determined by the secretary or court  
15 services officer.

16 (6) A citizen review board.

17 (7) The secretary of corrections or any agents designated by the  
18 secretary of corrections.

19 (8) Any county or district attorney from another jurisdiction with a  
20 pending child in need of care matter regarding any of the same parties.

21 (9) Any other person when authorized by a court order, subject to any  
22 conditions imposed by the order.

23 (10) The commission on judicial performance in the discharge of the  
24 commission's duties pursuant to article 32 of chapter 20 of the Kansas  
25 Statutes Annotated, and amendments thereto.

26 (11) *An investigating law enforcement agency.*

27 (b) *Access to the social file.* The following persons or entities shall  
28 have access to the social file of a child in need of care proceeding pursuant  
29 to this code:

30 (1) The court having jurisdiction over the proceeding, including the  
31 presiding judge and any court personnel designated by the judge.

32 (2) The attorney for a party to the proceeding or the person or persons  
33 designated by an Indian tribe that is a party.

34 (3) The guardian ad litem for a child who is the subject of the  
35 proceeding.

36 (4) A court appointed special advocate for a child who is the subject  
37 of the proceeding or a paid staff member of a court appointed special  
38 advocate program.

39 (5) A citizen review board.

40 (6) The secretary.

41 (7) The secretary of corrections or any agents designated by the  
42 secretary of corrections.

43 (8) Any county or district attorney from another jurisdiction with a

1 pending child in need of care matter regarding any of the same parties or  
2 interested parties.

3 (9) Any other person when authorized by a court order, subject to any  
4 conditions imposed by the order.

5 (10) *An investigating law enforcement agency.*

6 (c) *Preservation of records.* The Kansas state historical society shall  
7 be allowed to take possession for preservation in the state archives of any  
8 court records related to proceedings under the Kansas code for care of  
9 children whenever such records otherwise would be destroyed. No such  
10 records in the custody of the Kansas state historical society shall be  
11 disclosed directly or indirectly to anyone for 70 years after creation of the  
12 records, except as provided in subsections (a) and (b). Pursuant to  
13 subsections (a)(9) and (b)(9), a judge of the district court may allow  
14 inspection for research purposes of any court records in the custody of the  
15 Kansas state historical society related to proceedings under the Kansas  
16 code for care of children.

17 Sec. 7. K.S.A. 38-2212 is hereby amended to read as follows: 38-  
18 2212. (a) *Principle of appropriate access.* Information contained in  
19 confidential agency records concerning a child alleged or adjudicated to be  
20 in need of care may be disclosed as provided in this section *and shall be*  
21 *disclosed as provided in subsection (e).* Disclosure shall in all cases be  
22 guided by the principle of providing access only to persons or entities with  
23 a need for information that is directly related to achieving the purposes of  
24 this code.

25 (b) *Free exchange of information.* Pursuant to K.S.A. 38-2210, and  
26 amendments thereto, the secretary and juvenile intake and assessment  
27 agencies shall participate in the free exchange of information concerning a  
28 child who is alleged or adjudicated to be in need of care.

29 (c) *Necessary access.* The following persons or entities shall have  
30 access to information from agency records. Access shall be limited to  
31 information reasonably necessary to carry out their lawful responsibilities,  
32 to maintain their personal safety and the personal safety of individuals in  
33 their care, or to educate, diagnose, treat, care for or protect a child alleged  
34 to be in need of care. Information authorized to be disclosed pursuant to  
35 this subsection shall not contain information that identifies a reporter of a  
36 child who is alleged or adjudicated to be a child in need of care.

37 (1) A child named in the report or records, a guardian ad litem  
38 appointed for the child and the child's attorney.

39 (2) A parent or other person responsible for the welfare of a child, or  
40 such person's legal representative.

41 (3) A court-appointed special advocate for a child, a citizen review  
42 board or other advocate that reports to the court.

43 (4) A person licensed to practice the healing arts or mental health

1 profession in order to diagnose, care for, treat or supervise:

2 (A) A child whom such service provider reasonably suspects may be  
3 in need of care;

4 (B) a member of the child's family; or

5 (C) a person who allegedly abused or neglected the child.

6 (5) A person or entity licensed or registered by the secretary of health  
7 and environment or approved by the secretary for children and families to  
8 care for, treat or supervise a child in need of care.

9 (6) A coroner or medical examiner when such person is determining  
10 the cause of death of a child.

11 (7) The state child death review board established under K.S.A. 22a-  
12 243, and amendments thereto.

13 (8) An attorney for a private party who files a petition pursuant to  
14 K.S.A. 38-2233(b), and amendments thereto.

15 (9) A foster parent, prospective foster parent, permanent custodian,  
16 prospective permanent custodian, adoptive parent or prospective adoptive  
17 parent. In order to assist such persons in making an informed decision  
18 regarding acceptance of a particular child, to help the family anticipate  
19 problems that may occur during the child's placement, and to help the  
20 family meet the needs of the child in a constructive manner, the secretary  
21 shall seek and shall provide the following information to such persons as  
22 the information becomes available to the secretary:

23 (A) Strengths, needs and general behavior of the child;

24 (B) circumstances that necessitated placement;

25 (C) information about the child's family and the child's relationship to  
26 the family that may affect the placement;

27 (D) important life experiences and relationships that may affect the  
28 child's feelings, behavior, attitudes or adjustment;

29 (E) medical history of the child, including third-party coverage that  
30 may be available to the child; and

31 (F) education history, to include present grade placement, special  
32 strengths and weaknesses.

33 (10) The state protection and advocacy agency as provided by K.S.A.  
34 65-5603(a)(10) or K.S.A. 74-5515(a)(2)(A) and (B), and amendments  
35 thereto.

36 (11) Any educational institution to the extent necessary to enable the  
37 educational institution to provide the safest possible environment for its  
38 pupils and employees.

39 (12) Any educator to the extent necessary to enable the educator to  
40 protect the personal safety of the educator and the educator's pupils.

41 (13) Any other federal, state or local government executive branch  
42 entity or any agent of such entity, having a need for such information in  
43 order to carry out such entity's responsibilities under the law to protect

1 children from abuse and neglect.

2 (d) *Specified access.* The following persons or entities shall have  
3 access to information contained in agency records as specified.  
4 Information authorized to be disclosed pursuant to this subsection shall not  
5 contain information that identifies a reporter of a child who is alleged or  
6 adjudicated to be a child in need of care.

7 (1) Information from confidential agency records of the Kansas  
8 department for children and families, a law enforcement agency or any  
9 juvenile intake and assessment worker of a child alleged or adjudicated to  
10 be in need of care shall be available to members of the standing house or  
11 senate committee on judiciary, house committee on corrections and  
12 juvenile justice, house committee on appropriations, senate committee on  
13 ways and means, legislative post audit committee and any joint committee  
14 with authority to consider children's and families' issues, when carrying  
15 out such member's or committee's official functions in accordance with  
16 K.S.A. 75-4319, and amendments thereto, in a closed or executive  
17 meeting. Except in limited conditions established by  $\frac{2}{3}$  of the members of  
18 such committee, records and reports received by the committee shall not  
19 be further disclosed. Unauthorized disclosure may subject such member to  
20 discipline or censure from the house of representatives or senate. The  
21 secretary for children and families shall not summarize the outcome of  
22 department actions regarding a child alleged to be a child in need of care  
23 in information available to members of such committees.

24 (2) The secretary for children and families may summarize the  
25 outcome of department actions regarding a child alleged to be a child in  
26 need of care to a person having made such report.

27 (3) Information from confidential reports or records of a child alleged  
28 or adjudicated to be a child in need of care may be disclosed to the public  
29 when:

30 (A) The individuals involved or their representatives have given  
31 express written consent; or

32 (B) the investigation of the abuse or neglect of the child or the filing  
33 of a petition alleging a child to be in need of care has become public  
34 knowledge, provided, however, that the agency shall limit disclosure to  
35 confirmation of procedural details relating to the handling of the case by  
36 professionals.

37 (e) *Law enforcement access.* *The secretary shall disclose confidential*  
38 *agency records of a child alleged or adjudicated to be a child in need of*  
39 *care, as described in K.S.A. 38-2209, and amendments thereto, to the law*  
40 *enforcement agency investigating the alleged or substantiated report or*  
41 *investigation of abuse or neglect, regardless of the disposition of such*  
42 *report or investigation. Such records shall include, but not be limited to,*  
43 *any information regarding such report or investigation, records of past*

1 *reports or investigations concerning such child and such child's siblings*  
2 *and the perpetrator or alleged perpetrator and the name and contact*  
3 *information of the reporter or persons alleging abuse or neglect and case*  
4 *managers, investigators or contracting agency employees assigned to or*  
5 *investigating such report. Such records shall only be used for the purposes*  
6 *of investigating the alleged or substantiated report or investigation of*  
7 *abuse or neglect.*

8 ~~(e)~~(f) *Court order.* Notwithstanding the provisions of this section, a  
9 court of competent jurisdiction, after in camera inspection, may order  
10 disclosure of confidential agency records pursuant to a determination that  
11 the disclosure is in the best interests of the child who is the subject of the  
12 reports or that the records are necessary for the proceedings of the court.  
13 The court shall specify the terms of disclosure and impose appropriate  
14 limitations.

15 ~~(f)~~(g) (1) Notwithstanding any other provision of law to the contrary,  
16 except as provided in paragraph (6), in the event that child abuse or  
17 neglect results in a child fatality or near fatality, reports or records of a  
18 child alleged or adjudicated to be in need of care received by the secretary,  
19 a law enforcement agency or any juvenile intake and assessment worker  
20 shall become a public record and subject to disclosure pursuant to K.S.A.  
21 45-215, and amendments thereto.

22 (2) Within seven days of receipt of a request in accordance with the  
23 procedures adopted under K.S.A. 45-220, and amendments thereto, the  
24 secretary shall notify any affected individual that an open records request  
25 has been made concerning such records. The secretary or any affected  
26 individual may file a motion requesting the court to prevent disclosure of  
27 such record or report, or any select portion thereof. Notice of the filing of  
28 such motion shall be provided to all parties requesting the records or  
29 reports, and such party or parties shall have a right to hearing, upon  
30 request, prior to the entry of any order on such motion. If the affected  
31 individual does not file such motion within seven days of notification, and  
32 the secretary has not filed a motion, the secretary shall release the reports  
33 or records. If such motion is filed, the court shall consider the effect such  
34 disclosure may have upon an ongoing criminal investigation, a pending  
35 prosecution, or the privacy of the child, if living, or the child's siblings,  
36 parents or guardians, and the public's interest in the disclosure of such  
37 records or reports. The court shall make written findings on the record  
38 justifying the closing of the records and shall provide a copy of the journal  
39 entry to the affected parties and the individual requesting disclosure  
40 pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and  
41 amendments thereto.

42 (3) Notwithstanding the provisions of paragraph (2), in the event that  
43 child abuse or neglect results in a child fatality, the secretary shall release

1 the following information in response to an open records request made  
2 pursuant to the Kansas open records act, within seven business days of  
3 receipt of such request, as allowed by applicable law:

- 4 (A) Age and sex of the child;
- 5 (B) date of the fatality;
- 6 (C) a summary of any previous reports of abuse or neglect received  
7 by the secretary involving the child, along with the findings of such  
8 reports; and
- 9 (D) any department recommended services provided to the child.

10 (4) Notwithstanding the provisions of paragraph (2), in the event that  
11 a child fatality occurs while such child was in the custody of the secretary  
12 for children and families, the secretary shall release the following  
13 information in response to an open records request made pursuant to the  
14 Kansas open records act, within seven business days of receipt of such  
15 request, as allowed by applicable law:

- 16 (A) Age and sex of the child;
- 17 (B) date of the fatality; and
- 18 (C) a summary of the facts surrounding the death of the child.

19 (5) For reports or records requested pursuant to this subsection, the  
20 time limitations specified in this subsection shall control to the extent of  
21 any inconsistency between this subsection and K.S.A. 45-218, and  
22 amendments thereto. As used in this section, "near fatality" means an act  
23 that, as certified by a person licensed to practice medicine and surgery,  
24 places the child in serious or critical condition.

25 (6) Nothing in this subsection shall allow the disclosure of reports,  
26 records or documents concerning the child and such child's biological  
27 parents that were created prior to such child's adoption. Nothing herein is  
28 intended to require that an otherwise privileged communication lose its  
29 privileged character.

30 Sec. 8. K.S.A. 72-6146 is hereby amended to read as follows: 72-  
31 6146. (a) The board of education of any school district or the board of  
32 trustees of any community college may employ school security officers,  
33 and may designate any one or more of such school security officers as a  
34 campus police officer, to aid and supplement law enforcement agencies of  
35 the state and of the city and county in which the school district or  
36 community college is located.

37 (b) The protective function of school security officers shall extend to  
38 all property of the school district or community college and the protection  
39 of students, teachers and other employees together with the property of  
40 such persons on or in any school or community college property or areas  
41 adjacent thereto, or while attending or located at the site of any school or  
42 community college-sponsored function. While engaged in the protective  
43 functions specified in this section, each school security officer shall

1 possess and exercise all general law enforcement powers, rights,  
2 privileges, protections and immunities in every county in which there is  
3 located any part of the territory of the school district or community  
4 college.

5 (c) The protective function of campus police officers shall extend to  
6 all property of the school district or community college and the protection  
7 of students, teachers and other employees together with the property of  
8 such persons on or in any school or community college property or areas  
9 adjacent thereto, or while attending or located at the site of any school or  
10 community college-sponsored function. While engaged in the protective  
11 functions specified in this section, each campus police officer shall possess  
12 and exercise all general law enforcement powers, rights, privileges,  
13 protections and immunities in every county in which there is located any  
14 part of the territory of the school district or community college, provided  
15 that such officer does not violate the memorandum of understanding  
16 approved by the superintendent of the school district pursuant to K.S.A.  
17 72-6143(i), and amendments thereto.

18 ~~(d) Campus police officers shall have the power and authority of law~~  
19 ~~enforcement officers:~~

20 ~~(1) On property owned, occupied or operated by the school district or~~  
21 ~~community college or at the site of a function sponsored by the school~~  
22 ~~district or community college;~~

23 ~~(2) on the streets, property and highways immediately adjacent to and~~  
24 ~~coterminous with property described in subsection (d)(1);~~

25 ~~(3) within the city or county where property described in subsection~~  
26 ~~(d)(1) is located, as necessary to protect the health, safety and welfare of~~  
27 ~~students and faculty of the school district or community college, with~~  
28 ~~appropriate agreement by local law enforcement agencies. Such~~  
29 ~~agreements shall include provisions, defining the geographical scope of~~  
30 ~~the jurisdiction conferred, circumstances requiring the extended~~  
31 ~~jurisdiction, scope of law enforcement powers and duration of the~~  
32 ~~agreement. Before any agreement entered into pursuant to this section~~  
33 ~~shall take effect, it shall be approved by the governing body of the city or~~  
34 ~~county, or both, having jurisdiction where such property is located, and the~~  
35 ~~board of education or board of trustees involved;~~

36 ~~(4) with appropriate notification of and coordination with local law~~  
37 ~~enforcement agencies, within the city or county where property described~~  
38 ~~in subsection (d)(1) or (d)(2) is located, when there is reason to believe~~  
39 ~~that a violation of a state law, county resolution or city ordinance has~~  
40 ~~occurred on such property, as necessary to investigate and arrest persons~~  
41 ~~for such a violation;~~

42 ~~(5) when in fresh pursuit of a person; and~~

43 ~~(6) when transporting persons in custody to an appropriate facility;~~

1 ~~wherever it may be located.~~

2 (e) In addition to enforcement of state law, county resolutions and  
3 city ordinances, campus police officers shall enforce rules and regulations  
4 and rules and policies of the board of trustees or school board, whether or  
5 not violation thereof constitutes a criminal offense. While on duty, campus  
6 police officers shall wear and display publicly a badge of office. No such  
7 badge shall be required to be worn by any plain clothes investigator or  
8 departmental administrator, but any such officer shall present proper  
9 credentials and identification when required in the performance of such  
10 officer's duties. In performance of any of the powers, duties and functions  
11 authorized by this section, K.S.A. 22-2401a, and amendments thereto, or  
12 any other law, campus police officers shall have the same rights,  
13 protections and immunities afforded other law enforcement officers.

14 ~~(f)~~(e) The board of education of each school district shall adopt a  
15 policy providing for notification of a student's parents or guardians  
16 whenever the student is taken into custody by a campus police officer.

17 Sec. 9. Section 1 of 2022 House Bill No. 2299 and section 2 of 2022  
18 House Bill No. 2299 and K.S.A. 38-2210, 38-2210, as amended by section  
19 5 of 2022 House Bill No. 2299, 38-2211, 38-2211, as amended by section  
20 6 of 2022 House Bill No. 2299, 38-2212, 38-2212, as amended by section  
21 7 of 2022 House Bill No. 2299, 72-6146 and 72-6146, as amended by  
22 section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp. 22-2401a,  
23 22-2401a, as amended by section 3 of 2022 House Bill No. 2299, 22-2506  
24 and 22-2506, as amended by section 4 of 2022 House Bill No. 2299, are  
25 hereby repealed.

26 Sec. 10. This act shall take effect and be in force from and after its  
27 publication in the statute book.