

**Testimony on SB 112 relating to KDWPT Citations  
To  
The House Committee on Judiciary**

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SB 112 seeks to amend K.S.A. 32-1049 relating to citations. **The Department requested introduction of the bill.** The provisions of the bill would be effective upon publication in the statute book.

Quite simply, the bill changes requirements related to issuance of a citation from *shall* to *may* and strikes a subsection related to official misconduct in office. While the Department believes that county and district attorneys have the inherent authority to charge an individual with a KDWPT violation, at least one court has ruled otherwise and dismissed charges against an individual that was not issued a citation but was charged by the county attorney. There is a parallel traffic statute, K.S.A. 8-2106, that makes the issuance of a citation permissive.

The second change requested is to strike (f), which also has a parallel subsection in K.S.A. 8-2106. It seems a bit egregious to declare an officer guilty of misconduct and removal from office for a potential mistake and if the officer's actions were intentional, they could be terminated under the civil service act and potentially charged with a crime. The Department would also encourage changing the parallel traffic citation statute.

**The Department appreciates the opportunity to address the Committee and requests favorable passage of the bill.**