

Approved 2/15/83
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./p.m. on February 14, 1983 in room 254-E of the Capitol.

All members were present except: Senator Pomeroy and Senator Vidricksen

Committee staff present: Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
Emalene Correll, Legislative Research
June Windscheffel, Committee Secretary

Conferees appearing before the committee: Bert Cantwell, Legislative Liaison to the Governor
David Reavis, Kansas Fraternal Order of Police
Ed Pavey, Lt. in Sedgwick County Sheriff's Department
Terry Campbell, Sheriff, Leavenworth County
Lee Sipes, Lt., Training Officer, Topeka Police Department

Senator Reilly called the meeting to order and introduced Bert Cantwell. Mr. Cantwell appeared and testified as a proponent of the proposal to amend the law enforcement training act. (Attachment #1). Mr. Cantwell said that SB499, which was passed last session, was a positive response to provide good law enforcement to the citizens of Kansas. He asked the committee to support the suggested proposal because it enhances the effectiveness of SB 499, and makes it as effective as it was intended to be.

David Reavis appeared next. He said that he has spent long hours developing ideas as to what would go into the Governor's report and talked to many people in law enforcement around the state. He said that SB499 came from the Governor's Commission Report and followed many of the recommendations in it. He said that he felt as State F.O.P. President that he knew what the officers in other Kansas cities want. As a proponent of the proposal he felt that allowing the Commission to set the rules and regulations would insure better law enforcement in Kansas.

Senator Meyers moved that the committee introduce the proposal as a committee bill. 2d by Senator Winter. The motion carried.

The Chairman stated that he would appreciate hearing from other conferees who were prepared to testify even though action had already been taken on the proposal. Terry Campbell appeared and spoke favorably for the proposal.

Ed Pavey, a member of the Kansas Law Enforcement Committee, spoke in favor of the proposal, also.

Lee Sipes appeared next as an opponent of the proposal. He said that he was speaking for Chief Weinkauf, of the Topeka Police Department. He said that they were grateful for SB 499, but that the bill had not been law for a full year. The Topeka Police Department received a copy of the proposal just today and felt that they needed time to study it, that there may be some merit to the proposal but it will take some time to study it.

Senator Francisco moved that the Minutes of February 2 and February 11, be approved. 2d by Senator Gannon. Motion carried.

The Chairman asked for the feelings of the committee members concerning SB192 which had been assigned to Judiciary, and which on last Friday the members of Judiciary had unanimously agreed to send to Federal and State Affairs. The consensus of the committee was that if the leadership decides to send SB192 to Federal and State Affairs that the committee will abide.

The meeting adjourned at 12:00 noon.

PRES
COPY

3 RS 0665

Senate Bill #208

SENATE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT relating to law enforcement and law enforcement training;
amending K.S.A. 1982 Supp. 74-5604a, 74-5605 and 74-5607
and repealing the existing sections.

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

New Section 1. (a) Every police officer and law enforcement officer shall be certified to perform the function of law enforcement by the Kansas law enforcement training commission. The commission's certification shall be awarded to persons who have received certification that they have successfully completed or satisfied the training requirements specified by subsection (a) of K.S.A. 1982 Supp. 74-5607a.

(b) The commission may suspend, revoke or deny the certification of a police officer or law enforcement officer.

(c) The commission may adopt such rules and regulations to establish the criteria and procedure for the suspension, revocation and denial of certification of a person as a police officer or law enforcement officer or an applicant for certification.

New Sec. 2. (a) For the purposes of raising the level of competency, the commission may adopt rules and regulations to establish minimum hiring standards for police officers and law enforcement officers relating to physical, mental and moral fitness which shall govern the recruitment of any such officer after July 1, 1983.

(b) Such rules and regulations shall not restrict a law enforcement agency in establishing additional recruitment standards.

(c) Every candidate for a position as a police officer or law enforcement officer shall meet the minimum training criteria

Plz h. 1

specified in K.S.A. 74-5605 and amendments thereto.

(d) The commission may require the submission of training and experience history, medical history, medical examination, reports and records, and interview appraisal forms and other records or reports to assist in determining an employment applicant's qualifications.

(e) Law enforcement agencies in Kansas shall be responsible for their agency's observance of the hiring requirements of this section.

(f) Any law enforcement agency head who knowingly permits the hiring of a person in violation of the requirements of this section shall receive a public censure and two such violations may result in the forfeiture of the agency head's office or position.

(g) The commission shall make such inquiry as necessary to determine compliance with the requirements of this section and the rules and regulations adopted under it.

Sec. 3. K.S.A. 1982 Supp. 74-5604a is hereby amended to read as follows: 74-5604a. (a) The associate director shall establish a program for periodically extending the law enforcement training and instruction of the training center throughout the state on a regional basis. The associate director also shall certify annually the training schools of state and local law enforcement agencies providing a course of law enforcement training for full-time police officers or law enforcement officers of not less than 320 hours of instruction, and whose training programs also satisfy the qualifications and standards promulgated by the associate director after approval of the commission. The associate director shall establish a course in basic law enforcement training of 80 hours for part-time police officers or law enforcement officers, approved by the commission, to be provided at the training center and certified state and local law enforcement training schools. In addition, on or after November 20 of each election year and prior to January 1 of the next succeeding year, and at such other times as the

associate director deems necessary, the associate director shall commence a training course for persons elected to the office of sheriff at the preceding general election and for undersheriffs and deputy sheriffs.

(b) The associate director shall conduct a pretraining evaluation of applicants for admission to the course for law enforcement officers conducted by the training center or to any certified state or local law enforcement training school to assure that each applicant is qualified to serve as a law enforcement officer. The associate director shall adopt minimum standards, which shall receive prior approval by the commission, to be considered in the pretraining evaluation. The associate director shall advise the city, county or state agency authorizing the applicant to attend the training center or certified state or local law enforcement training school of the results of the pretraining evaluation. The associate director may reject an applicant to the training center who does not meet the minimum pretraining standards.

Sec. 4. K.S.A. 1982 Supp. 74-5605 is hereby amended to read as follows: 74-5605. Every applicant for admission to a course for police officers or law enforcement officers conducted by the training center shall be a police officer or law enforcement officer as defined in subsection (e) of K.S.A. 74-5602 and amendments thereto. Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant shall furnish to the associate director a statement from the applicant's department head certifying the applicant's fulfillment of the following requirements. The applicant:

- (a) Is United States citizenship citizen;
- (b) is at least 21 years of age;
- (c) ~~Fingerprinting--and~~ has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
- (d) ~~Shall~~ has not have been convicted, and does not have an

expunged conviction, by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice;

(e) Be is the holder of a high-school diploma or ~~furnish~~ furnishes evidence of successful completion of an examination indicating an equivalent achievement;

(f) is of good moral character; and

(g) is free of any condition which might adversely affect the applicant's performance ~~ex-duty-as-a~~ of a police officer's or law enforcement ~~officer~~ officer's duties.

Sec. 5. K.S.A. 1982 Supp. 74-5607 is hereby amended to read as follows: 74-5607. (a) In addition to other powers and duties prescribed by law, ~~it shall be the duty of~~ the commission ~~to advise and counsel in the operation of the law enforcement training center~~ shall adopt rules and regulations necessary for the administration of the Kansas law enforcement training act, including requirements for the submission of reports and information to the commission by law enforcement agencies within the state, and to establish and monitor hiring standards for police officers and law enforcement officers. The commission may also adopt such rules of procedure as are necessary for conducting the business of the commission.

(b) Members of the law enforcement training commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. The director and the chairperson of the commission shall be responsible for approving all expense vouchers of members.

(c) The commission shall meet at least once each year at the training center and may hold special meetings whenever such are called by the chairperson.

Sec. 6. K.S.A. 1982 Supp. 74-5604a, 74-5605 and 74-5607 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.