

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 2:00 p.m. on March 8, 2004 in Room 313-S of the Capitol.

All members were present except:
Representative Ray Cox- excused

Committee staff present:
Russell Mills, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Dennis Hodgins, Legislative Research Department
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

PROPONENT

Senator Hensley
Jim Gilchrist, Director, Topeka Public Schools
Gary Herman, Major, Topeka Police Department
Dr. Linda Wiley, Associate Principal, Topeka High School
Officer Kala Loomis, Topeka Public School Police Department
Anthony Woollen, National Association School Resources Office

OPPONENTS

(See page 2- Attachment 6)

Others attending:
See Attached List.

Without objections Representative Vickrey introduced a bill concerning the Kansas open records act; relating to records not required to be open.

SB 136 - Jurisdictions of persons employed as police officers by community colleges and school districts

Mr. Mills explained that the bill changes the term university campus police officers to university police officers and broadens the definition. There is no fiscal effect.

Senator Hensley, reviewed his teaching history, stating that his expertise was working with the emotionally disturbed children and youth. Currently he works in a lock-down (secured) area of the school with 16-20 juvenile offenders. He cited reasons for increased violence involving juvenile offenders in our society. Many students exhibit an absolute disregard for authority in the school environment. Over time he had become increasingly grateful to the people that work in the security division of the school district. He spoke of two officers (police), hired to provide security for their building.

SB 136 attempts to finally give recognition to those individual who work for school districts and for other education institutions the full status of being a law enforcement officer. It brings them under the current statute as applies to state, county and city law enforcement officers, and that is crimes against a law enforcement officer, particularly a crime of aggravated assault.

He urged the Committee to favorably consider **SB 136** and spoke of a balloon amendment that would clearly delineate the difference between school officers and university police (Attachment 1).

Discussion followed regarding other benefits to the bill and liability to the school district.

Jim Gilchrist, Director, Department of Safety for the Topeka Public Schools, stated that the bill was proposed to put to rest controversy that had arisen over the years regarding their position in the law enforcement community (Attachment 2). It would mandate that all school police officers in Kansas meet

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on March 8, 2004 in Room 313-S of the Capitol.

the same high standards required by the Kansas Law Enforcement Training Center and the public safety profession.

He answered questions regarding how the program "*No child left behind*" had affected the responsibilities of law enforcement officers; use of city police officers as school resource officers; hours of protection in schools; truancy rate in schools; success of educating juvenile offenders; and the requirements for transporting juveniles.

Major Gary Herman, Topeka Police Department, testified on behalf of Chief Ed Klumpp. **SB 136** would positively impact the City of Topeka as it would allow USD 501 Security to handle more incidents without direct assistance from Topeka Police Department officers (Attachment 3). With ever increasing requests for service in the City of Topeka, any help in reducing requests for assistance from other qualified law enforcement agencies, such as USD 501 Security, would help in their overall delivery of services to the Topeka community. Discussion followed regarding mandatory reporting procedures.

Dr. Linda Wiley, Associate Principal, Topeka High School, rose in support of **SB 136** (Attachment 4). She stated that the bill would provide for the necessary and up-to-date levels of jurisdiction and protection of our K-12 school police officers. The antiquated statute (written in 1974) leave school police officers too often in harm's way, both in legal and physical terms.

Discussion followed regarding what other states are doing to address this issue and expansion of jurisdiction off the school property grounds

Officer Kala Loomis, Topeka Public School Police Department, answered questions pertaining to the bill.

Discussion followed regarding definitions in the law.

Anthony Woollen, National Association School Resources Office, Leawood, KS testified in support of **SB 136** (Attachment 5). He was a school resource officer in Blue Valley for five years before accepting the position of a Juvenile Detective in Leawood, KS. He testified on behalf of the National Association of School Resources, stating that the role of the School District Officer has changed dramatically, and those who complete the Kansas Law Enforcement Academy are actively involved in investigations, patrol procedures, courtroom testimony and arrests of violent and non-violent offenders and should be recognized appropriately.

Officer Loomis submitted a balloon amendment to allow police officers from different educational institutes to keep their current titles.

The hearing was closed on **SB 136**.

The meeting adjourned at 3:00 p.m. The next meeting is March 9, 2004.

*One letter of written testimony was received April 2, and undersigned by the following: Chris Hoover, Emporia State University, Ronnie Grice, Kansas State University, Ralph Oliver, University of Kansas, Sid Carlile, Fort Hays State University, Richard L. Johnson, University of Kansas Medical Center, Darrell Masoner, Pittsburg State University, Charles Rummery, Wichita State University (Attachment 6)

Submitted by Senator Hensley

As Amended by Senate Committee

Session of 2003

SENATE BILL No. 136

By Committee on Federal and State Affairs

2-4

AN ACT concerning school districts and community colleges; relating to the jurisdiction of persons employed as police officers; amending K.S.A. 2002 Supp. 22-2401a and repealing the existing section.

AN ACT concerning campus police officers; relating to powers and duties thereof; relating to crimes committed against such officers; amending K.S.A. 21-3110, 21-3409, 21-3411 and 72-8222 and K.S.A. 2002 Supp. 21-3413, 21-3415, ~~22-2401a and 76-726~~ and repealing the existing sections.

and 22-2401a

2003

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

Section 1. K.S.A. 2002 Supp. 22-2401a is hereby amended to read as follows: 22-2401a. (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise their powers as law enforcement officers:

(a) Anywhere within their county; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(2) Law enforcement officers employed by any city may exercise their powers as law enforcement officers:

(a) Anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(3) University ~~Campus~~ police officers employed by the chief executive officer of any state educational institution or, municipal university, ~~community college or school district~~ may exercise their powers as university campus police officers anywhere:

University

(a) On property owned, occupied or operated by the state educational institution or, municipal university, by a board of trustees of the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the

1 state educational institution or municipal university ~~community college~~
2 ~~or school district;~~

and

3 (b) on the streets, property and highways immediately adjacent to the
4 campus of the state educational institution or, municipal university, com-
5 munity college or school district; **property described in paragraph (a)**
6 **of this subsection;**

7 (c) within the city ~~for county~~ where such property as described in
8 this subsection is located, as necessary to protect the health, safety and
9 welfare of students and faculty of the state educational institution or,
10 municipal university, ~~community college or school district~~, with appro-
11 priate agreement by the local law enforcement agencies. Such agreements
12 shall include provisions defining the geographical scope of the jurisdiction
13 conferred, circumstances requiring the extended jurisdiction, scope of law
14 enforcement powers and duration of the agreement. Any agreement en-
15 tered into pursuant to this provision shall be approved by the governing
16 body of the city or county, or both, having jurisdiction where such prop-
17 erty is located, and the chief executive officer of the state educational
18 institution or municipal university ~~in the governing body of the commu-~~
19 ~~nity college or school district~~ involved before such agreement may take
20 effect; and

21 (d) additionally, when there is reason to believe that a violation of a
22 state law, a county resolution, or a city ordinance has occurred on property
23 described in subsection (3)(a) or (b), such officers with appropriate no-
24 tification of, and coordination with, local law enforcement agencies or
25 departments, may investigate and arrest persons for such a violation an-
26 where within the city where such property, streets and highways are
27 located. Such officers also may exercise such powers in any other place
28 when in fresh pursuit of a person. ~~University Campus~~ police officers shall
29 also have authority to *may* transport persons in custody to an appropriate
30 facility, wherever it may be located. ~~University Campus~~ police officers at
31 the university of Kansas medical center may provide emergency trans-
32 portation of medical supplies and transplant organs.

University

University

33 (4) In addition to the areas where law enforcement officers may ex-
34 ercise their powers pursuant to subsection (2), law enforcement officers
35 of any jurisdiction within Johnson or Sedgwick county may exercise their
36 powers as law enforcement officers in any area within the respective
37 county when executing a valid arrest warrant or search warrant, to the
38 extent necessary to execute such warrants.

39 (5) In addition to the areas where ~~university campus~~ police officers
40 may exercise their powers pursuant to subsection (3), ~~university campus~~
41 police officers may exercise the powers of law enforcement officers in
42 any area outside their normal jurisdiction when a request for assistance
43 has been made by law enforcement officers from the area for which as-

university

1 sistance is requested.

2 (6) In addition to the areas where law enforcement officers may ex-
3 ercise their powers pursuant to subsection (2), law enforcement officers
4 of any jurisdiction within Johnson county may exercise their powers as
5 law enforcement officers in any adjoining city within Johnson county
6 when any crime, including a traffic infraction, has been or is being com-
7 mitted by a person in view of the law enforcement officer. A law enforce-
8 ment officer shall be considered to be exercising such officer's powers
9 pursuant to subsection (2), when such officer is responding to the scene
10 of a crime, even if such officer exits the city limits of the city employing
11 the officer and further reenters the city limits of the city employing the
12 officer to respond to such scene.

See Attached

(8) 13 ~~As used in this section:~~

14 (a) "Law enforcement officer" has the meaning ascribed thereto in
15 K.S.A. 22-2202, and amendments thereto.

16 (b) ~~"University police officers" means university police officers~~
17 ~~"Campus police officer" means a police officer employed by the chief~~
18 ~~executive officer of (1) any state educational institution under the control~~
19 ~~and supervision of the state board of regents, or (2) or a municipal uni-~~
20 ~~versity (3) a local board of education, or (4) a community college or school district.~~

"University police officer"

(9) 21 (c) "Fresh pursuit" means pursuit, without unnecessary delay, of a
22 person who has committed a crime, or who is reasonably suspected of
23 having committed a crime.

(c) "Campus police officer" means a police officer employed by the governing body of a community college or a school district.

24 ~~Sec. 2. K.S.A. 2002 Supp. 22-2401a is hereby repealed.~~

25 **Sec. 2. K.S.A. 72-8222 is hereby amended to read as follows:**
26 **72-8222. (a) The board of education of any school district or the**
27 **board of trustees of any community college may employ school se-**
28 **curity officers, and may designate any one or more of such school**
29 **security officers as a school law enforcement campus police officer, to**
30 **aid and supplement law enforcement agencies of this state and of the**
31 **community the state, city and county in which the school district or**
32 **community college is located. The protective function of school secu-**
33 **rity officers and school law enforcement officers shall extend to all school**
34 **district property and the protection of students, teachers and other em-**
35 **ployees together with the property of such persons on or in any school**
36 **or college property or areas adjacent thereto, or while attending or located**
37 **at the site of any school or community college-sponsored function. While**
38 **engaged in the protective functions specified in this section, each school**
39 **security officer and each school law enforcement officer shall possess and**
40 **exercise all general law enforcement powers, rights, privileges, protec-**
41 **tions and immunities in every county in which there is located any part**
42 **of the territory of the school district or community college.**

43 (b) Such campus police officers shall have the power and authority

Attachment for page 3

(7) Campus police officers employed by a community college or school district may exercise their powers as campus police officers anywhere:

(a) On property owned, occupied or operated by the trustees of the community college or school district; and

(b) on the streets, property and highways immediately adjacent to and conterminous with the property described in paragraph (a) of this subsection.

(c) within the city or county where such property as described in this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the community college or school district, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the governing body of the community college or school district involved before such agreement may take effect; and

(d) additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in paragraph (a) or (b), such officers, with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. Campus police officers also may transport persons in custody to an appropriate facility, wherever it may be located.

1 of law enforcement officers:

2 (1) On property owned, occupied or operated by the school district
3 or community college or at the site of a function sponsored by the school
4 district or community college;

5 (2) on the streets, property and highways immediately adjacent to
6 and coterminous with the property described in paragraph (1) of this
7 subsection;

8 (3) within the city or county where such property as described in
9 paragraph (1) of this subsection is located, as necessary to protect the
10 health, safety and welfare of students and faculty of the school district or
11 community college, with appropriate agreement by local law enforcement
12 agencies. Such agreements shall include provisions, defining the geo-
13 graphical scope of the jurisdiction conferred, circumstances requiring the
14 extended jurisdiction, scope of law enforcement powers and duration of
15 the agreement. Any agreement entered into pursuant to this section shall
16 be approved by the governing body of the city or county, or both, having
17 jurisdiction where such property is located, and the board of education
18 or board of trustees involved before such agreement may take effect; and

19 (4) additionally when there is reason to believe that a violation of a
20 state law, a county resolution, or a city ordinance has occurred on prop-
21 erty described in paragraph (1) or (2) of this subsection, such officers,
22 with appropriate notification of, and coordination with, local law enforce-
23 ment agencies, may investigate and arrest persons for such a violation
24 anywhere within the city or county where such property, streets and
25 highways are located. Campus police officers also shall have authority to
26 transport persons in custody to an appropriate facility, wherever it may
27 be located.

28 (c) In addition to enforcement of state law, county resolutions and
29 city ordinances, campus police officers shall enforce rules and regulations
30 of the school board or board of trustees and rules and policies of the school
31 board or community college, whether or not violation thereof constitutes
32 a criminal offense. While on duty, campus police officers shall wear and
33 display a badge of office. No such badge shall be required to be worn by
34 any plain clothes investigator or departmental administrator, but any
35 such person shall present proper credentials and identification when re-
36 quired in the performance of such officer's duties. In performance of any
37 of the powers, duties and functions authorized by this act or any other
38 law, campus police officers shall have the same rights, protections and
39 immunities afforded to other law enforcement officers.

40 ~~Sec. 3. K.S.A. 2002 Supp. 76-726 is hereby amended to read as~~
41 ~~follows: 76-726. (a) The chief executive officer of any state educa-~~
42 ~~tional institution may employ university campus police officers to aid~~
43 ~~and supplement state and local law enforcement agencies. Such uni-~~

1 ~~university campus police officers shall have the power and authority of~~
2 ~~law enforcement officers:~~

3 ~~(1) On property owned or operated by the state educational in-~~
4 ~~stitution, by a board of trustees of the state educational institution,~~
5 ~~an endowment association, an athletic association, a fraternity, so-~~
6 ~~rority or other student group associated with the state educational~~
7 ~~institution;~~

8 ~~(2) on the streets, property and highways immediately adjacent~~
9 ~~to and coterminous with the campus of the state educational~~
10 ~~institution;~~

11 ~~(3) within the city where such property as described in this sub-~~
12 ~~section is located, as necessary to protect the health, safety and~~
13 ~~welfare of students and faculty of the state educational institution~~
14 ~~or municipal university, with appropriate agreement by local law~~
15 ~~enforcement agencies. Such agreements shall include provisions, de-~~
16 ~~fining the geographical scope of the jurisdiction conferred, circum-~~
17 ~~stances requiring the extended jurisdiction, scope of law enforce-~~
18 ~~ment powers and duration of the agreement. Any agreement entered~~
19 ~~into pursuant to this provision section shall be approved by the gov-~~
20 ~~erning 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~~
23 ~~such agreement may take effect; and~~

24 ~~(4) additionally when there is reason to believe that a violation~~
25 ~~of a state law, a county resolution, or a city ordinance has occurred~~
26 ~~on property described in provisions paragraph (1) or (2) of this sub-~~
27 ~~section, such officers, with appropriate notification of, and coordi-~~
28 ~~nation with, local law enforcement agencies, may investigate and~~
29 ~~arrest persons for such a violation anywhere within the city or~~
30 ~~county where such property, streets and highways are located. Uni-~~
31 ~~versity Campus police officers shall also shall have authority to trans-~~
32 ~~port persons in custody to an appropriate facility, wherever it may~~
33 ~~be located. University police officers at the university of Kansas~~
34 ~~medical center may provide emergency transportation of medical~~
35 ~~supplies and transplant organs.~~

36 ~~(b) In addition to enforcement of state law, county resolutions~~
37 ~~and city ordinances, university campus police officers shall enforce~~
38 ~~rules and regulations of the board of regents and rules and policies~~
39 ~~of the state educational institution, whether or not violation thereof~~
40 ~~constitutes a criminal offense. Every university police officer shall~~
41 ~~While on duty, campus police officers shall wear and publicly display~~
42 ~~a badge of office—except that. No such badge shall be required to be~~
43 ~~worn by any plain clothes investigator or departmental administra-~~

1 ~~tor, but any such person shall present proper credentials and iden-~~
2 ~~tification when required in the performance of such officer's duties.~~
3 ~~In performance of any of the powers, duties and functions author-~~
4 ~~ized by this act or any other law, university campus police officers~~
5 ~~shall have the same rights, protections and immunities afforded to~~
6 ~~other law enforcement officers.~~

7 Sec. 4. K.S.A. 21-3110 is hereby amended to read as follows:
8 21-3110. The following definitions shall apply when the words and
9 phrases defined are used in this code, except when a particular con-
10 text clearly requires a different meaning.

11 (1) "Act" includes a failure or omission to take action.

12 (2) "Another" means a person or persons as defined in this code
13 other than the person whose act is claimed to be criminal.

14 (3) "Conduct" means an act or a series of acts, and the accom-
15 panying mental state.

16 (4) "Conviction" includes a judgment of guilt entered upon a
17 plea of guilty.

18 (5) "Deception" means knowingly and willfully making a false
19 statement or representation, express or implied, pertaining to a
20 present or past existing fact.

21 (6) To "deprive permanently" means to:

22 (a) Take from the owner the possession, use or benefit of his or
23 her property, without an intent to restore the same; or

24 (b) Retain property without intent to restore the same or with
25 intent to restore it to the owner only if the owner purchases or leases
26 it back, or pays a reward or other compensation for its return; or

27 (c) Sell, give, pledge or otherwise dispose of any interest in
28 property or subject it to the claim of a person other than the owner.

29 (7) "Dwelling" means a building or portion thereof, a tent, a
30 vehicle or other enclosed space which is used or intended for use as
31 a human habitation, home or residence.

32 (8) "Forcible felony" includes any treason, murder, voluntary
33 manslaughter, rape, robbery, burglary, arson, kidnapping, aggra-
34 vated battery, aggravated sodomy and any other felony which in-
35 volves the use or threat of physical force or violence against any
36 person.

37 (9) "Intent to defraud" means an intention to deceive another
38 person, and to induce such other person, in reliance upon such de-
39 ception, to assume, create, transfer, alter or terminate a right, ob-
40 ligation or power with reference to property.

41 (10) "Law enforcement officer" means:

42 (a) any person who by virtue of such person's office or public
43 employment is vested by law with a duty to maintain public order

1 or to make arrests for crimes, whether that duty extends to all
2 crimes or is limited to specific crimes or.

3 (b) Any officer of the Kansas department of corrections or for
4 the purposes of K.S.A. 21-3409, 21-3411 and 21-3415 and subsec-
5 tion (a)(2) of K.S.A. 21-3413 and amendments thereto, any em-
6 ployee of the Kansas department of corrections.

7 (c) Any ~~campus police officer as defined by K.S.A. 22-2401a, and~~
8 amendments thereto.

university police officer or

9 (11) "Obtain" means to bring about a transfer of interest in or
10 possession of property, whether to the offender or to another.

11 (12) "Obtains or exerts control" over property includes but is
12 not limited to, the taking, carrying away, or the sale, conveyance,
13 or transfer of title to, interest in, or possession of property.

14 (13) "Owner" means a person who has any interest in property.

15 (14) "Person" means an individual, public or private corpora-
16 tion, government, partnership, or unincorporated association.

17 (15) "Personal property" means goods, chattels, effects, evi-
18 dences of rights in action and all written instruments by which any
19 pecuniary obligation, or any right or title to property real or per-
20 sonal, shall be created, acknowledged, assigned, transferred, in-
21 creased, defeated, discharged, or dismissed.

22 (16) "Property" means anything of value, tangible or intangi-
23 ble, real or personal.

24 (17) "Prosecution" means all legal proceedings by which a per-
25 son's liability for a crime is determined.

26 (18) "Public employee" is a person employed by or acting for
27 the state or by or for a county, municipality or other subdivision
28 or governmental instrumentality of the state for the purpose of ex-
29 ercising their respective powers and performing their respective du-
30 ties, and who is not a "public officer."

31 (19) "Public officer" includes the following, whether elected or
32 appointed:

33 (a) An executive or administrative officer of the state, or a
34 county, municipality or other subdivision or governmental instru-
35 mentality of or within the state.

36 (b) A member of the legislature or of a governing board of a
37 county, municipality, or other subdivision of or within the state.

38 (c) A judicial officer, which shall include a judge of the district
39 court, juror, master or any other person appointed by a judge or
40 court to hear or determine a cause or controversy.

41 (d) A hearing officer, which shall include any person authorized
42 by law or private agreement, to hear or determine a cause or con-
43 troversy and who is not a judicial officer.

1 (e) A law enforcement officer.
2 (f) Any other person exercising the functions of a public officer
3 under color of right.

4 (20) "Real property" or "real estate" means every estate, inter-
5 est, and right in lands, tenements and hereditaments.

6 (21) "Solicit" or "solicitation" means to command, authorize,
7 urge, incite, request, or advise another to commit a crime.

8 (22) "State" or "this state" means the state of Kansas and all
9 land and water in respect to which the state of Kansas has either
10 exclusive or concurrent jurisdiction, and the air space above such
11 land and water. "Other state" means any state or territory of the
12 United States, the District of Columbia and the Commonwealth of
13 Puerto Rico.

14 (23) "Stolen property" means property over which control has
15 been obtained by theft.

16 (24) "Threat" means a communicated intent to inflict physical
17 or other harm on any person or on property.

18 (25) "Written instrument" means any paper, document or other
19 instrument containing written or printed matter or the equivalent
20 thereof, used for purposes of reciting, embodying, conveying or re-
21 cording information, and any money, token, stamp, seal, badge,
22 trademark, or other evidence or symbol of value, right, privilege or
23 identification, which is capable of being used to the advantage or
24 disadvantage of some person.

25 Sec. 5. K.S.A. 21-3409 is hereby amended to read as follows:
26 21-3409. Assault of a law enforcement officer is an assault, as de-
27 fined in K.S.A. 21-3408 and amendments thereto, committed against
28 a uniformed or properly identified state, county or city law enforce-
29 ment officer, ~~or a campus police officer while such officer is engaged~~
30 in the performance of such officer's duty.

, university police officer

31 Assault of a law enforcement officer is a class A person
32 misdemeanor.

33 Sec. 6. K.S.A. 21-3411 is hereby amended to read as follows:
34 21-3411. Aggravated assault of a law enforcement officer is an ag-
35 gravated assault, as defined in K.S.A. 21-3410 and amendments
36 thereto, committed against a uniformed or properly identified state,
37 county or city law enforcement officer or campus police officer while
38 such officer is engaged in the performance of such officer's duty.

39 Aggravated assault of a law enforcement officer is a severity level
40 6, person felony. A person convicted of aggravated assault of a law
41 enforcement officer shall be subject to the provisions of subsection
42 (g) of K.S.A. 21-4704, and amendments thereto.

43 Sec. 7. K.S.A. 2002 Supp. 21-3413 is hereby amended to read

1 as follows: 21-3413. Battery against a law enforcement officer is a
2 battery, as defined in K.S.A. 21-3412 and amendments thereto:

3 (a) (1) Committed against a uniformed or ~~properly identified~~ , university police officer
4 state, county or city law enforcement officer or campus police officer
5 other than a state correctional officer or employee, a city or county
6 correctional officer or employee, a juvenile correctional facility of-
7 ficer or employee or a juvenile detention facility officer or em-
8 ployee, while such officer is engaged in the performance of such
9 officer's duty;

10 (2) committed against a state correctional officer or employee
11 by a person in custody of the secretary of corrections, while such
12 officer or employee is engaged in the performance of such officer's
13 or employee's duty;

14 (3) committed against a juvenile correctional facility officer or
15 employee by a person confined in such juvenile correctional facil-
16 ity, while such officer or employee is engaged in the performance
17 of such officer's or employee's duty;

18 (4) committed against a juvenile detention facility officer or em-
19 ployee by a person confined in such juvenile detention facility,
20 while such officer or employee is engaged in the performance of
21 such officer's or employee's duty; or

22 (5) committed against a city or county correctional officer or
23 employee by a person confined in a city holding facility or county
24 jail facility, while such officer or employee is engaged in the per-
25 formance of such officer's or employee's duty.

26 (b) Battery against a law enforcement officer as defined in sub-
27 section (a)(1) is a class A person misdemeanor. Battery against a
28 law enforcement officer as defined in subsection (a)(2), (a)(3), (a)(4)
29 or (a)(5) is a severity level 5, person felony.

30 (c) As used in this section:

31 (1) "Correctional institution" means any institution or facility
32 under the supervision and control of the secretary of corrections.

33 (2) "State correctional officer or employee" means any officer
34 or employee of the Kansas department of corrections or any inde-
35 pendent contractor, or any employee of such contractor, working
36 at a correctional institution.

37 (3) "Juvenile correctional facility officer or employee" means
38 any officer or employee of the juvenile justice authority or any in-
39 dependent contractor, or any employee of such contractor, working
40 at a juvenile correctional facility, as defined in K.S.A. 38-1602 and
41 amendments thereto.

42 (4) "Juvenile detention facility officer or employee" means any
43 officer or employee of a juvenile detention facility as defined in

1 K.S.A. 38-1602 and amendments thereto.

2 (5) "City or county correctional officer or employee" means any
3 correctional officer or employee of the city or county or any inde-
4 pendent contractor, or any employee of such contractor, working
5 at a city holding facility or county jail facility.

6 Sec. 8. K.S.A. 2002 Supp. 21-3415 is hereby amended to read
7 as follows: 21-3415. (a) Aggravated battery against a law enforce-
8 ment officer is: (1) An aggravated battery, as defined in subsection
9 (a)(1)(A) of K.S.A. 21-3414 and amendments thereto, committed
10 against a uniformed or properly identified state, county or city law
11 enforcement officer ~~or campus police officer~~ while the officer is en-
12 gaged in the performance of the officer's duty;

13 (2) an aggravated battery, as defined in subsection (a)(1)(B) or
14 (a)(1)(C) of K.S.A. 21-3414 and amendments thereto, committed
15 against a uniformed or properly identified state, county or city law
16 enforcement officer ~~or campus police officer~~ while the officer is en-
17 gaged in the performance of the officer's duty; or

18 (3) intentionally causing bodily harm to a uniformed or prop-
19 erly identified state, county or city law enforcement officer ~~or cam-~~
20 ~~pus police officer~~ with a motor vehicle, while the officer is engaged
21 in the performance of the officer's duty.

22 (b) (1) Aggravated battery against a law enforcement officer as
23 described in subsection (a)(1) or (a)(3) is a severity level 3, person
24 felony.

25 (2) Aggravated battery against a law enforcement officer as de-
26 scribed in subsection (a)(2) is a severity level 6, person felony.

27 (3) A person convicted of aggravated battery against a law en-
28 forcement officer shall be subject to the provisions of subsection (g)
29 of K.S.A. 21-4704 and amendments thereto.

30 Sec. 9. K.S.A. 21-3110, 21-3409, 21-3411 and 72-8222 and
31 K.S.A. 2002 Supp. 21-3413, 21-3415, 22-2401a ~~and 76-726~~ are
32 hereby repealed.

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

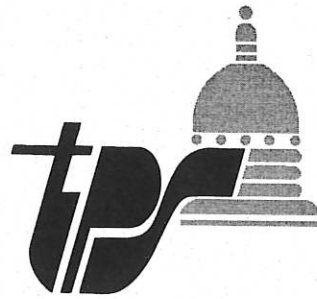
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, university police officer

PROPOSED AMENDMENT TO PROPOSED SUB. FOR SENATE BILL NO. 136

In section 7, add:

The board of education of each school district shall adopt a policy providing for notification of a student's parents whenever the student is taken into custody by a campus police officer.



To: Members of the Committee on Federal and State Affairs

From: Jim Gilchrist, Director Department of Safety

Date: 3/8/2004

Subject: Senate Bill No. 136

State Statute K.S.A. 72-8222 allows Boards of Education to employ school law enforcement officers. Our officers are state certified and undergo the same training, and are held to the same standards of professional conduct as all Kansas law enforcement officers.

Our mission is to provide a safe and secure environment where students can learn and teachers can teach. We investigate all reports of crime and violence in and adjacent to our schools. We supplement local law enforcement and submit our reports to the District Attorney for consideration.

Few would argue that we live in a more dangerous environment today than three decades ago when this statute was enacted. This bill is proposed to put to rest controversy that has arisen over the years regarding our position in the law enforcement community. The rise in school violence, truancy, and drug abuse has changed the face of the school police officer. He or she must be the best trained and educated law enforcement proponent possible.

This bill will once and for all clarify our position and mandate that all school police officers in Kansas meet the same high standards required by the Kansas Law Enforcement Training Center and the public safety profession.



**TESTIMONY SENATE BILL #136
BY COMMITTEE ON FEDERAL
AND STATE AFFAIRS
March 8, 2004**

**PRESENTED BY
MAJOR GARY HERMAN
ON BEHALF OF CHIEF ED KLUMPP
TOPEKA POLICE DEPARTMENT
IN SUPPORT OF SENATE BILL #136**

The Topeka Police Department supports passage of Senate Bill #136 because provisions in the bill would impact the City of Topeka in a positive way. Passage of this Bill would allow USD 501 Security to handle more incidents without direct assistance from Topeka Police Department officers which in turn, takes that officer out of service and unavailable to respond to other calls.

Off-site classroom locations, sporting events at venues not owned by USD 501, investigating criminal leads off-campus, off-site school related meetings and functions, vehicle stops in areas not on school property, truancy investigations, any many more activities can all require the assistance of a Topeka Police Officer. In 2003 assistance provided by Topeka Police to Washburn Rural, Topeka Public, Seaman, and Shawnee Heights School Security was approximately 730 calls. If passed this bill would allow School Security to function in many of those 730 calls without assistance from Topeka Police officers. The assistance provided by our Officers is not required because school security officers are not trained or qualified, but because of jurisdictional concerns. Most outlying school districts send their police officers to attend the full police academy along with new Topeka Police Recruits. Often most officers hired by school districts have previous law enforcement experience.

With ever increasing requests for services in the City of Topeka any help in reducing requests for assistance from other qualified law enforcement agencies such as USD 501 Security will help in our overall delivery of services. The Topeka Police Department is committed to protect and serve all people in the city and the more efficiently we can do that, the more we all benefit.

I thank you for your time and consideration of this important step towards allowing school districts to rely less on local law enforcement on situations they can handle by themselves.

March 5, 2004

TO: Federal and State Affairs Committee Members

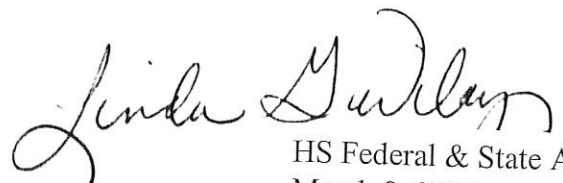
FROM: Dr. Linda G. Wiley, Associate Principal
Topeka High School
800 SW 10th St.
Topeka, KS 66612

RE: Senate Bill 136

I would like to voice my strong support for your positive consideration of Senate Bill 136 that, if passed by this committee, would most certainly provide for the necessary and up-to-date levels of jurisdiction and protection of our K – 12 school police officers. The current statute, written in 1974, that covers our school police officers' levels authority and jurisdiction, is antiquated and leaves school police officers too often in harm's way, both in legal and physical terms.

As a school administrator, my top priority is to provide my students and staff with a safe, orderly and secure learning environment. This task would be virtually impossible for me, and others in my position, to carry out if it were not for the daily presence and skill of our school police officers. They are the most reliable, dependable and knowledgeable resource that I have when dealing with the plethora of non-academic issues (e.g., safety, security, criminal activity, drugs, weapons, and violent behavior, etc.) that can occur on or be present in a school setting on a daily basis.

The school has always been a microcosm of society, and in that the world has changed dramatically since 1974, we need to seriously consider changing our laws so that they are inline with the trends of today's society. School police officers are highly trained and skilled professionals who are continually alert and ready to respond to any situation that may arise within the school or in the areas adjacent to the school. Without the proper legal jurisdiction and protection, our school police officers cannot effectively monitor and control all of the external influences that can and do impact the school. Our schools and school property are often located across from, next door to or in close proximity to areas of high crime, agencies that monitor/support drug and/or alcohol rehabilitation programs and other similar institutions. Because the school interfaces with these factions of our society, our school police officers must have the proper levels of authority, jurisdiction and protection to intervene when these factions present the school with issues of safety and/or criminal activity. Our school police officers also need to be able to work outside of the school and its boundaries when they deal with our truant student. Without the necessary and proper authority to detain and/or return these students to school or to the proper legal agency, our officers' hands are tied. As a school official, I deal constantly with issues surrounding truancy. It is through the assistance of our school police officers, and their authority, that I can make a difference in those students who stay in school and those who are lost to the streets.



HS Federal & State Affairs
March 8, 2004
Attachment 4



National
Association of
School
Resource
Officers, Inc.

03-08-2004

To: House members of the Committee on Federal and State
Affairs

Re: Senate Bill Number 136

Thank you for your time.

My name is Tony Woollen. I am the current Secretary of the National Association of School Resource Officers. Our organization serves over 14, 000 school-based police officers across the United States. School Resource Officers are generally Municipal Officers or County Deputies assigned to school communities as part of a comprehensive community policing program.

School resource officers work as partners with school district/campus officers. These campus officers may be the only backup the SRO may have available. Because of their unique partnership, the campus officer must have received the highest training possible. This training should be not restricted to training in any fashion other than what the municipal, county or state officer has received. If circumstances require the SRO to call on the campus police officer for support in handling a situation, and the campus officer is touched in a rude or insolent manner, why then should state statutes not consider the campus officer as equal? Our school district police officer needs to be protected under state statute and given the recognition they deserve as law enforcement officers.

Further, the role of the School District Officer has changed dramatically since 1972. Today, their role is much more than just security. Those that complete the Kansas Law Enforcement Academy are actively involved in investigations, patrol procedures, courtroom testimony and arrests of violent and non-violent offenders. School district officers should be held to the same standards of other Law Enforcement officers. Once they have completed their Academy training, and maintain the requirements of the state of Kansas, they should be recognized appropriately.

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www.nasro.org

April 2, 2003

The Honorable William Mason, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 170-W
Topeka, Kansas 66612

Dear Representative Mason:

On behalf of the state of Kansas University Police Officers, we respectfully submit the following information for consideration in regard to SB 136. Our primary concern relates to changing the terminology "university police" to "campus police".

Historically, the state has recognized the unique nature of law enforcement at its Universities. For example, as in the case with the Kansas Highway Patrol and the Kansas Bureau of Investigation, University Police are assigned their own specialized classification series by the Division of Personnel Services. Pay scales and compensation matters are generally balanced with consideration to job complexity and responsibilities. In addition, the state recognizes the physical demands and hazards associated with University Police Officers job duties (KSA 74-4986f - officers are affiliated members of Kansas Police & Fire retirement). While certainly important, the scope of responsibilities for school officers differs greatly from University Police Officers. The Seven University Police departments in Kansas are full service professional law enforcement agencies. The communities we protect are cities within cities. Even with the passage of an expanded jurisdiction for school officers, it is unlikely these officers will perform the same level of service and protection provided by University Police. In short, duties are more different than similar. It is our collective opinion that University Police should continue to be defined by statute, as a distinctive category of state law enforcement officer.

Several other aspects of SB 136 warrant further review and consideration. Training of law enforcement officers has a fiscal impact. Who will be responsible for the costs of training the new "campus police officers"? KSA 74-5609a states "the law enforcement training center is authorized to charge tuition for each school law enforcement officer enrolled in a course at the training center". Bona-fide law enforcement officers do not rely on other local law enforcement officials to transport persons in custody to appropriate facilities. Requiring other agencies to transport prisoners places an unnecessary burden on the local departments and will create ill will between law enforcement officers. Who will commission these officers? Will they be responsible for investigating crimes and reporting these crimes to the Kansas Bureau of Investigation and the Federal Bureau of Investigation? Other chapters (65, 74, & 76) of KSA will be also be affected by this bill. We strongly urge the legislature to revisit SB 136 and further discuss the impact of these changes.

Page two
SB136

SB 136, in its current form, will place unintended consequences on University Police. The stated intent of the legislation, expanded jurisdiction for school law enforcement officers, can be met without changing the status or definition of University Police. We regret that we missed the opportunity to testify our concerns, however we discovered the bill only last week. Should you have any questions, please contact any or all of us.

Sincerely,



Chris Hoover
Director of University Police
Emporia State University



Richard L. Johnson
Chief of University Police
University of Kansas Medical Center



Ronnie Grice
Director of University Police
Kansas State University




Darrell Masoner
Director of University Police
Pittsburg State University



Ralph Oliver
Director of Public Safety
University of Kansas



Charles Rummery
Chief of University Police
Wichita State University

Sid Carlile 
Chief of University Police
Fort Hays State University