

HOUSE BILL No. 2322

By Committee on Judiciary

Requested by James Iverson on behalf of the National Coalition of Motorcyclists

2-7

1 AN ACT concerning law enforcement; relating to motorcyclists;
2 prohibiting motorcycle profiling and requiring law enforcement
3 agencies to adopt a policy relating to motorcycle profiling; requiring
4 the course of law enforcement training adopted by the director of police
5 training to include training on motorcycle profiling; amending K.S.A.
6 74-5604a and repealing the existing section.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) No law enforcement officer or law enforcement
10 agency shall engage in motorcycle profiling.

11 (b) A person who is aggrieved by a violation of this section may:

12 (1) File a complaint with the attorney general who shall investigate
13 such complaint, and, upon making a finding that a law enforcement officer
14 or law enforcement agency has engaged in motorcycle profiling, require
15 such officer or agency to participate in additional training relating to
16 motorcycle profiling; or

17 (2) file an action in district court and recover actual and punitive
18 damages, injunctive relief and any costs and attorney fees.

19 (c) All law enforcement agencies in this state shall:

20 (1) Adopt a detailed, written policy prohibiting motorcycle profiling
21 and outlining disciplinary action that will be taken against an officer who
22 violates such policy; and

23 (2) require law enforcement officers who work in the agency to
24 participate in annual training related to motorcycle profiling with a goal to
25 reduce motorcycle profiling across the state.

26 (d) As used in this section, "motorcycle profiling" means the use of
27 the fact that a person rides a motorcycle or wears motorcycle-related
28 paraphernalia in making a decision to stop, question, take enforcement
29 action against, arrest or search a person or vehicle with or without a legal
30 basis.

31 Sec. 2. K.S.A. 74-5604a is hereby amended to read as follows: 74-
32 5604a. (a) The director of police training may establish a program for
33 extending the law enforcement training and instruction throughout the
34 state on a regional basis. The director of police training also may certify
35 annually the training schools of state and local law enforcement agencies

1 providing a course of law enforcement training for full-time police officers
2 or law enforcement officers when such training programs satisfy the
3 qualifications and standards promulgated by the director of police training
4 after approval of the commission and when such programs satisfy a
5 demonstrated training need not met by existing programs. The director of
6 police training shall establish a course in basic law enforcement training
7 for part-time police officers or law enforcement officers, approved by the
8 commission, to be provided at the training center and certified state and
9 local law enforcement training schools. In addition, after the general
10 election of each election year and prior to January 1 of the next succeeding
11 year, and at such other times as the director of police training deems
12 necessary, the director of police training shall commence a training course
13 for persons elected to the office of sheriff at the preceding general election.

14 (b) The director of police training shall conduct a pretraining
15 evaluation of applicants for admission to the course for law enforcement
16 officers conducted by the training center or to any certified state or local
17 law enforcement training school to assure that each applicant is qualified
18 to serve as a law enforcement officer. The director of police training shall
19 adopt minimum standards, which shall receive prior approval by the
20 commission, to be considered in the pretraining evaluation. The director of
21 police training shall advise the city, county or state agency, railroad, school
22 district or community college authorizing the applicant to attend the
23 training center or certified state or local law enforcement training school of
24 the results of the pretraining evaluation. The director of police training,
25 with approval of the commission, may reject an applicant to the training
26 center who does not meet the minimum pretraining standards.

27 (c) Training courses conducted pursuant to this section:

28 (1) may include procedures for law enforcement to follow when
29 responding to an allegation of stalking; *and*

30 (2) *shall include information about motorcycle profiling and training*
31 *on how to avoid motorcycle profiling.*

32 Sec. 3. K.S.A. 74-5604a is hereby repealed.

33 Sec. 4. This act shall take effect and be in force from and after its
34 publication in the statute book.