

SENATE BILL No. 501

By Committee on Federal and State Affairs

2-10

1 AN ACT concerning criminal procedure; relating to racial or other biased-
2 based policing; requiring law enforcement agencies to adopt policies
3 related to racial and other biased-based policing using technology;
4 criminalizing violation of racial or other biased-based policing policies;
5 amending K.S.A. 22-4610 and repealing the existing section.
6

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

8 Section 1. K.S.A. 22-4610 is hereby amended to read as follows: 22-
9 4610. (a) All law enforcement agencies in this state shall adopt a detailed,
10 written policy to preempt racial or other biased-based policing. Each
11 agency's policy shall include the definition of racial or other biased-based
12 policing found in K.S.A. 22-4606, and amendments thereto.

13 (b) Policies adopted pursuant to this section shall be implemented by
14 all Kansas law enforcement agencies within one year after the effective
15 date of this act. The policies and data collection procedures shall be
16 available for public inspection during normal business hours.

17 (c) The policies adopted pursuant to this section shall include, but not
18 be limited to, the following:

19 (1) A detailed written policy that prohibits racial or other biased-
20 based policing and that clearly defines acts constituting racial or other
21 biased-based policing using language that has been recommended by the
22 attorney general.

23 (2) (A) The agency policies shall require annual racial or other
24 biased-based policing training which shall include, but not be limited to,
25 training relevant to racial or other biased-based policing. Distance learning
26 training technology shall be allowed for racial or other biased-based
27 policing training.

28 (B) Law enforcement agencies may appoint an advisory body of not
29 less than five persons composed of representatives of law enforcement,
30 community leaders and educational leaders to recommend and review
31 appropriate training curricula.

32 (3) (A) For law enforcement agencies of cities or counties that have
33 exercised the option to establish community advisory boards pursuant to
34 K.S.A. 22-4611b, and amendments thereto, use of such community
35 advisory boards which include participants who reflect the racial and
36 ethnic community, to advise and assist in policy development, education

1 and community outreach and communications related to racial or other
2 biased-based policing by law enforcement officers and agencies.

3 (B) Community advisory boards shall receive training on fair and
4 impartial policing and comprehensive plans for law enforcement agencies.

5 (4) Policies for discipline of law enforcement officers who engage in
6 racial or other biased-based policing.

7 (5) A provision that, if the investigation of a complaint of racial or
8 other biased-based policing reveals the officer was in direct violation of
9 the law enforcement agency's written policies regarding racial or other
10 biased-based policing, the employing law enforcement agency shall take
11 appropriate action consistent with applicable laws, rules and regulations,
12 resolutions, ordinances or policies, including demerits, suspension or
13 removal of the officer from the agency.

14 (6) Provisions for community outreach and communications efforts to
15 inform the public of the individual's right to file with the law enforcement
16 agency or the office of the attorney general complaints regarding racial or
17 other biased-based policing, which outreach and communications to the
18 community shall include ongoing efforts to notify the public of the law
19 enforcement agency's complaint process.

20 (7) Procedures for individuals to file complaints of racial or other
21 biased-based policing with the agency, which, if appropriate, may provide
22 for use of current procedures for addressing such complaints.

23 (8) *Procedures for using telephonic, computerized and electronic*
24 *equipment in a manner that does not violate the agency's written policies*
25 *on racial and other biased-based policing but does respect the*
26 *constitutional rights of all individuals.*

27 (d) *A violation of a policy that results in an investigation of a*
28 *complaint or racial or other biased-based policing and reveals that the*
29 *officer was in direct violation of the law enforcement agency's written*
30 *policies regarding racial or other biased-based policing is a class A*
31 *nonperson misdemeanor.*

32 (e) (1) Each law enforcement agency shall compile an annual report
33 for the period of July 1 to June 30 and shall submit the report on or before
34 July 31 to the office of the attorney general for review. Annual reports filed
35 pursuant to this subsection shall be open public records and shall be posted
36 on the official website of the attorney general.

37 (2) The annual report shall include:

38 (A) The number of racial or other biased-based policing complaints
39 received;

40 (B) the date each racial or other biased-based policing complaint is
41 filed;

42 (C) action taken in response to each racial or other biased-based
43 policing complaint;

1 (D) the disposition of each racial or other biased-based policing
2 complaint;

3 (E) the date each racial or other biased-based policing complaint is
4 closed;

5 (F) whether or not all agency law enforcement officers not exempted
6 by Kansas commission on peace officers' standards and training received
7 the training required in subsection (c)(2)(A);

8 (G) whether the agency has a policy prohibiting racial or other
9 biased-based policing;

10 (H) whether the agency policy mandates specific discipline for
11 sustained complaints of racial or other biased-based policing;

12 (I) whether the agency has a community advisory board; and

13 (J) whether the agency has a racial or other biased-based policing
14 comprehensive plan or if it collects traffic or pedestrian stop data.

15 Sec. 2. K.S.A. 22-4610 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.