

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 478

As Amended by Senate Committee on Judiciary

Brief*

SB 478, as amended, would add the crimes of assault of a utility or communications employee and battery of a utility or communications employee to the Kansas Criminal Code and would provide the penalties for such crimes.

The bill would also prohibit a public utility from authorizing a law enforcement agency to take certain actions with respect to law enforcement equipment (equipment) on any utility pole or other structure that is owned or operated by the public utility in certain circumstances.

Assault of a Utility or Communications Employee

The bill would define this crime as assault committed against a utility or communications employee, contractor, or subcontractor of an entity that provides electricity, natural gas, water, wastewater, telecommunications services, or internet access services while the employee is engaged in such employee's duties.

The crime would be a class B person misdemeanor. [Note: Continuing law provides that simple assault is a class C person misdemeanor.]

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Battery of a Utility or Communications Employee

The bill would define this crime as battery committed against a utility or communications employee, contractor, or subcontractor while the employee, contractor, or subcontractor is engaged in the performance of such employee's, contractor's, or subcontractor's duties.

For the purposes of the crime, the bill would define "utility or communications employee" as an employee, contractor, or subcontractor of an entity that provides electricity, natural gas, water, wastewater, telecommunications services, or internet access services.

The crime would be a class A person misdemeanor. [Note: Continuing law provides that simple battery is a class B misdemeanor.]

Law Enforcement Equipment on Utility Poles

The bill would prohibit a public utility from permitting, allowing, or entering into an agreement that authorizes a law enforcement agency to attach, access, operate, maintain, or remove law enforcement equipment (equipment) on any utility pole or other structure that is owned or operated by the public utility for more than 60 days.

The bill would exclude from the limit:

- Agreements that are authorized by a lawfully issued warrant or court order; or
- Those utility poles or structures that are in a commercially zoned public area or any park or recreation area operated by a municipality as defined in continuing law.

The bill would require that, after 60 days, if no warrant or court order is issued, such equipment be removed as soon as

reasonably possible and any evidence collected by the equipment after such 60 days be inadmissible in any legal proceeding.

The bill would define “law enforcement equipment” as any camera but would not include any non-video equipment or automatic license plate readers that destroy all data within 90 days unless specific data is retained as part of an open investigation.

The bill would define the Kansas Bureau of Investigation (KBI) as a “law enforcement agency” for purposes of the bill. Continuing law includes city police departments, county sheriffs’ departments, and county police departments as such agencies.

Background

The Senate Committee on Judiciary inserted the contents of SB 373 into SB 478 while retaining the contents of SB 478. Background information for each bill may be found below.

SB 478 – Assault and Battery of Utility Worker or Communications Employee

The bill was introduced by Senators Corson and Claeys.

Senate Committee on Judiciary

In the Senate Committee hearing, representatives of Kansas Electric Cooperatives, Inc. and International Brotherhood of Electrical Workers Local Union 304 provided **proponent** testimony. Proponents stated the bill would address rising occurrences of violence committed against utility and communications employees who respond to outages. Written-only proponent testimony was provided by Senator Corson and representatives of AT&T; Atmos Energy;

Black Hills Energy; Evergy; ITC Great Plains; Kansas AFL-CIO; and Kansas Gas Service.

No other testimony was provided.

The Senate Committee amended the bill to:

- Provide contractors and subcontractors the same protections afforded to utility workers and communications employees by the bill;
- Add the contents of SB 373 concerning law enforcement equipment on utility poles.

SB 373 – Law Enforcement Equipment on Utility Poles

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Titus.

Senate Committee on Judiciary

In the Senate Committee hearing, representatives of ACLU of Kansas; KBI; and Kansas Justice Institute provided **proponent** testimony. Proponents stated the bill would limit the exposure of private information, protect civil rights, and encourage judicial review.

Written-only **neutral** testimony was provided by a representative of Kansas Municipal Utilities.

Opponent testimony was provided by representatives of Kansas Association of Chiefs of Police; Kansas Sheriffs Association; Kansas State Lodge Fraternal Order of Police; and Wichita Police Department. Opponents stated enactment of the bill would significantly restrict lawful and effective tools for law enforcement, which would result in more crime and decrease public safety.

No other testimony was provided.

The Senate Committee amended the bill to:

- Increase the maximum length of time for law enforcement to attach, access, operate, maintain, or remove law enforcement equipment on any utility pole or other public utility structure under such agreements from 30 days to 60 days;
- Remove subpoenas from the list of documents that may be used to authorize law enforcement to operate law equipment on utility poles or structures;
- Add KBI to the definition of “law enforcement agency”; and
- Define “law enforcement equipment.”

Fiscal Information

SB 478

According to the fiscal note prepared by the Division of the Budget on SB 478, as introduced, the Sentencing Commission indicates that enactment of SB 478 would have no impact on prison admissions or prison bed space because the penalties established by the bill are misdemeanors. The Board of Indigents’ Defense Services indicates that enactment of SB 478 would have no fiscal effect on its operations because the agency does not handle most misdemeanor cases.

The Office of Judicial Administration indicates that enactment of SB 478 would have a negligible fiscal effect on its operations and that any impact could be absorbed within existing resources.

The Kansas Association of Counties (KAC) indicates that enactment of SB 478 would increase county

expenditures by a negligible amount as a result of costs associated with implementation of the new offenses and potential costs associated with holding individuals convicted under the provisions of SB 478. The League of Kansas Municipalities (LKM) indicates that enactment of SB 478 would have a negligible fiscal effect on city governments.

SB 373

According to the fiscal note prepared by the Division of the Budget on SB 373, as introduced, the Kansas Corporation Commission and the Citizens' Utility Ratepayer Board indicate that enactment of SB 373 would have no fiscal impact on operations.

LKM and KAC could not estimate a precise fiscal effect of enactment of SB 373.

Crimes; criminal procedure; punishment; assault or battery of a utility or communications employee; judiciary; law enforcement; public utilities; surveillance equipment; utility poles