

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 435

By Committee on Judiciary

1-25

10 AN ACT concerning criminal procedure *repealing K.S.A. 22-2501*; re-
11 lating to search incident to arrest, ~~amending K.S.A. 22-2501 and re-~~
12 ~~pealing the existing section.~~

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 ~~Section 1. K.S.A. 22-2501 is hereby amended to read as follows. 22-~~
16 ~~2501. When a lawful arrest is effected a law enforcement officer may~~
17 ~~reasonably search the person arrested and the area within such person's~~
18 ~~immediate presence for the purpose of~~

19 ~~(a) Protecting the officer from attack,~~
20 ~~(b) Preventing the person from escaping, or~~
21 ~~(c) Discovering the fruits, instrumentalities, or evidence of a *the*~~
22 ~~crime.~~

23 ~~Sec. 2. Section 1. K.S.A. 22-2501 is hereby repealed.~~

24 ~~Sec. 3. 2. This act shall take effect and be in force from and after its~~
25 ~~publication in the statute book.~~

As Amended by House Committee

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 435

By Committee on Judiciary

1-25

12 AN ACT concerning criminal procedure ~~repealing K.S.A. 22-2501~~
13 **concerning criminal procedure**; relating to search incident to ar-
14 rest, amending K.S.A. 22-2501 and repealing the existing section;
15 **amending K.S.A. 22-2501 and repealing the existing section.**

16

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

18 Section 1. ~~K.S.A. 22-2501 is hereby amended to read as follows: 22-~~
19 ~~2501. When a lawful arrest is effected a law enforcement officer may~~
20 ~~reasonably search the person arrested and the area within such person's~~
21 ~~immediate presence for the purpose of~~

22 ~~—(a) Protecting the officer from attack,~~
23 ~~—(b) Preventing the person from escaping, or~~
24 ~~—(c) Discovering the fruits, instrumentalities, or evidence of a the~~
25 ~~crime.~~

26 **Section 1. K.S.A. 22-2501 is hereby amended to read as fol-**
27 **lows: 22-2501. When a lawful arrest is effected a law enforcement**
28 **officer may reasonably search** the person arrested and the area within
29 such person's immediate presence for the purpose of

30 ~~—(a) Protecting the officer from attack,~~
31 ~~—(b) Preventing the person from escaping, or~~
32 ~~—(c) Discovering the fruits, instrumentalities, or evidence of a crime.~~
33 *to the full extent allowed by and consistent with the constitution of the*
34 *United States.*

35 ~~Sec. 2. Section 1. Sec. 2.~~ K.S.A. 22-2501 is hereby repealed.

36 ~~Sec. 3. 3.~~ This act shall take effect and be in force from and after
37 its publication in the statute book.