

SENATE BILL No. 159

By Committee on Judiciary

2-5

Proposed Amendments to SB 159
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Office of Revisor of Statutes
February 18, 2015

1 AN ACT concerning the revised Kansas code for care of children; relating
2 to when law enforcement officers shall take a child into custody;
3 amending K.S.A. 2014 Supp. 38-2231 and repealing the existing
4 section.
5

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

7 Section 1. K.S.A. 2014 Supp. 38-2231 is hereby amended to read as
8 follows: 38-2231. (a) A law enforcement officer or court services officer
9 shall take a child under 18 years of age into custody when:

10 (1) The law enforcement officer or court services officer has a court
11 order commanding that the child be taken into custody as a child in need
12 of care; or

13 (2) the law enforcement officer or court services officer has probable
14 cause to believe that a court order commanding that the child be taken into
15 custody as a child in need of care has been issued in this state or in another
16 jurisdiction.

17 (b) A law enforcement officer shall take a child under 18 years of age
18 into custody when the officer:

19 (1) Reasonably believes the child will be harmed if not immediately
20 removed from the place or residence where the child has been found;

21 (2) has probable cause to believe that the child is a missing person
22 and a verified missing person entry for the child can be found in the
23 national crime information center missing person system; ~~or~~

24 (3) reasonably believes the child is a victim of human trafficking,
25 aggravated human trafficking or commercial sexual exploitation of a
26 child; ~~or~~

27 (4) ~~reasonably believes that there is a violation of article 57 of~~
28 ~~chapter 21 of the Kansas Statutes Annotated, and amendments thereto,~~ **is**
29 ~~occurring in the child's residence that threatens the safety of the child.~~

30 (c) (1) If a person provides shelter to a child whom the person knows
31 is a runaway, such person shall promptly report the child's location either
32 to a law enforcement agency or to the child's parent or other custodian.

33 (2) If a person reports a runaway's location to a law enforcement
34 agency pursuant to this section and a law enforcement officer of the
35 agency has reasonable grounds to believe that it is in the child's best
36 interests, the child may be allowed to remain in the place where shelter is

has probable cause to believe that

and reasonably believes such violation