

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2022

By Committee on Judiciary

1-15

1 AN ACT concerning law enforcement officers; relating to the office of  
2 sheriff; qualifications for office; amending K.S.A. 2014 Supp. 19-801b  
3 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 2014 Supp. 19-801b is hereby amended to read as  
7 follows: 19-801b. (a) No person shall be eligible for ~~nomination~~; election  
8 or appointment to the office of sheriff unless such person, *at the time such*  
9 *person is elected or appointed*:

10 (1) Is a citizen of the United States and a qualified elector of the  
11 county;

12 ~~(2) possesses a high-school education or its recognized equivalent;~~  
13 ~~and~~

14 ~~(3) has never been convicted of or pleaded guilty or entered a plea of~~  
15 ~~nolo contendere to any felony charge, a misdemeanor crime of domestic~~  
16 ~~violence as defined in K.S.A. 74-5602, and amendments thereto, or to any~~  
17 ~~violation of any federal or state laws or city ordinances relating to~~  
18 ~~gambling, liquor or narcotics.~~

19 (b) ~~Every person elected to the office of sheriff for the first time, or~~  
20 ~~anyone reelected or appointed to the office after having been out of the~~  
21 ~~office for five years or more shall be required to attend the law~~  
22 ~~enforcement training center as established by K.S.A. 74-5601 et seq., and~~  
23 ~~amendments thereto, and satisfactorily complete the required training~~  
24 ~~course of not less than 320 hours, unless such person has satisfactorily~~  
25 ~~completed such training course within the five years prior to election or~~  
26 ~~appointment, passes a written competency test and firearms proficiency~~  
27 ~~qualification course developed and administered by the Kansas law~~  
28 ~~enforcement training center or unless the commission, as defined in~~  
29 ~~subsection (b) of K.S.A. 74-5602, and amendments thereto, waives the~~  
30 ~~requirements of this subsection as provided in K.S.A. 74-5608a, and~~  
31 ~~amendments thereto. Unless the requirements are waived, any person~~  
32 ~~elected or appointed to the office of sheriff who has not attended the law~~  
33 ~~enforcement training center shall hold office on a provisional basis, and~~  
34 ~~such person shall attend the next scheduled training program at the law~~  
35 ~~enforcement training center and satisfactorily complete such training~~  
36 ~~program or the one subsequent to it, or shall forfeit such office.~~

1       (2) *has not been convicted of a crime that would constitute a*  
2 *misdemeanor crime of domestic violence or a felony under the laws of this*  
3 *state; ~~and~~*

4       (3) **has not been convicted of a misdemeanor within five years**  
5 **immediately preceding the date of election or appointment; and**

6       (4) *has graduated from a high school accredited by the state board of*  
7 *education or the appropriate accrediting agency of another state*  
8 *jurisdiction or obtained the equivalent of a high school education as*  
9 *defined by rules and regulations of the commission.*

10       (b) *Unless the commission waives the training requirements of this*  
11 *subsection pursuant to K.S.A. 74-5608a, and amendments thereto, any*  
12 *person elected or appointed to the office of sheriff:*

13       (1) *Shall possess current full-time law enforcement certification from*  
14 *the commission;*

15       (2) *if such person has allowed such full-time certification to lapse*  
16 *due to more than five years since employment as a Kansas law*  
17 *enforcement officer shall:*

18       (A) *Pass the next scheduled written competency test and firearms*  
19 *proficiency qualification course developed and administered by the*  
20 *Kansas law enforcement training center, that is available for such person*  
21 *to attend after election or appointment to the office of sheriff, or the*  
22 *subsequent scheduled written competency test and firearms proficiency*  
23 *qualification course; or*

24       (B) *satisfactorily complete the next scheduled full-time basic training*  
25 *course required under K.S.A. 74-5607a, and amendments thereto, that is*  
26 *available for such person to attend after election or appointment to the*  
27 *office of sheriff, or the one subsequent to it; or*

28       (3) *if such person has not obtained full-time certification by the*  
29 *commission, shall satisfactorily complete the next scheduled full-time*  
30 *basic training course required under K.S.A. 74-5607a, and amendments*  
31 *thereto, that is available for such person to attend after election or*  
32 *appointment to the office of sheriff, or the one subsequent to it.*

33       (c) *Unless the training requirements of subsection (b) are waived by*  
34 *the commission, any person elected or appointed to the office of sheriff*  
35 *who does not meet the training requirements of subsection (b) shall*  
36 *complete such training requirements, or forfeit such office.*

37       ~~(d)~~ (d) *Each newly elected sheriff of each county who is required to*  
38 *attend the law enforcement training center prior to taking office shall be*  
39 *hired as a deputy sheriff and shall be paid a salary ~~as deputy~~ equal to the*  
40 *existing sheriff while attending the law enforcement training center. The*  
41 *tuition, board, room and travel expense for the sheriff-elect at the law*  
42 *enforcement training center shall be paid by the county.*

43       (e) *As used in this section, "commission" means the Kansas*

1 *commission on peace officers' standards and training created by K.S.A.*  
2 *74-5606, and amendments thereto, or the commission's designee.*

3       Sec. 2. K.S.A. 2014 Supp. 19-801b is hereby repealed.

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