

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2550

By Committee on Judiciary

1-27

1 AN ACT concerning the Kansas law enforcement training act; relating to
2 **qualifications of applicants for certification**; open records,
3 exemptions; amending K.S.A. 2015 Supp. **74-5605 and 74-5611a** and
4 repealing the existing ~~section~~ **sections**.

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

7 **Section 1. K.S.A. 2015 Supp. 74-5605 is hereby amended to read**
8 **as follows: 74-5605. (a) Every applicant for certification shall be an**
9 **employee of a state, county or city law enforcement agency, a**
10 **municipal university police officer, a railroad policeman appointed**
11 **pursuant to K.S.A. 66-524, and amendments thereto; an employee of**
12 **the tribal law enforcement agency of an Indian nation that has entered**
13 **into a tribal-state gaming compact with this state; a manager or**
14 **employee of the horsethief reservoir benefit district pursuant to K.S.A.**
15 **2015 Supp. 82a-2212, and amendments thereto; or a school security**
16 **officer designated as a school law enforcement officer pursuant to**
17 **K.S.A. 72-8222, and amendments thereto.**

18 **(b) Prior to admission to a course conducted at the training**
19 **center or at a certified state or local law enforcement agency, the**
20 **applicant's appointing authority or agency head shall furnish to the**
21 **director of police training and to the commission a statement**
22 **certifying that the applicant has been found to meet the minimum**
23 **requirements of certification established by this subsection. The**
24 **commission may rely upon the statement of the appointing authority**
25 **or agency head as evidence that the applicant meets the minimum**
26 **requirements for certification to issue a provisional certification. Each**
27 **applicant for certification shall meet the following minimum**
28 **requirements:**

- 29 **(1) Be a United States citizen;**
30 **(2) have been fingerprinted and a search of local, state and**
31 **national fingerprint files made to determine whether the applicant has**
32 **a criminal record;**
33 **(3) not have been convicted of a crime that would constitute a**
34 **felony under the laws of this state, a misdemeanor crime of domestic**
35 **violence or a misdemeanor offense that the commission determines**
36 **reflects on the honesty, trustworthiness, integrity or competence of the**

1 applicant as defined by rules and regulations of the commission;

2 (4) have graduated from a high school accredited by the Kansas
3 state board of education or the appropriate accrediting agency of
4 another state jurisdiction or have obtained the equivalent of a high
5 school education as defined by rules and regulations of the
6 commission;

7 (5) be of good moral character sufficient to warrant the public
8 trust in the applicant as a police officer or law enforcement officer;

9 (6) have completed an assessment, including psychological testing
10 approved by the commission, to determine that the applicant does not
11 have a mental or personality disorder that would adversely affect the
12 ability to perform the essential functions of a police officer or law
13 enforcement officer with reasonable skill, safety and judgment;

14 (7) be free of any physical or mental condition which adversely
15 affects the ability to perform the essential functions of a police officer
16 or law enforcement officer with reasonable skill, safety and judgment;
17 and

18 (8) be at least 21 years of age.

19 (c) The commission may deny a provisional or other certification
20 upon a finding that the applicant has engaged in conduct for which a
21 certificate may be revoked, suspended or otherwise disciplined as
22 provided in K.S.A. 74-5616, and amendments thereto. When it
23 appears that grounds for denial of a certification exist under this
24 subsection, after a conditional offer of employment has been made to
25 an applicant seeking appointment as a police officer or law
26 enforcement officer, the applicant's appointing authority or agency
27 head may request an order from the commission to determine whether
28 a provisional certification will be issued to that applicant.

29 (d) As used in this section, "conviction" includes rendering of
30 judgment by a military court martial pursuant to the uniform code of
31 military justice, by a court of the United States or by a court of
32 competent jurisdiction in any state, whether or not expunged; and any
33 diversion or deferred judgment agreement entered into for a
34 misdemeanor crime of domestic violence or misdemeanor offense that
35 the commission determines reflects on the honesty, trustworthiness,
36 integrity or competence of the applicant as defined by rules and
37 regulations of the commission and any diversion or deferred judgment
38 agreement entered into on or after July 1, 1995, for a felony.

39 ~~Section 1.~~ **Sec. 2.** K.S.A. 2015 Supp. 74-5611a is hereby amended to
40 read as follows: 74-5611a. (a) The commission shall establish and
41 maintain a central registry of all Kansas police officers or law enforcement
42 officers. The purpose of the registry is to be a resource for all agencies
43 who appoint or elect police or law enforcement officers to use when

1 reviewing employment applications of such officers. The registry shall be
2 made available only to those agencies who appoint or elect police or law
3 enforcement officers.

4 (b) The director shall provide forms for registration and shall refuse
5 any registration not submitted on such form in full detail.

6 (c) Within 30 days of appointment, election or termination, every city,
7 county and state agency, every school district and every community
8 college shall submit the name of any person appointed or elected to or
9 terminated from the position of police officer or law enforcement officer
10 within its jurisdiction.

11 (d) Upon termination, the agency head shall include a report
12 explaining the circumstances under which the officer resigned or was
13 terminated. Such termination report shall be available to the terminated
14 officer and any law enforcement agency to which the terminated officer
15 later applies for a position as a police officer or law enforcement officer.
16 The terminated officer may submit a written statement in response to the
17 termination and any such statement shall be included in the registry file
18 concerning such officer. The director shall adopt a format for the
19 termination report.

20 (e) The agency, agency head and any officer or employee of the
21 agency shall be absolutely immune from civil liability:

22 (1) For the report made in accordance with subsection (d); and

23 (2) when responding in writing to a written request concerning a
24 current or former officer from a prospective law enforcement agency of
25 that officer for the report made in accordance with subsection (d) and for
26 the disclosure of such report.

27 *(f) The registry maintained in accordance with subsection (a) and the*
28 *report submitted in accordance with subsection (d) shall be confidential*
29 *and shall not be subject to disclosure under the Kansas open records act,*
30 *K.S.A. 45-215 et seq., and amendments thereto. The confidentiality*
31 *prescribed by this section is not subject to expiration pursuant to K.S.A.*
32 *45-229, and amendments thereto, or any other statute.*

33 ~~New Sec.—2.~~ **3.** (a) Except as provided in subsection (b), any
34 complaint or report, record or other information relating to a complaint
35 which is received, obtained, created or maintained by the commission shall
36 be confidential and shall not be subject to disclosure under the open
37 records act, K.S.A. 45-215 et seq., and amendments thereto. The
38 confidentiality prescribed by this section is not subject to expiration
39 pursuant to K.S.A. 45-229, and amendments thereto, or any other statute.

40 (b) Any complaint, report, record, or other information relating to a
41 complaint which is received, obtained, created or maintained by the
42 commission may be disclosed:

43 (1) In any proceeding conducted by the commission in accordance

1 with the Kansas administrative procedures act or in an appeal of an order
2 of the commission entered in a proceeding, or to a party in such
3 proceeding or that party's attorney;

4 (2) to a municipal, state or federal licensing, regulatory or
5 enforcement agency with jurisdiction over acts or conduct similar to acts
6 or conduct which would constitute grounds for action under this act; and

7 (3) To the director of police training when such disclosure is relevant
8 to the exercise of the authority granted in K.S.A. 74-5604a(b), and
9 amendments thereto.

10 (c) Any complaint or report, record or other information disclosed by
11 the commission as authorized by this section shall remain under seal in the
12 record of the administrative proceeding in which disclosed and shall not be
13 redisclosed by the receiving party or agency except as otherwise
14 authorized by law.

15 (d) This section shall be part of an supplemental to the Kansas law
16 enforcement training act.

17 ~~Sec.-3:~~ **4.** K.S.A. 2015 Supp. **74-5605 and 74-5611a-is are** hereby
18 repealed.

19 ~~Sec.-4:~~ **5.** This act shall take effect and be in force from and after its
20 publication in the statute book.