

HOUSE BILL No. 2265

By Committee on Corrections and Juvenile Justice

2-2

1 AN ACT concerning federal law enforcement officers; relating to the
2 definition thereof; amending K.S.A. 2016 Supp. 22-2411 and 74-5602
3 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 22-2411 is hereby amended to read as
7 follows: 22-2411. (a) A federal law enforcement officer who enters this
8 state may arrest a person, without a warrant, when in the judgment of the
9 federal law enforcement officer a person:

10 (1) Asserts physical force or uses forcible compulsion likely to cause
11 death or great bodily harm to any person; or

12 (2) is committing an inherently dangerous felony as defined in K.S.A.
13 2016 Supp. 21-5402, and amendments thereto.

14 (b) To provide assistance to law enforcement officers, a federal law
15 enforcement officer shall have the same authority as a law enforcement
16 officer where:

17 (1) The federal law enforcement officer is rendering assistance at the
18 request of any law enforcement officer; or

19 (2) the federal law enforcement officer is effecting an arrest or
20 providing assistance as part of a bona fide task force or joint investigation
21 in which law enforcement officers are participating.

22 (c) Any lawful actions pursuant to this section shall be deemed to be
23 within the scope of the federal law enforcement officer's employment.

24 (d) As used in this section:

25 (1) "Federal law enforcement officer" means a person employed by
26 the United States government ~~and assigned to the federal bureau of~~
27 ~~investigation~~ who is empowered to effect an arrest with or without a
28 warrant for violation of the United States code and who is authorized to
29 carry a firearm in the performance of the person's official duties as a
30 federal law enforcement officer.

31 (2) "Law enforcement officer" has the meaning ascribed thereto in
32 K.S.A. 2016 Supp. 21-5111, and amendments thereto.

33 (e) This section shall be a part of and supplemental to the Kansas
34 code of criminal procedure.

35 Sec. 2. K.S.A. 2016 Supp. 74-5602 is hereby amended to read as
36 follows: 74-5602. As used in the Kansas law enforcement training act:

1 (a) "Training center" means the law enforcement training center
2 within the university of Kansas, created by K.S.A. 74-5603, and
3 amendments thereto.

4 (b) "Commission" means the Kansas commission on peace officers'
5 standards and training, created by K.S.A. 74-5606, and amendments
6 thereto, or the commission's designee.

7 (c) "Chancellor" means the chancellor of the university of Kansas, or
8 the chancellor's designee.

9 (d) "Director of police training" means the director of police training
10 at the law enforcement training center.

11 (e) "Director" means the executive director of the Kansas commission
12 on peace officers' standards and training.

13 (f) "Law enforcement" means the prevention or detection of crime
14 and the enforcement of the criminal or traffic laws of this state or of any
15 municipality thereof.

16 (g) "Police officer" or "law enforcement officer" means a full-time or
17 part-time salaried officer or employee of the state, a county or a city,
18 whose duties include the prevention or detection of crime and the
19 enforcement of the criminal or traffic laws of this state or of any
20 municipality thereof. Such terms shall include, but not be limited to: The
21 sheriff, undersheriff and full-time or part-time salaried deputies in the
22 sheriff's office in each county; deputy sheriffs deputized pursuant to
23 K.S.A. 19-2858, and amendments thereto; conservation officers of the
24 Kansas department of wildlife, parks and tourism; university police
25 officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus
26 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;
27 law enforcement agents of the director of alcoholic beverage control; law
28 enforcement agents designated by the secretary of revenue pursuant to
29 K.S.A. 2016 Supp. 75-5157, and amendments thereto; law enforcement
30 agents of the Kansas lottery; law enforcement agents of the Kansas racing
31 commission; deputies and assistants of the state fire marshal having law
32 enforcement authority; capitol police, existing under the authority of
33 K.S.A. 75-4503, and amendments thereto; special investigators of the
34 juvenile justice authority; special investigators designated by the secretary
35 of labor; ~~and~~ law enforcement officers appointed by the adjutant general
36 pursuant to K.S.A. 48-204, and amendments thereto; *and federal law*
37 *enforcement officers as defined in K.S.A. 22-2411(d)(1), and amendments*
38 *thereto*. Such terms shall also include railroad policemen appointed
39 pursuant to K.S.A. 66-524, and amendments thereto; school security
40 officers designated as school law enforcement officers pursuant to K.S.A.
41 72-8222, and amendments thereto; the manager and employees of the
42 horsethief reservoir benefit district pursuant to K.S.A. 2016 Supp. 82a-
43 2212, and amendments thereto; and the director of the Kansas commission

1 on peace officers' standards and training and any other employee of such
2 commission designated by the director pursuant to K.S.A. 74-5603, and
3 amendments thereto, as a law enforcement officer. Such terms shall not
4 include any elected official, other than a sheriff, serving in the capacity of
5 a law enforcement or police officer solely by virtue of such official's
6 elected position; any attorney-at-law having responsibility for law
7 enforcement and discharging such responsibility solely in the capacity of
8 an attorney; any employee of the commissioner of juvenile justice who is
9 employed solely to perform correctional, administrative or operational
10 duties related to juvenile correctional facilities; any employee of the
11 secretary of corrections, any employee of the secretary for children and
12 families; any deputy conservation officer of the Kansas department of
13 wildlife, parks and tourism; or any employee of a city or county who is
14 employed solely to perform correctional duties related to jail inmates and
15 the administration and operation of a jail; or any full-time or part-time
16 salaried officer or employee whose duties include the issuance of a citation
17 or notice to appear provided such officer or employee is not vested by law
18 with the authority to make an arrest for violation of the laws of this state or
19 any municipality thereof, and is not authorized to carry firearms when
20 discharging the duties of such person's office or employment. Such term
21 shall include any officer appointed or elected on a provisional basis.

22 (h) "Full-time" means employment requiring at least 1,000 hours of
23 law enforcement related work per year.

24 (i) "Part-time" means employment on a regular schedule or
25 employment which requires a minimum number of hours each payroll
26 period, but in any case requiring less than 1,000 hours of law enforcement
27 related work per year.

28 (j) "Misdemeanor crime of domestic violence" means a violation of
29 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or
30 K.S.A. 2016 Supp. 21-5414, and amendments thereto, or any other
31 misdemeanor under federal, municipal or state law that has as an element
32 the use or attempted use of physical force, or the threatened use of a
33 deadly weapon, committed by a current or former spouse, parent, or
34 guardian of the victim, by a person with whom the victim shares a child in
35 common, by a person who is cohabiting with or has cohabited with the
36 victim as a spouse, parent or guardian, or by a person similarly situated to
37 a spouse, parent or guardian of the victim.

38 (k) "Auxiliary personnel" means members of organized nonsalaried
39 groups who operate as an adjunct to a police or sheriff's department,
40 including reserve officers, posses and search and rescue groups.

41 (l) "Active law enforcement certificate" means a certificate which
42 attests to the qualification of a person to perform the duties of a law
43 enforcement officer and which has not been suspended or revoked by

1 action of the Kansas commission on peace officers' standards and training
2 and has not lapsed by operation of law as provided in K.S.A. 74-5622, and
3 amendments thereto.

4 Sec. 3. K.S.A. 2016 Supp. 22-2411 and 74-5602 are hereby repealed.

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