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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 1, 2022
Subject: Bill Brief for SB 395

Senate Bill 395 imposes restrictions on access to private property and surveillance by employees of the Kansas department of wildlife and parks.

Current law in K.S.A. 32-808 requires the secretary of wildlife and parks to employ conservation officers and other employees to exercise law enforcement authority. The bill enacts a new section of law that prohibits such employees from conducting surveillance on private property unless authorized pursuant to a warrant under K.S.A. 22-2502, the constitution of the United States, or one of the following exceptions to the search warrant requirement: (1) Exigent circumstances; (2) consent searches; or (3) the plain view doctrine. The term “surveillance” is defined as either physical or electronic presence on private property, including the use or installation of a tracking device as defined in K.S.A. 22-2502, to monitor activity or collect information related to the enforcement of the laws of the state of Kansas.