

Guide To 2014 Kansas Legislation Impacting Law Enforcement

Version 1.2
June 28, 2014

FULL VERSION



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This document summarizes legislation impacting law enforcement passed by the 2014 legislature. This document is intended to address the statute changes most relevant to law enforcement operations. Not all changes are listed. **Always follow the guidance of your agency for application and implementation of new and amended laws.** The author is not an attorney and this document is not legal advice. It is a summary of the legislation based on observations and discussions during the legislative process. **Questions should be addressed within your agency following your agency's protocol.**

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Errata Sheet

June 21, 2014 (Version 1.1)

SB20 on Offender Registration removed from report. This bill was passed in 2013 and included in the original report by error.

Missing Session Law Chapters added.

June 28, 2014 (Version 1.2)

Line Officer Top Ten Things to Know: Effective date of Interfere with Law Enforcement corrected.

Administrator Top Ten Things to Know: Effective date of Interfere with Law Enforcement corrected.

June 30, 2014 (Version 2.0)

Added two appendix pages: One for newly assigned statute numbers (page 49) and one for repealed statutes (page 50). This information on new statute numbers was recently released by the Revisor's Office. Also added the new statute numbers to the topic listings.

Amended description in "Knives" topic under "Firearms and Weapons" category (on page 14) to better reflect the uncertainty that has developed regarding knives and security screening.

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TOP 10 TOPICS OFFICERS MUST KNOW FROM THE 2014 LEGISLATIVE SESSION

June 28, 2014

1. **Search and Arrest Warrant Affidavits** are now more accessible to the media and public. Ten reasons information may be redacted or the affidavit may be sealed are provided. Public requests are made to the court clerk. The prosecution and defense then has 5 business days to tell the court why the affidavit should be sealed or redacted. The court then has 5 business days to release, seal, or redact the affidavit. ([HB2389](#)§3 and 4 amending KSA 22-2302 and 22-2502) More details are available at www.KsLawEnforcementInfo.com/2014-session.html.
2. The **Interference with Law Enforcement** statute is amended effective July 1, 2014. Corrects an error created when the revisor consolidated two statutes last year. The error restricted the use of the statute to cases involving felony or misdemeanor investigations only. This revision restores the application of the statute to the investigation in any law enforcement action including felony, misdemeanor, infraction, or non-criminal matters. In addition, a new subsection is created to clarify the law applies to knowingly making a false accusation against a law enforcement officer. ([HB2655](#)§2 amending KSA 21-5904)
3. The **Felons in Possession of Weapons** statute is amended to include certain knives as well as firearms. This is accomplished by changing the word “firearm” to “weapon” in the statute, defining “weapon” as a firearm or knife, and defining the term “knife.” The prohibited knives include dagger, dirk, switchblade, stiletto, straight-edge razor or any other dangerous or deadly cutting instrument of like character. ([HB2578](#)§12 amending KSA 21-6304) More details for items 3- 6 are available at www.KsLawEnforcementInfo.com/concealed-carry.html.
4. **Firearms in Vehicles and Open Carry local ordinances, resolutions, or regulations** are null and void and may not be enforced as of July 1, 2014. The loaded firearms in vehicles provisions in KSA 12-16,124 allowing local regulation of the manner of transporting of a firearm in a vehicle was stricken. Effectively, this likely eliminates any local ordinances, resolutions or regulation of loaded firearms in vehicles as well as open carry of firearms. ([HB2578](#)§7 amending KSA 12-16,124 and 21-5904)
5. **Firearms Open Carry in Posted Buildings** is prohibited anywhere concealed carry is prohibited. In addition, a new posting will be created for those places to post that want to allow concealed carry but prohibit open carry. ([HB2578](#)§5 creates new statute)
6. **Possession of a Firearm while Intoxicated** now applies to open carry and concealed carry. Exceptions for self-defense and on the person’s own property are included. The existing statute, KSA 75-7c12, which applied only to CCH permit holders is repealed. A new statute is created which is supposed to go into the criminal code. .08 is presumptive intoxication. Test refusal can be used in the criminal trial. Test refusal carries a civil penalty of \$1000. The refusal is part of the criminal case and cannot be pursued without the criminal charge. The testing process was reworked and is the same as the DUI process except all references to the motor vehicle related requirements are removed. ([HB2578](#)§6 creating a new statute)
7. **Child in Need of Care:** No child alleged or found to be a child in need of care may be placed in a juvenile detention facility unless: (1) Necessary to protect the safety of the child and is authorized by subsection (b) of K.S.A. 2013 Supp. 38-2232, 38-2242, 38-2243 or 38-2260; or (2) the child is also alleged to be a juvenile offender and such placement is authorized by K.S.A. 38-2330 or 38-2343. ([HB2588](#)§2, creates a new statute.)

8. **Electronic Crimes:** The law has changed regarding the jurisdiction in which certain electronic crimes may be prosecuted. The bill defines “crime committed with an electronic device” by specifying the applicable crimes are: Criminal use of a financial card, 21-5828; unlawful acts concerning computers, 21-5839; identity theft and identity fraud, 21-6107; and electronic solicitation, 21-5509. Those crimes may be prosecuted in the county where: 1) the victim resides; 2) the victim was present at the time of the crime; 3) the property gained by the crime was obtained or attempted to be obtained, or 4) any requisite act to the commission of the crime occurred. These venues are available in addition to any venue available under other provisions of law. ([HB2478](#), creates a new statute.)
9. **Juvenile Statute of Limitations:** Prosecution of a juvenile may commence at any time (no statute of limitation) for rape, aggravated criminal sodomy, capital murder, terrorism, or illegal use of weapons of mass destruction, the same as for an adult. For sexually violent crimes, prosecution may commence within 10 years if the victim is age 18 or older; and within 10 years of the victims 18th birthday if the victim is less than 18 years old. The existing law on commencing prosecution beyond the statute of limitations but within one year of a DNA match to the suspect also applies. Definitions are provided in the statute describing when prosecution commences and when the limitation period starts. These are the same statute of limitations as for adults. ([SB329](#)§1, amends KSA 38-2303.)
10. **The Newborn Infant Protection Act** is amended to include police stations, sheriff’s offices and law enforcement centers. Protects disclosure of the name or other identifiable information of a parent or custodian who voluntarily surrenders physical custody of an infant under the Newborn Infant Protection Act, unless there was reasonable suspicion the infant has been abused. Protects the person or facility receiving the infant from civil and criminal liability for any action taken under the Act. The parent or custodian would not be required to reveal personally identifiable information, but could offer information concerning the infant’s familial or medical history. Clarifies the person or facility to whom an infant is delivered would be prohibited from revealing the name or other identifiable information of the person who delivered the infant, unless there was reasonable suspicion the infant has been abused. ([HB2577](#), amends KSA 38-2282.)

MORE INFORMATION ON THESE AND OTHER LEGISLATIVE ACTIONS IS AVAILABLE AT:
<http://www.KsLawEnforcementInfo.com/2014-session.html>

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Prepared by: Ed Klumpp, legislative liaison, Kansas Association of Chiefs of Police, Kansas Sheriff’s Association, and Kansas Peace Officers Association

TOP 10 TOPICS LAW ENFORCEMENT ADMINISTRATORS MUST KNOW FROM THE 2014 LEGISLATIVE SESSION

June 28, 2014

1. **Search and Arrest Warrant Affidavits** are now more accessible to the media and public. Ten reasons information may be redacted or the affidavit may be sealed are provided. Public requests are made to the court clerk. The prosecution and defense then has 5 business days to tell the court why the affidavit should be sealed or redacted. The court then has 5 business days to release, seal, or redact the affidavit. ([HB2389](#)§3 and 4 amending KSA 22-2302 and 22-2502) More details are available at www.KsLawEnforcementInfo.com/2014-session.html.
2. The **Interference with Law Enforcement** statute is amended effective July 1, 2014 with a new subsection clarifying the law applies to knowingly making a false accusation against a law enforcement officer. ([HB2655](#)§2 amending KSA 21-5904)
3. **Class III Firearms Transfer Certification (ATF Form 4)** now has a state law mandate to respond to the applicant within 15 days. The statute also provides for an appeal process in district court if the applicant disagrees with a denial or lack of response. The applicant may be awarded costs and legal fees if they prevail. ([HB2578](#)§1 creating a new statute)
4. **Concealed Carry in the Workplace by Employees with CCH Permit** was authorized by statute last year. This requirement continues to apply in buildings with security screening only when employees may enter without going through such screening. This year they tell us a permit holder cannot have an adverse employment action due to not revealing if they have a permit. The employer cannot keep any record that an employee has a permit and must destroy any existing records. Cities and counties are exempted from any liability for any act involving a firearm of a CCH licensee or any other person not required to be armed as part of their job duties. ([HB2578](#)§7 amending KSA 12-16,124 and 21-5904; and [HB2140](#)§6 creating a new statute on the liability issue.) More details are available at www.KsLawEnforcementInfo.com/concealed-carry.html.
5. **Disposal of Seized Weapons** is now restricted to sale or trade to a licensed firearms dealer with a few exceptions. Weapons that are dysfunctional or have no value may still be destroyed and weapons involved in certain homicide type crimes are also to be destroyed. Alternatives include forfeiture to the seizing agency for their own use, trade to another law enforcement agency, forfeited to a crime lab for their use, or forfeiture to the Kansas Department of Wildlife and Parks for use in educational programs. ([HB2578](#)§13 amending KSA 22-2512 and repealing KSA 21-6307, a statute on disposition of firearms by the courts.)
6. **Electronic Crimes:** The law has changed regarding the jurisdiction in which certain electronic crimes may be prosecuted. The bill defines “crime committed with an electronic device” by specifying the applicable crimes are: Criminal use of a financial card, 21-5828; unlawful acts concerning computers, 21-5839; identity theft and identity fraud, 21-6107; and electronic solicitation, 21-5509. Those crimes may be prosecuted in the county where: 1) the victim resides; 2) the victim was present at the time of the crime; 3) the property gained by the crime was obtained or attempted to be obtained, or 4) any requisite act to the commission of the crime occurred. These venues are available in addition to any venue available under other provisions of law. This change will bring new challenges to law enforcement in investigating these crimes and likely need policy decisions on the taking of these reports when the only tie to your jurisdiction is that the victim lives there. ([HB2478](#), creates a new statute.)

7. **Off Duty Law Enforcement Carrying of a Firearm** is allowed in any location where an on duty officer is permitted to carry. This is in response to numerous entities attempting to apply the CCH no carry signs on buildings to off duty officers. Off duty officers must still abide by their agency's off duty carry policy, carry their LE identification, and display the ID upon request of a person in charge of the building. Control of off duty carry restrictions and requirements remain with the agency. ([HB2140](#)§1 creating a new statute)
8. **Work Comp for Heart Attack/Stroke** is now possible if the symptoms appear within 24 hours of a precipitating strenuous duty related event. This change only affects law enforcement and firefighters. ([HB2023](#), amends KSA 44-501.)
9. **Gun Buy Back Programs** cannot be funded by any tax generated funds. The new law doesn't prohibit the programs, only the use of public funds. ([HB2578](#)§2 creates new statute)
10. **VIN Inspections, Fee Disposition:** Funds received for performing VIN inspections are to be used only for LE purposes and cannot be used to supplant the agency budget. Other changes were made to the VIN inspection statutes relieving the agency of liability and removing the mandatory arrest provision. ([SB351](#)§2, amends KSA 8-116a.)

Also be familiar with the Top Ten Things Line Officers Should Know

Recommended To Do List

- Coordinate Search and Arrest Warrant Affidavit process with your local county/district attorney.
- Review complaint process and have discussion with prosecutors regarding charging under the new section in the Interfere with Law Enforcement statute regarding false allegations against officers.
- Discuss the new jurisdiction statute for electronic crimes with your prosecutor and clarify how your agency will handle these complaints and investigations.
- Discuss issue regarding employee's with CCH permit carrying in workplace with your legal and human resources staff, especially the disposition of any information regarding employees holding a permit and a plan on how to handle an employee who is believed to be carrying a firearm in the workplace and it is not known if the employee may legally carry or not.
- Review off-duty carrying of firearms policies and regulations to be sure they appropriately cover the new off-duty carry statute and the new possession of a firearm while intoxicated statute.
- Review process for disposal of weapons to assure compliance with the new laws.
- If your agency conducts VIN inspections, clarify the handling of these funds with your appropriate city/county treasurer.

MORE INFORMATION ON THESE AND OTHER LEGISLATIVE ACTIONS IS AVAILABLE AT:

<http://www.KsLawEnforcementInfo.com/2014-session.html>

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Prepared by: Ed Klumpp, legislative liaison, Kansas Association of Chiefs of Police, Kansas Sheriff's Association, and Kansas Peace Officers Association

2014 LAW ENFORCEMENT RELATED LEGISLATION

SIGNED LAW - SORTED INTO CATEGORIES

Monday, June 30, 2014

Prepared by Ed Klumpp

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Criminal Law

Criminal Law

False Alarm

8

[HB2655](#) 2014 Session Law Chapter: [95](#) [HB2655 NOTE](#) [HB2655 Summary](#)

Effective Date

Statutes Changed

Detail Amends the crime of giving a false alarm to include electronically concealing identity, a SL10 felony and falsely reporting a violent criminal activity or immediate threat to a person's life or safety is taking place ("Swatting" events), a SL7 felony.

False Complaint Against a LEO

141

[HB2655](#) 2014 Session Law Chapter: [95](#) [HB2655 NOTE](#) [HB2655 Summary](#)

Effective Date

Statutes Changed

Detail Clarifies it is a crime to knowingly making a false accusation of officer of misconduct. This is a new subsection to KSA 21-5904, Interference with Law Enforcement. The penalty is a SL8 NP felony if it is falsely alleged the officer committed a felony and a Class A NP misdemeanor for all other allegations.

Interference with Judicial Process

56

[HB2448](#) 2014 Session Law Chapter: [102](#) [HB2448 NOTE](#) [HB2448 Summary](#)

Effective Date

Statutes Changed

Detail It is a class A misdemeanor to knowingly release personal information about a judge or the judge's immediate family member, when the person releasing the information knows or reasonably should have known the release poses an imminent and serious threat to the judge's safety or the safety of such judge's immediate family member. A second or subsequent conviction is a SL9 person felony. "Personal information" is defined as a judge's home address or telephone number; personal mobile telephone or pager number; personal e-mail address; a photo of the judge, an immediate family member, or the judge's home or motor vehicle; or an immediate family member's motor vehicle, place of employment, child care or day care facility, or public or private K-12 school.

Interference with Law Enforcement

7

[HB2655](#) 2014 Session Law Chapter: [95](#) [HB2655 NOTE](#) [HB2655 Summary](#)

Effective Date

Statutes Changed

Detail Amends the crimes of interference with law enforcement to 1) fix problem created unintentionally when amended last year which dropped provisions for interfering with noncriminal matters and infraction investigations and 2) clarify it includes falsely accusing an officer of misconduct.

Criminal Law

Medicaid Fraud 24

[SB271](#) 2014 Session Law Chapter: [89](#) [SB271 NOTE](#) [SB271 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-5926, 21-5927, 21-5933, 75-7508

Detail Adds the intentional scheme to defraud Medicaid or any Medicaid contractor or subcontractor to the definition of the crime; For each count the SL is based on the aggregate amount of payments illegally claimed. For loss of 1) \$250,000 or more, SL3 nonperson felony; 2) over \$100,000, less than \$250,000, SL5 nonperson felony; 3) over \$25,000, less than \$100,000, SL7 nonperson felony; 4) over \$1,000, less than \$25,000, SL9 nonperson felony; 5) Less than \$1,000, A nonperson misdemeanor. An illegal claim resulting in great bodily harm to another person is a SL4 person felony; an illegal claim resulting in death is a SL1 person felony. An act or omission resulting in a Medicaid recipient receiving a lesser quality or amount of service than the recipient was entitled to can be considered as aggravating factor. A person violating these laws may also be prosecuted for any form of battery or homicide. Imposes a fine of \$1,000 to \$11,000 per violation of the act. Includes several technical amendments.

Mistreatment of Dependent Adult 17

[SB256](#) 2014 Session Law Chapter: [90](#) [SB256 NOTE](#) [SB256 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-5417

Detail The crime of taking unfair advantage of a dependent adult's resources through the wrongful taking of personal property or financial resources for the benefit of the defendant or another person by taking control, title, use, or management of personal property or financial resources by a prohibited method, influences or without adequate consideration, by a violation of the Kansas, or a violation of the Kansas Uniform Trust Code. Defines "adequate consideration" as personal property or financial resources given to the person as payment for bona fide goods or services provided by such person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.

Mistreatment of Dependent Adult Cleanup 117

[HB2389](#) 2014 Session Law Chapter: [139](#) [HB2389 NOTE](#) [HB2389 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-5417

Detail SB256 was passed earlier in the year and it had two revisor technical errors this bill corrects.

Criminal Law**Mistreatment of Elder person**

145

[SB256](#)2014 Session Law Chapter: [90](#)[SB256 NOTE](#)[SB256 Summary](#)Effective Date [7/1/2014](#)Statutes Changed [21-5417](#)

Detail Creates the crime “mistreatment of an elder person,” which could be committed an act not involving infliction of physical injury, unreasonable confinement, or unreasonable punishment. Defines “elder person,” as a person 70 years of age or older. Penalties for mistreatment of an elder person and mistreatment of a dependent adult are the same except: 1) Taking of property or resources valued at least \$5,000 but less than \$25,000 would be a severity level 7, person felony; 2) First offense for taking of property or resources valued less than \$5,000 is a class A person misdemeanor, and a SL7 Person felony with two or more convictions in the past five years. For mistreatment of a dependent adult the penalties are SL7 person felony for values from \$1,000 to \$25,000 and class A misdemeanor for values less than \$1,000, or a SL7 person felony if there are two or more convictions in the last 5 years. 3) Establishes an affirmative defense if the property or resources were given as a gift consistent with a pattern of gift giving before the victim became vulnerable, that the property or resources were conferred as a gift to the benefit of a person or class of persons and was reasonable under the circumstances, or that a court approved the transaction. Defines “adequate consideration” as personal property or financial resources given to the person as payment for bona fide goods or services provided by such person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.

RICO

18

[SB256](#)2014 Session Law Chapter: [90](#)[SB256 NOTE](#)[SB256 Summary](#)Effective Date [7/1/2014](#)Statutes Changed [21-6328](#); [21-6329](#)

Detail Amends Kansas RICO Act by establishing the culpability requirement is “recklessly.” It clarifies it is not a RICO violation under the collection of an unlawful debt provision if the person did not participate in the illegal activity creating the debt. It also updated some terms in the definition of “racketeering activity” and to add the crime of commercial sexual exploitation of a child.

RICO Cleanup

116

[HB2389](#)2014 Session Law Chapter: [139](#)[HB2389 NOTE](#)[HB2389 Summary](#)Effective Date [7/1/2014](#)Statutes Changed [21-6329](#)

Detail SB256 was passed earlier in the year and it had two revisor technical errors this bill corrects. The term "recklessly" was placed in the wrong place.

Criminal Law

Securities Fraud 12

[HB2433](#) 2014 Session Law Chapter: [99](#) [HB2433 NOTE](#) [HB2433 Summary](#)

Effective Date 7/1/2014

Statutes Changed 17-12a508; 17-12a601

Detail A violation of the Kansas Uniform Securities Act committed against an elder person 60 years of age or older), would be increased by one severity level. It is not a defense the offender did not know the age of the victim or believed the victim was not an elder person. Funds from the "Investor Education and Protection Fund" may be used for enforcement and prosecution of securities fraud.

Sexual Relations, Unlawful 63

[SB256](#) 2014 Session Law Chapter: [90](#) [SB256 NOTE](#) [SB256 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-5512

Detail It is a SL5 person felony under the unlawful sexual relations statute for a surety or an employee of a surety to engage in sexual relations with a person at least 16 years of age and the offender knows is under a surety or bail bond agreement with their surety.

Terrorism, Criminal 143

[HB2463](#) 2014 Session Law Chapter: [51](#) [HB2463 NOTE](#) [HB2463 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-5423

Detail Amends the statute defining the crime of furtherance of terrorism or illegal use of weapons of mass destruction to include raising, soliciting, collecting, or providing material support or resources with the intent that they will be used to plan, prepare, carry out, or aid in the crime of terrorism or the crime of illegal use of weapons of mass destruction, the hindering of the prosecution of these crimes, or the concealment of or escape from any of these crimes.

Criminal Investigation

Electronic Crimes 31

[HB2478](#) 2014 Session Law Chapter: [32](#) [HB2478 NOTE](#) [HB2478 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 22-2619)

Detail Allows a prosecution for any crime committed with an electronic device to be brought in the county where: 1) the victim resides; 2) the victim was present at the time of the crime; 3) the property gained by the crime was obtained or attempted to be obtained, or 4) any requisite act to the commission of the crime occurred. These venues are available in addition to any venue available under other provisions of law. The bill defines "crime committed with an electronic device" and specifies the applicable crimes are: Criminal use of a financial card, 21-5828; unlawful acts concerning computers, 21-5839; identity theft and identity fraud, 21-6107; and electronic solicitation, 21-5509.

Criminal Investigation

Venue of Crimes Committed with Electronic Devices 30

[HB2478](#) 2014 Session Law Chapter: [32](#) [HB2478 NOTE](#) [HB2478 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 22-1619)

Detail Allows a prosecution for any crime committed with an electronic device to be brought in the county where: 1) the victim resides; 2) the victim was present at the time of the crime; 3) the property gained by the crime was obtained or attempted to be obtained, or 4) any requisite act to the commission of the crime occurred. These venues are available in addition to any venue available under other provisions of law. The bill defines "crime committed with an electronic device" and specifies the applicable crimes are: Criminal use of a financial card, 21-5828; unlawful acts concerning computers, 21-5839; identity theft and identity fraud, 21-6107; and electronic solicitation, 21-5509.

Warrant affidavits 11

[HB2389](#) 2014 Session Law Chapter: [139](#) [HB2389 NOTE](#) [HB2389 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-2302; 22-2502

Detail Arrest and Search Warrant affidavits are opened to public upon request to the court. The prosecutor (law enforcement only has input through the prosecutor's office) may request the court to seal or redact the affidavit within 5 business days of the request. The defense may also request the court to seal or redact the affidavit. The court then has 5 business days to open, seal or redact the affidavit. The affidavit may be sealed or redacted if the protected information would: 1) Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent; 2) cause the destruction of evidence; reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired; 3) interfere with any prospective law enforcement action, criminal investigation or prosecution; 4) reveal the identity of any confidential source or undercover agent; 5) reveal confidential investigative techniques or procedures not generally known by the public; 6) endanger the life or physical safety of any person; 7) reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 55 of chapter 21 of KSA, or of KSA 21-6419 through 21-6422; 8) reveal the name of any minor; or 9) reveal any date of birth, personal telephone number; driver's license number; nondriver's license identification number; social security number, employee identification number; taxpayer identification number; vehicle identification number; or financial account information.

Juveniles

Juveniles

Juveniles: Alternative adjudication 21

[HB2588](#) 2014 Session Law Chapter: [126](#) [HB2588 NOTE](#) [HB2588 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 38-2389)

Detail Establishes an alternative adjudication procedure for misdemeanor juvenile offenses. Allows a county or district attorney to designate the alleged misdemeanor offender for the alternative adjudication either through the original complaint or by written notice within 14 days of filing the complaint. Filing of a written application for diversion would toll the running of the 14-day period and resume upon written denial of diversion. Exceptions are provided for such alternate adjudication.

Juveniles: CINC: Incarceration 126

[HB2588](#) 2014 Session Law Chapter: [126](#) [HB2588 NOTE](#) [HB2588 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 38-2288)

Detail No child alleged or found to be a child in need of care may be placed in a juvenile detention facility unless: (1) Necessary to protect the safety of the child and is authorized by subsection (b) of K.S.A. 2013 Supp. 38-2232, 38-2242, 38-2243 or 38-2260; or (2) the child is also alleged to be a juvenile offender and such placement is authorized by K.S.A. 38-2330 or 38-2343.

Juveniles: Good Time Credit 129

[HB2588](#) 2014 Session Law Chapter: [126](#) [HB2588 NOTE](#) [HB2588 Summary](#)

Effective Date 7/1/2014

Statutes Changed 38-2370; 38-2372

Detail Juvenile offenders sentenced for minimum terms under the placement matrix are now eligible for good time credits.

Juveniles: Parents participation in programs 16

[SB329](#) 2014 Session Law Chapter: [123](#) [SB329 NOTE](#) [SB329 Summary](#)

Effective Date 7/1/2014

Statutes Changed 38-2362

Detail Courts are allowed to require parents to participate in any evidence based program designed to rehabilitate the juvenile, including, but not limited to those already in law.

Juveniles

Juveniles: Placement Matrix 128

[HB2588](#) 2014 Session Law Chapter: [126](#) [HB2588 NOTE](#) [HB2588 Summary](#)

Effective Date 7/1/2014

Statutes Changed 38-2369

Detail The placement matrix category of serious offender II now includes only offenders adjudicated for a nondrug SL7, person felony with one prior felony adjudication. SL8, 9, and 10 offenses are placed in a new category "serious offender III." Placement options for the serious offender III are the same as for serious offender II, except a serious offender III may be committed to a juvenile correctional facility only with a finding by the court of substantial and compelling reasons to impose a departure sentence. All placement matrix options for all levels of chronic offenders include the same departure provision. This is a change from including SL7-10 all being in the serious offender II category with the potential of placement of the offender into the juvenile correctional facility without a departure hearing.

Juveniles: Risk Assessment Tools 127

[HB2588](#) 2014 Session Law Chapter: [126](#) [HB2588 NOTE](#) [HB2588 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-6607; 38-2360

Detail When a presentence investigation and report from a court services officer is ordered by a court after adjudication, it must include a summary of the results from a standardized risk assessment tool or instrument. All existing report requirements remain as well. The Correctional Supervision Fund statute is amended to allow funds to be used for the implementation and training for a standardized risk assessment tool or instrument for juveniles adjudicated as juvenile offenders and for juvenile offender supervision programs. The risk assessment will become mandatory statewide.

Statute of Limitations for Juveniles 78

[SB329](#) 2014 Session Law Chapter: [123](#) [SB329 NOTE](#) [SB329 Summary](#)

Effective Date 7/1/2014

Statutes Changed 38-2303

Detail Prosecution of a juvenile may commence at any time (no statute of limitation) for rape, aggravated criminal sodomy, capital murder, terrorism, or illegal use of weapons of mass destruction, the same as for an adult. For sexually violent crimes, prosecution may commence within 10 years if the victim is age 18 or older; and within 10 years of the victims 18th birthday if the victim is less than 18 years old. The existing law on commencing prosecution beyond the statute of limitations but within one year of a DNA match to the suspect also applies. Definitions are provided in the statute describing when prosecution commences and when the limitation period starts.

Juveniles: Tried as adult 130

[HB2588](#) 2014 Session Law Chapter: [126](#) [HB2588 NOTE](#) [HB2588 Summary](#)

Effective Date 7/1/2014

Statutes Changed 38-2347

Detail The minimum age for a child to be tried as an adult in a criminal case is changed from 10 to 12 years of age.

Firearms/Weapons

Firearms/Weapons

Felons: Criminal Possession by Convicted Felon 102

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-6304

Detail Some cleanup to include the convictions under the old drug crimes was added and the statute is expanded to include possession of certain knives by convicted felons as well. The prohibited knives include dagger, dirk, switchblade, stiletto, straight-edge razor or any other dangerous or deadly cutting instrument of like character.

Firearms: Certification of Transfer for Class III Firearms 93

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 48-1906)

Detail Applications for certification of class III firearms transfers by the chief law enforcement officer, as required by federal law, must be granted within 15 days, unless a condition exists that prevents the chief law enforcement officer from certifying the transfer, as specified in 27 CFR 479.85. If the request for certification is not granted, the chief law enforcement officer, or the officer's designee, must provide the applicant with written notification of the denial of certification and the reason for the denial. Applicants may appeal the denial to the district court. After reviewing the denial of certification, if the district court found the applicant was not prohibited by state or federal law from receiving the firearm and there is no pending legal or administrative proceeding against the applicant that could result in such prohibition, the court would be required to order the chief law enforcement officer to issue the certification. Chief law enforcement officers certifying and approving transfers are not liable for any act committed by another person with the firearm after the transfer.

Firearms: Concealed carry 103

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed 75-7c04

Detail Persons adjudicated as a juvenile for crimes that if committed as an adult would disqualify them for possession of a CCH permit is also disqualifying.

Firearms/Weapons

Firearms: Employee with CCH Permit 95

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 75-7c23)

Detail Government employees who possess CCH permits are not required to reveal to their employer if they have a permit even if they are in possession of a firearm at the workplace. An employer is not prohibited from asking and the employee may choose to answer, but an employee cannot be terminated or otherwise disciplined for not revealing they have a permit. Employers are granted liability immunity for the acts of any employee carrying a firearm in the workplace. NOTE: After HB2578 was signed by the Governor, HB2140 was passed amending the liability provisions in section 4 by exempting acts by employees who are required to possess a firearm in their normal course of duties.

Firearms: Gun Buy Back Programs 94

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 12-16,124b)

Detail Gun buy back programs using any form of tax dollars or public funds is prohibited. They can still be conducted, but the funds for them would have to come from non-government sources.

Firearms: Intoxication 97

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 21-6332); and repeals 75-7c12

Detail The carrying while intoxicated provisions were amended to include open carry while intoxicated. Carrying while intoxicated is a class A misdemeanor. The testing procedures were also cleaned up.

Firearms: Juveniles 105

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-6301

Detail KSA 21-6301 (k) provides several exemptions for juveniles possessing firearms with a barrel under 12 inches long. Added to those exemptions is the private range of another "with permission of such person's parent or guardian."

Firearms: Liability Exemption for Actions of Employee with CCH Permit 120

[HB2140](#) 2014 Session Law Chapter: [97](#) [HB2140 NOTE](#) [HB2140 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 12-16,124a)

Detail Employers are granted liability immunity for the acts of any employee who is a CCH permit holder involving a firearm they choose to carry in the workplace. Actions by employees who are required to possess firearms during the course of their duties are exempt from this provision. This bill amends HB2578 section 4.

Firearms/Weapons

Firearms: Off-Duty and LEOSA Qualified Officers 98

[HB2140](#) 2014 Session Law Chapter: [134](#) [HB2140 NOTE](#) [HB2140 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (KSA 75-7c22); and 21-6302; 21-6309; 75-7c10; 75-7c20

Detail Allows in-state off-duty and retired law enforcement officers, as well as out-of-state law enforcement officers and retired law enforcement officers, who meet the requirements of the federal Law Enforcement Officers Safety Act, to carry a concealed handgun in any building where an on-duty law enforcement officer would be authorized to carry a concealed handgun. The bill would allow these active and retired officers to carry concealed handguns in buildings prohibiting the concealed carry of firearms and conforming to the security and signage requirements of the provisions in KSA 75-7c10 or 75-7c20. These provisions only apply for off-duty officers if they are in compliance with their agency's policies on off-duty carry. The above provisions would not apply to buildings where the possession of firearms was prohibited or restricted by order of the chief judge of a judicial district or by federal law or regulation. The provisions also would not apply to any officer or retired officer who was denied a conceal carry handgun license or whose concealed carry handgun license had been suspended or revoked under the provisions of the Personal and Family Protection Act. Officers carrying concealed under this bill are required to possess identification as required by their agency or LEOSA, and must present such identification when requested by other law enforcement officers or persons of authority for the building where they are carrying concealed.

Firearms: Open Carry 96

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed 12-16,124

Detail Local governments are prohibited from regulating in any manner the open carry of firearms. Open carry is prohibited in any place where concealed carry is prohibited. Additionally, the AG will produce a new sign that may be used to prohibit open carry of firearms in buildings where concealed carry is permitted.

Knives 99

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed 12-16,134; 75-7c20

Detail Local governments cannot enforce any local regulations on knives and all current ordinances, regulations, or resolutions are null and void. Anyone convicted or placed on diversion for such crimes since July 1, 2013, may petition to have their conviction or diversion expunged. KSA 75-7c20 is clarified stating the "weapons" that can be prohibited at the security screening in buildings excludes "any cutting instrument that has a sharpened or pointed blade." Therefore, those weapons are not required to be excluded from the buildings. There is debate about whether the law requires such knives to be allowed into the buildings. Consult with your legal staff for further interpretation.

Firearms/Weapons

Weapons, Criminal Use 100

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed 21-6301

Detail The provisions in KSA 21-6301 dealing with possession of dangerous knives with the intent to use the knife unlawfully on another is restored. This provision was removed last year.

Weapons: Disposition of seized 104

[HB2578](#) 2014 Session Law Chapter: [97](#) [HB2578 NOTE](#) [HB2578 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-2512; 32-1047

Detail Weapons or ammunition seized by law enforcement can not be destroyed unless the weapon is in a poor condition rendering it not eligible for other disposition or if the weapon was used in a murder. Other weapon may be disposed of by 1) Forfeiture to the law enforcement agency seizing the weapon for use within the agency or to be sold to a licensed firearm dealer; 2) forfeited to the KBI Lab; 3) forfeited to a local county operated forensic lab; 4) forfeited to the Department of Wildlife, Parks and Tourism for use in firearms training. Weapons seized from a person who is not convicted of the crime must be returned to the person from whom the weapon was seized unless the person is prohibited from possessing such weapon or if the weapon is stolen. The agency is required to provide notice to the person the weapon is to be released to. The agency action is to be taken within 30 days of the declination of charges or final disposition of the case. The money from any seized weapon the agency sells must go into the asset seizure and forfeiture fund of the seizing agency.

Drug Enforcement

Drug Schedules 6

[HB2298](#) 2014 Session Law Chapter: [79](#) [HB2298 NOTE](#) [HB2298 Summary](#)

Effective Date 7/1/2014

Statutes Changed 65-4105, 65-4109 and 65-4111

Detail Adds 14 hallucinogenic drugs, two classes of cannabinoids, and a cannabinoid class name to schedule I; two anabolic steroids to schedule III; and lorcaserin to schedule IV. These are new chemicals and compounds being found in new synthetic drugs. Codifies drugs the Board of Pharmacy has found dangerous under emergency procedures.

Traffic

Traffic: Attempt to Elude 32

[HB2442](#) 2014 Session Law Chapter: [76](#) [HB2442 NOTE](#) [HB2442 Summary](#)

Effective Date 7/1/2014

Statutes Changed 8-1568, 21-6804

Detail Third or subsequent violation of fleeing or eluding are presumptive imprisonment and must be served consecutively to any associated sentence. Also specifies how first, second, third conviction is determined and whether an offense occurred before or after conviction for a previous offense is irrelevant. The bill also reorganizes the sentencing provisions of KSA 8-1568.

Traffic

Traffic: Commercial Vehicle: Driver's License Testing 122

[HB2693](#) 2014 Session Law Chapter: [106](#) [HB2693 NOTE](#) [HB2693 Summary](#)

Effective Date 7/1/2014

Statutes Changed 8-2,133; 74-2015

Detail Authorizes community colleges and technical colleges, upon request, to administer the commercial driver's license skills test and requires a priority status to any community or technical college with a truck driver training course in place on July 1, 2014. The testing must comply with 49 CFR Part 383 and with an agreement between the requesting college and the state. The DMV must adopt rules and regulations to implement the testing procedure by January 1, 2015.

Traffic: Commercial Vehicle: Intrastate 26M or less 119

[SB273](#) 2014 Session Law Chapter: [137](#) [SB273 NOTE](#) [SB273 Summary](#)

Effective Date 7/1/2014

Statutes Changed

Detail Allows commercial motor vehicles with a gross vehicle weight, gross vehicle weight rating, gross combination weight, or gross combination weight rating of 26,000 pounds or less operating in intrastate commerce to operate without having to obtain any certificate, license, or permit from the KCC. Those vehicles are also exempt from intrastate CMV safety regulations except for load securement regulations and periodic inspection regulations. Law enforcement officers would be required to issue warning citations regarding load securement until October 1, 2014, and regarding periodic inspection until July 1, 2015. CMVs of 26,000 pounds or less which are designed or used to transport 16 or more passengers, including the driver, or vehicles used to transport hazardous materials which require a placard would continue to be subject to the certificate, license, or permit requirement and the intrastate CMV safety regulations. These provisions expire on July 1, 2015.

Traffic: Commercial Vehicles: Tank Vehicles 35

[HB2724](#) 2014 Session Law Chapter: [59](#) [HB2724 NOTE](#) [HB2724 Summary](#)

Effective Date 7/1/2014

Statutes Changed 8-2,128

Detail Amends the definition of "tank vehicle" in the Uniform Commercial Driver's License Act to conform to the definition in 49 CFR §383.5, a federal rule and regulation related to commercial drivers' licenses. The change is expected to have no effect on which drivers will be required to have commercial drivers' licenses.

DUI: Breath Testing Equipment 3

[HB2303](#) 2014 Session Law Chapter: [1](#) [HB2303 NOTE](#) [HB2303 Summary](#)

Effective Date 7/1/2014

Statutes Changed 8-241; 75-5660

Detail Creates increased funding for the KDHE DUI equipment fund through increases in the reinstatement fees for DUI related DL sanctions. This is the fund for breath testing equipment. Makes adjustments in the fund distribution to keep the funds to various agencies approximately the same dollars. Those include the KBI forensic laboratory and materials fee fund.

Traffic

DUI: Ignition Interlock 13

[HB2479](#) 2014 Session Law Chapter: [67](#) [HB2479 NOTE](#) [HB2479 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [8-1015](#)

Detail Removes sunset from ignition interlock requirements for DUI related convictions.

DUI: Test Refusal or Failure Reinstatement Fee 124

[HB2446](#) 2014 Session Law Chapter: [125](#) [HB2446 NOTE](#) [HB2446 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [8-241](#)

Detail Reinstates higher fees for DUI test refusal or failure examinations that expired July 1, 2013. The additional funds go to the courts for non-judicial salaries. Sets the new sunset for July 1, 2018.

DUI: Expungement 54

[HB2448](#) 2014 Session Law Chapter: [102](#) [HB2448 NOTE](#) [HB2448 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [21-6614](#); Repeals [21-6614d](#)

Detail Reduces the waiting period for diversion for DUI from ten years to seven years. Also raises the expungement period for a conviction of or diversion for refusal to submit to an alcohol or drug test from three years to seven years.

Traffic: Farm machinery and equipment 4

[HB2715](#) 2014 Session Law Chapter: [14](#) [HB2715 NOTE](#) [HB2715 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [New \(8-1918\)](#); [8-2,127](#); [8-1911](#)

Detail An implement dealer with a permit for an oversize or overweight vehicle is allowed to move or transport farm tractors, implements of husbandry, combines, fertilizer dispensing equipment, or other farm machinery on certain highways in Kansas. An annual permit is available to an implement dealer. An implement dealer could use a single-trip permit for this purpose. Certain conditions related to load size apply, trips are restricted to daylight hours, and could not use any highway that is part of the National System of Interstate and Defense Highways. Equipment or machinery may be moved on a trailer or semi-trailer, pinned to a truck or truck tractor and traveling on its own wheels, or under its own power. An implement dealer or employee may move farm machinery when towing such machinery behind a farm tractor within a 100-mile radius of the implement dealer's place of business when both the farm tractor and the equipment or machinery are equipped with flashing lights on both the front and rear. A slow-moving vehicle emblem is required on any machinery moved at speeds less than 25 mph. An "implement dealer" is a person or business that buys, sells, or services farm tractors, implements of husbandry, or other farm machinery in the regular course of business. NOTE: The provisions of Section 1 amending KSA 8-1911 was further amended in HB2143 section 1.

Traffic

Traffic: Handicap permits 36

[HB2727](#) 2014 Session Law Chapter: [35](#) [HB2727 NOTE](#) [HB2727 Summary](#)

Effective Date 7/1/2014

Statutes Changed 8-1,125

Detail Changes the way eligibility is determined for renewal of handicap tags and placards. Instead of being required every three years the rules in 23 CFR 1235.4 will apply which mandates a periodic renewal of placards and tags. The intent is to simplify the process with the use of technology. Look for more detail to be developed in Kansas Administrative Regulations.

Traffic: Hay Haulers 109

[SB344](#) 2014 Session Law Chapter: [74](#) [SB344 NOTE](#) [SB344 Summary](#)

Effective Date 4/24/2014

Statutes Changed 66-1344

Detail Requires a vehicle exceeding width or length limitations to display an "oversize load" sign at least 7' long and 18" high, with letters at least 10" high and 1.4" brush stroke; visible from a distance of 500 feet; removed when the vehicle or load no longer exceeds restrictions; and must also use red flags on all four corners of the oversize load. Also specifies restrictions related to times and weather conditions for such vehicles and for hay transporters exceeding width or length limitations to prohibit operation 30 minutes after sunset to 30 minutes before sunrise, when visibility is less than one-half mile, or when highway surfaces have ice or snow pack or driving snow. If the vehicle only exceeds weight limitations and not size limitations, they are permitted to operate 24 hours a day except when highway surfaces have ice or snow pack or drifting snow.

Traffic: Oversize Vehicle 33

[SB344](#) 2014 Session Law Chapter: [74](#) [SB344 NOTE](#) [SB344 Summary](#)

Effective Date 4/24/2014

Statutes Changed 8-1911, 66-1344

Detail Requires a vehicle exceeding width or length limitations to display an "oversize load" sign at least 7' long and 18" high, with letters at least 10" high and 1.4" brush stroke; visible from a distance of 500 feet; removed when the vehicle or load no longer exceeds restrictions; and must also use red flags on all four corners of the oversize load. Also specifies restrictions related to times and weather conditions for such vehicles and for hay transporters exceeding width or length limitations to prohibit operation 30 minutes after sunset to 30 minutes before sunrise, when visibility is less than one-half mile, or when highway surfaces have ice or snow pack or driving snow. If the vehicle only exceeds weight limitations and not size limitations, they are permitted to operate 24 hours a day except when highway surfaces have ice or snow pack or drifting snow.
NOTE: The provisions of Section 1 amending KSA 8-1911 was further amended in HB2143 section 1.

Traffic

Traffic: Registration plates: Specialty 38

[HB2452](#) 2014 Session Law Chapter: [77](#) [HB2452 NOTE](#) [HB2452 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [8-161, 8-1,141](#)

Detail New personalized tags: 1) Donate Life, sponsored by the Midwest Transplant Network, for passenger vehicles, small trucks, and motorcycles; 2) Kansas Horse Council, sponsored by that organization, for passenger vehicles, trailers, and small trucks; and 3) Rotary International, sponsored by that organization, for passenger vehicles and small trucks. The bill would add motorcycles to the types of vehicles for which a qualified person could obtain a disabled veteran license plate. Authorizes production of distinctive license plates for motorcycles at the request of the sponsoring organization for any distinctive license plate. A member of the armed forces stationed in Kansas and eligible for a regular Kansas license plate, but who maintains official residency in another state, is eligible for a distinctive license plate.

Traffic: Salvage vehicle 107

[HB2728](#) 2014 Session Law Chapter: [58](#) [HB2728 NOTE](#) [HB2728 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [8-198](#)

Detail Allows application for a salvage title 30 or more days after the damage settlement agreement if the insurance company is unable to obtain voluntary assignment of the title from the owner of the vehicle. Requires an affidavit stating 1) The owner has not transferred title to the insurance company; 2) The damage settlement is documented; 3) any liens have been released; 4) the vehicle is in the possession of the insurance company; and 5) notice has been provided to the owner 30 days prior to the application and the owner has not provided a written objection. Also removes a requirement for the permit to operate a salvage vehicle on the road be in triplicate.

School Crossing Guards 37

[HB2420](#) 2014 Session Law Chapter: [60](#) [HB2420 NOTE](#) [HB2420 Summary](#)

Effective Date [4/24/2014](#)

Statutes Changed [8-1,125](#)

Detail Allows any township in Johnson County to appoint and equip volunteers and certain employees as school crossing guards. Currently, only school districts, nonpublic schools, cities, and counties are authorized to provide school crossing guard services. Authorizes who can provide training to designated employees as school crossing guards. Allows contracts with private providers for school crossing guard services.

Traffic: Suspended DL; Failure to appear 14

[HB2479](#) 2014 Session Law Chapter: [67](#) [HB2479 NOTE](#) [HB2479 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [8-2110; repeals 8-2110a](#)

Detail Amends the provision passed last year allowing a person suspended only for failure to appear to apply for a restricted license under certain conditions. This amendment will allow the same restricted driver's license access for a person whose license expired during the period of suspension.

Traffic

VIN Inspections 39

[SB351](#) 2014 Session Law Chapter: [21](#) [SB351 NOTE](#) [SB351 Summary](#)

Effective Date 7/1/2014

Statutes Changed 8-116a

Detail Amends VIN inspection laws to remove mandate to arrest person in possession of vehicle with bad VIN; clarifies disposition of such vehicle; provides liability protection; clarifies fees to local LE are to be used for LE purposes and cannot supplant normal budget.

Criminal Procedure

Appeals: Appellate Court Mandates 140

[HB2389](#) 2014 Session Law Chapter: [139](#) [HB2389 NOTE](#) [HB2389 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-3605

Detail Provides the issuance of the mandate from the appellate court in criminal and related appeals would be automatically stayed when a party files notice that it intends to petition the U.S. Supreme Court for a writ of certiorari and the time to file such petition has not expired.

Appeals: fees to Attorney General 20

[SB256](#) 2014 Session Law Chapter: [90](#) [SB256 NOTE](#) [SB256 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-3612

Detail Allows the Attorney General to recover reasonable costs of representation from the county general fund, pursuant to an agreement with the Attorney General, for the AG's assistance in appeals. The AG may develop a schedule of costs not to exceed the statutory rate of compensation for attorneys appointed to represent indigent persons (currently \$80 per hour). But the AG may enter into agreements with county or district attorneys for the payment of such costs superseding costs on the schedule of costs.

Bond Agents: Out of state 65

[SB256](#) 2014 Session Law Chapter: [90](#) [SB256 NOTE](#) [SB256 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-2809a

Detail An out-of-state surety or agent of a surety from out of state must contract with a Kansas surety or agent of a surety, and be accompanied by the Kansas surety or agent before attempting to apprehend and during the apprehension of a person in Kansas.

Criminal Procedure

Bonds: Surety vs. OR 64

[SB256](#) 2014 Session Law Chapter: [90](#) [SB256 NOTE](#) [SB256 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [21-5703](#); [21-5709](#); [21-5710](#); [21-6316](#); [21-6329](#)

Detail Amends bail provisions for certain drug offenses that require a \$50,000 or higher cash or surety to allow a person to be released on an OR bond only if the court determines, on the record, that the defendant is not likely to reoffend, the court imposes pretrial supervision, or the defendant agrees to participate in a licensed or certified drug treatment program. Similar changes are made for bail under the criminal street gang and RICO statutes allowing an OR bond only if the court determines the defendant is not likely to reoffend, an appropriate intensive pretrial supervision program is available, and the defendant agrees to comply with the mandate of such pretrial supervision.

Courts: Decision deadlines 69

[HB2446](#) 2014 Session Law Chapter: [125](#) [HB2446 NOTE](#) [HB2446 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [New \(KSA 20-3301\)](#)

Detail A district court must issue a decision on a motion or non-jury trial within 120 days after final submission. If not issued within 120 days all counsel must file a joint request for the decision to be entered without further delay. The Court of Appeals and the Supreme Court are required to issue a decision on a motion or an appeal within 180 days after submission. If the decision is not issued within 180 days all counsel must file a request for the decision to be entered without further delay. Upon such notices the district court, appeals court, or supreme court must enter a decision or provide a date by which a decision will be entered within 30 days of that filing. If the court fails to enter a decision or provide a date for decision within 30 days, all counsel must file a joint request with the chief judge to establish an intended decision date. Any of those writings are public record.

Discovery 25

[HB2445](#) 2014 Session Law Chapter: [34](#) [HB2445 NOTE](#) [HB2445 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3213](#)

Detail Clarifies the defense, not the defendant individually, is entitled to access discovery materials.

Criminal Procedure

DNA Collection Methods at Time of Arrest 55

[HB2448](#) 2014 Session Law Chapter: [102](#) [HB2448 NOTE](#) [HB2448 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [21-2511](#)

Detail Removes references to drawing blood which updates the law to the current mouth swab collection technique. If the person’s DNA sample was not properly obtained, the person would be required to provide another sample. A sample collected by a law enforcement agency or juvenile justice agency in substantial compliance with the provisions of the bill, or any evidence based upon or derived from such sample, could not be excluded as evidence in any criminal proceeding on the basis that the sample was not validly obtained. Any person required to register as an offender pursuant to the Kansas Offender Registration Act is required to submit a sample. Clarifies a person is required to submit a sample when arrested for or charged with lewd and lascivious behavior only if the crime was committed in the presence of a person 16 or more years of age. A person arrested for buying sexual relations is required to submit a sample only if the offender is less than 18 years of age. Makes it a class A nonperson misdemeanor for a person who has possession of or access to samples or profile records maintained by the KBI due to such person’s employment or official position to disseminate such samples or records except in strict accordance with applicable laws, or for a criminal justice agency to request profile records without a legitimate need for such records. A conviction under these provisions would constitute good cause for termination or licensure revocation or suspension.

Expert Witness 26

[HB2445](#) 2014 Session Law Chapter: [34](#) [HB2445 NOTE](#) [HB2445 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3212](#)

Detail Amends expert witness requirements making disclosures of testimony foundation due in a reasonable time prior to trial by agreement of the parties or by order of the court (instead of 30 days before trial). The same rules apply to the prosecution for any prosecutions expert witness.

Criminal Procedure

Human Trafficking 28

[HB2501](#) 2014 Session Law Chapter: [28](#) [HB2501 NOTE](#) [HB2501 Summary](#)

Effective Date 7/1/2014

Statutes Changed 12-4106, 12-4416, 21-6421, 21-6422, 22-2909, 22-4704, 65-535

Detail Requires municipal courts to report dispositions of buying sexual relations and selling sexual relations to the Kansas Bureau of Investigation (KBI) Central Repository (electronic reporting required after July 1, 2014) . All diversion agreements (district and municipal courts) for buying sexual relations, require the payment of the minimum fine imposed for a conviction of this crime. Requires diversions to include a requirement for completion of a suitable educational or treatment program regarding commercial sexual exploitation. There is a limit of one diversion per lifetime. To determine if a conviction of buying sexual relations is a first, second, or subsequent conviction, previous convictions include state law, local ordinance, or diversion for a violation are counted. Directs the KBI to adopt rules and regulations by July 1, 2014, requiring district courts to electronically report filings and dispositions of human trafficking, aggravated human trafficking, selling sexual relations, promoting the sale of sexual relations, buying sexual relations, or commercial sexual exploitation of a child, to the KBI Central Repository. Also eliminates specific requirements related to law enforcement observation of staff secure facility entrances and exits. Technical amendments to statutory references and a treatment program provision.

Jury Conduct 53

[HB2448](#) 2014 Session Law Chapter: [102](#) [HB2448 NOTE](#) [HB2448 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-3420

Detail Requires jurors to immediately report any attempt by another person to converse with them about the case. Also provides the jury has a duty not to make any final determinations or express any opinion on any subject of the trial until the case is finally submitted to them. The court may allow the jury to take evidence into deliberations. The court could provide equipment to facilitate review of the evidence by the jurors. Any question the jury needs to ask the court must be signed, dated, and submitted in writing to the bailiff. The court must give an opportunity to the parties to discuss an appropriate response. Requires the court to respond to all questions from a deliberating jury in open court or in writing and would allow the court to grant a jury's request to rehear testimony. Requires the defendant to be present during the discussion of such written questions and during response given in open court, unless such presence is waived.

Criminal Procedure

Jury: Grand Jury 27

[SB310](#) 2014 Session Law Chapter: [50](#) [SB310 NOTE](#) [SB310 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3001, 22-3011, 22-3015](#)

Detail Allows grand juries summoned upon the petition of the Attorney General or a district or county attorney to consider any alleged misdemeanor that arises as part of the same criminal conduct or investigation underlying any alleged felony considered by the grand jury. It also allows a grand jury impaneled through elector petition to request that the Attorney General prosecute the case arising from an indictment, if the grand jury is of the opinion that the prosecuting attorney would not diligently prosecute the case. The court shall notify the Attorney General of the request and the Attorney General may prosecute the case. Allows the court to amend a grand jury indictment regarding the substance of the offense charged for the limited purpose of effectuating a change of plea pursuant to a plea agreement between the defendant and the prosecution. This provision does not apply to grand juries impaneled through elector petition.

Probation and Parole Sanctions 52

[HB2448](#) 2014 Session Law Chapter: [102](#) [HB2448 NOTE](#) [HB2448 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [21-6604; 21-6608; 22-3716](#)

Detail Amends and clarifies several provisions of the Justice Reinvestment Act passed last year relating to sentencing, probation, and postrelease supervision statutes. Clarifies the 60 day local jail sanction a judge may impose for felony parolees or probationers is separate from other condition violation sanctions shall not be imposed at the same time as the other sanctions. Provides for a similar sanction of up to 60 days persons on probation for misdemeanor violators. Clarifies the intermediate sanctions established last year that may be imposed by a court services officer or community corrections officer are applicable only if the original crime of conviction was a felony, not including felony DUI, test refusal, domestic battery, forgery, and cruelty to animals convictions (those sentences are all served in local jails, not DOC). Sanctions for those convicted of felony DUI, test refusal, domestic battery, forgery, and cruelty to animals convictions, only the sanctions for misdemeanor violators may imposed. Makes the 2-3 day confinement quick dip sanctions available for misdemeanor violators, similar to that allowed for felony violators. Clarifies prior confinement time is not included in the 120-180 day incarceration intermediate sanctions. Intermediate sanctions are to be imposed concurrently if the offender is serving multiple probation terms concurrently. Clarifies the violation sanctions apply to any violation occurring on or after July 1, 2013, regardless of the date the underlying crime was committed or the offender was sentenced for the underlying crime. Amends the provision implemented last year allowing early discharge of low-risk offenders from supervision by changing the standard for denial by the court of such discharge from "substantial and compelling" to "clear and convincing evidence" that denial serves community safety interests. Makes several non-substantive amendments including statutory references to provide clarity.

Criminal Procedure

PTSD from military combat 9

[HB2655](#) 2014 Session Law Chapter: [95](#) [HB2655 NOTE](#) [HB2655 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [New \(KSA 21-6630\)](#)

Detail Creates a path for a person sentenced for offenses where there is presumptive nonprison sanctions in the sentencing grid, or if the defendant qualifies for drug treatment sentencing may be sentenced to treatment if it is shown the offender has PTSD resulting from military combat duty.

Speedy Trial 115

[HB2389](#) 2014 Session Law Chapter: [139](#) [HB2389 NOTE](#) [HB2389 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3402](#)

Detail Raises speedy trial deadline from 90 days to 150 days after arraignment.

Statute of Limitation 59

[HB2448](#) 2014 Session Law Chapter: [102](#) [HB2448 NOTE](#) [HB2448 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [21-5107](#)

Detail Adds a provision back into the statute defining when the statute of limitation period begins.

Trial: Crime punishable by life without parole 137

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3405](#)

Detail The presence of the defendant is required at every stage of trial in a prosecution for a crime punishable by life without the possibility of parole. It is already required in death penalty cases.

Trial: Out of state witness requests 138

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-4210](#)

Detail A person held in Kansas under a sentence of life without parole is excluded from the Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act which is utilized when a person in custody is requested to testify in another state. Persons confined as mentally ill, in need of mental treatment, or under sentence of death are already excluded. This does not effect in state requests.

Criminal Procedure

Victim Notification by DOC 1

[SB248](#) 2014 Session Law Chapter: [5](#) [SB248 NOTE](#) [SB248 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3303](#); [22-3305](#); [22-3428](#); [22-3428a](#); [22-3430](#); [22-3431](#); [22-3727](#); [22-3727a](#)

Detail DOC is required to provide notice to victims at least 14 working days prior to an inmate's release, unless the release is due to court order, escape, or death. The bill also transfers responsibility for victim notification of a defendant's commitment as incompetent to stand trial or not guilty by reason of mental disease or defect, as well as related hearings, from the DOC to the district or county attorney.

Sentencing

Homicide: Attempted Capital Murder: Sentencing 133

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [21-5301](#)

Detail Attempted capital murder is now exempt from the provisions of KSA 21-5301, resulting in the sentence for an attempted capital murder to remain off-grid, like for a completed capital murder. A Hard 25 sentence is the default for a conviction of attempted capital murder or for a conviction of first degree murder when classified as the killing of a human being committed in the commission of, attempt to commit, or flight from any inherently dangerous felony (felony murder). If the defendant's criminal history places them on the sentencing grid providing a sentence of more than the imposed mandatory minimum, the sentencing grid minimum becomes the mandatory minimum.

Homicide: Commutation Limitations 135

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3705](#)

Detail The Governor may only commute a death penalty sentence to life imprisonment without the possibility of parole. The governor may not commute a sentence to life imprisonment.

Homicide: Death Sentence: Functional incapacitation release 136

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3728](#)

Detail A person under sentence of death or life without parole is not eligible for functional incapacitation release.

Homicide: Felony Murder: Minimum sentence 142

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [22-3728](#)

Detail An offender convicted of KSA 21-5402 (a)(2), first degree murder committed in the commission, attempt, or flight from an inherently dangerous felony, is included in the rule that when eligible for parole from a 25 year minimum sentence they cannot have the 25 year minimum reduced by good time credits.

Sentencing

Homicide: Premeditated first degree: Sentencing 57

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date 7/1/2014

Statutes Changed

Detail A life sentence with a mandatory minimum term of imprisonment of 50 years is the default sentence when a defendant is convicted of premeditated first degree murder committed on or after July 1, 2014. The court is permitted to impose a life sentence with a mandatory minimum term of imprisonment of 25 years if the judge finds substantial and compelling mitigating circumstances. A Hard 25 sentence is the default for a conviction of attempted capital murder or for a conviction of first degree murder when classified as the killing of a human being committed in the commission of, attempt to commit, or flight from any inherently dangerous felony (felony murder). If the defendant's criminal history places them on the sentencing grid providing a sentence of more than the imposed mandatory minimum, the sentencing grid minimum becomes the mandatory minimum.

Sentencing: Life without parole: Clarification 139

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-3728

Detail Clarifies an inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 21-6617 is never eligible for parole. An offender convicted of KSA 21-5402 (a)(2), first degree murder committed in the commission, attempt, or flight from an inherently dangerous felony, is included in the rule that when eligible for parole from a 25 year minimum sentence they cannot have the 25 year minimum reduced by good time credits.

Sentencing: Life without possibility of parole 134

[HB2490](#) 2014 Session Law Chapter: [114](#) [HB2490 NOTE](#) [HB2490 Summary](#)

Effective Date 7/1/2014

Statutes Changed

Detail Persons sentenced to life without possibility for parole are not eligible for sentence commutation, functional incapacitation release, parole, or out-of-state travel as a material witness.

Alcohol

Alcohol: Farm winery tastings 111

[HB2223](#) 2014 Session Law Chapter: [75](#) [HB2223 NOTE](#) [HB2223 Summary](#)

Effective Date 4/24/2014

Statutes Changed 41-308d

Detail Adds farm winery license holders to those who can have "tastings" or provide samples of their products.

Alcohol

Alcohol: Homemade fermented beverages 34

[HB2223](#) 2014 Session Law Chapter: [75](#) [HB2223 NOTE](#) [HB2223 Summary](#)
Effective Date 4/24/2014
Statutes Changed 41-104
Detail Allows providing homemade fermented beverages to guests and judges at a beverage related contest or competition. No compensation to the producer is allowed. A “guest” is a person invited to the event by the host.

Alcohol: Licensee qualifications 112

[HB2223](#) 2014 Session Law Chapter: [75](#) [HB2223 NOTE](#) [HB2223 Summary](#)
Effective Date 4/24/2014
Statutes Changed 41-311
Detail Modifies the liquor control act citizenship requirement for licensing to only require U.S. citizenship without the 10 years citizenship previously required.

Alcohol: Microbrewery production limits 110

[HB2223](#) 2014 Session Law Chapter: [75](#) [HB2223 NOTE](#) [HB2223 Summary](#)
Effective Date 4/24/2014
Statutes Changed 41-308b
Detail The amount of allowable production by a microbrewery is raised from 15,000 to 30,000 barrels of beer per year.

Forfeiture

Terrorism, Civil Forfeiture 144

[HB2463](#) 2014 Session Law Chapter: [51](#) [HB2463 NOTE](#) [HB2463 Summary](#)
Effective Date 7/1/2014
Statutes Changed 60-4104, repeals 60-4104b
Detail Establishes civil cause of action for a person injured as a result of the crimes of terrorism, furtherance of terrorism, or illegal use of weapons of mass destruction. The action can be taken against the person who engaged in the conduct and may be entitled to recover the greater of \$10,000 or three times the actual damages the plaintiff sustained, plus costs and attorney’s fees. The victim can request the Attorney General file the case on the victim’s behalf.

Offender Registration

Offender Registration**Offender Registration: Human Trafficking** 121[HB2143](#) 2014 Session Law Chapter: [117](#) [HB2143 NOTE](#) [HB2143 Summary](#)

Effective Date 7/1/2014

Statutes Changed 22-4902

Detail Amends the definition of "Sexually Violent Crime" as used in the registered offender act (KSA 22-4902) by adding Aggravated Human Trafficking, KSA 21-3447 or KSA 21-5426 subsection (b), when committed for the purpose of sexual gratification of the defendant or another and Commercial Sexual Exploitation of a Child, KSA 21-6422. Also made some technical amendments to the definition of "sex offender" as it pertains to the crimes of promoting prostitution or patronizing a prostitute prior to July 1, 2013, see subsections (b)(4)(C) and (D). Makes several technical amendments in KSA 22-4906 and adds the crime of commercial exploitation of a child to the list of crimes requiring lifetime registration.

KPERS**KPERS: 2015 Plan Revisions** 40[HB2533](#) 2014 Session Law Chapter: [29](#) [HB2533 NOTE](#) [HB2533 Summary](#)

Effective Date 7/1/2014

Statutes Changed 74-49,306; 74-49,308; 74-49,313

Detail Amends KPERS 2015 plan by changing interest credit to members from 5.25% to 4% and creates a formula for KPERS to determine if a higher amount can be paid and caps the interest payments to 1.5% for 2015-2018; changes monthly benefit from 6% return and mortality tables to the KPERS actuarial rate of return minus 2%, which currently would be 6%.

KPERS: State Employees on Furlough 70[HB2596](#) 2014 Session Law Chapter: [104](#) [HB2596 NOTE](#) [HB2596 Summary](#)

Effective Date 7/1/2014

Statutes Changed 74-49,115

Detail Holds harmless both the retirement and disability benefits calculations for any state employee member of the Kansas Public Employees Retirement System (KPERS), the Kansas Police and Fireman's (KP&F) Retirement System, or the Retirement System for Judges, if the employee is furloughed or accepted a voluntary reduction in pay during the period of time used for determining benefits.

Other**911 Coordinating Council** 2[SB284](#) 2014 Session Law Chapter: [6](#) [SB284 NOTE](#) [SB284 Summary](#)

Effective Date 7/1/2014

Statutes Changed 12-5363; 12-1563; 12-5364; 12-5367; 12-5377

Detail Changes the Kansas 911 Act by 1) Adding definitions of "911 call" and "911 system operator"; 2) Altering the voting membership by replacing the representative of law enforcement to a representative of the KACP and a representative of the KSA; 3) removing the nonvoting member recommended by KAN-ED; 4) increasing the budget authority of the 911 Coordinating Council from 1.5% to 2.5% of the total 911 fee receipts; and 5) allowing the 911 Coordinating Council to extend the contract of the Local Collection Point Administrator (LCPA) for up to two years without the advice and consent of the Legislative Coordinating Council.

Other

Blue Alert				22
HCR502	2014 Session Law Chapter: 147	HCR5029 NOTE	HCR5029 Summary	
Effective Date	7/1/2014			
Statutes Changed	None			
Detail	Requests AG/KBI to establish Blue Alert Program in Kansas by working with law enforcement and other interested parties. The Blue Alert will likely use most of the features and available information sources of an Amber Alert, but is used when there is a death or serious injury to a law enforcement officer, the suspect is not apprehended, and substantial information such as vehicle description can be provided to the public to help facilitate the suspects capture.			
Bond Agents: Felons Disqualified				19
SB256	2014 Session Law Chapter: 90	SB256 NOTE	SB256 Summary	
Effective Date	7/1/2014			
Statutes Changed	22-2809a			
Detail	A person convicted of any felony (lifetime look back) are prohibited from acting as a surety or as an agent of a surety.			
Courts: Docket Fees				108
HB2338	2014 Session Law Chapter: 82	HB2338 NOTE	HB2338 Summary	
Effective Date	7/1/2014			
Statutes Changed	20-362			
Detail	Several provisions relating to docket fees were revised including the amount of the fees and the distribution. I have included it in this report only to report it made no changes in the \$15 portion of the docket fee designated for funding KLETC.			
Courts: Magistrate Judges				42
HB2065	2014 Session Law Chapter: 71	HB2065 NOTE	HB2065 Summary	
Effective Date	7/1/2014			
Statutes Changed	61-3903; 20-302b; 22-3602; 22-3609a; 38-2273; 38-2382; 59-2401a; 60-2102; 60-210			
Detail	Allows district magistrate judges to conduct felony first appearance hearings; have jurisdiction over uncontested actions for divorce; and jurisdiction over any civil action with the consent of the parties. Clarifies they may hear misdemeanor arraignments. Appeals from district magistrate judges who are members of the bar go directly to the Court of Appeals, rather than to a district judge. Appeals from district magistrate judges who are not members of the bar will continue to be to a district judge. Proceedings that would be on the record before a district judge must be on the record if before a district magistrate judge who is a member of the bar.			
DOC: COBRA Provisions for state DOC employees killed in line of duty				132
HB2537	2014 Session Law Chapter: 101	HB2537 NOTE	HB2537 Summary	
Effective Date	7/1/2014			
Statutes Changed	40-2140			
Detail	Creates new law to require the state to pay premiums for continuing COBRA benefits to a surviving spouse and eligible dependent children in the event of a line of duty death of any state DOC personnel.			

Other

Elections: Party affiliation change 23

[HB2210](#) 2014 Session Law Chapter: [2](#) [HB2210 NOTE](#) [HB2210 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [25-3301; 25-3304](#)

Detail Prohibits changing party affiliation from the closing date for filing to the day the primary results are certified.

EMS: COBRA Provisions for EMS Worker Killed in Line of Duty 61

[HB2537](#) 2014 Session Law Chapter: [101](#) [HB2537 NOTE](#) [HB2537 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [New \(KSA 40-2141\)](#)

Detail Creates new law to require municipalities (city or county) to pay premiums for continuing COBRA benefits to a surviving spouse and eligible dependent children in the event of a line of duty death of any EMS personnel.

Forensic Labs 43

[HB2143](#) 2014 Session Law Chapter: [36](#) [HB2143 NOTE](#) [HB2143 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [28-176](#)

Detail Forensic audio and video examination services are added to lab analysis subject to the \$400 court cost allowed to be imposed on persons convicted, adjudicated or diverted. Permits those costs collected to be deposited into the designated fund of the entity providing such services. The Garden City Police Department's Computer, Audio, and Video Forensics Laboratory is also added to the qualifying labs for those costs. NOTE: KSA 28-176 as amended in HB2303 section 3 was further amended with technical corrections in section 4 of HB2143.

Infants: Newborn infant protection act 44

[HB2577](#) 2014 Session Law Chapter: [70](#) [HB2577 NOTE](#) [HB2577 Summary](#)

Effective Date [7/1/2014](#)

Statutes Changed [38-2282](#)

Detail Expands the places where an infant may be voluntarily surrendered to include police stations, sheriffs offices, and law enforcement centers. Protects disclosure of the name or other identifiable information of a parent or custodian who voluntarily surrenders physical custody of an infant under the Newborn Infant Protection Act, unless there was reasonable suspicion the infant has been abused. Protects the person or facility receiving the infant from civil and criminal liability for any action taken under the Act. The parent or custodian would not be required to reveal personally identifiable information, but could offer information concerning the infant's familial or medical history. Clarifies the person or facility to whom an infant is delivered would be prohibited from revealing the name or other identifiable information of the person who delivered the infant, unless there was reasonable suspicion the infant has been abused.

Other

KCJIS Committee 45

[SB402](#) 2014 Session Law Chapter: [46](#) [SB402 NOTE](#) [SB402 Summary](#)

Effective Date 7/1/2014

Statutes Changed 74-5701; 74-5702; 74-5703; 74-5704; 74-5706

Detail Changes the composition of the Kansas Criminal Justice Information System Committee by reducing membership by one; removes the Commissioner of Juvenile Justice and changes the title of on position from the Kansas 911 Providers Association to the Kansas Association of Public Safety Communication Officials. The Committee would elect a chairperson and the Secretary of Administration would serve as co-chairperson. The chairperson would serve a one-year term and the co-chairperson could only vote in cases of a tie. The bill would authorize the Committee to make a connection between each county and the state into a unified electronic information system, if the county meets standards for use of the connection established by the Committee through rules and regulations. Places the authority over the position of Director to the committee. The position is in the unclassified service of the Kansas Civil Service Act. Makes other technical changes.

Open Records Act: Annual Review 46

[HB2182](#) 2014 Session Law Chapter: [72](#) [HB2182 NOTE](#) [HB2182 Summary](#)

Effective Date 7/1/2014

Statutes Changed 40-5515; 45-229; 74-99b06

Detail The annual open records exception review. This year several law enforcement related exceptions were reviewed and all were renewed.
KSA 12-2001, concerning information provided to municipalities and political subdivisions; KSA 38-2209, concerning records of children who are the subject of a child in need of care investigation; KSA 45-221(a)(45), concerning records, other than criminal investigation records, which if disclosed would pose a substantial likelihood of revealing security measures that protect systems, facilities, or equipment used in the production, transmission, or distribution of energy, water, or communications services; transportation and sewer or wastewater treatment systems, facilities, or equipment; or private property or persons, if the records are submitted to the agency; KSA 45-221(a)(47), concerning information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault; KSA 65-16,104, concerning methamphetamine precursor recording log information submitted to the Board of Pharmacy; KSA 77-503a, concerning the name, address, or other contact information of alleged victims of crime, abuse, domestic violence, or sexual assault in any required notice or order under the Kansas Administrative Procedure Act.

Other

Records checks; Real Estate Appraisers; Fingerprints 123

[HB2580](#) 2014 Session Law Chapter: [108](#) [HB2580 NOTE](#) [HB2580 Summary](#)

Effective Date 7/1/2014

Statutes Changed New (58-4127); and 58-4121

Detail Authorizes the Kansas Real Estate Appraisal Board to conduct fingerprint based state and national criminal history records checks on certain license applicants. Local and state law enforcement officers and agencies are required to assist the Board by taking and processing fingerprints of applicants and by releasing records of adult convictions to the Board. Local law enforcement agencies may charge a fee as reimbursement for expenses incurred in taking and processing fingerprints.

Rooks County Jail Sales Tax 118

[SB266](#) 2014 Session Law Chapter: [132](#) [SB266 NOTE](#) [SB266 Summary](#)

Effective Date 7/1/2014

Statutes Changed 12-187

Detail Authorizes Rooks County to hold an election to approve a 0.5% local sales tax to fund construct or remodel their jail. The tax sunsets when the jail costs are paid and the tax is excluded from the statute requiring the sales tax to be shared with cities.

Small Claims Against Government Entity 106

[HB2491](#) 2014 Session Law Chapter: [55](#) [HB2491 NOTE](#) [HB2491 Summary](#)

Effective Date 7/1/2014

Statutes Changed 75-6103

Detail When a small claims action falls within the scope of the Tort Claims Act, a lawyer may appear in such action on behalf of any governmental entity, officer, or employee for the sole purpose of filing, briefing, and arguing a motion to dismiss for lack of jurisdiction.

Taxes 47

[HB2047](#) 2014 Session Law Chapter: [37](#) [HB2047 NOTE](#) [HB2047 Summary](#)

Effective Date 7/1/2014

Statutes Changed 79-2925b

Detail Prohibits most municipalities, absent a majority vote and publication of such vote in official county newspapers, from approving annual budgets or other appropriations funded by certain increases in property taxes over the prior year which are in excess of the rate of inflation. Requires all other municipalities, in response to increases in total tangible property valuation, to reduce the amount of tax levied to the prior year's level, except for the inflation allowance; taxes levied on valuation added as a result of new construction; valuation added from property located within newly added jurisdictional territory; valuation added because property has changed in use; and valuation added from certain increased personal property. Also excluded from the computation would be property taxes that had been previously approved by voters; taxes levied to pay principal and interest on bonds; and taxes collected pursuant to the 21.5 mills in state property tax levies. Includes counties, townships, municipal universities, school districts, community colleges, drainage districts, and other taxing units.

Other

Terrorism, Civil Cause of Action 29

[HB2463](#) 2014 Session Law Chapter: [51](#) [HB2463 NOTE](#) [HB2463 Summary](#)

Effective Date 7/1/2014

Statutes Changed New civil statute (60-5002)

Detail Establishes civil cause of action for a person injured as a result of the crimes of terrorism, furtherance of terrorism, or illegal use of weapons of mass destruction. The action can be taken against the person who engaged in the conduct and may be entitled to recover the greater of \$10,000 or three times the actual damages the plaintiff sustained, plus costs and attorney's fees. The victim can request the Attorney General file the case on the victim's behalf.

Work Comp: LEO and Firefighters 41

[HB2023](#) 2014 Session Law Chapter: [25](#) [HB2023 NOTE](#) [HB2023 Summary](#)

Effective Date 7/1/2014

Statutes Changed 44-501

Detail Provides an exemption to the prohibition placed on the recovery of workers compensation in cases involving coronary disease, coronary artery disease, or cerebrovascular injury during the course of usual work performed by firefighters or law enforcement officers. The injured employee must show the injury was caused by a specific event that occurred in the course and scope of employment, the coronary or cerebrovascular injury occurred within 24 hours of that event, and the event was the prevailing factor in causing the disease or injury.

Arrest Warrants

KSA 22-2302 as amended by 2014 Session Law Chapter 139 (HB2389) §3 effective July 1, 2014

K.S.A. 22-2302

- (a) If the magistrate finds from the complaint, or from an affidavit or affidavits filed with the complaint or from ~~other evidence~~ *sworn testimony*, that there is probable cause to believe both that a crime has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue, except that a summons instead of a warrant may be issued if: (1) The prosecuting attorney so requests; or (2) in the case of a complaint alleging commission of a misdemeanor, the magistrate determines that a summons should be issued. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.
- (b) *For a warrant or summons executed prior to July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.*
- (c) (1) ~~For a warrant or summons executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire~~ *open to the public until the warrant or summons has been executed. After the warrant or summons has been executed, such affidavits or sworn testimony shall be made available to:*
- (A) *The defendant or the defendant's counsel, when requested, for such disposition as either may desire; and*
 - (B) *any person, when requested, in accordance with the requirements of this subsection.*
- (2) *Any person may request that affidavits or sworn testimony be disclosed by filing such request with the clerk of the court. The clerk of the court shall promptly notify the defendant or the defendant's counsel, the prosecutor and the magistrate that such request was filed.*
- (3) *Within five business days after receiving notice of a request for disclosure from the clerk of the court, the defendant or the defendant's counsel and the prosecutor may submit to the magistrate, under seal, either:*
- (A) *Proposed redactions, if any, to the affidavits or sworn testimony and the reasons supporting such proposed redactions; or*
 - (B) *a motion to seal the affidavits or sworn testimony and the reasons supporting such proposed seal.*
- (4) *The magistrate shall review the requested affidavits or sworn testimony and any proposed redactions or motion to seal submitted by the defendant, the defendant's counsel or the prosecutor. The magistrate shall make appropriate redactions, or seal the affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:*

- (A) Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;*
 - (B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;*
 - (C) interfere with any prospective law enforcement action, criminal investigation or prosecution;*
 - (D) reveal the identity of any confidential source or undercover agent;*
 - (E) reveal confidential investigative techniques or procedures not known to the general public;*
 - (F) endanger the life or physical safety of any person;*
 - (G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2013 Supp. 21-6419 through 21-6422, and amendments thereto;*
 - (H) reveal the name of any minor; or*
 - (I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.*
- (5) Within five business days after receiving proposed redactions or a motion to seal from the defendant, the defendant's counsel or the prosecutor, or within 10 business days after receiving notice of a request for disclosure, whichever is earlier, the magistrate shall either:*
- (A) Order disclosure of the affidavits or sworn testimony with appropriate redactions, if any;*
or
 - (B) order the affidavits or sworn testimony sealed and not subject to public disclosure.*

Search Warrants

KSA 22-2502 as amended by 2014 Session Law Chapter 139 (HB2389) §4 effective July 1, 2014

K.S.A. 22-2502

(a) A search warrant shall be issued only upon the oral or written statement, including those conveyed or received by electronic communication, of any person under oath or affirmation which states facts sufficient to show probable cause that a crime has been, is being or is about to be committed and which particularly describes a person, place or means of conveyance to be searched and things to be seized. Any statement which is made orally shall be either taken down by a certified shorthand reporter, sworn to under oath and made part of the application for a search warrant, or recorded before the magistrate from whom the search warrant is requested and sworn to under oath. Any statement orally made shall be reduced to writing as soon thereafter as possible. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate may issue a search warrant for:

(1) The search or seizure of the following:

- (A) Any thing which has been used in the commission of a crime, or any contraband or any property which constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of this state, any other state or of the United States. The term “fruits” as used in this act shall be interpreted to include any property into which the thing or things unlawfully taken or possessed may have been converted;
- (B) any person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state;
- (C) any human fetus or human corpse;
- (D) any person for whom a valid felony arrest warrant has been issued in this state or in another jurisdiction; or
- (E) (i) any information concerning the user of an electronic communication service; any information concerning the location of electronic communications systems, including, but not limited to, towers transmitting cellular signals involved in any wire communication; and any other information made through an electronic communications system; or
(ii) the jurisdiction granted in this paragraph shall extend to information held by entities registered to do business in the state of Kansas, submitting to the jurisdiction thereof, and entities primarily located outside the state of Kansas if the jurisdiction in which the entity is primarily located recognizes the authority of the magistrate to issue the search warrant; or

(2) the installation, maintenance and use of a tracking device.

(b) (1) The search warrant under subsection (a)(2) shall authorize the installation and use of the tracking device to track and collect tracking data relating to a person or property for a specified period of time, not to exceed 30 days from the date of the installation of the device.

(2) The search warrant under subsection (a)(2) may authorize the retrieval of the tracking data recorded by the tracking device during the specified period of time for authorized use of such

tracking device within a reasonable time after the expiration of such warrant, for good cause shown.

- (3) The magistrate may, for good cause shown, grant one or more extensions of a search warrant under subsection (a)(2) for the use of a tracking device, not to exceed 30 days each.
- (c) Before ruling on a request for a search warrant, the magistrate may require the affiant to appear personally and may examine under oath the affiant and any witnesses that the affiant may produce. Such proceeding shall be taken down by a certified shorthand reporter or recording equipment and made part of the application for a search warrant.
- (d) *For a warrant executed prior to July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.*
- (e) (1) *For a warrant executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire open to the public until the warrant has been executed. After the warrant has been executed, such affidavits or sworn testimony shall be made available to:*
 - (A) *The defendant or the defendant's counsel, when requested, for such disposition as either may desire; and*
 - (B) *any person, when requested, in accordance with the requirements of this subsection.*
- (2) *Any person may request that affidavits or sworn testimony be disclosed by filing such request with the clerk of the court. The clerk of the court shall promptly notify the defendant or the defendant's counsel, the prosecutor and the magistrate that such request was filed.*
- (3) *Within five business days after receiving notice of a request for disclosure from the clerk of the court, the defendant or the defendant's counsel and the prosecutor may submit to the magistrate, under seal, either:*
 - (A) *Proposed redactions, if any, to the affidavits or sworn testimony and the reasons supporting such proposed redactions; or*
 - (B) *a motion to seal the affidavits or sworn testimony and the reasons supporting such proposed seal.*
- (4) *The magistrate shall review the requested affidavits or sworn testimony and any proposed redactions or motion to seal submitted by the defendant, the defendant's counsel or the prosecutor. The magistrate shall make appropriate redactions, or seal the affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:*
 - (A) *Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;*

- (B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;*
- (C) interfere with any prospective law enforcement action, criminal investigation or prosecution;*
- (D) reveal the identity of any confidential source or undercover agent;*
- (E) reveal confidential investigative techniques or procedures not known to the general public;*
- (F) endanger the life or physical safety of any person;*
- (G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2013 Supp. 21-6419 through 21-6422, and amendments thereto;*
- (H) reveal the name of any minor; or*
- (I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.*

(5) Within five business days after receiving proposed redactions or a motion to seal from the defendant, the defendant's counsel or the prosecutor, or within 10 business days after receiving notice of a request for disclosure, whichever is earlier, the magistrate shall either:

- (A) Order disclosure of the affidavits or sworn testimony with appropriate redactions, if any;*
or
- (B) order the affidavits or sworn testimony sealed and not subject to public disclosure.*

(f) As used in this section:

- (1) "Electronic communication" means the use of electronic equipment to send or transfer a copy of an original document;
- (2) "electronic communication service" and "electronic communication system" have the meaning as defined in K.S.A. 22-2514, and amendments thereto;
- (3) "tracking data" means information gathered or recorded by a tracking device; and
- (4) "tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. "Tracking device" includes, but is not limited to, a device that stores geographic data for subsequent access or analysis and a device that allows for the real-time monitoring of movement.

(g) Nothing in this section shall be construed as requiring a search warrant for cellular location information in an emergency situation pursuant to K.S.A. 22-4615, and amendments thereto.

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Arrest Warrants

Description of Amendments to KSA 22-2302 by 2014 Session Law Chapter 139 (HB2389) §3 effective July 1, 2014, by subsection.

K.S.A. 22-2302

- (a) Continues to provide the court may find probable cause to issue an arrest warrant based on the complaint but deletes “or from other evidence” replacing it with “or from sworn testimony”
- (b) Retains the current rules for release of an affidavit for an arrest warrant or summons executed prior to July 1, 2014, by “written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant’s counsel for such disposition as either may desire.”
- (c)(1) Creates the new rules for release of the affidavits or sworn testimony for an arrest warrant or summons executed on or after July 1, 2014. Affidavits and sworn testimony for arrest warrants are not open to the public until the warrant or summons has been executed. After the arrest warrant or summons has been executed the provision allowing the affidavit and sworn testimony to be available “to the defendant or the defendant’s counsel, when requested, for such disposition as either may desire” remains unchanged.
- (c)(2) The affidavit for an arrest warrant is also available to anyone upon request through the court clerk, if approved by the court at the conclusion of the following process. The clerk of the court notifies the defendant or the defendant’s counsel, the prosecutor and the magistrate that the request was filed.
- (c)(3) The prosecutor and the defense has five business days after receiving notice from the clerk to provide the court with any proposed redactions or a request to seal the affidavit or sworn testimony, including the reasons for each redaction or the request to seal. The submission by the prosecutor or defense is sealed and not open to the public.
- (c)(4) The court must review the affidavit and sworn testimony along with the recommendations received from the prosecution and defense to determine if the information meeting the following criteria is to be redacted or cause to seal the affidavit and sworn testimony.
 - (A) Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;
 - (B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;
 - (C) interfere with any prospective law enforcement action, criminal investigation or prosecution;
 - (D) reveal the identity of any confidential source or undercover agent;
 - (E) reveal confidential investigative techniques or procedures not known to the general public;
 - (F) endanger the life or physical safety of any person;
 - (G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of

chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2013 Supp. 21-6419 through 21-6422, and amendments thereto;

(H) reveal the name of any minor; or

(I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.

(c)(5) Starting at the end of five business days or upon receipt of the response from both the prosecution and the defense, the court has five business days to take one of the following actions: 1) release the material without redaction, 2) released the material with redactions, or 3) seal the information. While the prosecution and defense are required to offer any proposed redactions, the court is ultimately responsible for the redactions. The statute is silent on whether the court may add redactions not recommended by the prosecution or defense, so presumably they would have that authority provided it met the listed criteria. The court is not required to use all recommended redactions, and could potentially rule a proposed redaction does not meet the statutory requirements.

NOTE: Law enforcement is not directly in the statutory process for suggesting redactions or sealing of the information. Our input into the redaction/seal request is through the prosecutor. The statute does not require the prosecutor to seek law enforcement input, although surely most will. This makes it incumbent on law enforcement to work out a process with your prosecutor(s) for seeking law enforcement input on proposed redactions or reasons for sealing the information.

Search Warrants

Description of Amendments to KSA 22-2502 by 2014 Session Law Chapter 139 (HB2389) §4 effective July 1, 2014, by subsection

K.S.A. 22-2502

- (a) This subsection contains the criteria for obtaining a search warrant and was not amended.
- (b) This subsection contains the provisions for tracking device warrants and was not amended.
- (c) This subsection provides the court may require, and the procedures for, the affiant and any witnesses brought by the affiant to appear personally and be examined under oath by the court.
- (d) Retains the current rules for release of an affidavit or sworn testimony for a search warrant executed prior to July 1, 2014, by “written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant’s counsel for such disposition as either may desire.”
- (e)(1) Creates the new rules for release of the affidavits for a search warrant executed on or after July 1, 2014. Search warrant affidavits and sworn testimony are not open to the public until the warrant or summons has been executed. After the warrant or summons has been executed they continue to “be made available to the defendant or the defendant’s counsel, when requested, for such disposition as either may desire without any change.”
- (e)(2) Search warrant affidavits and sworn testimony are also available to anyone upon request through the court clerk, if approved by the court at the conclusion of the following process. The clerk of the court notifies the defendant or the defendant’s counsel, the prosecutor and the magistrate that the request was filed.
- (e)(3) The prosecutor and the defense has five business days after receiving notice from the clerk to provide the court with any proposed redactions or a request to seal the affidavit or sworn testimony, including the reasons for each redaction or the request to seal.
- (e)(4) The court must review the affidavit and sworn testimony along with the recommendations received from the prosecution and defense to determine if the information meeting the following criteria is to be redacted or cause to seal the affidavit or sworn testimony.
 - (A) Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;
 - (B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;
 - (C) interfere with any prospective law enforcement action, criminal investigation or prosecution;
 - (D) reveal the identity of any confidential source or undercover agent;
 - (E) reveal confidential investigative techniques or procedures not known to the general public;
 - (F) endanger the life or physical safety of any person;
 - (G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter

21 of the Kansas Statutes Annotated or K.S.A. 2013 Supp. 21-6419 through 21-6422, and amendments thereto;

(H) reveal the name of any minor; or

(I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.

(e)(5) Starting at the end of five business days or upon receipt of the response from both the prosecution and the defense, the court has five business days to take one of the following actions: 1) release the material without redaction, 2) released the material with redactions, or 3) seal the information. While the prosecution and defense are required to offer any proposed redactions, the court is ultimately responsible for the redactions. The statute is silent on whether the court may add redactions not recommended by the prosecution or defense, so presumably they would have that authority provided it met the listed criteria. The court is not required to use all recommended redactions, and could potentially rule a proposed redaction does not meet the statutory requirements.

(f) This section contains definitions for terms used in the statute and was not amended.

(g) This section contains the provision allowing law enforcement to obtain cellular location information in an emergency situation pursuant to K.S.A. 22-4615 without a warrant and was not amended.

NOTE: Law enforcement is not directly in the statutory process for suggesting redactions or sealing of the information. Our input into the redaction/seal request is through the prosecutor. The statute does not require the prosecutor to seek law enforcement input, although surely most will. This makes it incumbent on law enforcement to work out a process with your prosecutor(s) for seeking law enforcement input on proposed redactions or reasons for sealing the information.

2014 HB2473 Gun and Knife Bill

The referenced bill is the enrolled version signed by the governor.

This bill has been part troubling, part good, and part just fixing policy decisions they made in years past. This is a difficult type of bill to deal with because we have to weigh the benefits against the undesirable things in the bill. After consulting together on this bill, the KACP, KSA, and KPOA supported the bill in part while opposing some areas, voicing concerns on several areas and suggesting cleanup language on others.

Open Carry Comment: Remember the policy decision was made in prior years to allow open carry and prohibit cities from regulating it. The following provisions relate to that issue. Although some cities still want that section removed, that will not happen in the House where open carry is very strongly supported and not likely to be changed in the Senate either. The newest attack on city control is the desire to prohibit regulating loaded firearms in vehicles.

Here is my breakdown of the House Substitute Bill by section:

- Section 1 requires a chief law enforcement officer to provide a response within 15 days to a request for certification for transfer of a class III firearm. If the certification is not granted, the reason must be provided to the applicant. The applicant may appeal the denial to certify to the district court. If the applicant prevails the court will order the chief law enforcement officer to sign the certification and may reward costs and attorney fees. A chief law enforcement officer certifying a transfer cannot be held liable for any act committed with the firearm.
- Section 2 prohibits using tax dollars for a gun buyback program.
- Section 3 provides a local government employee of cannot be required to reveal if they have a CCH permit, even if they are carrying concealed at the workplace. The local government employer cannot discipline, terminate, demote, or otherwise take any negative action against an employee for failing to reveal if they have a permit. The local government cannot create nor retain existing records indicating a person has a CCH permit.
- Section 4 relieves the local gov't of all liability for the actions of any employee carrying a firearm unless the employee is required to carry a firearm as part of their duties. This reflects a later amendment to this section in HB2140.
- Section 5 New law that adds some provisions for open carry that permit a building to be posted for "no open carry" while allowing concealed carry. It also prohibits open carry in any building properly posted to prohibit concealed carry. NOTE: One of the AGs opinions is that current law allows open carry even into buildings that prohibit concealed carry.
- Was Section 6 is new law prohibiting open or concealed carry of a firearm while intoxicated. It is a class A misdemeanor. It does not apply to a person in their home, their business, or land they own or possess. It also is not a violation if the firearm is used in self-defense, defense of another, or other justifiable action with the firearm. It establishes procedures for testing that mirror DUI testing, but cleaned up from the existing concealed carry while intoxicated law. Refusal may result in a \$1000 civil penalty if the refusal is proven in the criminal case. The refusal may be used against the person in court. A CCH

permit holder's permit is revoked for one year for the first offense and 3 years for second or subsequent offense. A .08 or higher BAC is a prima facie case.

- Section 7 amends KSA 12-16,124 by adding “carrying” to the list of ordinance, resolution, or regulation controlling firearms that is prohibited. It also adds new language for the prohibition passed in prior sessions and is current law on local regulation of gun manufacturing, sales, etc. In other words it will now say what they thought they said when these policy decisions were passed a couple of years ago. The amendment also strikes many of the exceptions in the current statute. It adds provisions to clarify a local government may have personnel policies regarding how an employee carries a firearm in the workplace as long as it does not prohibit a CCH licensee from carrying as provided in KSA 75-7c01 and 75-7c20.
- Section 8 cleans up KSA 12-16,134 with the knife prohibition passed last year on local regulation of knife possession, manufacturing, sales, etc. In other words it now says what they thought they said when the policy decision was passed last year. It also nullifies any existing ordinance, resolution or regulation on those topics.
- Sections 9 and 10 deal with permitting expungement of certain convictions relating to violations of knife laws now declared nullified.
- Section 11 restores KSA 21-6301 subsection (b) concerning criminal use of knives to what it was before they gutted it on that issue last year.
- Section 12 amends KSA 21-6304 making it a crime for felons to possess the knives they made legal last year. The same severity level as a felon with a firearm applies.
- Section 13 amends KSA 22-2512 adding provisions on how we dispose of seized firearms. If the person from whom the firearm was seized is not convicted or adjudicated of the crime for which the weapon was seized and is not otherwise prohibited from possessing the firearm, it must be returned to the person within 30 days of after declination of charges or conclusion of prosecution provided it is not stolen. If the person is convicted the weapon may be destroyed only if it is not in a condition to have any value as a weapon or if it was used in the commission of a homicide. If none of those conditions exist the weapon is to be forfeited to the agency seizing the weapon, the KBI or other forensic lab for lab purposes, or to the Department of Wildlife, Parks and Tourism as provided in KSA 32-1047. When forfeited to the agency seizing the weapon it may be used by the agency, transferred to another law enforcement agency for their use, or sold through a licensed gun dealer.
- Section 14 is a technical amendment correcting an erroneous statute reference.
- Section 15 adds an additional prohibition on CCH permit issuance to persons with certain convictions or adjudications as a juvenile.
- Section 16 adds some clarification language to KSA 75-7c20 supporting their policy decision last year that allows knives to be carried into areas with security screening. This is accomplished by changing the definition of “weapon” to exclude “any cutting instrument that has a sharpened or pointed blade.”

Notice and Disclaimer: The author is not an attorney and nothing presented in this document should be construed to be a legal opinion. Always seek legal advice from your local agency legal staff/resources and your local prosecutors on application of the laws. The purpose of this document is to provide information on amended laws and the intent communicated during the legislative session to facilitate those discussions. Officers must always follow agency procedures and policy.

Prepared by Ed Klumpp, eklumpp@cox.net

2014 HB2140 Gun Bill

The referenced bill is the enrolled version signed by the governor.

Here is my breakdown of the House Substitute Bill by section:

Section 1 provides any off-duty officer may carry a concealed handgun into any place an on-duty officer is permitted to carry, provided they have the appropriate identification on their person and they are following the policies of their agency. They must show their identification upon request of a law enforcement officer of a person who has lawful authority over the place they are carrying. It also provides any LEOSA qualified officer or retired officer may carry concealed in any location on-duty officers are allowed to carry. These provisions do not apply to a location where a chief judge has ordered such weapons to not be carried or where federal law or regulations prohibit carry. It also does not apply to such off-duty officer or LEOSA qualified officer or retired officer who has been denied a Kansas CCH permit or has a suspended or revoked Kansas CCH permit.

Section 2 amends KSA 21-6302 to permit the provisions of section 1.

Section 3 amends KSA 21-6309 to permit the provisions of section 1.

Section 4 amends KSA 75-7c10 relating to the carrying of concealed firearms into posted buildings to permit the provisions of section 1. This exemption does not apply to courtroom restrictions imposed by a chief judge.

Section 5 amends KSA 75-7c20 relating to the carrying of concealed firearms into posted public buildings to permit the provisions of section 1. This exemption does not apply to courtroom restrictions imposed by a chief judge.

Section 6 amends the liability provision of HB2578 section 4.

Notice and Disclaimer: The author is not an attorney and nothing presented in this document should be construed to be a legal opinion. Always seek legal advice from your local agency legal staff/resources and your local prosecutors on application of the laws. The purpose of this document is to provide information on amended laws and the intent communicated during the legislative session to facilitate those discussions. Officers must always follow agency procedures and policy.

Prepared by Ed Klumpp, eklumpp@cox.net

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Attachment G

**2014 LISTING OF NEW LAW ENFORCEMENT RELATED STATUTES
JUNE 24, 2014**

KSA (Supp)	Bill	Sec	Session Law Chapter	Topic	Effective Date
8-1,171 (Supp)	HB 2452	1	77	Donate Life License Plate	7/1/2014
8-1,172 (Supp)	HB 2452	3	77	Rotary International License Plate	7/1/2014
8-1,173 (Supp)	HB 2452	4	77	KS Horse Council License Plate	7/1/2014
8-1918 (Supp)	HB 2715	1	14	Implement Dealer Operating Certain Implements on the Highway	7/1/2014
12-16,124a (Supp)	HB 2578	4	97	Liability Exemption for Certain Employees Acts with Firearms	7/1/2014
12-16,124b (Supp)	HB 2578	2	97	Firearms Buy Back Programs	7/1/2014
12-4516b (Supp)	HB 2515	7	115	Expungement	7/1/2014
12-4516c (Supp)	HB 2515	8	115	Expungement	7/1/2014
20-3301 (Supp)	HB 2446	4	125	District Court Timeline Decisions	7/1/2014
21-6332 (Supp)	HB 2578	6	97	Possession of Firearm While Intoxicated	7/1/2014
21-6604c (Supp)	HB 2655	4	95	Sentencing Options	7/1/2014
21-6614e (Supp)	HB 2338	23	82	Expungement	7/1/2014
21-6630 (Supp)	HB 2655	1	95	Sentencing Options: PTSD	7/1/2014
22-2619 (Supp)	HB 2478	1	32	Jurisdiction: Crime Committed with Electronic Device	7/1/2014
38-2288 (Supp)	HB 2588	2	126	Code for Care of Children: Restrictions on Incarceration for Child In Need of Care	7/1/2014
38-2389 (Supp)	HB 2588	1	126	Juvenile Justice Code: Alternative Adjudications	7/1/2014
38-2390 (Supp)	HB 2588	3	126	Juvenile Justice Code: DOC Cost Study	7/1/2014
44-501c (Supp)	HB 2023	2	25	Work Comp	7/1/2014
48-1906 (Supp)	HB 2578	1	97	Class III Firearm Transfer Certification	7/1/2014
58-4127 (Supp)	HB 2580	1	108	Fingerprints for Employment Related Records Checks	7/1/2014
60-5002 (Supp)	HB 2463	1	51	Terrorism: Civil Cause of Action	7/1/2014
75-7c22 (Supp)	HB 2140	1	134	Off-Duty Carry of Concealed Firearm	7/1/2014
75-7c23 (Supp)	HB 2578	3	97	Public Employee with CCH Permit Carrying at Workplace	7/1/2014
75-7c24 (Supp)	HB 2578	5	97	Open Carry Restrictions in Public Buildings	7/1/2014

Attachment H

**2014 REPEALED STATUTES OF LAW ENFORCEMENT INTEREST
JUNE 24, 2014**

KSA (Supp)	Bill	Sec	SL §	Note	TOPIC	Effective Date
8-1911 (Supp)	HB 2143	10	117	As amended by § 2 of HB 2715	Oversize/Overweight Vehicles	7/1/2014
8-2110a (Supp)	HB 2479	3	67	Consolidated with 8-2110	Fail to Comply with Traffic Citation	7/1/2014
21-6307 (Supp)	HB 2578	17	97	Replaced with amended 22-2512	Disposition of Seized Weapons	7/1/2014
21-6614d (Supp)	HB 2338	44	82	Consolidated with 21-6614	Expungements	7/1/2014
21-6614d (Supp)	HB 2448	9	102	Consolidated with 21-6614	Expungements	7/1/2014
21-6614d (Supp)	HB 2515	436	115	Consolidated with 21-6614	Expungements	7/1/2014
22-4902b (Supp)	HB 2143	10	117	Consolidated with 22-4902	Registered Offender Definitions	7/1/2014
22-4906b (Supp)	HB 2143	10	117	Consolidated with 22-4906	Registered Offender: Registration Period	7/1/2014
38-2312c (Supp)	HB 2338	44	82	Consolidated with 38-2312	Expungements: Juveniles	7/1/2014
38-2312c (Supp)	HB 2515	436	115	Consolidated with 38-2312	Expungements: Juveniles	7/1/2014
41-2601a (Supp)	HB 2143	10	117	Consolidated with 41-2601	Liquor by the Drink Definitions	7/1/2014
75-7c12 (Supp)	HB 2578	17	97	Replaced with 21-6332	CCH Carrying While Intoxicated	7/1/2014

2014 LAW ENFORCEMENT RELATED LEGISLATION

PASSED TOPICS

Wednesday, June 11, 2014

Prepared by Ed Klumpp

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(785)640-1102

911 Coordinating Council	SB284	SB284 NOTE	SB284 Summary
Alcohol: Farm winery tastings	HB2223	HB2223 NOTE	HB2223 Summary
Alcohol: Homemade fermented beverages	HB2223	HB2223 NOTE	HB2223 Summary
Alcohol: Licensee qualifications	HB2223	HB2223 NOTE	HB2223 Summary
Alcohol: Microbrewery production limits	HB2223	HB2223 NOTE	HB2223 Summary
Appeals: Appellate Court Mandates	HB2389	HB2389 NOTE	HB2389 Summary
Appeals: fees to Attorney General	SB256	SB256 NOTE	SB256 Summary
Blue Alert	HCR502	HCR5029 NOTE	HCR5029 Summar
Bond Agents: Felons Disqualified	SB256	SB256 NOTE	SB256 Summary
Bond Agents: Out of state	SB256	SB256 NOTE	SB256 Summary
Bonds: Surety vs. OR	SB256	SB256 NOTE	SB256 Summary
Courts: Decision deadlines	HB2446	HB2446 NOTE	HB2446 Summary
Courts: Docket Fees	HB2338	HB2338 NOTE	HB2338 Summary
Courts: Magistrate Judges	HB2065	HB2065 NOTE	HB2065 Summary
Discovery	HB2445	HB2445 NOTE	HB2445 Summary
DNA Collection Methods at Time of Arrest	HB2448	HB2448 NOTE	HB2448 Summary
DOC: COBRA Provisions for state DOC employees killed in line o	HB2537	HB2537 NOTE	HB2537 Summary
Drug Schedules	HB2298	HB2298 NOTE	HB2298 Summary
DUI: Breath Testing Equipment	HB2303	HB2303 NOTE	HB2303 Summary
DUI: Expungement	HB2448	HB2448 NOTE	HB2448 Summary
DUI: Ignition Interlock	HB2479	HB2479 NOTE	HB2479 Summary
DUI: Test Refusal or Failure Reinstatement Fee	HB2446	HB2446 NOTE	HB2446 Summary
Elections: Party affiliation change	HB2210	HB2210 NOTE	HB2210 Summary
Electronic Crimes	HB2478	HB2478 NOTE	HB2478 Summary
EMS: COBRA Provisions for EMS Worker Killed in Line of Duty	HB2537	HB2537 NOTE	HB2537 Summary
Expert Witness	HB2445	HB2445 NOTE	HB2445 Summary
False Alarm	HB2655	HB2655 NOTE	HB2655 Summary
False Complaint Against a LEO	HB2655	HB2655 NOTE	HB2655 Summary
Felons: Criminal Possession by Convicted Felon	HB2578	HB2578 NOTE	HB2578 Summary
Firearms: Certification of Transfer for Class III Firearms	HB2578	HB2578 NOTE	HB2578 Summary

Firearms: Concealed carry	HB2578	HB2578 NOTE	HB2578 Summary
Firearms: Employee with CCH Permit	HB2578	HB2578 NOTE	HB2578 Summary
Firearms: Gun Buy Back Programs	HB2578	HB2578 NOTE	HB2578 Summary
Firearms: Intoxication	HB2578	HB2578 NOTE	HB2578 Summary
Firearms: Juveniles	HB2578	HB2578 NOTE	HB2578 Summary
Firearms: Liability Exemption for Actions of Employee with CCH	HB2140	HB2140 NOTE	HB2140 Summary
Firearms: Off-Duty and LEOSA Qualified Officers	HB2140	HB2140 NOTE	HB2140 Summary
Firearms: Open Carry	HB2578	HB2578 NOTE	HB2578 Summary
Forensic Labs	HB2143	HB2143 NOTE	HB2143 Summary
Homicide: Attempted Capital Murder: Sentencing	HB2490	HB2490 NOTE	HB2490 Summary
Homicide: Commutation Limitations	HB2490	HB2490 NOTE	HB2490 Summary
Homicide: Death Sentence: Functional incapacitation release	HB2490	HB2490 NOTE	HB2490 Summary
Homicide: Felony Murder: Minimum sentence	HB2490	HB2490 NOTE	HB2490 Summary
Homicide: Premeditated first degree: Sentencing	HB2490	HB2490 NOTE	HB2490 Summary
Human Trafficking	HB2501	HB2501 NOTE	HB2501 Summary
Infants: Newborn infant protection act	HB2577	HB2577 NOTE	HB2577 Summary
Interference with Judicial Process	HB2448	HB2448 NOTE	HB2448 Summary
Interference with Law Enforcement	HB2655	HB2655 NOTE	HB2655 Summary
Jury Conduct	HB2448	HB2448 NOTE	HB2448 Summary
Jury: Grand Jury	SB310	SB310 NOTE	SB310 Summary
Juveniles: Alternative adjudication	HB2588	HB2588 NOTE	HB2588 Summary
Juveniles: CINC: Incarceration	HB2588	HB2588 NOTE	HB2588 Summary
Juveniles: Good Time Credit	HB2588	HB2588 NOTE	HB2588 Summary
Juveniles: Parents participation in programs	SB329	SB329 NOTE	SB329 Summary
Juveniles: Placement Matrix	HB2588	HB2588 NOTE	HB2588 Summary
Juveniles: Risk Assessment Tools	HB2588	HB2588 NOTE	HB2588 Summary
Juveniles: Tried as adult	HB2588	HB2588 NOTE	HB2588 Summary
KCJIS Committee	SB402	SB402 NOTE	SB402 Summary
Knives	HB2578	HB2578 NOTE	HB2578 Summary
KPERS: 2015 Plan Revisions	HB2533	HB2533 NOTE	HB2533 Summary
KPERS: State Employees on Furlough	HB2596	HB2596 NOTE	HB2596 Summary
Medicaid Fraud	SB271	SB271 NOTE	SB271 Summary
Mistreatment of Dependent Adult	SB256	SB256 NOTE	SB256 Summary
Mistreatment of Dependent Adult Cleanup	HB2389	HB2389 NOTE	HB2389 Summary
Mistreatment of Elder person	SB256	SB256 NOTE	SB256 Summary

Offender Registration: Cleanup	SB20	SB20 NOTE	SB20 Summary
Offender Registration: Human Trafficking	HB2143	HB2143 NOTE	HB2143 Summary
Open Records Act: Annual Review	HB2182	HB2182 NOTE	HB2182 Summary
Probation and Parole Sanctions	HB2448	HB2448 NOTE	HB2448 Summary
PTSD from military combat	HB2655	HB2655 NOTE	HB2655 Summary
Records checks; Real Estate Appraisers; Fingerprints	HB2580	HB2580 NOTE	HB2580 Summary
RICO	SB256	SB256 NOTE	SB256 Summary
RICO Cleanup	HB2389	HB2389 NOTE	HB2389 Summary
Rooks County Jail Sales Tax	SB266	SB266 NOTE	SB266 Summary
School Crossing Guards	HB2420	HB2420 NOTE	HB2420 Summary
Securities Fraud	HB2433	HB2433 NOTE	HB2433 Summary
Sentencing: Life without parole: Clarification	HB2490	HB2490 NOTE	HB2490 Summary
Sentencing: Life without possibility of parole	HB2490	HB2490 NOTE	HB2490 Summary
Sexual Relations, Unlawful	SB256	SB256 NOTE	SB256 Summary
Small Claims Against Government Entity	HB2491	HB2491 NOTE	HB2491 Summary
Speedy Trial	HB2389	HB2389 NOTE	HB2389 Summary
Statute of Limitation	HB2448	HB2448 NOTE	HB2448 Summary
Statute of Limitations for Juveniles	SB329	SB329 NOTE	SB329 Summary
Taxes	HB2047	HB2047 NOTE	HB2047 Summary
Terrorism, Civil Cause of Action	HB2463	HB2463 NOTE	HB2463 Summary
Terrorism, Civil Forfeiture	HB2463	HB2463 NOTE	HB2463 Summary
Terrorism, Criminal	HB2463	HB2463 NOTE	HB2463 Summary
Traffic: Attempt to Elude	HB2442	HB2442 NOTE	HB2442 Summary
Traffic: Commercial Vehicle: Driver's License Testing	HB2693	HB2693 NOTE	HB2693 Summary
Traffic: Commercial Vehicle: Intrastate 26M or less	SB273	SB273 NOTE	SB273 Summary
Traffic: Commercial Vehicles: Tank Vehicles	HB2724	HB2724 NOTE	HB2724 Summary
Traffic: Farm machinery and equipment	HB2715	HB2715 NOTE	HB2715 Summary
Traffic: Handicap permits	HB2727	HB2727 NOTE	HB2727 Summary
Traffic: Hay Haulers	SB344	SB344 NOTE	SB344 Summary
Traffic: Oversize Vehicle	SB344	SB344 NOTE	SB344 Summary
Traffic: Registration plates: Specialty	HB2452	HB2452 NOTE	HB2452 Summary
Traffic: Salvage vehicle	HB2728	HB2728 NOTE	HB2728 Summary
Traffic: Suspended DL; Failure to appear	HB2479	HB2479 NOTE	HB2479 Summary
Trial: Crime punishable by life without parole	HB2490	HB2490 NOTE	HB2490 Summary
Trial: Out of state witness requests	HB2490	HB2490 NOTE	HB2490 Summary

Venue of Crimes Committed with Electronic Devices	HB2478	HB2478 NOTE	HB2478 Summary
Victim Notification by DOC	SB248	SB248 NOTE	SB248 Summary
VIN Inspections	SB351	SB351 NOTE	SB351 Summary
Warrant affidavits	HB2389	HB2389 NOTE	HB2389 Summary
Weapons, Criminal Use	HB2578	HB2578 NOTE	HB2578 Summary
Weapons: Disposition of seized	HB2578	HB2578 NOTE	HB2578 Summary
Work Comp: LEO and Firefighters	HB2023	HB2023 NOTE	HB2023 Summary

REFERENCES:

Updates to this document will be available on: [KS Law Enforcement Information Website](http://www.kslawenforcementinfo.com/2014-session.html)
<http://www.kslawenforcementinfo.com/2014-session.html>

Kansas Legislature, Legislative Research publishes a summary of all 2014 legislation which is located at:
http://skyways.lib.ks.us/ksleg/KLRD/Publications/2014_preliminary_summary_supp_ii.pdf

Kansas Legislature, [Bill Locator and Index end of 2014 Session](http://www.kslegislature.org/li/documents/actions_and_subject_index_report.pdf)
http://www.kslegislature.org/li/documents/actions_and_subject_index_report.pdf
NOTE: This lists all bills including those not passed.

Amended, Repealed, and New Statutes List from the Office of the Revisor
http://www.ksrevisor.org/rpts/2014_final_composite.pdf

Session Law Chapter Numbers cross referenced to bill numbers is currently available on the Kansas Secretary of State's session law web site:
http://www.kssos.org/pubs/sessionlaws/2014/2014_Bill_Chapter_List.xlsx

Available at a later date:

In July the 2014 Kansas Session Laws will be available on the Kansas Secretary of State's session law web site:
http://www.kssos.org/pubs/pubs_session_laws.aspx.

To read the text of a bill go to: <http://www.kslegislature.org/li/> and click on "Bill Search" just right of the picture of the dome in the upper left corner of the page.

Statutes are available on line at: <http://www.ksrevisor.org/ksa.html>

CAUTION: The online statutes will not have the 2014 amendments added to them for quite some time, usually around the beginning of the following calendar year. When you go to the link above, note the page title at the top of the page. When it says "2014 Statutes" you will know they have been updated.

The updated 2014 Statutes are currently available at the following non-official website:
<http://www.kscoplaw.com/thelawpage.htm>

NOTE: As of 6/30 the site owner is still working on some updates but chapters 8, 21 and 22 are completed. If other chapters are not marked as "UPDATED" it either has no changes or has not been updated yet.

Kansas Register is available at: http://www.kssos.org/pubs/pubs_kansas_register.asp

KPERS: <http://www.kpers.org>

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