

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>

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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