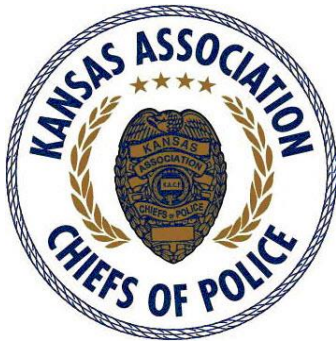


Guide To 2015 Kansas Legislation Impacting Law Enforcement Line Officers

Version 1.0
June 28, 2015



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This document summarizes legislation impacting law enforcement passed by the 2015 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, as well as published legislative reports. **Questions should be addressed within your agency following your agency's protocol.**

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Errata Sheet

TOP 10 THINGS OFFICERS MUST KNOW FROM THE 2015 LEGISLATIVE SESSION June 26, 2015

1. Concealed Carry (Full summary of firearms law changes at: <http://tinyurl.com/Ks2015FirearmsSummary>)
 - a. Criminal Law Change

The concealed carry criminal statute now only applies to persons under the age of 21. Persons age 21 or older can carry a concealed firearm unless they are prohibited by state or federal law from possession of a firearm. [Read the bill explainer](#). KSA 21-6302. (Effective July 1, 2015. [SB45](#)§3; 2015 Session Laws, chapter 16)
 - b. Permits Not Required

In general, the permit process, while optional, is still in place and most requirements for obtaining the permit are unchanged. Many Kansans will still want to have a permit because there will be no reciprocity to carry in other states without it and many liability insurance companies will not insure persons without permits. There are many technical amendments throughout these statutes removing references to requiring a permit. [Read the bill explainer](#). KSA 75-7c03, 75-7c04, 75-7c05. (Effective July 1, 2015. [SB45](#)§8, 9, 10; 2015 Session Laws, chapter 16)
 - c. Permit Holders Do Not Have To Reveal Permit To Law Enforcement

The amendments to KSA 75-7c03 (b) provide even if the person chooses to have a CCH permit they are not required to have it on their person when carrying concealed in Kansas, nor are they required to show it to law enforcement or to even reveal to law enforcement that they have one. The provision stating law enforcement can verify a person has a permit through DMV records or by the license number is also stricken. It is unclear if we will lose the ability to verify a permit or not, but I am guessing we will. [Read the bill explainer](#). KSA 75-7c03. (Effective July 1, 2015. [SB45](#)§8; 2015 Session Laws, chapter 16)
 - d. NICS and III available roadside

There is general confusion about what records or systems we can access to determine if a person is “prohibited by state or federal law” to possess a firearm. This is especially true of roadside access.

 - i. III can be ran for roadside investigations. The purpose code “F” is used when the III request is related to a firearm investigation and an incident number, case number, or dispatch record number must be entered as well. Note that III will not provide you with mental health commitment and other critical information especially from other states.
 - ii. NICS is now being made available to Kansas law enforcement, but by federal law is restricted to use only when we are “releasing” a firearm in our custody to a person. So if you legally have a firearm in your possession, even roadside, you may run a NICS check through KCJIS. Follow your local legal advice on when you may take a firearm into your possession during a stop, this is a critical decision point and a very fine line with developing case law.
 - iii. I have compiled the current federal law, federal regulations, and state law establishing the prohibitors into a document available at: <http://tinyurl.com/2015FirearmsProhibitors>
2. Alcohol Related
 - a. ABC Regulation Enforcement

After a state Court of Appeals Case in 2014, violations of the Liquor Control Act observed and reported by local law enforcement have been unenforceable by the ABC. New law requires local law enforcement to serve notice on the licensee or their representative on premise at the time of the violation. ABC will have a single form available for law enforcement use to report these violations to both the business and to the ABC. Or you can use your own form if it meets the requirements for information and service to the licensee. The ABC will be putting a law enforcement page on their website with forms and other information. (<http://www.ksrevenue.org/abc.html>). [Read the bill summary](#). Amends KSA 41-106. (Effective July 1, 2015. [HB2223](#)§2; 2015 Session Laws, chapter 82)
 - b. “Bring Your Own Booze” for non-licensed businesses

Businesses not licensed by the ABC are allowed to permit consumption on their premises when those consuming bring their own liquor. Aimed at businesses such as Art Studios and Cigar Shops, but the bill is very broad and covers nearly any business not licensed by the ABC. The consumption is limited to 9AM to midnight and there can be no cover charge or charge for being allowed to consume alcohol. These businesses are not subject to regulation or penalty by the ABC, and there is no right to entry for law enforcement as exists for licensed premises. The ABC will be putting a law enforcement page on

their website with a related form and other information. (<http://www.ksrevenue.org/abc.html>) [Read the bill summary](#). Amends KSA 41-719. (Effective July 1, 2015. [HB2223](#)§17; 2015 Session Laws, chapter 82)

c. Powdered Alcohol

The sale or serving of any form of powdered alcohol by a licensee is prohibited. Possession is not prohibited in these statutes. “Powdered alcohol” is alcohol prepared in a powdered or crystal form for either direct use or for reconstruction in a nonalcoholic liquid. All alcohol, including powdered, is covered by the Liquor Control Act. [Read the bill summary](#). Creates a new statute. Amends KSA 41-102 & 41-2640. (Effective July 1, 2015. [HB2223](#)§3, 4, & 5; 2015 Session Laws, chapter 82)

3. Scrap Metal Theft

The Scrap Metal Theft Reduction act is implemented under the Office of Attorney General and is an extensive overhaul of the approach to metal theft in Kansas. State licensing of all scrap metal dealers is required effective January 1, 2016, a state database of scrap metal transactions will be created with implementation by July 1, 2016, and the AG has full investigatory, regulatory, and enforcement authority over administrative violations of the act. Violations of the act by scrap metal dealers will no longer be criminal, but instead civil penalties may be assessed through the AG. Existing local scrap metal licensing, registration and regulation will be null and void. Existing statutes, with some amendments, become part of the act. There are also several criminal law additions and amendments made including prima facie evidence of intent to permanently deprive by using false identification or removing the materials from the county in which they were taken; the creation of a new crime of aggravated criminal damage for damage caused by the taking of the regulated metal; and allows business records of scrap metal dealers to be used in preliminary hearings without testimony as to authenticity. [Read the bill summary](#). Amends KSA 21-5804, 21-5813, 21-6604, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 50-6,112c. Repeals KSA 21-6604c and 50-6,112. (Effective July 1, 2015. [HB2048](#); 2015 Session Laws, chapter 96)

4. New Commercial Driver’s License Codes

Seven new CDL endorsement and restriction codes are added: “E” – no manual transmission in a commercial motor vehicle (CMV); “O” – no tractor-trailer; “M” – no class A passenger vehicle; “N” – no class A or B passenger vehicle; “Z” – no full air brake in CMV; “K” – for intrastate only; and “V” – for medical variance. Existing Codes are: “H” – authorizes the driver to drive a vehicle transporting hazardous materials; “L” – restricts the driver to vehicles not equipped with airbrakes; “T” – authorizes driving double and triple trailers; “P” – authorizes driving vehicles carrying passengers; “N” – authorizes driving tank vehicles; “X” – represents a combination of hazardous materials and tank vehicle endorsements; “S” – authorizes driving school buses. The new codes brings Kansas into compliance with federal requirements. [Read the bill summary](#). Amends KSA 8-8,135. (Effective May 14, 2015. [HB2090](#)§4; 2015 Session Laws, chapter 49)

5. Vehicle Registration Expiration: Letter of Renewal

A receipt for vehicle registration renewals completed by internet or mail serve as proof of renewal and the lack of the decal during the first ten days after the expiration date will not result in conviction. In essence, we should handle these the same way we handle no DL on person cases. If a citation is issued during the ten day period, the receipt can be shown to the court and the charge will be dismissed. Officers should consider if a citation is appropriate if a valid receipt is presented at the time of the stop. [Read the bill summary](#). Amends KSA 8-142. (Effective July 1, 2015. [HB2013](#)§3; 2015 Session Laws, chapter 47)

MORE INFORMATION AVAILABLE AT: <http://www.kslawenforcementinfo.com/2015-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. Always follow your agency’s policy and procedures in applying the law.**

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A. LEGISLATION DIRECTLY AFFECTING LINE OPERATIONS

Also see “Drug Enforcement Legislation”

1. Criminal Law (See more in the [Criminal Law Not Directly Affecting Line Operations Section](#))

a. **Battery to Judges and Certain Attorneys**

The crime of battery to a LEO and agg. battery to a LEO is amended to include judges, attorneys, or court services/community corrections officers while engaged in performance of their duties. [Read the bill summary](#). Amends KSA 21-5413. (Effective July 1, 2015. [HB2055](#)§1; 2015 Session Laws, chapter 90)

b. **Concealed Carry: (Also see [Attachment A](#) on page 19 for more details)**

The concealed carry statute is amended and only applies to persons under the age of 21. Persons age 21 or older can carry a concealed firearm and a permit is no longer required. [Read the bill summary](#). KSA 21-6302. (Effective July 1, 2015. [SB45](#)§3; 2015 Session Laws, chapter 16)

c. **Criminal Damage to Property, Aggravated (Related to metal theft)**

See [Attachment C](#) on page 35 for details.

Creates crime of Aggravated Criminal Damage to Property which is criminal damage to property when damage exceeds \$5,000, committed with the intent to obtain any regulated scrap metal when the damaged property is a place used primarily for worship or any religious purpose; used as a school or as an educational facility; used by a non-profit or charitable business, corporation, firm, service or association; used for agriculture; any construction, mining or recycling facility; any utility, utility service, telecommunication, telecommunication service, cable or video service property; government property; any irrigation or watering system; residential or business structure; historical marker; transportation property; any grave, cemetery, mortuary, or memorial for the dead; or any other property. [Read the bill summary](#). Amends KSA 21-5813 (Effective July 1, 2015. [HB2048](#)§9; 2015 Session Laws, chapter 96)

d. **Insurance Fraud**

The crime of insurance fraud is amended to include fraudulent submissions by electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication. [Read the bill summary](#). Amends KSA 40-2,118. (Effective July 1, 2015. [HB2064](#)§4; 2015 Session Laws, chapter 45)

e. **RICO Act**

The crime of commercial exploitation of a child is added to the list of crimes that can lead to a RICO Act violation. [Read the bill summary](#). Amends KSA 21-6328. (Effective July 1, 2015. [SB113](#)§3; 2015 Session Laws, chapter 94)

2. Traffic Law (Also see [Traffic Section](#) on page 7 for other Traffic Law Changes)

a. **Autocycles**

An autocycle is a three-wheel motorcycle with a steering wheel and the operator does not straddle or sit astride the seat. Persons under the age of 18 are not required to wear a helmet and eye-protective devices while riding in or operating an autocycle. A class M motorcycle license is not required to operate an autocycle. Seatbelts and child restraints are required in an autocycle the same as for passenger vehicles. [Read the bill summary](#). Amends KSA 8-

126, 8-234b, 8-1344, 8-1345, 8-1438, 8-1594, 8-1486, 8-1598 and 8-2503. (Effective June 4, 2015. [HB2044](#)§1-10; 2015 Session Laws, chapter 48)

b. Commercial Driver’s License Codes

Seven new vehicle endorsement and restriction codes are added for CDLs: “E” – no manual transmission in a commercial motor vehicle (CMV); “O” – no tractor-trailer; “M” – no class A passenger vehicle; “N” – no class A or B passenger vehicle; “Z” – no full air brake in CMV; “K” – for intrastate only; and “V” – for medical variance. Existing Codes are: “H” – authorizes the driver to drive a vehicle transporting hazardous materials; “L” – restricts the driver to vehicles not equipped with airbrakes; “T” – authorizes driving double and triple trailers; “P” – authorizes driving vehicles carrying passengers; “N” – authorizes driving tank vehicles; “X” – represents a combination of hazardous materials and tank vehicle endorsements; “S” – authorizes driving school buses. The new codes brings Kansas into compliance with federal requirements. [Read the bill summary](#). Amends KSA 8-8,135. (Effective May 14, 2015. [HB2090](#)§4; 2015 Session Laws, chapter 49)

c. Custom Harvester Vehicles

Forage cutter and combine header used in custom harvesting operations are allowed to exceed the general vehicle combination length limit of 65 feet but may not exceed 75 feet, exclusive of front and rear overhang. [Read the bill summary](#). Amends KSA 8-1904. (Effective May 14, 2015. [HB2090](#)§5; 2015 Session Laws, chapter 49)

d. DUI: Ignition Interlock

Following a first occurrence of a DUI related test refusal, test failure, or conviction, DMV may issue a restricted driver’s license with a DUI-IID (Ignition Interlock Device) designation to a licensee allowing operation of a motor vehicle under ignition interlock restrictions including to drive to and from the ignition interlock provider for maintenance and downloading of data from the device. [Read the bill summary](#). Amends KSA 8-241 & 8-1015. (Effective July 1, 2015. [HB2159](#)§1 & 2; 2015 Session Laws, chapter 71)

e. Private Motor Carrier Safety Requirements

The exemption of certain motor carriers from requirements to obtain a certificate, license, or permit from the Kansas Corporation Commission (KCC) or file rates, tariffs, annual reports, or proof of insurance with the KCC (“economic regulation”), and the exemption from safety provisions of 49 CFR parts 390-399 is amended by changing the applicable vehicle weights from “less than 26,001 pounds” to “10,000 to 26,000 pounds.” The new provisions also require the vehicles to be registered in Kansas and the safety regulation references to “any” safety requirements in the KCC rules and regulations is removed. Also exempted from the 49 CFR parts 390-399 provisions are an owner of livestock or producer of farm products transporting livestock or farm products under certain circumstances; transporting children to and from school or motor vehicles owned by schools, colleges, religious and charitable organizations and institutions, or governmental agencies, when used to convey students or similar activities; certain grain transport vehicles; hearses, ambulances, and similar vehicles used by motor carriers; government vehicles; not-for-profit van pools using vehicles seating no more than 15, including the driver; and any vehicle used by a person actively engaged in buying, selling, or exchanging implements of husbandry within 100 miles of the person’s established place of business, unless the implement of husbandry is transported on a commercial motor vehicle. [Read the bill summary](#). Amends KSA 66-1,109 and 66-1,129. (Effective April 9, 2015. [HB2006](#); 2015 Session Laws, chapter 9)

f. Registration Renewal: Letter of Renewal

Vehicle registration renewals completed late in the renewal period will result in the owner being issued a letter or receipt of renewal verifying the renewal was made. For a ten day period after the registration expires, the letter or receipt of renewal is adequate proof of the renewal. In essence, we should handle these the same way we handle no DL on person cases. If a citation is issued during the ten day period, the receipt can be shown to the court and the charge will be dismissed. Officers should consider if a citation is appropriate if a valid receipt is presented at the time of the stop. [Read the bill summary](#). Amends KSA 8-142. (Effective July 1, 2015. [HB2013](#)§3; 2015 Session Laws, chapter 47)

3. Investigatory operations

a. Search Warrants

The search warrant statute is amended to authorize a search warrant for “any biological material, DNA, cellular material, blood, hair or fingerprints” and for “Any thing that can be seized under the fourth amendment of the United States constitution.” This is in response to a Kansas Supreme Court case, State v. Powell. [Read the bill summary](#). Amends KSA 22-2502. (Effective July 1, 2015. [HB2055](#)§3; 2015 Session Laws, chapter 90)

b. Polygraph Use in Human Trafficking Cases

Victims of human trafficking or agg. human trafficking are added to the list of persons who cannot be required or requested to take a polygraph or other truth telling exam. [Read the bill summary](#). Amends KSA 22-4614. (Effective July 1, 2015. [SB113](#)§9; 2015 Session Laws, chapter 94)

4. Firearms (See more firearms law changes in the [Firearms Section](#) on page 12 and in [Attachment A](#) on page 19)

a. Concealed Carry Permit No Longer Required

Any person not prohibited from possessing a firearm by state or federal law may carry a firearm concealed or unconcealed without a permit, license, or background check. A permit may still be obtained but a holder of the permit is no longer required to display it or to reveal to a law enforcement officer they have a permit. [Read the bill explainer](#). Amends KSA 21-6302. (Effective July 1, 2015. [SB45](#)§3, ; 2015 Session Laws, chapter 16)

b. Correctional Facilities

The criminal law allowing firearms in vehicles in a parking lot or out of a vehicle for the purpose of securing it in the vehicle in a parking lot of correctional facilities is still applicable. The statute was amended by removing references to persons with CCH permits since permits will no longer be required to carry concealed. [Read the bill explainer](#). Amends KSA 21-5914. (Effective July 1, 2015. [SB45](#)§1; 2015 Session Laws, chapter 16)

c. School Grounds

Pre-July 1 law prohibited persons other than law enforcement to possess a firearm on K-12 school property. The current exception for persons with CCH permits and lacking the requirement for the firearm to be concealed found in subsection (i)(5) is amended by removing the reference to a person holding a CCH Permit but adding “concealed” handgun and a person “not prohibited from possessing a firearm under either federal or state law.” So a person who is prohibited or openly carrying could still be charged under this statute. NOTE: This provision may be in conflict with the federal Gun-Free School Zones Act ([18 U.S.C. § 922\(q\)\(2\)\(A\)](#)) if the person does not have a now optional CCH permit and if the

firearm was not made in Kansas. [Read the bill explainer](#). Amends KSA 21-6301(a)(11). (Effective July 1, 2015. [SB45](#)§2, 2015 Session Laws, chapter 16)

5. Alcohol (See more alcohol related law changes in the [Alcohol Section](#) on page 9 and in [Attachment B](#) on page 23)

a. ABC Action on Local Law Enforcement Report of Violations

After a state Court of Appeals Case in 2014, violations of the Liquor Control Act observed and reported by local law enforcement have been unenforceable by the ABC. New law requires local law enforcement to serve notice on the licensee or their representative on premise at the time of the violation. ABC will have a single form available for law enforcement use to report these violations to both the business and to the ABC. Or you can use your own form if it meets the requirements for information and service to the licensee. The ABC will be putting a law enforcement page on their website with forms and other information. (<http://www.ksrevenue.org/abc.html>). [Read the bill summary](#). Amends KSA 41-106. (Effective July 1, 2015. [HB2223](#)§2; 2015 Session Laws, chapter 82)

b. Catered Event on Public Property

Consumption of alcoholic liquor at catered events held on public property is allowed if proper notice is provided to the ABC and the city or county has approved the event. The notice must be provided by electronic notification to ABC at least 48 hours before any event. The electronic notice provided to ABC must include the time, location, and names of the contracting parties of the event. No notice to ABC is required for weddings, funerals, events sponsored by religious institutions, or business-, industry-, or trade-sponsored meetings including, but not limited to, awards presentations and retirement celebrations. The notice to local law enforcement is no longer required. The ABC will supposedly have these notices posted on their website for law enforcement to access. [Read the bill summary](#). Creates new statute. Amends KSA 41-719. (Effective July 1, 2015. [HB2223](#)§17 & 25; 2015 Session Laws, chapter 82)

c. Farmer's Markets, Wine Sales

A farm winery may sell wine at a farmers' market provided they have an ABC sales permit. The permit should include the locations of the farmers' markets at which wine will be sold and any deviation must be provided to the ABC before sale of wine at the additional location. The bill defines "farmers' market" as any common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats, and other farm products directly to consumers. [Read the bill summary](#). Amends KSA 41-351. (Effective July 1, 2015. [HB2223](#)§29; 2015 Session Laws, chapter 82)

d. Powdered Alcohol

The sale and service of any form of powdered alcohol by a licensee is prohibited. "Powdered alcohol" is alcohol prepared in a powdered or crystal form for either direct use or for reconstruction in a nonalcoholic liquid. [Read the bill summary](#). Creates a new statute. Amends KSA 41-102 & 41-2640. (Effective July 1, 2015. [HB2223](#)§3, 4, & 5; 2015 Session Laws, chapter 82)

e. Consumption in Unlicensed Business

Businesses not licensed by the ABC are allowed to permit consumption on their premises when those consuming bring their own liquor. Aimed at businesses such as Art Studios and Cigar Shops, but the bill is very broad and covers nearly any business not licensed by the ABC. The consumption is limited to 9AM to midnight and there can be no cover charge or

charge for being allowed to consume alcohol. These businesses are not subject to regulation or penalty by the ABC, and there is no right to entry for law enforcement as exists for licensed premises. The ABC will be putting a law enforcement page on their website with a related form and other information. [Read the bill summary](#). Amends KSA 41-719. (Effective July 1, 2015. [HB2223](#)§17; 2015 Session Laws, chapter 82)

6. Gambling and Gaming

a. Bingo

Many changes were made to the existing laws on operation of Bingo gaming. Several restrictions have been removed including, number of days games can be conducted, prohibition of other games on premises, advertising, division of premises, limits on number of games per session, time between session, and others. [Read the bill summary](#). Creates new statutes; Amends KSA 79-3603. Repeals the Bingo Act KSA 79-4701 through 79-4719. (Effective July 1, 2015. [HB2155](#)§3-20; 2015 Session Laws, chapter 62)

b. Charitable Raffles

Charitable raffles are now legal, the result of a change to the state constitution passed last year. However, the operation of a charitable raffle requires a license and is regulated. [Read the bill summary](#). Creates 18 new statutes; Amends KSA 21-6403 & 79-3603. (Effective July 1, 2015. [HB2155](#)§1-20; 2015 Session Laws, chapter 62)

c. Fantasy Sports

Fantasy Sports is specifically exempted from the definition of “bet” and a definition of fantasy sports is added to the definition of terms used in the gambling criminal statutes of KSA 21-6403 through 21-6409. As a result, engaging in fantasy sports is not illegal gambling. [Read the bill summary](#). Amends KSA 21-6403. (Effective July 1, 2015. [HB2155](#)§19; 2015 Session Laws, chapter 62)

d. Lottery

Lottery rules are changed to allow the Kansas Lottery to advertise at sporting events provided the majority of sporting participants are not under the age of 18; allows the Kansas Lottery to sell Lottery products; and prevents anyone under age 18 from redeeming a winning lottery ticket. [Read the bill summary](#). Amends KSA 74-8704, 74-8718 & 74-8720. (Effective July 1, 2015. [HB2155](#)§21-23; 2015 Session Laws, chapter 62)

7. Juvenile Offenders

a. Placement in state custody

Secretary of Corrections given discretion to place juveniles between 16 and 18 years of age convicted as adults or under extended jurisdiction juvenile prosecution in either a juvenile correctional facility or an adult correctional facility. [Read the bill summary](#). Amends KSA 38-2366. (Effective April 16, 2015. [HB2336](#)§2; 2015 Session Laws, chapter 32)

b. Risk Assessment Tool

The court is required to administer a risk assessment tool or review a risk assessment tool administered within the past six months before a juvenile offender can be placed in a juvenile detention center, under house arrest, or in the custody of the Department of Corrections, or can be committed to a sanctions house or to a juvenile correctional facility. [Read the bill summary](#). Amends KSA 38-2361 and 38-2369. (Effective April 16, 2015. [HB2336](#)§1 & 3; 2015 Session Laws, chapter 32)

8. Other issues of interest to line operations

a. CPOST Access to Local Agency Reports

CPOST has statutory authority to have reports provided to them from LE agencies without subpoena when CPOST is conducting an investigation. [Read the bill summary](#). Amends KSA 74-5616. (Effective July 1, 2015. [HB2025](#)§1; 2015 Session Laws, chapter 89)

b. CPOST Reinstatement From Revocation

Places the current provisions in regulation for a 5 year waiting period to apply for reinstatement from a certification revocation into statute. [Read the bill summary](#). Amends KSA 74-56226. (Effective July 1, 2015. [HB2025](#)§2; 2015 Session Laws, chapter 89)

c. CPOST: Spouses of Military Personnel

A new statute with general provisions for any state license or certification allows the spouse of active duty military who has a license or certification in another state to be granted a temporary license or certification to work in Kansas. [Read the bill summary](#). Amends KSA 48-3406. (Effective July 1, 2015. [HB2154](#)§9; 2015 Session Laws, chapter 76)

d. Peer Support Privileged Communications (See [Attachment D](#) on page 29 for details)

A new statute with general provisions for any state license or certification allows the spouse of active duty military who has a license or certification in another state to be granted a temporary license or certification to work in Kansas. [Read the bill summary](#). New Statute. (Effective July 1, 2015. [HB2025](#)§3; 2015 Session Laws, chapter 89)

e. Search and Rescue Teams, State Fire Marshal

Probably no direct impact on law enforcement operations, but could impact search and rescue teams that are already in place. Intended to retain search and rescue function in the state by allowing the State Fire Marshal to contract with local fire departments and emergency responders to coordinate team responses. Amends the designation of the “Hazardous material emergency fund” to the “Emergency Response Fund” to include search and rescue costs incurred by the State Fire Marshal. A local government with a search and rescue team does not have to enter into this contract with the Fire Marshal in order to respond within their local jurisdiction or through an MOU with another entity, however without the Fire Marshal contract they would probably not be allowed to participate in a state emergency response outside their own jurisdiction. [Read the bill summary](#). Creates 2 new statutes. Amends KSA 75-6102. (Effective May 21, 2015. [HB2097](#)§; 2015 Session Laws, chapter 50)

B. DRUG ENFORCEMENT LEGISLATION

1. Drug Schedule

Several additional drugs or drug classes are added to the schedules of controlled substances. Specifically, the bill adds a hallucinogenic drug and a cannabinoid to schedule I, reschedules two hydrocodone drugs from schedule III to schedule II, adds perampanel to schedule III, and adds three drugs to schedule IV. The bill also corrects or standardizes spellings or descriptions of several substances. [Read the bill explainer](#). Amends KSA 65-4105, 65-4107, 65-4109 and 65-4111. (Effective April 16, 2015. [HB2275](#); 2015 Session Laws, chapter 27)

2. Toxic Vapors

The statute on abuse of toxic vapors is amended to add “and other halogenated hydrocarbons” to the term “Freon” which is a brand name. [Read the bill summary](#). Amends KSA 21-5839 and 21-6107. (Effective July 1, 2015. [SB252](#)§3 & 4; 2015 Session Laws, chapter 20)

C. TRAFFIC LAW LEGISLATION

1. All-Terrain Vehicle Definition

The definition of all-terrain vehicle no longer includes the requirement for the operator to straddle the seat or to be equipped with a specific type of tire. [Read the bill summary](#). Amends KSA 8-126 & 8-1402a. (Effective July 1, 2015. [SB73](#)§1 & 2; 2015 Session Laws, chapter 12)

2. Autocycles

An autocycle is a three-wheel motorcycle with a steering wheel and the operator does not straddle or sit astride the seat. Persons under the age of 18 are not required to wear a helmet and eye-protective devices while riding in or operating an autocycle. A class M motorcycle license is not required to operate an autocycle. Seatbelts and child restraints are required in an autocycle the same as for passenger vehicles. [Read the bill summary](#). Amends KSA 8-126, 8-234b, 8-1344, 8-1345, 8-1438, 8-1594, 8-1486, 8-1598 and 8-2503. (Effective June 4, 2015. [HB2044](#)§1-10; 2015 Session Laws, chapter 48)

3. Commercial Driver's License Codes

Seven new vehicle endorsement and restriction codes are added for CDLs: "E" – no manual transmission in a commercial motor vehicle (CMV); "O" – no tractor-trailer; "M" – no class A passenger vehicle; "N" – no class A or B passenger vehicle; "Z" – no full air brake in CMV; "K" – for intrastate only; and "V" – for medical variance. Existing Codes are: "H" –authorizes the driver to drive a vehicle transporting hazardous materials; "L" –restricts the driver to vehicles not equipped with airbrakes; "T" –authorizes driving double and triple trailers; "P" –authorizes driving vehicles carrying passengers; "N" –authorizes driving tank vehicles; "X" –represents a combination of hazardous materials and tank vehicle endorsements; "S" –authorizes driving school buses. The new codes brings Kansas into compliance with federal requirements. [Read the bill summary](#). Amends KSA 8-8,135. (Effective May 14, 2015. [HB2090](#)§4; 2015 Session Laws, chapter 49)

4. Custom Harvester Vehicles

Forage cutter and combine header are added to the items used in custom harvesting operations allowed to exceed the general vehicle combination length limit of 65 feet but may not exceed 75 feet, exclusive of front and rear overhang. [Read the bill summary](#). Amends KSA 8-1904. (Effective May 14, 2015. [HB2090](#)§5; 2015 Session Laws, chapter 49)

5. DUI: Ignition Interlock

Following a first occurrence of a DUI related test refusal, test failure, or conviction, DMV may issue a restricted driver's license with a DUI-IID (Ignition Interlock Device) designation to a licensee allowing operation of a motor vehicle under ignition interlock restrictions including to drive to and from the ignition interlock provider for maintenance and downloading of data from the device. [Read the bill explainer](#). Amends KSA 8-241 & 8-1015. (Effective July 1, 2015. [HB2159](#)§1 & 2; 2015 Session Laws, chapter 71)

6. DUI: Expungement

The statutes on expungement of DUI and test refusal offenses in both city and state courts are amended to require a five year period for a first offense and to ten years for a second or subsequent offense. Current laws were inconsistent between state and city courts. [Read the bill explainer](#). Amends KSA 12-4516 & 21-6614 Also repeals KSA 12-4516b and 21-6614e. (Effective July 1, 2015. [HB2159](#)§3 & 4; 2015 Session Laws, chapter 71)

7. Government License Plates: Reports to Division of Vehicles

Cities, counties, townships, school districts, community colleges, or technical colleges no longer must file an annual report with the Division of Vehicles identifying the vehicles with permanent registration that a governmental entity owns or leases. This information is available from the current registration system. [Read the bill summary](#). New statute. (Effective May 14, 2015. [HB2090](#)§3; 2015 Session Laws, chapter 49)

8. Parking: Disabled Veterans

Disabled veterans with disabled veteran license plates may park free of charge in spaces clearly marked as reserved for disabled persons in public parking facilities and public parking lots that employ parking attendants to collect payment. [Read the bill summary](#). Amends KSA 8-161. (Effective July 1, 2015. [HB2006](#); 2015 Session Laws, chapter 23)

9. Personalized Tags: Omega Psi Phi

A new personalized tag is authorized for Omega Psi Phi fraternity. [Read the bill summary](#). New statute. (Effective January 1, 2016. [HB2044](#)§11; 2015 Session Laws, chapter 48)

10. Private Motor Carrier Safety Requirements

The exemption of certain motor carriers from requirements to obtain a certificate, license, or permit from the Kansas Corporation Commission (KCC) or file rates, tariffs, annual reports, or proof of insurance with the KCC (“economic regulation”), and the exemption from safety provisions of 49 CFR parts 390-399 is amended by changing the applicable vehicle weights from “less than 26,001 pounds” to “10,000 to 26,000 pounds.” The new provisions also require the vehicles to be registered in Kansas and the safety regulation references to “any” safety requirements in the KCC rules and regulations is removed. Also exempted from the 49 CFR parts 390-399 provisions are an owner of livestock or producer of farm products transporting livestock or farm products under certain circumstances; transporting children to and from school or motor vehicles owned by schools, colleges, religious and charitable organizations and institutions, or governmental agencies, when used to convey students or similar activities; certain grain transport vehicles; hearses, ambulances, and similar vehicles used by motor carriers; government vehicles; not-for-profit van pools using vehicles seating no more than 15, including the driver; and any vehicle used by a person actively engaged in buying, selling, or exchanging implements of husbandry within 100 miles of the person’s established place of business, unless the implement of husbandry is transported on a commercial motor vehicle. [Read the bill summary](#). Amends KSA 66-1,109 and 66-1,129. (Effective April 9, 2015. [SB21](#); 2015 Session Laws, chapter 9)

11. Recreational Off-Highway Vehicle Definition

The definition of recreational off-highway vehicle no longer requires a steering wheel and a seat not allowing the operator to straddle the seat. A requirement is added for the length to be not less than 50 inches. The maximum 64 inch length still applies. [Read the bill summary](#). Amends KSA 8-126. (Effective July 1, 2015. [SB73](#)§1; 2015 Session Laws, chapter 12)

12. Registration Renewal: Letter of Renewal

Vehicle registration renewals completed late in the renewal period result in the owner being issued a letter or receipt of renewal verifying the renewal was made. For a ten day period after the registration expires, the letter or receipt of renewal is adequate proof of the renewal. In essence, these are handled like no DL on person cases. If a citation is issued during the ten day period, the receipt can be shown to the court and the charge will be dismissed. Officers should consider if a citation is appropriate if a valid receipt is presented at the time of the stop. [Read](#)

[the bill summary](#). Amends KSA 8-142. (Effective July 1, 2015. [HB2013](#)§3; 2015 Session Laws, chapter 47)

13. Work-Site Utility Vehicle Definition

The definition of work-site utility vehicle no longer includes a maximum length restriction and the requirement for low pressure tires is replaced with a requirement for nonhighway tires. [Read the bill summary](#). Amends KSA 8-126 & 8-1493. (Effective July 1, 2015. [SB73](#)§1 & 3; 2015 Session Laws, chapter 12)

D. ALCOHOL ENFORCEMENT LEGISLATION (See [Attachment B](#) on page 31 for details)

1. ABC Action on Local Law Enforcement Report of Violations

After a state Court of Appeals Case in 2014, violations of the Liquor Control Act observed and reported by local law enforcement have been unenforceable by the ABC. New law requires local law enforcement to serve notice on the licensee or their representative on premise at the time of the violation. ABC will have a single form available for law enforcement use to report these violations to both the business and to the ABC. Or you can use your own form if it meets the requirements for information and service to the licensee. The ABC will be putting a law enforcement page on their website with forms and other information. (<http://www.ksrevenue.org/abc.html>). [Read the bill summary](#). Amends KSA 41-106. (Effective July 1, 2015. [HB2223](#)§2; 2015 Session Laws, chapter 82)

2. Consumption in Unlicensed Business

Businesses not licensed by the ABC are allowed to permit consumption on their premises when those consuming bring their own liquor. Aimed at businesses such as Art Studios and Cigar Shops, but the bill is very broad and covers nearly any business not licensed by the ABC. The consumption is limited to 9AM to midnight and there can be no cover charge or charge for being allowed to consume alcohol. These businesses are not subject to regulation or penalty by the ABC, and there is no right to entry for law enforcement as exists for licensed premises. The ABC will be putting a law enforcement page on their website with a related form and other information. (<http://www.ksrevenue.org/abc.html>) [Read the bill summary](#). Amends KSA 41-719. (Effective July 1, 2015. [HB2223](#)§17; 2015 Session Laws, chapter 82)

3. Catered Event on Public Property

Consumption of alcoholic liquor at catered events held on public property is allowed if proper notice is provided to the ABC and the city or county has approved the event. The notice must be provided by electronic notification to ABC at least 48 hours before any event. The electronic notice provided to ABC must include the time, location, and names of the contracting parties of the event. No notice to ABC is required for weddings, funerals, events sponsored by religious institutions, or business-, industry-, or trade-sponsored meetings including, but not limited to, awards presentations and retirement celebrations. The notice to local law enforcement is no longer required. The ABC will have these notices posted on their website for law enforcement to access. [Read the bill summary](#). Creates new statute. Amends KSA 41-719. (Effective July 1, 2015. [HB2223](#)§17 & 25; 2015 Session Laws, chapter 82)

4. Core Commercial Business Districts

Cities may allow by ordinance liquor retailers, microbreweries, microdistilleries, and farm wineries to locate within 200 feet of any public or parochial school or college or church in a core commercial district. The law had allowed those facilities to be located within 200 feet of schools, colleges, or churches only if the retailer, microbrewery, microdistillery, or farm winery was already in a location and a school or church chose to establish itself within 200 feet of that

facility and without any action or intervention by cities. [Read the bill summary](#). Amends KSA 41-2643 & 41-710. (Effective July 1, 2015. [HB2223](#)§26 & 27; 2015 Session Laws, chapter 82)

5. Farmer’s Markets, Wine Sales

A farm winery may sell wine at a farmers’ market provided they have an ABC sales permit. The permit should include the locations of the farmers’ markets at which wine will be sold and any deviation must be provided to the ABC before sale of wine at the additional location. The bill defines “farmers’ market” as any common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats, and other farm products directly to consumers. [Read the bill summary](#). Amends KSA 41-351. (Effective July 1, 2015. [HB2223](#)§29; 2015 Session Laws, chapter 82)

6. Flavor Infusion

Drinking establishments may sell and serve alcoholic liquor infused with spices, herbs, fruits, vegetables, candy, or other substances intended for human consumption if no additional fermentation occurs during the process. “Infuse” means to add flavor or scent to a liquid by steeping additional ingredients in the liquid. [Read the bill summary](#). Creates new statute. (Effective July 1, 2015. [HB2223](#)§1; 2015 Session Laws, chapter 82)

7. Licensing: Sanctions and ABC Authority

The Director may suspend, involuntarily cancel, or revoke a license if, after notice and opportunity for a hearing, it is determined the licensee did any of the following: 1) Fraudulently obtained the license by providing false information on the license application or at a hearing related to the license; 2) Violated any provision of the Liquor Control Act or related rules and regulations; or 3) Became ineligible to obtain a license. Proceedings involving the denial, suspension, involuntary cancellation, or revocation of any license, or any assessment of civil fines, are governed by the Kansas Administrative Procedure Act. [Read the bill summary](#). Amends KSA 41-2623, 41-319, 41-320, 41-321, 41-326, 41-328, 41-719, 41-2609, & 41-2611. (Effective July 1, 2015. [HB2223](#)§7 and 11-19; 2015 Session Laws, chapter 82)

8. Licensing: By LLC

LLCs applying for retailer’s licenses are required to meet the licensure qualifications for co-partnerships applying for retailer’s licenses. If applying for a license under the Club and Drinking Establishment Act, the applicant must meet the licensure qualifications for corporations. If applying for license under the Cereal Malt Beverage Act they must meet the licensure qualifications for corporations and individuals owning, in the aggregate, 25.0 percent or more of the ownership interest in the LLC will be required to meet the qualifications for an individual applying for a license. [Read the bill summary](#). Creates new statutes. (Effective July 1, 2015. [HB2223](#)§8, 9, and 10; 2015 Session Laws, chapter 82)

9. Licensing: Eligibility

Persons found to have held an undisclosed beneficial interest in a liquor license obtained through fraud or false statement on the application for the license are not eligible to be licensed. [Read the bill summary](#). Amends KSA 41-311 & 41-2623. (Effective July 1, 2015. [HB2223](#)§6 & 7; 2015 Session Laws, chapter 82)

10. Powdered Alcohol

The sale and service of any form of powdered alcohol by a licensee is prohibited. “Powdered alcohol” is alcohol prepared in a powdered or crystal form for either direct use or for reconstruction in a nonalcoholic liquid. Nothing in this section applies to non-licensees or mere possession, but powdered alcohol is applicable to the Liquor Control Act. [Read the bill](#)

[summary](#). Creates a new statute. Amends KSA 41-102 & 41-2640. (Effective July 1, 2015. [HB2223](#)§3, 4, & 5; 2015 Session Laws, chapter 82)

11. Sampling, By Distributor

Distributors may provide samples of spirits, wine, and beer or cereal malt beverages to alcoholic beverage retailer licensees and their employees or other distributor licensees and their employees in the course of business or at industry seminars. Sales are not allowed for consumption on the premises. Sampling is authorized on the distributor’s premises or on the retailer licensee’s premises, but not in areas open to the public where alcoholic sales occur. A sample cannot be served to a minor and the sample sizes of the Club and Drinking Establishment Act apply. [Read the bill summary](#). Amends KSA 41-306, 41-306a, & 41-307. (Effective July 1, 2015. [HB2223](#)§21-23; 2015 Session Laws, chapter 82)

12. Self-Serve Dispensers

Public venues, clubs, and drinking establishments may offer customer self-service of wine from automated devices on licensed premises. Licensees are required to monitor and have the ability to control the dispensing of wine from the automated devices to prevent dispensing to underage persons. [Read the bill summary](#). Amends KSA 41-2640. (Effective July 1, 2015. [HB2223](#)§5; 2015 Session Laws, chapter 82)

13. State Fair

As of July 1, 2016, the Director may issue a sufficient number of temporary permits for the sale of wine in unopened containers and the sale of beer, wine, or both by the glass on the State Fairgrounds as specified in the temporary permit issued. Through the 2015 fair there is only one temporary permit for the Kansas State Fair as of July 1, 2016. The number of temporary permits issued by ABC for the State Fairgrounds is unlimited, but any permit must be issued consistent with the requirements of the State Fair Board. [Read the bill summary](#). Amends KSA 41-2645. (Effective July 1, 2015. [HB2223](#)§28; 2015 Session Laws, chapter 82)

14. State Capitol

Consumption of alcoholic liquor is allowed in the State Capitol for official state functions that are nonpartisan in nature subject to approval by the Legislative Coordinating Council. [Read the bill summary](#). Amends KSA 41-719. (Effective July 1, 2015. [HB2223](#)§17; 2015 Session Laws, chapter 82)

15. Vineyard Permits

A vineyard permit authorizes: 1) The sale of wine in the original, unopened container; 2) The serving of wine by the drink; and 3) Conducting wine tastings within existing laws on sampling. Wine sold or served by a permit holder must be produced, in whole or in part, using grapes grown by the permit holder, and must be manufactured by a farm winery. Any wine not consumed on the premises must be disposed of by the permit holder or securely resealed in a tamper-proof, transparent bag, sealed in a manner that makes it visibly apparent if the bag subsequently is opened before being removed from the property. [Read the bill summary](#). Amends KSA 41-709. (Effective July 1, 2015. [HB2223](#)§24; 2015 Session Laws, chapter 82)

E. CRIMINAL LAW NOT DIRECTLY AFFECTING LINE OPERATIONS

1. Abortion, dismembering:

It is a crime for a person, including licensed physicians, to perform a “dismemberment abortion.” The first offense is an A person misdemeanor and a second or subsequent offense is a SL10 person felony. [Read the bill summary](#). Creates new law. (Effective July 1, 2015. [SB95](#)§2, 3 & 6; 2015 Session Laws, chapter 22)

2. Banking crimes: (See [Attachment E](#) on page 31 for more details)

Extensive amendments to the banking code amending 14 statutes in the banking code containing crimes and adding one new statute containing crimes. See Attachment for details. [Read the bill explainer](#). Creates new law and amends KSA 9-1712; 9-1717; 9-2002; 9-2004 through 9-2013; and 9-2016. (Effective July 1, 2015. [SB240](#)§8, 103, 108, 128 through 138, and 140; 2015 Session Laws, chapter 38)

3. Employment Security (Unemployment Insurance):

It is no longer a crime for violating the confidentiality provisions of subsection (c) relating to restrictions of certain political activity. [Read the bill summary](#). Amends KSA 44-714. (Effective July 1, 2015. [SB154](#)§6; 2015 Session Laws, chapter 42)

4. Securities Crimes: Business Records as Evidence

A continuing offense provision is created for securities fraud crimes with the period of statute of limitations not beginning until the completion of the last act of the continuing offense. Business records submitted as evidence in a preliminary hearing may be entered without testimony from keeper of the records. [Read the bill summary](#). Creates new statute. Amends KSA 17-12a204 & 17-12a508 . (Effective July 1, 2015. [HB2106](#)§1, 2, & 4; 2015 Session Laws, chapter 70)

5. TARNF (Welfare) applicant information confidentiality:

It is no longer a crime for violating the confidentiality provisions of this statute. [Read the bill summary](#). Amends KSA 9-1216; 16-311; and 17-1828. (Effective July 1, 2015. [HB2258](#)§2, 3 & 6; 2015 Session Laws, chapter 42)

F. FIREARMS AND OTHER WEAPONS (See [Attachment A](#) on page 19 for more details)

1. Concealed Carry Amendments Overview

Any person not prohibited from possessing a firearm by state or federal law may carry a firearm concealed or unconcealed without a permit, license, background check, range qualification, or training. A permit may still be obtained but a holder of the permit is no longer required to display it or to reveal to a law enforcement officer they have a permit. [Read the bill explainer](#). (Effective July 1, 2015. [SB45](#); 2015 Session Laws, chapter 16)

2. Correctional Facilities

The criminal law allowing firearms in vehicles in a parking lot or out of a vehicle for the purpose of securing it in the vehicle in a parking lot of correctional facilities is still applicable. The statute was amended by removing references to persons with CCH permits since permits will no longer be required to carry concealed. [Read the bill explainer](#). Amends KSA 21-5914. (Effective July 1, 2015. [SB45](#)§1; 2015 Session Laws, chapter 16)

3. Criminal Law

The concealed carry statute is amended and only applies to persons under the age of 21. Persons age 21 or older can carry a concealed firearm and a permit is no longer required. [Read the bill explainer](#). KSA 21-6302. (Effective July 1, 2015. [SB45](#)§3; 2015 Session Laws, chapter 16)

4. Employees of Government Entities

Provisions relating to employees carrying concealed handguns in public buildings are

not amended substantively but have technical amendments so that what was allowed or prohibited for a CCH permit holder to do now is applicable to any employee carrying a concealed handgun. There was no language added to this statute to cover employees who are prohibited by state or federal law from possessing a firearm. [Read the bill explainer](#). KSA 75-7c20(c). (Effective July 1, 2015. [SB45](#)§13; 2015 Session Laws, chapter 16)

5. Firearms in Government Buildings:

a. Four Year Exemptions:

The four year exemptions for certain state or municipal buildings is not substantively changed but has technical amendments removing the reference to persons carrying concealed handguns “as authorized by” the PFPA. [Read the bill explainer](#). KSA 75-7c20(i). (Effective July 1, 2015. [SB45](#)§13; 2015 Session Laws, chapter 16)

b. Restricted Access Entrance:

No major changes and the carrying of concealed handguns through a restricted access entrance into a state or municipal building with adequate security measures is still not a violation under this section provided the person is authorized to enter through the restricted access entrance. Technical amendments strike references to the CCH license and PFPA. [Read the bill explainer](#). KSA 75-7c20(d). (Effective July 1, 2015. [SB45](#)§13; 2015 Session Laws, chapter 16)

c. Signage and Adequate Security Measures:

No major changes and the carrying of concealed handguns in a state or municipal building still cannot be prohibited under this section unless adequate security measures and proper signage are in place. Technical amendments are made to strike references to PFPA. [Read the bill explainer](#). KSA 75-7c20(a). (Effective July 1, 2015. [SB45](#)§13; 2015 Session Laws, chapter 16)

d. State Buildings:

Creates a new exception to the crime of *Unlawful Possession of Firearms on Certain Government Property* for anyone not prohibited by federal or state law from possessing a firearm in the listed locations which generally include courthouses, the governor’s mansion, and the Capitol Complex in Topeka. This makes this statute inapplicable to a person carrying a concealed handgun who is not disqualified by state or federal law to possess a firearm on the listed state properties and local courthouses. The County Commission may open courthouses to concealed carry. State buildings may be closed only when posted by authority of the Secretary of Administration. In this case a prohibited person, whether by state law or federal law, could be charged with a violation of this statute if carrying a firearm concealed in one of the places restricted by this statute, including county courthouses. [Read the bill explainer](#). KSA 21-6309(d)(4). (Effective July 1, 2015. [SB45](#)§5; 2015 Session Laws, chapter 16)

e. State Capitol:

Any person who is not prohibited by federal or state law from possessing a firearm

may carry a concealed handgun in the state capitol. [Read the bill explainer](#). KSA 75-7c21. (Effective July 1, 2015. [SB45](#)§13; 2015 Session Laws, chapter 16)

6. Local Regulation:

a. Concealed Carry Local Restrictions:

All existing restrictions on local control of concealed handguns are retained but amended to except from the restrictions provisions as provided in KSA “21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or 75-7c20.” It also has technical amendments that do not make a substantive change, but removes references to “persons licensed” and replaces it with “individuals.” [Read the bill explainer](#). KSA 75-7c17(a). (Effective July 1, 2015. [SB45](#)§12; 2015 Session Laws, chapter 16)

b. Prosecution of Personal and Family Protection Act:

Any prosecution of the PFPA (KSA 75-7c01 et. seq. must be done through district courts. [Read the bill explainer](#). KSA 75-7c17(b). (Effective July 1, 2015. [SB45](#)§12; 2015 Session Laws, chapter 16)

c. Sales of Firearms:

The statute prohibiting city or county ordinances, resolutions, or regulations regarding firearms is amended to add prohibition of taxation or requiring fees, licenses or permits for commerce in or sale of firearms. Subsection (b) is stricken because it is covered by the broader new language added in subsection (a). The date is changed in subsection (c) nullifying any ordinance, resolution, or regulation containing one of the prohibited provisions which was in effect prior to July 1, 2015. Subsection (c)(4) is added allowing the collection of sales taxes relating to firearm and ammunition related sales. [Read the bill summary](#). KSA 12-16,124. (Effective July 1, 2015. [HB2331](#)§1; 2015 Session Laws, chapter 93)

7. Personal and Family Protection Act (Article 7c of KSA Chapter 75):

a. Permits no Longer Required But Still Available:

In general, the permit process is still in place and most requirements for obtaining the permit are unchanged. Many Kansans will still want to have a permit because there will be no reciprocity to carry in other states without it and many liability insurance companies will not insure persons without permits. A clarification statement is added to KSA 75-7c03 stating nothing in the act implies the requirement to have a permit to carry concealed in Kansas. There are many technical, non-substantive amendments, throughout these statutes removing references to requiring a permit. [Read the bill explainer](#). KSA 75-7c03, 75-7c04, 75-7c05. (Effective July 1, 2015. [SB45](#)§8, 9, 10; 2015 Session Laws, chapter 16)

b. Permits no Longer Required To Be On Person or Revealed to Law Enforcement:

The provisions of law in KSA 75-7c03 (b) requiring a permit holder to carry the permit when carrying concealed and requiring the person to display such permit to law enforcement when asked are deleted. Even if the person chooses to have a CCH permit they are not required to have it on their person when carrying concealed in

Kansas, nor are they required to show it to law enforcement or to even reveal to law enforcement that they have one. The provision stating law enforcement can verify a person has a permit through DMV records and or by the license number is also stricken. It is unclear if we will lose the ability to verify that or not, but I am guessing we will. [Read the bill explainer](#). KSA 75-7c03. (Effective July 1, 2015. [SB45](#)§8; 2015 Session Laws, chapter 16)

c. Permits: 180 Day Receipt:

The provisions in KSA 75-7c03 for the 180 day receipt for those who hold permits in other states and move to Kansas have been deleted. [Read the bill explainer](#). KSA 75-7c03. (Effective July 1, 2015. [SB45](#)§8; 2015 Session Laws, chapter 16)

d. Permits: Disqualifiers:

The provision is stricken which directed the AG to not issue a CCH permit to anyone who was adjudicated as a juvenile offender for an offense that if committed by an adult would result in denial of a license. This provision made that disqualification a lifetime disqualification which was not intended. Subsection (a)(2) by referencing KSA 21-6304(a)(1) and (a)(3) already apply juvenile adjudications exactly the same as they are applied for adults. This corrects an unintended consequence of amendments passed last year. [Read the bill explainer](#). KSA 75-7c04. (Effective July 1, 2015. [HB2331](#)§2; 2015 Session Laws, chapter 93)

e. Signage:

No substantive change to KSA 75-7c10(a) on signage requirements or restrictions to those carrying firearms. Wording was changed remove references to the permits. Those carrying into a posted building do not violate this statute and would have to be charged under other statutes if a violation exists. If they enter with a firearm and refuse to leave or remove the firearm at the request of person in charge of the building, criminal trespass is probably the option to charge if necessary. There is no mention of person prohibited by state or federal law in this statute, so a person who is prohibited who is carrying a firearm would have to be charged under statutes relative to the particular prohibitor. [Read the bill explainer](#). KSA 75-7c10. (Effective July 1, 2015. [SB45](#)§11; 2015 Session Laws, chapter 16)

f. Liability:

The provisions in KSA 75-7c10(c) and (d) providing liability exclusion for private entities for actions of those who carry firearms into their buildings remains intact with minor amendments removing references to the permit requirement. The provisions in KSA 75-7c20(e) and (f) providing liability exclusion for state or municipal agencies for actions of those who carry firearms into their buildings remains intact with minor amendments removing references to the permit requirement. [Read the bill explainer](#). KSA 75-7c10, 75-7c20. (Effective July 1, 2015. [SB45](#)§11 & 13; 2015 Session Laws, chapter 16)

g. Training:

Training and qualification shooting is still required to get a CCH permit. Training and qualification is not required to a carry concealed handgun without a permit or

to open carry a firearm. [Read the bill explainer](#). KSA 75-7c04. (Effective July 1, 2015. [SB45](#)§9; 2015 Session Laws, chapter 16)

8. Prosecutors

The laws allowing prosecutors to carry firearms are amended not in substance but by striking a reference to KSA 75-7c19 which is repealed as of July 1, 2015. [Read the bill explainer](#). KSA 21-6308 (d)(8); 21-6309 (d)(2); and 75-7c10 (e)(2). (Effective July 1, 2015. [SB45](#)§4, 5, & 11; 2015 Session Laws, chapter 16)

9. School Grounds

Pre-July 1 law prohibited persons other than law enforcement to possess a firearm on K-12 school property. The current exception for persons with CCH permits and lacking the requirement for the firearm to be concealed found in subsection (i)(5) is amended by removing the reference to a person holding a CCH Permit but adding “concealed” handgun and a person “not prohibited from possessing a firearm under either federal or state law.” So a person who is prohibited or openly carrying could still be charged under this statute. NOTE: This provision may be in conflict with the federal Gun-Free School Zones Act ([18 U.S.C. § 922\(q\)\(2\)\(A\)](#)) if the person does not have a now optional CCH permit and if the firearm was not made in Kansas. [Read the bill explainer](#). Amends KSA 21-6301(a)(11). (Effective July 1, 2015. [SB45](#)§2, 2015 Session Laws, chapter 16)

10. Wildlife and Parks

Carrying a Handgun; Use of Silencers While Hunting, Fishing, or Furharvesting, had allowed concealed carry of a handgun by CCH permit holders. That permit holder reference is now removed to allow anyone lawfully possessing a handgun to carry it, concealed or unconcealed, while engaged in the listed activities. Note this statute uses the phrase “who lawfully possesses” so a person who can’t lawfully possess a firearm would be in violation. [Read the bill explainer](#). KSA 32-1002. (Effective July 1, 2015. [SB45](#)§6; 2015 Session Laws, chapter 16)

G. KPERS/KP&F

1. Bond Funding for Unfunded Actuarial Liability:

KPERS is authorized to issue up to \$1B in Retirement Obligation Bonds to pay toward the unfunded actuarial liability. [Read the bill summary](#). Amends KSA 44-704. (Effective April 23, 2015. [SB228](#); 2015 Session Laws, chapter 39)

2. Deferred Retirement Option Program (DROP) for KHP only:

The bill would enact the Kansas Deferred Retirement Option Program (DROP) within KP&F but only for members of the KHP. KHP employees have an option when they reach retirement age to enter the DROP plan for a period of 3 to 5 years. If the member participates, the member’s monthly retirement benefit, as determined at the time of entry into DROP, would be deposited into the member’s DROP account for the duration of the DROP period. During the member’s DROP period, the member would remain in active service. Employer and employee contributions to KP&F continue. The member does not earn any additional service credit. At the end of the DROP period, a member receives the accumulated retirement benefits from the DROP account. Those funds could be rolled into an eligible retirement as a lump-sum payment. After leaving service the retiree begins receiving the retirement benefit as calculated when entering the program. [Read the bill summary](#). Creates 7 new statutes. Amends KSA 74-4901. (Effective January 1, 2016. [HB2095](#)§4-11; 2015 Session Laws, chapter 42)

3. KP&F member working in local jails:

The definition of police officer is amended to clarify certified officers working in local jails continue to be eligible members of KP&F if their agency is a KP&F participant. [Read the bill summary](#). Amends KSA 74-4952. (Effective April 23, 2015. [HB2101](#); 2015 Session Laws, chapter 41)

4. Working After Retirement for Regular KPERS only (Does not apply to KP&F):

Extends the current working-after retirement provisions for KPERS to June 30, 2016. Starting on July 1, 2016, and ending on July 1, 2021, a retiree is allowed up to \$25,000 of earnings per calendar year from a contributing KPERS employer. This applies whether the retiree is returning to work for the same or a different employer. The retiree must either terminate employment before reaching the earnings cap or forgo monthly KPERS benefits until the end of the calendar year. The cap does not apply to certified law enforcement officers employed by the Law Enforcement Training Center; any member of KP&F, Judges, or elected city or county officers; individuals who are employed or have accepted employment by a participating employer prior to May 1, 2015. For retirees employed prior to May 1, 2015, any break in continuous employment or a move to a different position prior to July 1, 2021, subjects the retiree to these provisions. A participating employer that hires a retiree must pay the employer contribution rate to KPERS. However, employers of certified law enforcement officers, as described above, also would be required to pay the statutorily prescribed employee contribution rate, which is based on the retiree's compensation during the period of employment. Retirees do not receive additional credit for service while employed under these provisions. A participating employer may appeal for a one-year hardship exemption for an unexpected vacant position that cannot be filled with an active KPERS member. [Read the bill summary](#). Creates 7 new statutes. Amends KSA 74-4901. (Effective January 1, 2016. [HB2095](#)§4-11; 2015 Session Laws, chapter 77)

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Firearms: Summary of 2015 Legislation

ATTACHMENT A

This summary is based on SB45 and HB2331 passed by the 2015 Kansas Legislature and becoming law on July 1, 2015. See links to these and other related documents at the end of this summary.

Criminal Law Changes

Concealed Carry Criminal Law (KSA 21-6302 (a)(4) Criminal Carrying of a Weapon)

KSA 21-6302(a)(4), the criminal violation for carrying a concealed firearm, is amended so it only applies to persons under the age of 21 after July 1, 2015. Persons over 21 carrying concealed are never in violation of this statute after July 1, 2015. If they are prohibited, they must be charged for the violation of those prohibiting statutes. (KSA 21-6301 or 21-6304) [SB45, §3]

All other changes to KSA 21-6302 are technical removing references to CCH permits and processes that no longer apply since permits are not required after July 1, 2015. Also removes list of exceptions that are no longer needed. [SB45, §3]

School Grounds

KSA 21-6301 (a)(11) currently prohibits persons other than law enforcement to possess a firearm on K-12 school property. The current exception for persons with CCH permits and lacking the requirement for the firearm to be concealed found in subsection (i)(5) is amended by removing the reference to a person holding a CCH Permit but adding “concealed” handgun and a person “not prohibited from possessing a firearm under either federal or state law.” So a person who is prohibited or openly carrying could still be charged under this statute. [SB45, §2]

KSA 21-6301 (a)(12) requiring a person to remove the firearm from the school property when requested to do so remains unchanged. It has no concealed carry exceptions. [SB45, §2]

Government Buildings (State Buildings and Local Courthouses)

KSA 21-6309 (d)(4) is a new exception to this statute for anyone not prohibited by federal or state law from possessing a firearm in the listed locations. . This makes this statute inapplicable to a person carrying a concealed handgun on the listed state properties and local courthouses, unless they are prohibited from possessing a firearm by state or federal law. Courthouses may be opened up to carry by the County Commission. State buildings may be closed only when posted by authority of the Secretary of Administration. In this case a prohibited person, whether by state law or federal law, could be charged with a violation of this statute if carrying a firearm concealed in one of the places restricted by this statute, including county courthouses. [SB45, §5]

Adequate Security Measures/Signage: KSA 75-7c20 (a) The carrying of concealed handguns in a state or municipal building still cannot be prohibited under this section unless adequate security measures and proper signage are in place. Technical amendments are made to strike references to PFFA. [SB45, §13]

Restricted Access Entrance: KSA 75-7c20 (d) The carrying of concealed handguns through a restricted access entrance into a state or municipal building with adequate security measures is still not a violation under this section provided the person is authorized to enter through the restricted access entrance. Technical amendments strike references to license and PFFA. [SB45, §13]

Four Year Exemptions: KSA 75-7c20 (i) authorizing the four year exemptions for certain state or municipal buildings is not substantively changed but has technical amendments removing the reference to persons carrying concealed handguns “as authorized by” the PFPA. [SB45, §13]

State Capitol: KSA 75-7c21 is amended to specifically authorize any person who is not prohibited by federal or state law from possessing a firearm to carry a concealed handgun in the state capitol. [SB45, §14]

Correctional Facilities

KSA 21-5914, the criminal law allowing firearms in vehicles in a parking lot or out of a vehicle for the purpose of securing it in the vehicle in a parking lot of correctional facilities is still applicable. The statute was amended by removing references to persons with CCH permits since permits will no longer be required to carry concealed. [SB45, §1]

Local Regulation

KSA 12-16,124 (a) prohibiting city or county ordinances, resolutions, or regulations regarding firearms is amended to add prohibition of taxation or requiring fees, licenses or permits for commerce in or sale of firearms. Subsection (b) is stricken because it is covered by the broader new language added in subsection (a). The date is changed in subsection (c) nullifying any ordinance, resolution, or regulation in effect prior to July 1, 2015, requiring any of the prohibited activities. Subsection (c)(4) is added allowing the collection of sales taxes relating to firearm and ammunition sales. [HB2331, §1]

KSA 75-7c17 (a) retains all existing restriction on local control of concealed handguns but is amended to except provisions as provided in KSA “21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or 75-7c20.” It also has technical amendments that do not make a substantive change, but removes references to “persons licensed” and replaces it with “individuals.” [SB45, §12]

KSA 75-7c17 (b) requires any prosecution of the PFPA (KSA 75-7c01 et. seq. to be done through district courts. [SB45, §12]

Wildlife and Parks

KSA 32-1002 Carrying a Handgun; Use of Silencers While Hunting, Fishing, or Furharvesting, had allowed concealed carry of a handgun by permit holders. That permit holder reference is now removed to allow anyone lawfully possessing a handgun to carry it, concealed or unconcealed, while engaged in the listed activities. Note this statute uses the phrase “who lawfully possesses” so a person who can’t lawfully possess a firearm would be in violation. [SB45, §6]

Prosecutors carrying concealed

KSA 21-6308 (d)(8); 21-6309 (d)(2); and 75-7c10 (e)(2) are amended not in substance but by striking a reference to KSA 75-7c19 which is repealed as of July 1, 2015. [SB45, §4, 5 and 11]

Personal and Family Protection Act (Article 7c of Chapter 75 of the KSA)

General changes

In general, the permit process is still in place and most requirements for obtaining the permit are unchanged. Many Kansans will still want to have a permit because there will be no reciprocity to carry in other states without it and many liability insurance companies will not insure persons without permits. A clarification statement is added to KSA 75-7c03 stating nothing in the act implies the requirement to have a permit to carry concealed in Kansas. There are many technical, non-substantive amendments, throughout these statutes removing references to requiring a permit.

Employees of Government Entities

KSA 75-7c20 (c): Provisions relating to employees carrying concealed handguns in public buildings are not amended substantively but have technical amendments so that what was allowed or prohibited for a CCH permit holder to do now is applicable to any employee carrying a concealed handgun. There was no language added to this statute to cover employees who are prohibited by state or federal law from possessing a firearm. [SB45, §13]

Signage

No substantive change to KSA 75-7c10 (a) on signage requirements or restrictions to those carrying firearms. Wording was changed removing references to the permits. Those carrying into a posted building do not violate this statute and would have to be charged under other statutes if a violation exists. If they enter with a firearm and refuse to leave or remove the firearm at the request of person in charge of the building, criminal trespass is probably the option to charge if necessary. There is no mention of a person prohibited by state or federal law in this statute, so a person who is prohibited who is carrying a firearm would have to be charged under statutes relative to the particular prohibitor. [SB45, §11]

Liability Release

The provisions in KSA 75-7c10 (c) and (d) providing liability exclusion for private entities for actions of those who carry firearms into their buildings remains intact with minor amendments removing references to the permit requirement. [SB45, §11]

The provisions in KSA 75-7c20 (e) and (f) providing liability exclusion for state or municipal agencies for actions of those who carry firearms into their buildings remains intact with minor amendments removing references to the permit requirement. [SB45, §13]

Permits: Possessing on person and display to law enforcement

The provisions of law in KSA 75-7c03 (b) requiring a permit holder to carry the permit when carrying concealed and requiring the person to display such permit to law enforcement when asked are deleted. Even if the person chooses to have a CCH permit they are not required to have it on their person when carrying concealed in Kansas, nor are they required to show it to law enforcement or to even reveal to law enforcement that they have one. The provision stating law enforcement can verify a person has a permit through DMV records and or by the license number is also stricken. It is unclear if we will lose the ability to verify that or not, but I am guessing we will. [SB45, §8]

Permits: 180 day receipt

The provisions in KSA 75-7c03 for the 180 day receipt for those who hold permits in other states and move to Kansas have been deleted. [SB45, §8]

Permits: Disqualifiers

KSA 75-7c04 (a)(3) strikes the provision directing the AG to not issue a CCH permit to anyone who was adjudicated as a juvenile offender for an offense that if committed by an adult would result in denial of a license. This provision made that disqualification a lifetime disqualification which was not intended. Subsection (a)(2) by referencing KSA 21-6304(a)(1) and (a)(3) already apply juvenile adjudications exactly the same as they are applied for adults. This corrects an unintended consequence of amendments passed last year. [HB2331, §2]

Training

Training and qualification shooting is still required to get a CCH permit. Training and qualification is not required to carry concealed handgun without a permit or to open carry a firearm. See KSA 75-7c04. [SB45, §9]

References

[SB45: The bill](http://www.kslegislature.org/li/b2015_16/measures/documents/sb45_enrolled.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/sb45_enrolled.pdf

[SB45 bill explainer](http://www.kslegislature.org/li/b2015_16/measures/documents/supp_note_sb45_02_0000.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/supp_note_sb45_02_0000.pdf

[SB45 bill summary](http://www.kslegislature.org/li/b2015_16/measures/documents/summary_sb_45_2015.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/summary_sb_45_2015.pdf

[SB45 Section by section description of amendments](#):

http://www.kslawenforcementinfo.com/uploads/3/0/3/2/3032106/sb45_allowing_concealed_carry_without_a_permit.pdf

[SB2331](http://www.kslegislature.org/li/b2015_16/measures/documents/hb2331_enrolled.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/hb2331_enrolled.pdf

[SB2331 bill explainer](http://www.kslegislature.org/li/b2015_16/measures/documents/ccrb_hb2331_01_053015pm.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/ccrb_hb2331_01_053015pm.pdf

[SB2331 summary](http://www.kslegislature.org/li/b2015_16/measures/documents/summary_hb_2331_2015.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/summary_hb_2331_2015.pdf

[Federal and State Laws prohibiting possession of a firearm by certain persons](#):

http://www.kslawenforcementinfo.com/uploads/3/0/3/2/3032106/firearms_possession_prohibitors.pdf

NOTICE: The author is not an attorney and nothing in this document should be construed to be legal advice. The intent is to provide a reference document to the new concealed carry laws passed in SB45 and HB2331 by the 2015 Kansas Legislature. For interpretation of the new law seek guidance from your agency's legal provider or your local prosecutor. Always follow your agencies policy and procedures in applying the law.

Send comments, suggestions, corrections, or additions to ed.klumpp@kslawenforcementinfo.com.

1. ABC Action on Local Law Enforcement Report of Violations

After a state Court of Appeals Case in 2014, violations of the Liquor Control Act observed and reported by local law enforcement have been unenforceable by the ABC. New law requires local law enforcement to serve notice on the licensee or their representative on premise at the time of the violation. ABC will have a single form available for law enforcement use to report these violations to both the business and to the ABC. Or you can use your own form if it meets the requirements for information and service to the licensee. The ABC will be putting a law enforcement page on their website with forms and other information. (<http://www.ksrevenue.org/abc.html>). Amends KSA 41-106. §2 of the bill.

2. Consumption in Unlicensed Business

Businesses not licensed by the ABC are allowed to permit consumption on their premises when those consuming bring their own liquor. Aimed at businesses such as Art Studios and Cigar Shops, but the bill is very broad and covers nearly any business not licensed by the ABC. The consumption is limited to 9AM to midnight and there can be no cover charge or charge for being allowed to consume alcohol. These businesses are not subject to regulation or penalty by the ABC, and there is no right to entry for law enforcement as exists for licensed premises. The ABC will be putting a law enforcement page on their website with a related form and other information. (<http://www.ksrevenue.org/abc.html>) Amends KSA 41-719. §17 of the bill.

3. Catered Event on Public Property

Consumption of alcoholic liquor at catered events held on public property is allowed if proper notice is provided to the ABC and the city or county has approved the event. The notice must be provided by electronic notification to ABC at least 48 hours before any event. The electronic notice provided to ABC must include the time, location, and names of the contracting parties of the event. No notice to ABC is required for weddings, funerals, events sponsored by religious institutions, or business-, industry-, or trade-sponsored meetings including, but not limited to, awards presentations and retirement celebrations. The notice to local law enforcement is no longer required. The ABC will supposedly have these notices posted on their website for law enforcement to access. Creates new statute. Amends KSA 41-719. §17 & 25 of the bill.

4. Core Commercial Business Districts

Cities may allow by ordinances liquor retailers, microbreweries, microdistilleries, and farm wineries to locate within 200 feet of any public or parochial school or college or church in a core commercial district. The law had allowed those facilities to be located within 200 feet of schools, colleges, or churches only if the retailer, microbrewery, microdistillery, or farm winery was already in a location and a school or church chose to establish itself within 200 feet of that facility and without any action or intervention by cities. Amends KSA 41-2643 & 41-710. §26 & 27 of the bill.

5. Farmer's Markets, Wine Sales

A farm winery may sell wine at a farmers' market provided they have an ABC sales permit. The permit should include the locations of the farmers' markets at which wine will be sold and any deviation must be provided to the ABC before sale of wine at the additional location. The bill defines "farmers' market" as any common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats, and other farm products directly to consumers. Amends KSA 41-351. §29 of the bill

6. Flavor Infusion

Drinking establishments may sell and serve alcoholic liquor infused with spices, herbs, fruits, vegetables, candy, or other substances intended for human consumption if no additional fermentation occurs during the process. “Infuse” means to add flavor or scent to a liquid by steeping additional ingredients in the liquid. Creates new statute. §1 of the bill.

7. Licensing: Sanctions and ABC Authority

The Director may suspend, involuntarily cancel, or revoke a license if, after notice and opportunity for a hearing, it is determined the licensee did any of the following: 1) Fraudulently obtained the license by providing false information on the license application or at a hearing related to the license; 2) Violated any provision of the Liquor Control Act or related rules and regulations; or 3) Became ineligible to obtain a license. Proceedings involving the denial, suspension, involuntary cancellation, or revocation of any license, or any assessment of civil fines, are governed by the Kansas Administrative Procedure Act. Amends KSA 41-2623, 41-319, 41-320, 41-321, 41-326, 41-328, 41-719, 41-2609, & 41-2611. §7 of the bill.

8. Licensing: By LLC

LLCs applying for retailer’s licenses are required to meet the licensure qualifications for co-partnerships applying for retailer’s licenses. If applying for a license under the Club and Drinking Establishment Act, the applicant must meet the licensure qualifications for corporations. If applying for license under the Cereal Malt Beverage Act they must meet the licensure qualifications for corporations and individuals owning, in the aggregate, 25.0 percent or more of the ownership interest in the LLC will be required to meet the qualifications for an individual applying for a license. Creates new statutes. §8, 9, and 10 of the bill.

9. Licensing: Eligibility

Persons found to have held an undisclosed beneficial interest in a liquor license obtained through fraud or false statement on the application for the license are not eligible to be licensed. Amends KSA 41-311 & 41-2623. §6 & 7 of the bill.

10. Powdered Alcohol

The sale and service of any form of powdered alcohol by a licensee is prohibited. “Powdered alcohol” is alcohol prepared in a powdered or crystal form for either direct use or for reconstruction in a nonalcoholic liquid. Creates a new statute. Amends KSA 41-102 & 41-2640. §3, 4, & 5 of the bill.

11. Sampling, By Distributor

Distributors may provide samples of spirits, wine, and beer or cereal malt beverages to alcoholic beverage retailer licensees and their employees or other distributor licensees and their employees in the course of business or at industry seminars. Sales are not allowed for consumption on the premises. Sampling is authorized on the distributor’s premises or on the retailer licensee’s premises, but not in areas open to the public where alcoholic sales occur. A sample cannot be served to a minor and the sample sizes of the Club and Drinking Establishment Act apply. Amends KSA 41-306, 41-306a, & 41-307. §21-23 of the bill.

12. Self-Serve Dispensers

Public venues, clubs, and drinking establishments may offer customer self-service of wine from automated devices on licensed premises. Licensees are required to monitor and have the ability to control the dispensing of wine from the automated devices to prevent dispensing to underage persons. Amends KSA 41-2640. §5 of the bill.

13. **State Fair**

As of July 1, 2016, the Director may issue a sufficient number of temporary permits for the sale of wine in unopened containers and the sale of beer, wine, or both by the glass on the State Fairgrounds as specified in the temporary permit issued. Through the 2015 fair there is only one temporary permit for the Kansas State Fair. The number of temporary permits issued by ABC for the State Fairgrounds is unlimited, but any permit must be issued consistent with the requirements of the State Fair Board. Amends KSA 41-2645. §28 of the bill.

14. **State Capitol**

Consumption of alcoholic liquor is allowed in the State Capitol for official state functions that are nonpartisan in nature subject to approval by the Legislative Coordinating Council. Amends KSA 41-719. §17 of the bill.

15. **Vineyard Permits**

A vineyard permit authorizes: 1) The sale of wine in the original, unopened container; 2) The serving of wine by the drink; and 3) Conducting wine tastings within existing laws on sampling. Wine sold or served by a permit holder must be produced, in whole or in part, using grapes grown by the permit holder, and must be manufactured by a farm winery. Any wine not consumed on the premises must be disposed of by the permit holder or securely resealed in a tamper-proof, transparent bag, sealed in a manner that makes it visibly apparent if the bag subsequently is opened before being removed from the property. Amends KSA 41-709. §24 of the bill.

NOTE: The Alcohol Beverage Control will add a page to their website prior to July 1, 2015, with additional information. Watch for it at <http://www.ksrevenue.org/abc.html>.

Other information that will be posted on their website includes:

- The ABC Summary of Legislation
- Notices by caterers for catered events on public property
- New forms as described above

Currently posted on their website is:

- Statutes, Regulations, Handbooks, and Guides (<http://www.ksrevenue.org/abcstatutes.html>)
- List of licensees (<https://www.kdor.org/abc/licensee/default.aspx>)
- List of administrative actions taken (<https://www.kdor.org/abc/abclla/abcadactionslic.aspx>)
- Chart of allowable operating hours (<http://www.ksrevenue.org/pdf/daysalcoholmaybesold.pdf>)
- Liquor license overview (<http://www.ksrevenue.org/pdf/abc899.pdf>)

The ABC will also provide electronic forms for reporting violations by licensees (an agency may use its own provided all the same data is included) and for reporting problems created by the BYOB for unlicensed businesses.

NOTICE: The author is not an attorney and nothing in this document should be construed to be legal advice. The intent is to provide a reference document to the new changes made to the alcohol laws by the 2015 Kansas Legislature. For interpretation of the new law seek guidance from the ABC, your agency legal provider, or your local prosecutor. Always follow your agency's policy and procedures in applying the law.

Send comments, suggestions, corrections, or additions to ed.klumpp@kslawenforcementinfo.com.

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1. **Aggravated Criminal Damage to Property is a New Crime:** KSA 21-5813 is amended by adding a new crime of Agg. Criminal Damage to Property which is damage in excess of \$5,000 occurring to any of the following while committing a theft or attempted theft of regulated scrap metal as defined in KSA 50-6,109 or 50-6,111(d): (1) Any building, structure, personal property or place used primarily for worship or any religious purpose; (2) any building, structure or place used as a school or as an educational facility; (3) any building, structure or place used by a non-profit or charitable business, corporation, firm, service or association; (4) any grave, cemetery, mortuary or personal property of the cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead; (5) any agricultural property or agricultural infrastructure; (6) any construction, mining or recycling facility, structure or site; (7) any utility, utility service, telecommunication, telecommunication service, cable or video service facility, property, building, structure, site or component thereof; (8) any municipal, county or state building, structure, site or property; (9) any residential, commercial, industrial or agricultural irrigation, sprinkler or watering system or component thereof; (10) the infrastructure of any residence, building or structure; (11) any historical marker, plaque or work of art; (12) any vehicle or transportation building, facility, structure, site or property; or (13) any other building, structure, residence, facility, site, place, property, vehicle or any infrastructure thereof. Aggravated Criminal Damage to Property is a SL6 nonperson felony. KSA 21-6604 is amended to provide the dollar cost of damage or loss in the prosecution of KSA 21-5801 (theft); 21-5807 (); or 21-5803 (criminal damage to property) includes the cost of repair or replacement of the property that was damaged, the reasonable cost of any loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. KSA 21-6804 is amended by making the sentence for Aggravated Criminal Damage to Property is presumptive imprisonment if the offender has a prior conviction for any nonperson felony. §9, 10, and 11.
2. **Attorney General Authority and Creation of the Scrap Metal Theft Reduction Act:** The attorney general is given jurisdiction and authority over the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to: (1) Employ or appoint agents as necessary to implement, administer and enforce the act; (2) contract; (3) expend funds; (4) license and discipline; (5) investigate; (6) issue subpoenas; (7) keep statistics; and (8) conduct education and outreach programs to promote compliance with the act. §1, 2, and 15-18
3. **Business Records as Evidence:** The business records of a sale or transaction required to be recorded by the Act is admissible as evidence in a preliminary hearing in the same manner and with the same force and effect as if the individuals who made the record, and the records custodian who keeps the record, had testified in person. §7

4. **Database of Regulated Metal Transactions:** By July 1, 2016, the attorney general (probably through the KBI) will establish and maintain a database for the purpose of providing information to law enforcement and enforcing the scrap metal theft reduction act. §1(d), 12, 13 and 14
 - a. The information in the database is confidential and only for investigations, evidentiary and analysis purposes;
 - b. Only available to law enforcement for official criminal investigations or enforcement of the Act;
 - c. Is not a public record and not subject to open records.
5. **Local Regulation** Local control prohibited from enacting or enforcing any ordinance, resolution, or regulation relating to the Act and any existing ordinance, resolution or regulation is null and void. Effective July 1, 2015. §6
6. **Penalties for Violation of the Act:** Scrap metal dealers or sellers found in violation of the Act are subject to a civil penalty of \$100 to \$5,000, effective January 1, 2016. §3, 4, 5
7. **Prima Facie Evidence of Intent to Permanently Deprive:** KSA 21-5804 is amended to provide it is prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, use or benefit of any property, including regulated metal, when a person provides a false identification or fictitious name, address or place of employment when buying, selling, leasing, trading, gathering, collecting, soliciting, procuring, receiving, dealing or otherwise obtaining or exerting control over the property. It is prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, regulated metal, if a person (1) fails to give information or gives false information to a scrap metal dealer pursuant to the requirements of the Act, (2) transports regulated scrap metal outside the county from where it was obtained, (3) transports regulated scrap metal across state lines or (4) alters any regulated scrap metal prior to any transaction with a scrap metal dealer. §8
8. **Registration of Scrap Metal Dealers:** KSA 50-6,112b and 50-6,112c are amended effective January 1, 2016, with technical amendments to make the database and AG registration process work. §15-16.
9. **Regulated Metal Definition and Transactions:** KSA 50-6,109, 50-6,110, 50-6,111, 50-6,112 and 50-6,112a are amended effective July 1, 2015, with technical amendments to make the database and AG registration process work. §12-16. The amendments in §12, 13, and 14 to KSA 50-6,109; 50-6,110; and 50-6,111 make changes to the list of regulated metal and certain persons exempted from some provisions. The big change is the addition of “burnt wire” to the list of items scrap metal dealers generally cannot accept from the public.

NOTICE: The author is not an attorney and nothing in this document should be construed to be legal advice. The intent is to provide a reference document to the new Scrap Metal Theft Reduction Act For interpretation of the new law seek guidance from the Attorney General, your agency legal provider, or your local prosecutor. Always follow your agency’s policy and procedures in applying the law.

Send comments, suggestions, corrections, or additions to ed.klumpp@kslawenforcementinfo.com.

PEER SUPPORT PRIVILEGED COMMUNICATIONS
HB2025§3; 2015 Session Laws, chapter 89

ATTACHMENT D

Effective: July 1, 2015

[READ THE SUMMARY](#)

[READ THE BILL](#)

[READ THE BILL EXPLAINER](#)

I. Who is covered

- a. Emergency Services Providers [§(a)(1) & (2)]
 - (1) Firefighting employees and volunteers [§(a)(1) & (2)]
 - (2) EMS employees and volunteers [§(a)(1) & (2)]
 - (3) Dispatch employees and volunteers [§(a)(1) & (2)]
- b. Law enforcement officers, employees and volunteers [§(a)(4) & (5)]
- c. Peer support teams [§(a)(8)]
 - (1) Group of peer support specialists serving one or more service providers [§(a)(8)]
- d. Peer support specialists [§(a)(7)]
 - (1) Designated by agency, provider, or team leader [§(a)(7)(A)]
 - (2) Lead, moderate or assist in peer support counseling [§(a)(7)(A)]
 - (3) Member of peer support team [§(a)(7)(B)]
 - (4) Trained, covered in broad, general terms [§(a)(7)(C)]

II. What is covered

- a. Peer support counseling sessions by peer support specialist. [§(d)]
- b. Any communication made during a peer support counseling session [§(b)]
- c. Any oral or written information conveyed in or as the result of a peer counseling session [§(b)]
- d. Any communication as in c. above between peer support specialists [§(c)]
- e. Any communication between peer support specialists and EAP supervisors or staff [§(c)]
- f. Any communication between EAP supervisors and EAP staff [§(c)]
- g. Communications includes oral, notes, records, and reports arising from a peer counseling session [§(e)(1)]

III. What limits are on those communications

- a. Confidential [§(b)]
- b. Not to be disclosed by participants of peer counseling session [§(b)]
- c. None of the communications listed in II is subject to the Kansas Open Records Act [§(e)(2)]
- d. Not admissible in any judicial proceeding [§(f)]
- e. Not admissible in any administrative proceeding [§(f)]
- f. Not admissible in any arbitration proceeding [§(f)]
- g. Not admissible in any adjudicatory proceeding (any legal process to resolve a dispute) [§(f)]
- h. Not subject to discovery [§(f)]

IV. What limits apply

- a. Information that is otherwise admissible because knowledge was gained through methods or sources not connected to the peer counseling session. [§(g)]

- V. What information is not subject to the restrictions on release
- a. Suicide threat [§(h)(1)]
 - b. Threat to commit criminal act [§(h)(1)]
 - c. Admission of criminal offense [§(h)(3)]
 - d. Information related to the abuse of spouse, children, or elderly [§(h)(2)]
 - e. Information that is required to be reported by law [§(h)(2)]
 - f. Information provided by a participant receiving counseling who expressly consents to the disclosure; or if the participant is deceased and the spouse, executor or administrator of the estate expressly consents to the disclosure [§(h)(4) & (5)]
 - g. Communications is allowed between peer support specialists, or between peer support specialists and EAP supervisors or EAP staff [§(1)]
 - h. Communications between an EAP and employer regarding fitness for duty [§(j)]

NOTICE: The author is not an attorney and nothing in this document should be construed to be legal advice. The intent is to provide a reference document to the new Public Safety Peer Support Privileged Communications Statute. For interpretation of the new law seek guidance from your agency legal provider. Always follow your agency's policy and procedures in applying the law.

Send comments, suggestions, corrections, or additions to ed.klumpp@kslawenforcementinfo.com.

BANKING LAWS

ATTACHMENT E

SB240; 2015 Session Laws, chapter 38; **Effective July 1, 2015**

[READ THE BILL EXPLAINER](#)

[READ THE BILL SUMMARY](#)

1. §8, creates a new statute: It is a SL8 nonperson felony for a banking officials to alter, destroy, shred, mutilate, conceal, cover up or falsify any record with the intent to impede, obstruct, impair or influence any examination, investigation or proceeding by the banking commissioner.
2. §103, KSA 9-1712: The crime of breaching confidentiality of examination records is amended by adding various conditions and exemptions. The penalty remains the same.
3. §128, KSA 9-2001: The crime of a banking official failing to perform duties is changed from an unclassified misdemeanor to a class A nonperson misdemeanor.
4. §108, KSA 9-1717: The fine for the existing unclassified misdemeanor for a convicted felon serving without written consent of the banking commissioner as a bank officer or employee is raised from \$100/day to \$1000/day.
5. §129, KSA 9-2002: The SL8 nonperson felony of a bank official making a false report, statement or entry in official records is amended by including all bank employees and including acts recorded electronically.
6. §130, KSA 9-2004: The crime of perjury by a bank official falsely swearing or affirming to an oath or affirmation is expanded to include directors and agents of a bank and the special sentencing provisions are removed.
7. §131, KSA 9-2005: Changes the penalty from an unclassified misdemeanor to an A nonperson misdemeanor for the existing violation of a bank commissioner or deputy commissioner who violates provisions of the banking code, permits banks to violate the banking code, makes a false statement, or otherwise commits misconduct or corruption.
8. §132, KSA 9-2006: Contains a crime of a bank official who authority has been revoked to continue to conduct business and the penalty is changed from an unclassified misdemeanor to a SL8 nonperson felony.
9. §133, KSA 9-2007: Changes the penalty from an unclassified misdemeanor to an A nonperson misdemeanor for the crime of a receiver of an insolvent bank or trust company failing to follow the banking code.
10. §134, KSA 9-2008: Classifies the existing misdemeanor as an A nonperson misdemeanor for a bank employee improperly authorizing payment when deposits aren't available.
11. §135, KSA 9-2010: The crime of accepting deposits by an insolvent bank is changed from a non-grid felony to a SL8 nonperson felony and the elements of the crime are expanded to include any bank employee or agent.
12. §136, KSA 9-2011: Operating a bank without bank commission authority is changed from an unclassified misdemeanor to a class A nonperson misdemeanor.
13. §137, KSA 9-2012: Significant rewrite of the elements of the crime of embezzlement or intent to injure or defraud. Penalty is unchanged.
14. §138, KSA 9-2013: The crime of a bank official offering or soliciting anything of value is amended by removing the requirement to act "corruptly." The penalty has the added provision of being "nonperson" but remains a class A misdemeanor.
15. §140, KSA 9-2016: The penalty for the crime of unlawfully transacting banking or trust business is changed from an unclassified misdemeanor to a class B nonperson misdemeanor.

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REFERENCES:

Updates to this document will be available on: [KS Law Enforcement Information Website](http://www.kslawenforcementinfo.com/2015-session.html)
<http://www.kslawenforcementinfo.com/2015-session.html>

Kansas Legislature, Legislative Research publishes a summary of all 2015 legislation is located at: <http://www.kslegresearch.org/>

Kansas Legislature, [Bill Locator and Index end of 2015 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

Available at a later date:

In the fall, the Revisor's Office will publish a listing of new statutes created by the 2015 legislature. They will post it on their website at <http://www.ksrevisor.org/> with the link in the list of reports located just under the picture of the capital dome on the right side of their main page.

In July the 2015 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.html

A list of Session Law Chapter Numbers is currently available on the Kansas Secretary of State's session law web site:

http://www.kssos.org/pubs/sessionlaws/2015/2015_Bill_Chapter_List.xlsx

To read the text of a bill go to: <http://www.kslegislature.org/li/> and click on "Find Bill" just to the 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 2015 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 just under the top banner. When it says "2015 Statute" you will know they have been updated.

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

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

ABC: <http://www.ksrevenue.org/abc.html>

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eklumpp@cox.net or by calling (785)640-1102

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