

1. **MISSING PERSONS:** The law has changed on accepting reports or missing persons. It would be wise to review your policy, or create a policy if you don't have one, on missing persons. I suggest the following minimal points for an agency policy to address the new laws: a) No waiting period; b) accepting reports for occurrences in other jurisdictions, including the forwarding of those reports to other law enforcement agencies for investigation; c) the mandate to provide reporting parties with contact information for the National Center for Missing and Exploited Children and the National Center for Missing Adults; d) investigation of reports received from other law enforcement agencies; e) investigative direction for cases within your agency's jurisdiction; f) determination whether the case is a "High Risk" missing person; g) mandatory reporting to the KBI for high risk missing persons; h) assurance that all missing persons are entered into the appropriate law enforcement data bases; i) case clearance procedures, including those initially reported to other agencies and those forwarded to other agencies; and j) handling of missing person cases still active after 30 days.
[SB118](#)§1 and 2 (2013 Session Laws, chapter 43) [Read the bill explainer](#). Read the [bill summary](#). Effective July 1, 2013.
2. **SEARCH WARRANTS:** Significant changes are made in search warrant statutes. New provisions are added for search warrants for tracking devices. Those changes are pretty straight forward. But there is also language added to allow for "anticipatory search warrants" for crimes "about to be committed." This section needs a great deal of local legal scrutiny from legal advisors and prosecutors to provide guidance to law enforcement.
[HB2017](#)§2 and 3 (2013 Session Laws, chapter 118) [Read the bill explainer](#). Read the [bill summary](#). (Effective July 1, 2013.)
3. **HUMAN TRAFFICKING:** Effective January 1, 2014, the new human trafficking laws mandate law enforcement officers take juveniles into custody if they have reason to believe the juvenile is a victim of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child. These juveniles cannot be locked up. Effective January 1, 2014, those juveniles are to be turned over to facilities operated by the Department of Children and Families to be held in a new type of facility called a "staff secure facility." It is unclear exactly how this will work or what role juvenile intake will have in this process. Interactions and planning with juvenile intake and other local resources may be advantageous between now and the first of the year.
[HB2034](#); (2013 Session Laws, chapter 120) [Read the bill explainer](#). Read the [bill summary](#). Most provisions effective July 1, 2013. Some provisions for "staff secure facilities" are effective January 1, 2014.
4. **PROSTITUTION LAWS:** The term "prostitution" is out in Kansas. It is now "Sale of Sexual Relations." The crime of "promoting prostitution" (the pimps) is now a felony if the seller of the sexual relations is an adult. (If they are under 18 the new Human Trafficking Laws cover it.) The crime of buying sexual relations (the Johns) is now a class A misdemeanor with a minimum \$2500 fine. \$2500 of the fine must go to the state even if it is a municipal court case. Second and subsequent offenses are always a felony. This may require changes to your local ordinances unless you are using the Kansas League of Municipalities Uniform Public Offense Code.
[HB2034](#)§ 16 through 19; (2013 Session Laws, chapter 120) [Read the bill explainer](#). Read the [bill summary](#). Effective July 1, 2013.
5. **DISCHARGE OF FIREARM IN CITY:** There is now a state law on discharging a firearm in or into any incorporated city. This new law has some exceptions. This will most likely require amendments to local ordinances if you are not using the Kansas League of Municipalities Uniform Public Offense Code. There is also a provision for permits issued by Chiefs of Police or by Sheriffs if the city has no police department.
[HB2052](#)§1; (2013 Session Laws, chapter 105) [Read the bill explainer](#). Read the [bill summary](#). Effective July 1, 2013.

6. **IDENTITY THEFT AND IDENTITY FRAUD:** The crimes of identity theft and identity fraud have been declared to be subject to civil action under the consumer protection act. Consideration should be given to include in operational procedures that appropriate cases are referred to the Attorney General's Consumer Protection Division, as well as pursuing criminal sanctions. [HB2081](#)§6; (2013 Session Laws, chapter 25) [Read the bill explainer](#). Read the [bill summary](#). Effective July 1, 2013.
7. **HEALTH INSURANCE FOR FALLEN OFFICERS:** A new law requires the employer of any law enforcement officer killed in the line of duty to pay the premiums through the COBRA period for any family health insurance in place with the employer at the time of death. [HB2339](#)§2 and 3; (2013 Session Laws, chapter 109) [Read the bill explainer](#). Read the [bill summary](#). Effective July 1, 2013.
8. **FIREWORKS—SEIZURE OF BOTTLE ROCKETS:** A new law authorizes law enforcement officers to seize bottle rockets that are not legally possessed. However, the law requires any actions by the owner to recover that property and any order to destroy the bottle rockets to be addressed by the State Fire Marshal. No clear policy is in place yet on exactly how this will work. [HB2167](#)§1-7; (2013 Session Laws, chapter 108) [Read the bill explainer](#). Read the [bill summary](#). Effective April 25, 2013.
9. **CONCEALED CARRY RECORDS CONFIDENTIALITY:** It is a class A misdemeanor to release the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information relating to a person's CCH permit, a CCH application, or CCH training record used to obtain the permit. This will apply to releasing that information by officers obtained through the DMV records or KCJIS records. [HB2052](#)§6 and 8; (2013 Session Laws, chapter 105) [Read the bill explainer](#). Read the [bill summary](#). Effective July 1, 2013. Also see [SB246](#)§18; (2013 Session Laws, chapter ???)
10. **SALARY WITHHOLDING:** The laws on salary withholding were amended with a finite list of what can be deducted by the employer and stating the resulting check must always be at least as much as minimum wage. It is also forbidden for public employers to deduct Political Action Committee (PAC) donations from employees' wages. [HB2022](#)§4 (2013 Session Laws, chapter 6) [Read the bill explainer](#). Read the [bill summary](#). Effective July 1, 2013.
11. **WORK COMP:** A slight change in reporting injuries to the employer has been made. For repetitive motion injuries the employee must report the injury to the employer within 20 days of the injury. If an employee leaves employment, any injury must be reported within 10 days of the last day of employment. [SB187](#); (2013 Session Laws, chapter 104) [Read the bill explainer](#). Read the [bill summary](#). Effective April 25, 2013.
12. **CONCEALED CARRY—HOLDING WEAPONS DURING STOP:** This is not an issue that resulted in legislation, but it is an issue that several legislators contacted me directly about and voiced a concern. The scenario seems to be an officer stops a person for a traffic violation or other legal reason and learns the person is a CCH permit holder. Upon learning they are carrying or have a firearm within their immediate possession, some officers are taking the gun from the permit holder and returning it at the end of the stop. These legislators are questioning the legality of doing that. It might be a good topic to discuss with your legal advisors or other attorneys your agency uses.

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 with your agency attorney or local prosecutors.**

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