



Five Things from the 2020 Kansas Legislative Session Every Law Enforcement Officer Should Know

Presented by Kansas Association of Chiefs of Police; Kansas Sheriffs Association; Kansas Peace Officers Association

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Updated statutes are available on or after the effective date of the amendments at either <http://kansasleo.com/statutes.htm> or <http://www.kscoplav.com/thelawpage.htm> . Statutes on the state website are not updated until sometime in the fall.

- 1. Emergency Management Act-Violations:** Prior to the COVID-19/Emergency Management Act bill (Special Session HB2016) becoming effective on June 9, 2020, violations of orders issued under the Emergency Management Act was an A misdemeanor. This includes any order or proclamation issued under the Emergency Management Act Pursuant to a state of disaster emergency under either KSA 48-924 (State Order) or KSA 48-932 (Local Order). Affected orders include those issued under the Emergency Management Act by the Governor, state health officials, by regulations of the Adjutant General, and in some cases local orders of the governing body or local health officer. Effective June 9, 2020, the law was changed and all violations under KSA48-939 are now civil violations with a fine of up to \$2500 per violation. These civil violations may be prosecuted by the local County/District Attorney or by the Attorney General. The law also authorizes the County/District Attorney or the Attorney General to seek an order to enjoin or a restraining order directing a person or business from disobeying an order. Violations of those court orders are handled as contempt of court cases.

What does this mean for law enforcement? 1) No arrest and no citation for violations of the Emergency Management Act and related orders; 2) Educate the offender and seek compliance; 3) Submit report to local prosecutor for possible legal action, take no enforcement action on your own; 4) If legal action is filed it will be initiated like any civil case, not an arrest warrant. This is an amendment to KSA 48-939. See details in section 36, on page 37 of [HB2016](#).

- 2. Court Deadlines and Use of Electronic Appearance:** A major concern for the courts facing a COVID-19 related shutdown was how it would impact the speedy trial laws and required court appearances such as timely arraignments and other matters. To address this concern the legislature passed a new law allowing the Supreme Court to extend or suspend court deadlines or time limitations for up to 150 days after a state disaster emergency proclamation is terminated when necessary to secure health and safety of court users, staff and judicial officers. The Supreme Court is authorized to use two-way electronic audio-visual communications in any court proceeding when necessary to secure the health and safety of court users, staff and judicial officers. SB102, effective 3/19/20. New statute ins section 1 expires March 31, 2021. Also amends KSA 22-3402 and 60-206, which have no expiration date. Section 1 was later amended by section 24, on page 13 of Special Session [HB2016](#), but not on this topic.
- 3. Quarantine Information to be Shared with First Responders:** During a COVID-19 public health emergency, each county health officer is required to work with first responder agencies operating in the county to establish a method to share information indicating where a person testing positive for COVID or under quarantine or isolation for COVID resides or can be expected to be present. Information includes the address of such location and the duration of the quarantine, isolation, or recovery period. The information will only be used for alerting the first responders of the need to take precautions during the response activity. The information will be provided by the county health officer to the 911 center and the 911 center will disseminate the information to first responders responding to the address. The information shall not be made public and is not subject to open records. This is a new statute. See details in section 18, on page 8 of [HB2016](#).
- 4. Scrap Metal Theft Reduction Act:** As of July 1, the KBI database for reporting scrap metal sales is operational and scrap metal dealers are required to submit sales data and all scrap metal dealers are also required to register with the Kansas Attorney General. These actions are taken to provide law enforcement an investigative tool to locate stolen metal and to monitor for suspicious activity related to metal thefts. This is similar to successes we have seen utilizing pawn shop databases at the local level. The database will be accessible to law enforcement officers through the KCJIS system. **LE must use this**

tool or we will likely lose this ability when the law is reviewed in 2023 to determine if it is effective.

Additional information may be available at the scrap dealer, which they are required to share with law enforcement. See [KSA 50-6,111](#) subsection (a). The scrap metal dealer must retain the scrap metal for 30 days upon request for law enforcement. See [KSA 50-6,111](#) subsection (e).

- 5. Curbside Sales of Alcohol to Go:** This is temporary law as part of the COVID response. It allows legal patrons of licensed class A clubs, class B clubs, and drinking establishments to remove containers of alcoholic liquor from the premises if the following conditions are met. 1) It must be legal for the licensee to sell the alcoholic liquor; 2) Each container of alcoholic liquor must have been purchased by a patron on the licensed premises; 3) The licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor; and 4) Before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must place the container in a transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened. The changes do not amend or exempt other laws such as open container in a vehicle or consumption in public. It does not include delivery services. This is an amendment to KSA 41-2653. See details in section 26, on page 15 of [HB2016](#). This provision expires January 21, 2021.

NON-LEGISLATIVE INFORMATION:

New Human Trafficking Protocol Amendments: An updated law enforcement protocol for handling juvenile human trafficking victims was approved late in 2019. The main change is the KBI becoming the contact point to initiate the request for an immediate response assessment (formerly the rapid response). These assessments are required by law for any child reasonably believed to be a victim of human trafficking unless the child is placed directly into a staff secured facility. This notice to the KBI is required by law and can be made 24 hours a day, seven days a week. The KBI contact is the intelligence unit, and the hope is to also share intelligence information about suspected human trafficking cases between the KBI and local law enforcement. Such information sharing is critical to identifying common factors in multiple human trafficking cases and tying related cases together from different local jurisdictions. See the [new protocol at this link](#).

Vehicle Registration and DL Renewal Deadlines: To accommodate those who due to local county treasurer office closures cannot renew their registration or register a recently purchased vehicle, extensions were established by Executive Order 20-12. New extensions will likely be implemented but were not available at the time of this writing. Those provisions for registration provide for an extension to 60-days after expiration of the emergency proclamation ends for all 60-day tags issued on or after January 1, 2020. The registration provisions for registration renewals alleviates the penalties and late fees but does not address operating with an expired registration. However, good practice would be to not enforce expired registration requiring renewal during March or later, until further direction is provided from the state.

Similar provisions were made in Executive Order 20-12 for renewals of driver's licenses due to the closure of motor vehicle stations around the state. Those provisions provide an extension for a driver's license renewal to 60-days after expiration of the emergency proclamation ends. This applies to any driver's license expiring on or after March 12.

The author of this document is not an attorney, and this is not legal advice. It is a summary of legislation passed in the 2020 Kansas legislative session and based on explanations, observations, and studies of the bill and related documents.

Always follow your agency policies and utilize your agency protocol to refer to your local prosecutors and agency attorneys for legal interpretations and application of statutes and case law.