



Twelve Things from the 2021 Kansas Legislative Session Every Law Enforcement Officer Should Know

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

June 18, 2021

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

1. Firearms-Felon in Possession/Restoration of Rights:

A provision was added to law for a convicted felon to have their right to possess firearms restored by having their prohibiting conviction expunged. Past expungements are included. Future expungements have an additional factor the courts must consider: Whether restoration of firearm rights to the defendant poses a risk to public safety. But this new court consideration will not apply to past expungements.

In the process of making the restoration of rights amendments, there were also amendments to the length of time a prohibition exists and when the clock starts on those time periods. The 10-year prohibitions are now 8-years, and the 5-year prohibitions are now 3-years. But the clock starts at the end of completion of sentence (end of prison, probation, parole, whichever is later) rather than time of conviction or release from prison. In most cases the prohibition period will be the same or longer.

See a [chart at this link](#) of all the changes made in the felon in possession statute.

[HB2058 \(2021 SL Ch 94\) §2, 4, 6](#), Amending KSA 21-6301, 21-6304, and 21-6614. [Bill Summary](#).

Effective 7/1/21.

2. Firearms-CCH Permits-Reciprocity and Lower Minimum Age:

A new level of CCH license is created called a “provisional” license. It has the same standards to obtain (required training, criminal history check, etc.) but is for persons ages 18, 19 or 20. A person with the “provisional permit” is allowed to carry a concealed handgun.

A valid license or permit to carry a concealed firearm issued by another jurisdiction is recognized in Kansas, but only while the holder is not a resident of Kansas and only entitles the lawful holder to carry concealed handguns in accordance with the laws of Kansas while such holder is present in this state.

[HB2058 \(2021 SL Ch 94\) §1, 2, 3, 5, 7, 8, 9, 10, 12, 13](#), Amending KSA 21-5914, 21-6301, 21-6302, 21-6304, 21-6309, 32-1002, 75-7c02, 75-7c03, 75-7c08, and 75-7c21. [Bill Summary](#). Effective 7/1/21.

3. Sexual Extortion:

A new SL4 or SL7 person felony crime is created for Sexual Extortion. The crime covers actions with intent to coerce or actually causing another person to (A) Engage in sexual contact, sexual intercourse or conduct that is of a sexual nature; or (B) produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature.

[SB60 \(2021 SL Ch 103\) §1](#), New statute. [Bill Summary](#). Effective 7/1/21.

4. Sexual Battery:

The sexual battery and aggravated sexual battery statutes are amended to remove the exception from the crime for when the defendant is a spouse of the victim.

[SB60 \(2021 SL Ch 103\) §5](#), Amends KSA 21-5505. [Bill Summary](#). Effective 7/1/21.

5. Auto Theft:

Several statute changes were made attempting to aid in reduction and prosecution of auto theft crimes. Attempting to elude law enforcement while driving a stolen motor vehicle is added to the list of acts creating a prima facie case of intent to permanently deprive the owner of the motor vehicle and to the list of acts that make attempting to elude a felony. A minimum fine of \$500 is established for attempting to elude in a stolen motor vehicle.

[SB60 \(2021 SL Ch 103\) §3, 6](#), KSA 8-1568 and 21-5804. [Bill Summary](#). Effective 7/1/21.

6. Attempt to Elude:

A more severe level of felony (SL7 person felony) is created within the attempt to elude statute when a driver, in the course of attempting to elude law enforcement commits any of the following acts: drives the wrong way into an opposing lane of travel on a divided highway; departs the appropriate lane of travel into an opposing lane of travel on any roadway causing an evasive maneuver by another driver; drives through any intersection causing an evasive maneuver by another driver; or causes a collision involving another driver.

[SB60 \(2021 SL Ch 103\) §3](#), KSA 8-1568. [Bill Summary](#). Effective 7/1/21.

7. Child Abuse or Neglect Investigations

When law enforcement is investigating a report of child abuse or neglect a member of the agency, or their designee, is required to visually observe the victim and to document the observation in their report. If the investigation is a joint law enforcement and DCF investigation, both agencies are required to visually observe the child.

[HB2158 \(2021 SL Ch 111\) §3](#) Amending KSA 38-2226. [Bill Summary](#). Effective 6/3/21.

8. Officer Exposure to Body Fluids, Court Ordered Testing:

Prior law already authorized court ordered testing, but the testing was limited to only HIV and Hepatitis B. The revised law only expands the list of infectious diseases to include those already identified in a KDHE regulation as exposure risks for medical and first responder personnel. These tests can be ordered by the court for exposure to victims and others as well. The law is also amended to require the court to order the defendant to be tested at first appearance if it “appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved” and one of the following conditions exist:

- a. The victim of the crime or the county or district attorney requests the court to order such tests of the alleged offender; or
- b. Such person stated they had an infectious disease or were infected with an infectious disease, or used words of like effect, to the law enforcement officer making such arrest.

[HB2224 \(2021 SL Ch 112\) §1, 2](#), amending KSA 65-6001 and 65-6009. [Bill Summary](#). Effective 7/1/21.

9. Emergency Management Act-Violations:

During the COVID-19 crisis, the 2020 legislature amended the Kansas Emergency Management Act by making all violations of orders issued under the act as civil violations. While this change made sense for COVID related orders, it was detrimental to the law enforcement objectives in other, much more common, emergencies. In the 2021 session legislation was passed to restore the Class A misdemeanor violations for orders on curfews or restrictions of entry into designated geographic areas. All other violations remain a civil violation. This applies to Emergency Orders (Executive Orders issued under declared emergency) issued by the state or local authorities.

[SB40 \(2021 SL Ch 7\) §9](#), pages 10-11, amending KSA 48-939. [Bill Summary](#). Effective 3/25/21.

10. Alcohol Laws [See an ABC memo summarizing the 2021 liquor law changes at this link.](#)

To Go Alcoholic Beverages: Alcoholic liquor (including mixed drinks) or CMB may be sold for off premise consumption by drinking establishments, class A clubs, and class B clubs provided they are otherwise allowed to sell alcoholic beverages or CMB. This includes drive through and curbside food services with a drinking establishment license. It excludes those under any other license or permit such as caterers, temporary permits or special permits. All of the following are required:

- Each container of alcoholic liquor or cereal malt beverage must have been purchased by a patron of the licensed premises
- All to-go containers of alcoholic beverage or CMB must be sealed or resealed and placed in a clear, tamper-proof bag.
- A dated receipt must be given to the patron.
- No original unopened containers of spirits may be removed from the licensed premises.
- No alcoholic liquor or cereal malt beverage may be removed from the licensed premises after 11:00 p.m. unless such alcoholic liquor is wine that was purchased and partially consumed on the licensed premises.

[HB2137 \(2021 SL Ch 107\) §32](#), KSA 41-2653. [Bill Summary](#). Effective 5/27/21.

Growler (An industry term for a “refillable and sealable container” provided by the customer): Retail liquor stores, drinking establishments, class A clubs and class B clubs may sell and refill a growler of beer, domestic beer and CMB, but growlers may not be sold or removed from the premises after 11 PM. The containers must be not less than 32 ounces and not more than 64 ounces and labeled with the licensee’s name and type of beer or CMB in the container.

[HB2137 \(2021 SL Ch 107\) §3, 5, 32](#), KSA 41-308, 41-308b, 41-2653. [Bill Summary](#). Effective 5/27/21.

Sunday Sales: Retail liquor stores and CMB Retailers may begin sales as early as 9 AM on Sunday (was noon). This does not apply to counties that have not authorized Sunday sales. To allow the earlier times, the city or county must modify their existing ordinances or resolutions to establish the earlier time allowed.

[HB2137 \(2021 SL Ch 107\) §11, 37, 38](#), KSA 41-712, 41-2704, 41-2911. [Bill Summary](#). Effective 5/27/21.

Holiday Sales: Sale of alcoholic liquor by retail liquor stores is allowed on Memorial Day, Labor Day and Independence Day in all jurisdictions, including those that have not approved Sunday sales. If Independence Day falls on a Sunday, sales would not be permitted in those jurisdictions that have not expanded sales to Sunday.

[HB2137 \(2021 SL Ch 107\) §11, 38](#), KSA 41-712, 41-2911. [Bill Summary](#). Effective 5/27/21.

Class A Clubs: Class A Clubs may enter into a contract with non-members to host an event. The Class A Club must notify the ABC at least 48 hours before the event and the ABC must make the notification available to local law enforcement. This will be accomplished by posting the notice on the ABC website: <https://www.kdor.ks.gov/apps/liquorlicensee/>.

[HB2137 \(2021 SL Ch 107\) §27](#), KSA 41-2637. [Bill Summary](#). Effective 5/27/21.

CMB Sales: CMB may be purchased, consumed, or sold in drinking establishments, caterer services, class A clubs, class B clubs and public venues or at temporary permit venues. This does not require additional licensing.

[HB2137 \(2021 SL Ch 107\)](#). [Bill Summary](#). Effective 5/27/21.

11. THC Content in products:

CBD oils and other products manufactured from hemp (not marijuana) may contain up to 0.3% THC. This is total content for all THC types combined. Past law did not clearly address this leading to multiple interpretations. This amendment clarifies such products can contain small amounts of THC not exceeding 0.3%. Anything over that remains a violation of the THC laws in KSA 21-5706 and KSA 65-4105 (h). Section 3 of the bill (amending KSA 2-3901).

[HB2244 \(2021 SL Ch 76\) §3](#), Amending KSA 2-3901. [Bill Summary](#). Effective 7/1/21.

12. Traffic Laws:

a. Dump trucks are now required to display their license plates on the front of the truck and cement mixer trucks can display their license plate either on the front or the back of the vehicle.

[HB2167 \(2021 SL Ch 50\)](#), amending KSA 8-133. [Bill Summary](#). Effective 7/1/21.

b. Funeral processions are now provided right-of-way by statute, however, a violation of that right-of-way is not a citable violation.

[SB67 \(2021 SL Ch 71\) §1-4](#), new statutes. [Bill Summary](#). Effective 7/1/21.

c. The “move over” laws now also apply to utility vehicles (gas service, water service, electrical service, cable service, telecommunications service, etc.).

[SB67 \(2021 SL Ch 71\) §5-6](#), new statute and amending KSA 8-2118. [Bill Summary](#). Effective 7/1/21.

NOTE: If this document has been printed making the internal links unavailable, you can locate the bills and summaries at: http://www.kslegislature.org/li/b2021_22/measures/bills/ Enter only the bill number (leave off the SB or HB).

The author of this document is not an attorney and this document is not legal advice. It is a summary of legislation passed in the 2021 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.