

KACP Guide To 2024 Kansas Legislation Impacting Law Enforcement

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This document summarizes legislation impacting law enforcement passed by the 2024 legislature and 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.**

Additional documents available at: www.KsLawEnforcementInfo.com/2024-session.html

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UPDATED STATUTES

Available July 1, 2024, with current changes at:

<http://kansasleo.com/statutes.htm>

Official State website not updated until official publication of statutes later in the year.

<http://www.ksrevisor.org/ksa.html>

Errata Table

Version	Date	Correction
1.0	6/18/2024	Original Document

Criminal Law

Breach of Privacy

The Breach of Privacy statute is amended by removing the requirement that a recording device be “concealed” or a recording be done “secretly” in violation of the statute. It is a violation to record a person under or through the victim’s clothing or who is nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by the person being recorded, without the consent or knowledge of the person being recorded and with intent to invade the privacy of the victim, under circumstances in which that other person has a reasonable expectation of privacy.

[SB414 \(2024 SL Ch 96\) §5](#). Amending KSA 21-6101. [Bill Summary](#). Effective 7/1/24.

Canines and Other Law Enforcement Service Animals

The crime of inflicting harm, disability, or death to certain law enforcement animals now includes police horses. Penalties are increased for inflicting harm that results in disability or death to law enforcement service animals, and the restitution is available for the cost of medical care of the animal, burial of the animal, and replacement of the animal.

The only change to the elements of the crime is the addition of horses to the list of covered law enforcement service animals.

Penalties are the major change. If the service animal is injured but not disabled or killed, the penalty remains an unclassified (nongrid) nonperson felony with a minimum 30-days and up to one year of incarceration and a fine of not less the \$500 nor more than \$5,000.

The new penalties include:

- The penalty for inflicting an injury resulting in the disability or death of the law enforcement service animal is a SL4 nonperson felony.
- The penalty for inflicting an injury resulting in the disability or death of the law enforcement service animal in the course of interfering with, fleeing from, or escaping custody from a law enforcement officer is a SL3 nonperson felony.
- Each new penalty also requires the person to serve at least 90 days incarceration prior to any probation; pay a fine of not less than \$10,000; to pay restitution for any medical costs, reasonable funeral and burial costs, and replacement cost of the animal. Replacement costs include all training related costs in addition to the cost of procuring the replacement animal.

[HB2583 \(2024 SL Ch 92\)](#). Amending KSA 21-6416 & 21-6604. [Bill Summary](#). Effective 7/1/24.

Coercion to Obtain an Abortion

The crime of coercion to obtain an abortion is engaging in coercion with both the knowledge a woman is pregnant and the intent to compel such woman to obtain an abortion when such woman has expressed her desire to not obtain an abortion.

For the purposes of this statute, “coercion” is defined in the amended statute as: 1)

Threatening to harm or physically restrain an individual or the creation or execution of any scheme, plan, or pattern intended to cause an individual to believe that failure to perform an act would result in financial harm to, or physical restraint of, an individual; 2) abusing or threatening abuse of the legal system including threats of arrest or deportation without

regard to whether the individual being threatened is subject to arrest or deportation under state or federal law; 3) knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document from an individual without regard to whether the documents are fraudulent or fraudulently obtained; OR 4) Facilitating or controlling an individual's access to a controlled substance, as defined in public health law, and amendments thereto, other than for legitimate medical purpose.

Also for the purposes of this statute, "Financial harm" is defined as any of the following: 1) Any loan, promissory note, or other credit instrument that provides for interest at a rate that is prohibited by state or federal law; 2) any employment contract or other agreement for the payment of wages that violates the Wage Payment Act; 3) extortion as defined in the Kansas Criminal Code; OR 4) any other adverse financial consequence.

The penalty is a nongrid felony with a base sentence of not less than 30 days nor more than 1 year imprisonment and a fine of not less than \$500 and not more than \$5,000. The penalty is raised to not less than 90 days in jail and not less than 1 year imprisonment and a fine of not less than \$1,000 nor more than \$10,000 if: 1) The offense was committed by the father or putative father of the unborn child and the father is 18 years of age or older at the time of the offense; AND 2) the offense is committed against a pregnant woman who is under the age of 18.

In addition, if the coercion involved committing a SL2 through SL10 felony in a list of 24 criminal acts listed in KSA 21-6804 (section 2, subsection (bb) of the bill) the sentence for those crimes is increased one level; or if the crime is a SL1 crime the penalty is increased to a life sentence with no parole for 25 years.

[HB2436 \(2024 SL Ch 91\) §1 & 21](#), New law and amending KSA 21-6804. [Bill Summary](#). Effective 7/1/24.

Encouraging Suicide

"Encouraging suicide" is knowingly encouraging a person to commit or attempt to commit suicide if the offender 1) knows the other person has communicated a desire to commit suicide; 2) the encouraging action is made proximate in time to the other person committing or attempting to commit suicide; AND 3) the encouraging action substantially influences the other person's decision or methods used to commit or attempt to commit suicide.

"Attempt to commit suicide" is defined as any physical action done by a person with the intent to commit suicide.

"Encouraging a person to commit or attempt to commit suicide" as oral, written, or visual communication that is persuasive or intended to be persuasive and that gives advice to commit suicide, attempt to commit suicide, or develop a plan to commit suicide.

Encouraging suicide is a SL5 person felony if the other person attempts to commit suicide, and a SL4 person felony if the other person commits suicide.

[HB2144 \(2024 SL Ch 86\) §1](#), New statute, [Bill Summary](#). Effective 7/1/24.

Endangering A Child

The Endangering a Child statute is amended by adding fentanyl-related controlled

substance to methamphetamine in existing law that is an element for aggravated endangering a child if the child is allowed to be in an environment where the person knows or should have known any person is distributing, possessing with intent to distribute, or manufacturing methamphetamine or any fentanyl-related controlled substance. It also changes the elements of aggravated endangering a child to include allowing a child to be in an environment where any drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing fentanyl-related controlled substance (continuing law already has this for methamphetamine).

The bill also provides a new sentencing level of a SL6 person crime in all cases of aggravated endangering a child if the child suffers bodily harm as a result the endangering act.

[SB414 \(2024 SL Ch 96\) §3](#). Amending KSA 21-5601. [Bill Summary](#). Effective 7/1/24.

Farm Animal and Field Crop and Research Facilities Protection Act Amendments-Prohibited Acts and Criminal Penalties

Prohibits a person from entering or remaining upon or in any animal facility or field crop production area of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state, or local government entity without the consent of the owner. “Animal facility” includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale. (See definition in KSA 47-1826, as amended in section 2 of the bill.)

The prohibition includes flying an aircraft (including a drone) directly above the animal facility or production area below the minimum safe altitude, as defined in [14 CFR § 91.119 \(c\)](#). (Generally 500 feet.) The term aircraft means “a device that is used or intended to be used for flight in the air” as defined in section 2 of the bill and [14 CFR § 1.1](#).

Prohibits a person from knowingly making false statements on an employment application in order to gain access to an animal facility or field crop production area of a product development program in conjunction or coordinating with a private research facility, a university, or any federal, state, or governmental agency.

Violations for damaging property as provided in existing law in subsections (a)(1) or (b)(1) is unchanged, and is a class A misdemeanor if damage is \$1,000 or less; a SL9 nonperson felony if damage to property is greater than \$1,000 and less than \$25,000; or a SL7 nonperson felony if damage to property is greater than \$25,000. Violations of the new provisions entering or remaining as defined in subsections (a)(2) or (b)(2) is an A misdemeanor. Violations of false information in an employment application, subsection (a)(3) or (b)(3). is a class B misdemeanor.

An exemption is provided for “lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law.” See Section 3, subsection (d) of the bill.

[HB2047 \(2024 SL Ch 109\) §2-4](#), KSA 47-1826 and 47-1827. [Bill Summary](#). Effective 7/1/24.

Organized Retail Crime

A new “organized retail crime” is created. Any of the following acts is a violation:

- Acting with one or more other persons to receive, purchase, sell, or possess merchandise with an aggregate retail market value of \$5,000 or more within a 12-month period, knowing or believing such merchandise to have been stolen;
- Taking merchandise with an aggregate retail market value of \$5,000 or more from multiple retailers within a 12-month period, as part of an organized plan to commit theft; or
- Recruiting, coordinating, organizing, supervising, directing, managing, or financing other persons to undertake any of the above-mentioned actions.

If the aggregate value is at least \$5,000 but less than \$25,000 it is a SL6 nonperson felony; an aggregate value of at least \$25,000 but less than \$100,000 it is a SL 5 nonperson felony; and an aggravated value of \$100,000 or more is a SL4 nonperson felony. Aggregate value is based on the normal retail price of the merchandise.

The crime may be prosecuted in any county in which at least \$1 of the aggregate value was taken, received, stolen or purchased. The attorney general’s prosecution authority is expanded to include a violation of the new law or any crime related to the conduct of the new crime. The AG already had prosecution authority for theft and RICO violations.

A violation of this law is included in the laws for the Kansas Racketeer Influenced Corrupt Organization Act (RICO).

[HB2144 \(2024 SL Ch 86\) §2-4](#). New statute and Amending KSA 21-6328 and 75-702, [Bill Summary](#). Effective 7/1/24.

Criminal Procedure

Appearance Bonds

New provisions in the law are created relating to appearance bonds issued by a compensated surety. The charge by the bond agent must be at least 10% of the bond amount, of which 50% must be paid at time bond is posted. It is also required that the bond agent be physically present when and where the bond is posted and signed.

The limits on bonds based on property value used as the bond collateral is now based on the amount of bonds issued statewide and not based only on bonds issued in each county.

The law also enhances the background check for bond agents and the court's oversight of bond agents and causes for termination or suspension of the agent's authorization to post bonds.

[SB473 \(2024 SL Ch 87\)§3](#). Amending KSA 22-2809b. [Bill Summary](#). Effective 7/1/24.

Fingerprinting of Persons Convicted of Certain Municipal Class A or B Misdemeanors

The statute requiring fingerprinting of persons convicted of class A or B misdemeanors is amended to exempt from the requirement those convicted of municipal ordinance violations prohibited by KSA 8-235 (driving without a license or driving a class of vehicle not included in the person driver's license) and 40-3104 (driving without liability insurance).

[SB414 \(2024 SL Ch 96\) §1](#). Amending KSA 12-4517. [Bill Summary](#). Effective 7/1/24.

Notice to Appear/Complaint Allowed for Certain Misdemeanors in District Court

The law is revised to allow law enforcement to use a Notice to Appear/Complaint form for any unclassified or nonperson misdemeanor in district court. A requirement is included for a memo of agreement between the County or District Attorney and the law enforcement agency before using the NTA/Complaint form. This allows for the details of the form and the process of providing adequate reports to the County/District Attorney in cases where the NTA/Complaint form is used. The NTA must comply with the memo of agreement and existing law on the content requirements.

[SB473 \(2024 SL Ch 87\)§1-2](#). Amending KSA 22-2202 & 22-2408. [Bill Summary](#). Effective 7/1/24.

Presumptions and Inferences, Rules of Evidence

New provisions are added to the Rules of Evidence regarding how presumptions or inferences operate. In criminal cases, presumptions or inferences, including those in which certain facts are evidence of another fact or of guilt, are allowable. New law clarifies that a judge may reject any presumption or inference, and the judge is prohibited from instructing the jury they must accept a fact against the defendant. A judge is allowed to include instructions on presumptions or inferences only if the presumption or inference is supported by the facts. When an instruction is allowed, it must include: 1)The jury may consider the presumption or inference along with all other evidence in the case; 2) the jury may accept or reject the presumption or inference in determining whether the prosecution has met the burden of proof; and 3) the burden of proof never shifts to the defendant.

In cases of intent to distribute drugs, a rebuttable presumption of an intent to distribute

exists in prior law if a person possesses certain quantities of controlled substances. In the amended law, rebuttable presumption is replaced with “an inference,” if the facts supporting such an inference.

The difference between “rebuttable presumption” and “inference” is found in Black’s Law Dictionary that defines the term “rebuttable presumption” to mean a legal inference or assumption that a fact exists because of the known or proven existence of some other fact or group of facts. The term “permissive inference” is defined to mean a presumption that a trier of fact is free to accept or reject from a given set of facts. This change came about because of concern voiced in past case law about a “rebuttable presumption likely violates the constitution” by shifting the burden of proof from the prosecution to the defendant.

Testimony at hearings on the bill indicated as a practical matter this change in the law is a purely technical law change and doesn’t change the practical process since prosecutors have already been including supporting evidence of distribution, such as, packaging materials, scales, etc.

[SB318 \(2024 SL Ch 98\)](#). Amending KSA 21-5705 & 60-416. [Bill Summary](#). Effective 7/1/24.

Probation and Parole Conditions

The statutory list of conditions the court must consider are made the same for persons on probation, community corrections, parole, or postrelease supervision. The court is permitted to add any condition the court deems appropriate. The conditions the court must consider include, but are not limited to, the following:

- (1) Obey all laws and ordinances and report any law enforcement contact to the defendant's supervision officer within 24 hours after such contact;
- (2) not engage in physical violence or threats of violence of any kind and, if the defendant is being supervised for conviction of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision;
- (3) report to the defendant's supervision officer as directed and be truthful in all matters;
- (4) remain within the state of Kansas or other specified areas as defined by the defendant's supervision officer;
- (5) reside at the defendant's approved residence unless the defendant receives permission from the defendant's supervision officer to relocate and notify the defendant's supervision officer within 24 hours after any emergency changes in residence or contact information;
- (6) not possess, use or distribute any controlled substances except those prescribed by a licensed medical professional;
- (7) not possess or consume any form of alcohol or intoxicating substance or enter any establishment where alcohol is sold or consumed as the primary business;
- (8) submit to any form of alcohol or substance use testing directed by the defendant's supervision officer and not alter or tamper with the specimen or test;
- (9) participate in assessment, treatment, programming and other directives of the court or the defendant's supervision officer;
- (10) be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, community correctional services officer or any

other law enforcement officer based on reasonable suspicion that the defendant violated conditions of probation or engaged in criminal activity; or
(11) refrain from contacting victims unless authorized by the court to contact a victim as part of rehabilitative or therapeutic purposes.

[SB414 \(2024 SL Ch 96\) §6 & 10](#). Amending KSA 21-6607 & 22-3717. [Bill Summary](#). Effective 7/1/24.

Search of Probationer or Parolee

The statutes on search of a probationer or parolee are amended by creating the same search submission conditions for persons on probation, community corrections, parole, or postrelease supervision requiring the person to submit to searches of their person, belongings, vehicle, and property by: 1) A court services officer or community correctional services officer for persons on probation or in community corrections; 2) a parole or corrections officer for persons on parole or postrelease supervision, with or without a warrant or cause, although not for the sole purpose of harassment; or 3) a law enforcement officer based on reasonable suspicion of probation, parole, or postrelease supervision violations or criminal activity. Continuing law provides a law enforcement officer conducting a search of a probationer under these provisions must submit a written report to the person's probation officer when a search is conducted under these provisions. The same requirement is now in place for a person on parole or post release supervision when a law enforcement officer conducts a search under these provisions. The written report, in all cases, must be submitted by the end of the next business day after the search is conducted and must include: 1) The facts leading to the search; 2) the scope of the search; and 3) any findings of the search. The written notice is required regardless of whether the search produced contraband or evidence of a crime or not.

[SB414 \(2024 SL Ch 96\) §6 & 10](#). Amending KSA 21-6607 & 22-3717. [Bill Summary](#). Effective 7/1/24.

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Law Enforcement Procedure

Farm Animal and Field Crop and Research Facilities Protection Act Amendments-Prohibited Acts and Criminal Penalties

Prohibits a person from entering or remaining upon or in any animal facility or field crop production area of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state, or local government entity without the consent of the owner. “Animal facility” includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale. (See definition in KSA 47-1826, as amended in section 2 of the bill.)

The prohibition includes flying an aircraft (including a drone) directly above the animal facility or field crop production area below the minimum safe altitude, as defined in [14 CFR § 91.119 \(c\)](#). (Generally 500 feet.) The term aircraft means “a device that is used or intended to be used for flight in the air” as defined in section 2 of the bill and [14 CFR § 1.1](#).

Prohibits a person from knowingly making false statements on an employment application in order to gain access to an animal facility or field crop production area of a product development program in conjunction or coordinating with a private research facility, a university, or any federal, state, or governmental agency.

An exemption is provided for “lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law. See Section 3, subsection (d) of the bill. From a procedural point of view, officers need to make sure they do not violate these new provisions by assuring proper legal authority (search warrant, exigent circumstances, etc.) when engaging in the otherwise prohibited activities.

Violations of the new provisions entering or remaining as defined in subsections (a)(2) or (b)(2) is a class A misdemeanor. Violations of false information in an employment application, subsection (a)(3) or (b)(3) is a class B misdemeanor.

[HB2047 \(2024 SL Ch 109\) §2 and 3](#). Amending KSA 47-1826 and 47-1827. [Bill Summary](#). Eff. 7/1/24.

Missing Persons With Intellectual or Developmental Disabilities: Purple Alert

A new missing person public alert classification is created called the Purple Alert Plan, similar to the Silver Alert Plan. The alert should be promptly used when a missing person meets the below criteria and conditions indicate the alert may aid in more quickly locating the individual to lower the risk of serious injury or death.

A Purple Alert may be issued for a missing person meeting the following criteria:

- 18 years of age or older;
- Has been diagnosed with an intellectual disability;
- Their whereabouts are unknown;
- Believed to be in imminent danger of serious bodily injury or death because of their disability; and
- Believed to be unable to return to safety without assistance.

The Office of Attorney General and the KBI will develop details of the plan. The alerts will most likely be initiated using the same process used for Silver Alerts.

[HB2531 \(2024 SL Ch 106\)](#), New statute. [Bill Summary](#). Effective 7/1/24.

Peer Support

The term “peer support counseling session” is amended by expanding the reasons a participant may seek a counseling session to include a professional, personal, or social problem, or a difficult life event where peer counseling assistance and guidance would benefit the participant.

Under continuing law, members of law enforcement, emergency services, or the Kansas National Guard may utilize a peer support counseling session to discuss a critical incident or traumatic event. Certain information conveyed in a peer support counseling session by a participant or peer support specialist is considered privileged and may not be disclosed or be considered admissible in judicial, administrative, arbitration, or other adjudicatory proceedings. Exceptions to the privilege are not changed and include certain information related to threats of suicide or criminal acts, information relating to the abuse of persons, admission of criminal conduct, or certain information disclosed with consent.

[HB2557 \(2024 SL Ch 14\)](#) Amending KSA 60-473. [Bill Summary](#). Effective 7/1/2024.

Juveniles

Child Advocate Office

A new Child Advocate Act and the Office of the Child Advocate (OCA) are created. The OCA will be an independent state agency and not under DCF. The OCA is granted access to certain files and records, including law enforcement reports, pertaining to a child subject to proceedings under the CINC laws or the Juvenile Code.

A child covered under the act is defined as a child in DCF custody, alleged to be a child in need of care, or a child who is currently receiving services or treatment through KDOC or has received such services or treatment in the past.

This is a major new tool for law enforcement when faced with obstacles from lack of information, lack of cooperation from state agencies, or when a law enforcement investigation or contact reveals inappropriate action or inaction by a state agency or contractor of a state agency when it can't be resolved with the agency. The bill specifies "The office shall receive and resolve complaints that allege the Kansas department for children and families or an entity contracting with the department, by act or omission, has provided inadequate protection or care of children, failed to protect the physical or mental health, safety or welfare of any child or failed to follow established laws, rules and regulations or written policies." So law enforcement may take their concern to the Office of Child Advocate for resolution.

One of the charges to the OCA is to make recommendations to the legislature, including changes in law enforcement procedures.

SB115 (2024 SL Ch 73). New law (§ 1-6); Amending KSA 38-2211, 38-2212, 38-2213, 38-2309; 38-2310. Bill Summary. Bill effective 7/1/24.

Juvenile Offenders Allowed to Attend Certain Programming or Educational Activities

The Department of Corrections is permitted to allow certain juvenile offenders in their custody to attend program or educational activities without supervision. The juvenile offender must meet certain DOC classifications as defined in policy and procedures; meets other established criteria for release; AND it is determined the juvenile offender can receive substantial benefit from such program or educational opportunity that is not available at the DOC facility.

SB420 (2024 SL Ch 102) §2. Amending KSA 75-7062. Bill Summary. Effective 7/1/24.

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Alcohol

See [ABC Summary of 2024 Liquor Law Changes](#) at this link. See [local LE Agent contact info](#) at this link. [Amended Statutes Available at this Link](#) (See K.S.A. Chapter 41)

Microbreweries

Allows a microbrewery licensee to sell beer and hard cider manufactured by the licensee both on the licensed premises and off the licensed premises at special events monitored and regulated by the ABC. This is a similar process to what is currently allowed for farm wineries by KSA 41-308a.

Microbreweries are also permitted to self-distribute beer and hard cider to licensed beer and wine distributors, retailers, public venues, clubs, drinking establishments, caterers, and temporary permit holders up to certain limits.

[HB2124 \(2024 SL Ch 59\)](#), KSA 41-308b, 41-410, 41-601, 41-701, 41-702, 41-703, 41-706, 41-708, 41-709, 41-728, 41-1101, 41-1201, 41-1202 and 41-2642. [Bill Summary](#). Effective 7/1/24.

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Drugs

Distribution or Possession with Intent to Distribute a Fentanyl-Related Controlled Substance

The penalties for unlawful distribution of a controlled substance is amended to specify a violation with respect to material containing any quantity of fentanyl are the same as for material containing any quantity of heroin or methamphetamine. When the drug is measured by dosage unit, the bill specifies the penalties for fentanyl as follows:

- Drug severity level 4 felony for fewer than 10 doses;
- Drug severity level 3 felony for at least 10 doses but fewer than 50 doses;
- Drug severity level 2 felony for at least 50 doses but fewer than 250 doses; and
- Drug severity level 1 felony for 250 doses or more.

The sentence of distribution, when the distribution is of a fentanyl-related controlled substance, is doubled for DSL 1, 2, or 3 distribution.

[SB414 \(2024 SL Ch 96\) §4 & 8](#). Amending KSA 21-5705 & 21-6805. [Bill Summary](#). Effective 7/1/24

Distribution by Possession with Intent to Distribute, Presumption and Inference

In cases of intent to distribute drugs, a rebuttable presumption of an intent to distribute exists in prior law if a person possesses certain quantities of controlled substances. In the amended law, rebuttable presumption is replaced with “an inference,” if the facts support such an inference.

New provisions are added to the Rules of Evidence regarding how presumptions or inferences operate. In criminal cases, presumptions or inferences, including those in which certain facts are evidence of another fact or of guilt, are allowable. New law clarifies that a judge may reject any presumption or inference, and the judge is prohibited from instructing the jury they must accept a fact against the defendant. A judge is allowed to include instructions on presumptions or inferences only if the presumption or inference is supported by the facts. When an instruction is allowed, it must include: 1) The jury may consider the presumption or inference along with all other evidence in the case; 2) the jury may accept or reject the presumption or inference in determining whether the prosecution has met the burden of proof; and 3) the burden of proof never shifts to the defendant.

The difference between “rebuttable presumption” and “inference” is found in Black’s Law Dictionary that defines the term “rebuttable presumption” to mean a legal inference or assumption that a fact exists because of the known or proven existence of some other fact or group of facts. The term “permissive inference” is defined to mean a presumption that a trier of fact is free to accept or reject from a given set of facts. This change came about because of concern voiced in past case law about a “rebuttable presumption likely violates the constitution” by shifting the burden of proof from the prosecution to the defendant.

Testimony at hearings on the bill indicated as a practical matter this change in the law is a purely technical law change and doesn’t change the practical process since prosecutors have already been including supporting evidence of distribution, such as, packaging materials, scales, etc.

[SB318 \(2024 SL Ch 98\)](#). Amending KSA 21-5705 & 60-416. [Bill Summary](#). Effective 7/1/24.

Drug Schedules

Drug schedules are amended as follows:

- Schedule I: Adds 35 new substances, including 23 new fentanyl-related controlled substances;
- Schedule II: Exempts 4 additional substances from Schedule II opioids: thebaine-derived butorphanol, naldemedine, naloxegol, and samidorphen;
- Schedule IV: adds daridorexant (brand name Quviviq), a medication used to treat insomnia, and serdexmethylphenidate, an active ingredient in medication used to treat attention-deficit/hyperactivity disorder (ADHD) and removes fenfluramine (brand name Fintelpla). A U.S. Food and Drug Administration (FDA)-approved medication used to treat seizures, to mirror the federal descheduling of the drug;
- Schedule V: Adds ganaxolone (brand name Ztalmy), a medication used to treat seizures.

The definition of “Fentanyl-related controlled substance” is amended to reflect the additions listed above in schedule I fentanyl related drugs.

[HB2547 \(2024 SL Ch 67\)§1 & 4-7](#). Amends KSA 21-5701, 65-4105, 65-4107, 65-4111 and 65-4113. [Bill Summary](#). Effective 7/1/24.

Fentanyl-Related Controlled Substance Definition in Criminal Law

The definition of “Fentanyl-related controlled substance” is amended to reflect the amendments made to KSA 65-4105 adding 23 fentanyl related drugs.

[HB2547 \(2024 SL Ch 67\)§1 & 4](#). Amends KSA 21-5701, 65-4105. [Bill Summary](#). Effective 7/1/24.

Immunity from Prosecution for Simple Possession of Drugs When Rendering Aid to Overdose Victim

Law enforcement officers are prohibited from taking a person into custody, and prosecution is prohibited, based on an alleged offense of simple possession of a controlled substance or possession with the intent to use drug paraphernalia to use a controlled substance when the following immunity conditions exist.

Immunity extends to persons who:

- on behalf of a person who appeared to need medical assistance due to the use of a controlled substance rendered aid or initiated contact with law enforcement or EMS and requested medical assistance for the person appearing to need medical assistance; or
- reasonably appeared to need medical assistance due to the use of a controlled substance.

For the immunity to apply to an eligible person, the person must:

- Cooperate with law enforcement and EMS personnel while medical assistance was provided;
- provide their full name and any other relevant information necessary to provide medical assistance requested by law enforcement or EMS personnel;
- remain at the scene with the person needing medical assistance until EMS personnel and law enforcement officers arrived; and
- cooperate with EMS personnel and law enforcement in providing medical assistance.

Immunity does not apply if:

- Medical assistance is needed during the course of the execution of an arrest warrant or search warrant;
- a quantity of controlled substances was found at the scene of the encounter with law enforcement that would be sufficient to create a rebuttable presumption of intent to distribute; or
- the immunity from arrest and prosecution for possession of paraphernalia to use a controlled substance is not available to persons who possess and intend to use drug paraphernalia to manufacture, cultivate, plant, propagate, harvest, test, analyze, or distribute a controlled substance, as specified in continuing law.

Prosecution can be initiated later if evidence of the crime is developed from an independent source.

Law enforcement officers and agencies are not subject to civil liability for compliance with or failure to comply with the immunity provisions or when a person is arrested prior to discovering the person is eligible for immunity, unless the officer's conduct was reckless or intentional misconduct.

[SB419 \(2024 SL Ch 97\)](#). New statute. [Bill Summary](#). Effective 7/1/24.

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Traffic Law

Driver's Licenses Sanctions for Fail to Appear or Fail to Pay Traffic Citations

Major procedural changes are made relating to the driver's license sanctions for a person who fails to appear or fails to pay fines, fees and costs related to a traffic citation. These changes are made in an effort to place more responsibility on the person cited to avoid the sanctions and to lower the hardships placed on those persons, especially those struggling with financial resources. The amended law also establishes law that will reduce persons facing driver's license sanctions for fail to appear and fail to pay will not have their license revoked for violations that are solely related to the license suspensions or restrictions based solely on fail to appear or fail to pay. These changes primarily impact the courts and the Division of Vehicles, not law enforcement.

The major change law enforcement will see is more people who have restricted driving privileges rather than suspended driving privileges. Also, the new law requires that a person who obtains a restricted license from a license suspended solely for fail to appear or fail to pay and who is found driving in violation of those restrictions must be cited for a violation of restrictions and cannot be charged with driving while suspended.

[SB500 \(2024 SL Ch 101\)](#). Amending KSA 8-286 and 8-2110. [Bill Summary](#). Effective 7/1/24.

Driving Under the Influence: Probation Conditions

The amended law requires certain persons convicted of felony driving under the influence (DUI) to participate in a multidisciplinary model of substance use disorder treatment.

If a person convicted of a felony DUI is granted probation, the person's risk and needs will be assessed and the court must determine whether community correctional services or court services will supervise the person, based upon the determined risk and needs of the person. The past law did not include offenders with 2 or more prior offenses due to an oversight in a past statute revision. This amendment adds those offenders back into those requiring this assessment.

A person convicted of a felony DUI under probation supervision is required to participate in a multidisciplinary model of services for substance abuse disorders facilitated by a care coordination agency designated by KDADS. These services must include an assessment and, if appropriate, referral to community-based substance use disorder treatment, including recovery management and mental health counseling as needed. The multidisciplinary team must include: 1) The designated care coordination agency; 2) the supervision officer; 3) the KDADS designated treatment provider; and 4) the person.

[SB414 \(2024 SL Ch 96\) §1](#). Amending KSA 8-1567. [Bill Summary](#). Effective 7/1/24.

Leaving the Scene of a Fatality Accident

The penalty for leaving the scene of a fatality accident is increased to a SL4 person felony if the offender should have reasonably known the accident resulted in injury or death, and to a SL3 person felony if accident resulted in the death of more than one person and the offender should have reasonably known the accident resulted in injury or death. Penalties for other circumstances or results of the accident remain unchanged.

[HB2665 \(2024 SL Ch 51\)](#), Amending KSA 8-1602. [Bill Summary](#). Effective 7/1/24.

License Plates: County Designation

Any license plate approved for production on or after July 1, 2024, must have the county designation on it. The Congregational Medal of Honor tag is exempted from this requirement. The requirement also does not apply to several classes of vehicles such as commercial motor vehicles, vehicles owned by a public service company, vehicles owned by a car rental company, motor vehicles registered for a gross weight exceeding 12,000 pounds, and recreational vehicles.

[SB359 \(2024 SL Ch 68\) §9-10](#)), New law and amending KSA 8-1,141.. [Bill Summary](#). Effective 7/1/24.

License Plates: Distinctive

The following new distinctive license plates were approved this year: Kansas City Chiefs, Sporting Kansas City, Sedgwick County Zoo, Kansas City Royals, Kansas City Current, Topeka Zoo, Support The Troops, and First City of Kansas (Leavenworth County Historical Society).

[SB359 \(2024 SL Ch 68\) §1-8](#)), New law. [Bill Summary](#). Effective 7/1/24.

Railroads: Storage of Rail Cars

Railroads are required to maintain a minimum distance of 250 feet between a near-edge railroad crossing and railroad rolling stock stored on sidings if the railroad crossing does not have electronic warning signals. A different distance may be set by KDOT for a particular location.

There is an exemption when physical conditions require use of a track temporarily or minimum distances cannot be maintained if: 1) The rail cars are placed for or awaiting removal after loading or unloading; 2) the cars are set out while reordering cars in a train; OR 3) rolling stock is stored on tracks in a rail yard, unless otherwise ordered by KDOT. For purposes of the bill, the term “rolling stock” means rail cars placed on the railroad-owned siding by a railroad is for the sole convenience of the railroad and rail cars are not placed for the pickup or delivery of freight.

[HB2501 \(2024 SL Ch 85\)](#), New law. [Bill Summary](#). Effective 7/1/24.

Offender Registration

No changes were made to offender registration statutes this year.

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Kansas Open Records Act (KORA)

Open Records

In the annual review of expiring open records exemptions, the legislature removed the sunset provision for the following exceptions:

- KSA 2-3906 and KSA 2-3907, concerning fingerprinting and criminal history record checks under the Industrial Hemp Act;
- KSA 41-511, concerning carriers of alcoholic liquors under the Kansas Liquor Control Act; and
- 50-6,109a, concerning information in the Scrap Metal Theft Reduction Act database.

SB349 (2024 SL Ch 75) §1-46, KSA 2-3906; 2-3907; 31-511; 50-6,109a. Bill Summary. Effective 7/1/24.

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Victim Care

Victim Compensation Determinations

The bill expands the ability of the Victim Compensation Board to consider factors deemed appropriate by the Board, in addition to the finite list of five factors in continuing law. The bill expands the maximum weekly compensation for losses to \$800. A minimum compensation for loss of work by victims of human trafficking is set at \$350/week. Compensation will be allowed if the victim obtains a forensic medical exam within 7 days of the occurrence even if they did not make a report to law enforcement within 72 hours. The bill changes the requirement that claims from any other criminally injurious conduct be filed within two years of the events leading to the claim to within five years of the injury or death upon which the claim is based.

[HB2781 \(2024 SL Ch 34\) §2, 3](#). Amending KSA 74-7305 & 75-752. [Bill Summary](#). Effective 7/1/24.

Victim Notification (VINE) System Funding

The contract costs for the VINE system is now part of the General Fund and was placed into the budget for the Victim Services Unit of the Office of the Attorney General.

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Mental Health Legislation

Care and Treatment Act, Ex Parte Order and Temporary Custody Order Time Limits

Ex parte orders are now valid through 5 PM of the third day the district court is open after the order was issued. Under prior law the orders were only valid through the second day.

[HB2353 \(2024 SL Ch 31 §1 & 2\)](#). Amends KSA 59-2958 and 59-2959. [Bill Summary](#). Effective 7/1/24.

Care and Treatment Act, Outpatient Treatment Orders

Continuing law allows a court to order outpatient treatment in lieu of involuntary inpatient care and treatment if the court finds the patient, without treatment, 1) Will meet the criteria for required inpatient care in the near future and is only likely to attend outpatient treatment under a court order; or 2) Is likely to experience worsening symptoms caused by mental illness that would lead to the need for inpatient care and has previously refused mental health services in the community, due to their mental illness. Continuing law allows a court order to state specific outpatient conditions to be followed by the patient, including directives and treatment required by the treating outpatient facility.

The amended law requires the directives and treatment plans to be provided to the court in writing within ten business days after the outpatient order is issued. Failure to provide such information to the court is not be considered grounds for dismissal of the order unless the failure was made in bad faith.

[HB2353 \(2024 SL Ch 31 §3 & 4\)](#). Amends KSA 59-2967 and 59-2969. [Bill Summary](#). Effective 7/1/24.

NOTE: The reimbursement program for holding expenses for waiting periods on competency evaluations and competency treatment, and the reimbursement program for holding expenses and transportation costs for waiting times for emergency commitment, are still in place with no changes. See details at:

KDADS Webinar on Competency Wait Time Reimbursement

https://kdads.ks.gov/docs/librariesprovider17/state-hospitals/reimbursement/hb-2184/kdads-involuntary-patient-observation-reimbursement-leo-training.pptx?sfvrsn=3493432f_3

KDADS Involuntary Patient Observation Reimbursement LEO Training

https://cdn.oits.ks.gov/media/videos/librariesprovider17/state-hospitals/kdads-webinar-on-competency-wait-time-reimbursement-20230721_113405-meeting-recording.mp4?sfvrsn=3f49183e_5

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Employee Benefits

KPERS/KP&F Funeral Benefits

The lump sum death benefit for both KPERS and KP&F active and retired members is increased from \$4,000 to \$6,000.

[HB2711 \(2024 SL Ch 65\) §14 & 15](#), Amends KSA 74-4989 and 74-49,315. [Bill Summary](#).

KPERS/KP&F Working After Retirement

Contribution Rates Paid for Covered Positions; Threshold on Retirant Compensation: Under current law, when a KPERS retirant (“retiree”) returns to work for a KPERS-affiliated employer in a covered position, the participating employer is required to pay a 30% percent “assessment” on compensation paid to the retiree that exceeds the \$25,000 threshold amount. The bill increased this threshold from \$25,000 to \$40,000 per calendar year.

[Note: In regular KPERS, participating employers are required to make contributions to KPERS for a retiree returning to work for an applicable KPERS employer. The employer pays the statutory contribution rate for the first \$40,000 of the retirant’s salary and a 30% percent contribution rate (“assessment”) on earnings over the \$40,000 threshold. For regular KPERS, this is returning to work for any regular KPERS employer in a regular KPERS position.

Earnings Limit—KP&F Members, Returning to Work with Previous Employer: The bill increases the earnings limit from \$25,000 to \$40,000 on KP&F members who have retired and return to work for a previous employer.

NOTE: A retiree reaching the earnings limits has two options: 1) not work for an applicable employer once the limit is reached and continue receiving their retirement benefits for the remainder of the calendar year, or; continue earnings beyond the limit and lose their retirement benefits for the remainder of the calendar year.

[HB2711 \(2024 SL Ch 65\) §9 & 11-13](#), Amends KSA 74-4914, 74-4937, 74-4957, & 74-49,315. [Bill Summary](#).

Work Comp Benefits

A major work comp reform bill was passed with increased benefits for employees. I will list only key changes.

Lifetime maximum benefits increased:

- Death: From \$300,000 to \$500,000
- Permanent Total Disability: From \$155,000 to \$400,000
- Temporary Total Disability: From \$130,000 to \$225,000
- Permanent Partial Disability: From \$130,000 to \$225,000
- Temporary Partial Disability: From \$130,000 to \$225,000
- Functional Only: From \$75,000 to \$100,000
- Starting 7/1/2027, these caps would be increased annually by the 5-year average of the percentage change in the state average weekly wage.

Requires an employer to provide reimbursement for “reasonable expenses” for overnight accommodations in cases in which the employer requires the employee to

seek a medical opinion outside of their town or city of residence. Increases the per diem requirement from \$15 to \$30 to help defray the employee's meal expenses. Retains the requirement for the employer to provide funds for transportation.

Increases the amount of medical charges an employer is liable to cover from \$500 to \$800 when an employee consults a healthcare provider for the purpose of examination, diagnosis, or treatment without prior application or approval.

Amends the benefit reduction calculations for retirement benefits under the Federal Social Security Act by only deducting 50% of the weekly equivalent amount of benefits from the employee's permanent partial or permanent total disability benefits. However, the temporary total and temporary partial disability compensation is excluded from the deduction. This is a change from a 100% deduction rate.

Increases the minimum weekly benefit payment amount from \$25 to \$50.

Many other procedural changes are also made.

[SB430 \(2024 SL Ch 27\)](#), New law. [Bill Summary](#). Effective 7/1/24.

Civil Asset Forfeiture

Major changes were made to the Civil Asset Forfeiture statutes. Many of the changes were court procedures, but other will affect how we conduct forfeiture activity or are things we must be aware of when making decisions to seize items for forfeiture. For the most part, the bill follows the recommendations from an intense study of the issue by a Kansas Judicial Council committee.

Drug Crimes Leading to Forfeiture are Limited

Drug crimes consisting only of simple possession, these are crimes where there is no profit by the offender, are removed from the list of drug crimes that can be used as the basis for forfeiture. The crimes that can still be grounds for forfeiture are: KSA 21-5703, manufacturing controlled substances; 21-5705, cultivation or distribution of controlled substances; 21-5707, using a communication facility to facilitate manufacturing, distribution, cultivation, or possession of controlled substances; 21-5708(b), selling a prescription only drug; 21-5709(a), possessing precursors to manufacture a controlled substance; (b)(1), Manufacture, cultivate, plant, propagate, harvest, test, analyze or distribute a controlled substance; (c), use or possess with intent to use anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas Department of Agriculture; (d), purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period; 21-5710, distribution of drug precursors or drug paraphernalia; 21-5713(a), distribute, possess with the intent to distribute, or manufacture with the intent to distribute any simulated controlled substance; 21-5714, to distribute or intend to distribute a noncontrolled substance that is represented as a controlled substance; 21-5716, unlawful acts involving proceeds derived from violations of KSA 21-5701 through 5717. [Section 1 subsection (b)]

Proportionality of Seizure for Forfeiture and Illegal Conduct

In continuing law, seizures for forfeiture must be “proportional” to the nature and severity of the illegal conduct leading to forfeiture. The law is changed to allow the court to make this determination earlier in the legal process. Proportionality is an 8th amendment issue and has been part of Kansas forfeiture law since 1994. [Section 6]

Timelines to Initiate Prosecutor Review

The time allowed to take the case to the county/district attorney for consideration of forfeiture is reduced from 45 days to 15 days. The district attorney has 14 days from the receipt of the case to act on the request for forfeiture. Upon the expiration of this 14-day time limitation on the county/district attorney, or upon notification the county or district attorney declines the request (whichever occurs first), a local seizing agency has 14 days to request a state law enforcement agency adopt the forfeiture or engage a private attorney to represent the local seizing agency in the forfeiture proceeding. The bill provides the same 14-day time limitation for a state seizing agency to engage an assistant attorney general, or other approved attorney, to represent the state seizing agency in the forfeiture

proceeding. [Section 3, subsection (g) through (j)]

If the seizing agency has not engaged an attorney for the forfeiture case within the above time limits, the property seized for forfeiture shall be returned within 30 days to the owner or interest holder or as provided in KSA 22-2512. [Section 3, subsection (i)(3)]

Requests for Waiver of Rights to Seized Property is Limited

When property is seized for forfeiture under this act, the seizing agency shall not request, induce or otherwise coerce a person who has at any time asserted rights as an owner or interest holder of such property to waive in writing such rights in the property until forfeiture proceedings are commenced pursuant to K.S.A. 60-4109. [Section 3, subsection (p)]

Federal Adoption of Forfeiture Case (New Requirements)

A state or local law enforcement agency would be allowed to request federal adoption of a seizure under the Act or otherwise transfer or refer seized property to a federal agency only if:

- The seizure by the agency occurs pursuant to a joint task force with federal law enforcement authorities;
 - The seizure by the agency occurs pursuant to a joint investigation with federal law enforcement authorities as part of an ongoing federal investigation;
 - The agency makes such request in conjunction with a request for federal authorities to adopt the criminal investigation related to the seizure;
 - The property seized by the agency is subsequently seized pursuant to a federal seizure warrant, obtained from a federal court, to take custody of assets originally seized under state law;
 - The property seized by the agency directly relates to a serious public safety concern;
- or
- The gross estimated value of the property seized by the agency is \$25,000 or more.

[Section 3, subsection (m)]

Probable Cause Affidavit (New Requirement)

Law enforcement is required to file an affidavit describing probable cause supporting forfeiture with the court in addition to the notice of pending forfeiture or judicial forfeiture action in order to commence forfeiture proceedings, and the forfeiture can proceed only after a judge has determined there is probable cause to believe the property is subject to forfeiture under the Act.

A copy of this probable cause affidavit must be included with the required notice of a pending forfeiture mailed to an owner or interest holder. This replaces existing law requiring the notice to include an affidavit describing essential facts supporting forfeiture. [Section 4, subsection (a)(1)(A)]

Notice of Claim Against Seized Property

If an owner or interest holder files a claim against property seized for forfeiture, the plaintiff's attorney must file a notice of receipt of the claim with the court, unless the claim was already filed. The filing must include a copy of the claim and documents showing the date the claim was mailed and received. [Section 5, subsection (a)(2)]

Authorized Use of Forfeiture Funds

The only change in the authorized use of forfeiture funds is the addition of paying attorney fees of the defendant, if assessed by the court, from the forfeiture funds. [Section 9, subsection (e)(2)]

Changes in Court Proceedings

There are numerous changes to made in court proceedings. I will not try to cover them all here but only the ones directly impacting the law enforcement agency.

Burden of Proof

The burden of proof in a forfeiture proceeding is “by clear and convincing evidence,” in place of “by the preponderance of evidence.” [Section 6, subsection (g)(2) and Section 7, subsection (h)]

Assignment of Attorney Fees

New law provides that if less than half the value of property seized for forfeiture is ordered forfeited, the defendant’s attorney fees must be paid by the agency seizing the items. These costs can be paid from forfeiture funds, but if inadequate forfeiture funds exist, the agency must pay the fees from other funds. The bottom line for this is agencies will be wise to carefully consider the strength of the forfeiture case as it pertains to each item seized prior to filing the case in court. There is no good faith exception included. [Section 8, subsection (f)(2) and Section 9, subsection (e)(2)]

[SB458 \(2024 SL Ch 83\)](#). Amending KSA 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4116, 60-4117 and 60-4127. [Bill Summary](#). Effective 7/1/24.

NOTE ON MANDATORY FORFEITURE REPORTS TO THE KBI:

Continuing law requires all forfeiture transactions to be reported to the KBI. Ongoing case reporting is required to be submitted within 60 days after final disposition of the case. The annual report, due no later than January 31, is required of every state or local law enforcement agency in the state including a zero report if you have no forfeiture activity during the prior calendar year. For more information, see the KBI website at: <https://kasfr.kbi.ks.gov/>.

Failure to file these reports will result in the agency’s inability to file any forfeiture case until proper reporting is completed. A report of agencies not in compliance with report requirements must be submitted by the KBI to the legislature as part of their annual report to the legislature.

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Other Legislation

911 Coordinating Council

The 911 Act is amended to 1) allow the governing bodies of cities and counties operating a PSAP to contract with other cities and counties operating a PSAP for consolidation PSAP services, including allowing the involved PSAPS to agree on distribution of their 911 funds; 2) make changes to how 911 is governed within the state by replacing the current 911 Coordinating Council with a new State 911 Board; 3) change how the 911 fees are allowed to be used relating to radio towers; 4) change the minimum distribution of 911 funds to PSAPS and allow inflationary adjustments of the minimum distribution amounts; and 5) require 911 fees collected from phone bills and prepaid wireless service to be transferred to the state treasury.

On or after January 1, 2025, the Board is authorized to lower the 90 cent 911 fee, which law currently holds static, if it is found that the moneys generated by the fee exceed the costs required to operate the PSAPs within Kansas.

Beginning on or after July 1, 2024, the bill also increases the minimum county distribution of 911 fees from \$60,000 to \$70,000. Additionally, the Board is authorized to increase the minimum county distribution as indexed to inflation once per year. Before the Board could authorize the increase, it is required to consider:

- Need of the increase based on expenditures of counties that would receive a minimum distribution; and
- Impact of an increase on the financial stability of all other distributions to PSAPs.

The transfer from a Council to a state Board will result in the current contract positions for the Council becoming state employee positions. The amendments also create a new position of Executive Director which will provide improved clarity for employee management and oversight responsibilities.

Full details can be seen in the “Bill Summary” link below.

[HB2690 \(2024 SL Ch 53\)](#). Nearly the all statutes in the 911 Act are amended or will be replaced entirely by new statutes. [Bill Summary](#). Effective 4/25/24 with many provisions effective at a later date.

Fingerprinting for Records Checks Related to Licensing

The statutes concerning fingerprinting processes for the purpose of requesting national criminal records checks required for persons obtaining licensing under state law are amended. Previously these provisions were scattered throughout the statutes and were not consistent. The change places them all under one statute with consistent language and compliant with new FBI requirements for those records queries.

A new provision authorizes fingerprint based criminal history checks for certain Emergency Medical Services licensees under the Board of EMS.

[SB491 \(2024 SL Ch 15\)](#), Creates new statute and amends many statutes. [Bill Summary](#). Effective 7/1/24.

County Coroner Appointments

The statute concerning the appointment of a County Coroner in Judicial Districts comprised of more than one county is amended to allow the County Commission of any county that is not the most populous county in the Judicial District to appoint a coroner to serve their county in place of the coroner selected by the County Commission of the most populous county. Such an appointment is at the expense of the county opting to have their own coroner.

[SB381 \(2024 SL Ch 19\)](#), Amended KSA 22a-226. [Bill Summary](#). Effective 7/1/24.

KLETC Funding

The legislature approved moving the KLETC funding to the general fund and away from fee funding. The fee funds that were the sole source of the KLETC budget will now go to the general fund. KLETC was funded for \$12M for FY2025 for their general operations. This produces no operational change to KLETC or to their programming. Fee funds had become insufficient to cover the operational costs. They remain in the University of Kansas governance and their dedicate budget is withing the university budget allocations. This change means they will now go through the budget process each year for their funding.

[HB2491 \(2024 SL Ch 39\)](#). Amends KSA 75-2251. [Bill Summary](#). Effective 7/1/24. [HB2551 \(2024 SL Ch 110\) §521](#). Budget Bill. [Bill Summary](#). Effective 5/16/24.

Law Enforcement Memorial

A new voting position is created on the Law Enforcement Memorial Committee for a representative of the Kansas Chapter of the Concerns of Police Survivors. The position is filled in the same manner of the other members, through appointment by the Governor.

[HB2632 \(2024 SL Ch 18\) §1](#). Amends KSA 75-2251. [Bill Summary](#). Effective 7/1/24.

Memorial Highway

US281 from the southern city limits of Russell, then north to its junction with K-18 highway in Russell county is designated as the first responders memorial highway.

[HB2481 \(2024 SL Ch 56\) §6](#), New Law. [Bill Summary](#). Effective 7/1/24.

Schools Authorized Administration of Certain Drugs

Schools are allowed to stock a supply of certain emergency medications as prescribed to the school by a physician. The drugs could be administered by certain school personnel as defined in the law. The primary change is adding Albuterol and Epinephrine to the allowed drugs. Persons authorized to administer the drugs are exempt from liability when acting in good faith.

[HB2547 \(2024 SL Ch 67\) §2, 3, & 8](#). Amending KSA 65-1680, 65-2872b, & 72-6283. [Bill Summary](#). Effective 7/1/24.



2024 Legislative Session Major Law Changes

(All laws are effective July 1, 2024, unless indicated otherwise)

<p>Breach of Privacy Effective 7/1/24 SB414 (2024 SL Ch 96) §5 Bill Summary</p>	<p>The Breach of Privacy statute is amended by removing the requirement that a recording device be “concealed” or a recording be done “secretly” in violation of the statute. It is a violation to record a person under or through the victim’s clothing or who is nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by the person being recorded, without the consent or knowledge of the person being recorded and with intent to invade the privacy of the victim, under circumstances in which that other person has a reasonable expectation of privacy. Amending KSA 21-6101.</p>
<p>Coercion to Obtain Abortion Effective 7/1/24 HB2436 (2024 SL Ch 91) §1 & 21 Bill Summary</p>	<p>New Crime The crime of coercion to obtain an abortion is engaging in coercion with both the knowledge a woman is pregnant and the intent to compel such woman to obtain an abortion when such woman has expressed her desire to not obtain an abortion. New law and amending KSA 21-6804.</p>
<p>Encouraging Suicide Effective 7/1/24 HB2144 (2024 SL Ch 86) §1 Bill Summary</p>	<p>“Encouraging suicide” is knowingly encouraging a person to commit or attempt to commit suicide if the offender 1) knows the other person has communicated a desire to commit suicide; 2) the encouraging action is made proximate in time to the other person committing or attempting to commit suicide; AND 3) the encouraging action substantially influences the other person’s decision or methods used to commit or attempt to commit suicide. “Encouraging a person to commit or attempt to commit suicide” as oral, written, or visual communication that is persuasive or intended to be persuasive and that gives advice to commit suicide, attempt to commit suicide, or develop a plan to commit suicide. New statute.</p>
<p>Endangering A Child Effective 7/1/24 SB414 (2024 SL Ch 96) §3 Bill Summary</p>	<p>The Endangering a Child statute is amended by adding fentanyl-related controlled substance to methamphetamine in existing law that is an element for aggravated endangering a child if the child is allowed to be in an environment where the person knows or should have known any person is distributing, possessing with intent to distribute, or manufacturing methamphetamine or any fentanyl-related controlled substance. It also changes the elements of aggravated endangering a child to include allowing a child to be in an environment where any drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing fentanyl-related controlled substance (continuing law already has this for methamphetamine). Amending KSA 21-5601.</p>

<p>Organized Retail Crime</p> <p>Effective 7/1/24</p> <p>HB2144 (2024 SL Ch 86) §2-4</p> <p>Bill Summary</p>	<p>A new “organized retail crime” is created. Any of the following acts is a violation:</p> <ul style="list-style-type: none"> •Acting with one or more other persons to receive, purchase, sell, or possess merchandise with an aggregate retail market value of \$5,000 or more within a 12-month period, knowing or believing such merchandise to have been stolen; •Taking merchandise with an aggregate retail market value of \$5,000 or more from multiple retailers within a 12-month period, as part of an organized plan to commit theft; or •Recruiting, coordinating, organizing, supervising, directing, managing, or financing other persons to undertake any of the above-mentioned actions. <p>The crime may be prosecuted in any county in which at least \$1 of the aggregate value was taken, received, stolen or purchased. The attorney general’s prosecution authority is expanded to include a violation of the new law or any crime related to the conduct of the new crime.</p> <p>A violation of this law is included in the laws for the Kansas Racketeer Influenced Corrupt Organization Act (RICO).</p> <p>New statute and Amending KSA 21-6328 and 75-702.</p>
<p>Notice to Appear in District Court</p> <p>Effective 7/1/24</p> <p>SB473 (2024 SL Ch 87)§1–2</p> <p>Bill Summary</p>	<p>The law is revised to allow law enforcement to use a Notice to Appear/ Complaint form for any unclassified or nonperson misdemeanor in district court. A requirement is included for a memo of agreement between the County or District Attorney and the law enforcement agency before using the NTA/Complaint form. This allows for the details of the form and development of the process of providing adequate reports to the County/District Attorney in cases where the NTA/Complaint form is used. The NTA must comply with the memo of agreement and existing law on the content requirements.</p> <p>Amending KSA 22-2202 & 22-2408.</p>
<p>Probation and Parole Conditions</p> <p>Effective 7/1/24.</p> <p>SB414 (2024 SL Ch 96) §6 & 10</p> <p>Bill Summary</p>	<p>The statutory list of conditions the court must consider are made the same for persons on probation, community corrections, parole, or postrelease supervision. The court is permitted to add any condition the court deems appropriate.</p> <p>Amending KSA 21-6607 & 22-3717.</p>
<p>Search of Probationers or Parolees</p> <p>Effective 7/1/24</p> <p>SB414 (2024 SL Ch 96) §6 & 10</p> <p>Bill Summary</p>	<p>Current law allows a search of a probationer’s or parolee’s person, vehicle, belongings, and property by a law enforcement officer based on reasonable suspicion of condition violations or criminal activity. Current law requires a report to the supervising agent when such a search is conducted on a probationer, but prior to this amendment, the reporting requirement was not included for a search of a parolee. A written report must be submitted by the end of the next business day, whether the search resulted in a seizure or not, and must include: 1) The facts leading to the search; 2) the scope of the search; and 3) any findings of the search. The written notice is required .</p> <p>Amending KSA 21-6607 & 22-3717.</p>

<p>Farm Animal and Field Crop and Research Facilities: Prohibited Acts</p> <p>Effective 7/1/24</p> <p>HB2047 (2024 SL Ch 109) §2 and 3</p> <p>Bill Summary</p>	<p>Prohibits any person from entering or remaining upon or in any animal facility or field crop production area of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state, or local government entity without the consent of the owner. “Animal facility” includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale. (See definition in KSA 47-1826, as amended in section 2 of the bill.) The prohibition includes flying an aircraft (including a drone) directly above the animal facility or field crop production area below the minimum safe altitude, as defined in 14 CFR § 91.119 (c). (Generally 500 feet.) An exemption is provided for “lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law. See Section 3, subsection (d) of the bill. From a procedural point of view, officers need to make sure they do not violate these new provisions by assuring proper legal authority (consent, search warrant, exigent circumstances, etc.) when engaging in the otherwise prohibited activities. Violations of the new provisions entering or remaining as defined in subsections (a)(2) or (b)(2) is a class A misdemeanor. Violations of false information in an employment application, subsection (a)(3) or (b)(3). is a class B misdemeanor. Amending KSA 47-1826 and 47-1827.</p>
<p>Missing Persons: Purple Alert</p> <p>Effective 7/1/24</p> <p>HB2531 (2024 SL Ch 106)</p> <p>Bill Summary</p>	<p>A new missing person public alert classification is created called the Purple Alert Plan for a missing person who suffers intellectual disabilities. The alert is similar to the Silver Alert Plan. The alert should be promptly used when a missing parson meets the below criteria and conditions indicate the alert may aid in more quickly locating the individual to lower the risk of serious injury or death:</p> <ul style="list-style-type: none"> ● 18 years of age or older; ● Has been diagnosed with an intellectual disability; ● Their whereabouts are unknown; ● Believed to be in imminent danger of serious bodily injury or death because of their disability; and ● Believed to be unable to return to safety without assistance. <p>The Office of Attorney General and the KBI will develop details of the plan. The alerts will most likely be initiated using the same process used for Silver Alerts.</p> <p>New statute.</p>
<p>Leaving the Scene</p> <p>Effective 7/1/24</p> <p>HB2665 (2024 SL Ch 51)</p> <p>Bill Summary</p>	<p>The penalty for leaving the scene of a fatality accident is increased to a SL4 person felony if the offender should have reasonably known the accident resulted in injury or death, and to a SL3 person felony if accident resulted in the death of more than one person and the offender should have reasonably known the accident resulted in injury or death. Penalties for other circumstances or results of the accident remain unchanged.</p> <p>Amends KSA 8-1602.</p>

<p>Civil Asset Forfeiture</p> <p>Effective 7/1/24</p> <p>SB458 (2024 SL Ch 83)</p> <p>Bill Summary</p> <p>SEE MORE DETAILS ON PAGES 31-35</p>	<p>Drug crimes consisting only of simple possession, that is crimes where there is no profit to the offender, are removed from the list of drug crimes that can be used as the basis for forfeiture. The crimes that can still be grounds for forfeiture are: KSA 21-5703, manufacturing controlled substances; 21-5705, cultivation or distribution of controlled substances; 21-5707, using a communication facility to facilitate manufacturing, distribution, cultivation, or possession of controlled substances; 21-5708(b), selling a prescription only drug; 21-5709(a), possessing precursors to manufacture a controlled substance; (b)(1), manufacture, cultivate, plant, propagate, harvest, test, analyze or distribute a controlled substance; (c), use or possess with intent to use anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas Department of Agriculture; (d), purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period; 21-5710, distribution of drug precursors or drug paraphernalia; 21-5713(a), distribute, possess with the intent to distribute, or manufacture with the intent to distribute any simulated controlled substance; 21-5714, to distribute or intend to distribute a noncontrolled substance that is represented as a controlled substance; 21-5716, unlawful acts involving proceeds derived from violations of KSA 21-5701 through 5717.</p> <p>In continuing law, seizures for forfeiture must be “proportional” to the nature and severity of the illegal conduct leading to forfeiture. The law is changed to allow the court to make this determination earlier in the legal process. Proportionality is an 8th amendment issue and has been part of Kansas forfeiture law since 1994.</p> <p>When property is seized for forfeiture under this act, the seizing agency shall not request, induce or otherwise coerce a person who has at any time asserted rights as an owner or interest holder of such property to waive in writing such rights in the property until forfeiture proceedings are commenced pursuant to K.S.A. 60-4109.</p> <p>The burden of proof in a forfeiture proceeding is “by clear and convincing evidence,” in place of “by the preponderance of evidence.”</p> <p>New law provides that if less than half the value of property seized for forfeiture is ordered forfeited, the defendant’s attorney fees must be paid by the agency seizing the items. These costs can be paid from forfeiture funds, but if inadequate forfeiture funds exist, the agency must pay the fees from other funds. The bottom line for this is agencies will be wise to carefully consider the strength of the forfeiture case as it pertains to each item seized prior to filing the case in court. There is no good faith exception included. Amending KSA 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4116, 60-4117 and 60-4127.</p>
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<p>Peer Support</p> <p>Effective 7/1/24</p> <p>HB2557 (2024 SL Ch 14)</p> <p>Bill Summary</p>	<p>The term “peer support counseling session” is amended by expanding the reasons a participant may seek a counseling session to include a professional, personal, or social problem, or a difficult life event where peer counseling assistance and guidance would benefit the participant.</p> <p>Under continuing law, members of law enforcement, emergency services, or the Kansas National Guard may utilize a peer support counseling session to discuss a critical incident or traumatic event. Certain information conveyed in a peer support counseling session by a participant or peer support specialist is considered privileged and may not be disclosed or be considered admissible in judicial, administrative, arbitration, or other adjudicatory proceedings. Exceptions to the privilege are not changed and include certain information related to threats of suicide or criminal acts, information relating to the abuse of persons, admission of criminal conduct, or certain information disclosed with consent.</p> <p>Amending KSA 60-473.</p>
<p>Child Advocate Office</p> <p>Effective 7/1/24</p> <p>SB115 (2024 SL Ch 73)</p> <p>Bill Summary</p>	<p>A new Child Advocate Act and the Office of the Child Advocate (OCA) are created. The OCA will be an independent state agency and not under DCF. The OCA is granted access to certain files and records, including law enforcement reports, pertaining to a child subject to proceedings under the CINC laws or the Juvenile Code. A child covered under the act is defined as a child in DCF custody, alleged to be a child in need of care, or a child who is currently receiving services or treatment through KDOC or has received such services or treatment in the past.</p> <p><u>This is a major new tool for law enforcement when faced with obstacles when dealing with a juvenile in state custody from lack of information, lack of cooperation from state agencies, or contractor of a state agency when it can't be resolved with the agency.</u> Law enforcement may take their concern to the Office of Child Advocate for resolution.</p> <p>One of the charges to the OCA is to make recommendations to the legislature, including changes in law enforcement procedures.</p> <p>New law (§ 1-6); Amending KSA 38-2211, 38-2212, 38-2213, 38-2309; 38-2310.</p>
<p>Drug Distribution Fentanyl-Related</p> <p>Effective 7/1/24</p> <p>SB414 (2024 SL Ch 96) §4 & 8</p> <p>Bill Summary</p>	<p>When the drug is measured by dosage unit, the penalties for fentanyl-related controlled substances are as follows:</p> <ul style="list-style-type: none"> • Drug severity level 4 felony for fewer than 10 doses; • Drug severity level 3 felony for at least 10 doses but fewer than 50 doses; • Drug severity level 2 felony for at least 50 doses but fewer than 250 doses; and • Drug severity level 1 felony for 250 doses or more. <p>The sentence of distribution, when the distribution is of a fentanyl-related controlled substance, is doubled for DSL 1, 2, or 3 distribution.</p> <p>Amending KSA 21-5705 & 21-6805.</p>

<p>Intent to Distribute Drugs: Inference</p> <p>Effective 7/1/24</p> <p>SB318 (2024 SL Ch 98)</p> <p>Bill Summary</p>	<p>In cases of intent to distribute drugs, a rebuttable presumption of an intent to distribute exists in prior law if a person possesses certain quantities of controlled substances. In the amended law, rebuttable presumption is replaced with “an inference,” if the facts support such an inference. The difference is that now the weight or dosage units of the drugs may not stand on their own, additional evidence of distribution intent may be needed. The trier of fact can find the evidence supports the presumption or not.</p> <p>Testimony at hearings on the bill indicated as a practical matter this change in the law is a purely technical law change and doesn’t change the practical process since prosecutors have already been including supporting evidence of distribution, such as, packaging materials, scales, etc.</p> <p>Amending KSA 21-5705 & 60-416.</p>
<p>Immunity From Prosecution of Simple Possession Charges When Assisting a Person Suffering a Drug Emergency</p> <p>Effective 7/1/24</p> <p>SB419 (2024 SL Ch 97)</p> <p>Bill Summary</p>	<p>Law enforcement officers are prohibited from taking a person into custody, and prosecution is prohibited, based on an alleged offense of simple possession of a controlled substance or possession with the intent to use drug paraphernalia to use a controlled substance when the following immunity conditions exist. Immunity extends to persons who: 1) on behalf of a person who appeared to need medical assistance due to the use of a controlled substance rendered aid or initiated contact with law enforcement or EMS and requested medical assistance for the person appearing to need medical assistance; or 2) reasonably appeared to need medical assistance due to the use of a controlled substance. For the immunity to apply to an eligible person, the person must: 1) Cooperate with law enforcement and EMS while medical assistance was provided; 2) provide their full name and any other relevant information necessary to provide medical assistance requested by law enforcement or EMS personnel; 3) remain at the scene with the person needing medical assistance until EMS personnel and law enforcement officers arrived; and 4) cooperate with EMS personnel and law enforcement in providing medical assistance. Immunity does not apply if: 1) Medical assistance is needed during the course of the execution of an arrest warrant or search warrant; 2) a quantity of controlled substances was found at the scene of the encounter with law enforcement that would be sufficient to create a rebuttable presumption of intent to distribute; or 3) if the person possesses and intend to use drug paraphernalia to manufacture, cultivate, plant, propagate, harvest, test, analyze, or distribute a controlled substance, as specified in continuing law. Prosecution can be initiated later if evidence of the crime is developed from an independent source. Officers and agencies are not subject to civil liability for compliance with or failure to comply with the immunity provisions or when a person is arrested prior to discovering the person is eligible for immunity, unless the officer’s conduct was reckless or intentional misconduct.</p> <p>New statute.</p>



Ten Things from the 2024 Kansas Legislative Session Every Law Enforcement Officer Should Know

1. Breach of Privacy

The Breach of Privacy statute is amended by removing the requirement that a recording device be “concealed” or a recording be done “secretly” in violation of the statute. It is a violation to record a person under or through the victim’s clothing or who is nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by the person being recorded, without the consent or knowledge of the person being recorded and with intent to invade the privacy of the victim, under circumstances in which that other person has a reasonable expectation of privacy.

[SB414 \(2024 SL Ch 96\) §5](#) Amending KSA 21-6101. [Bill Summary](#) Effective 7/1/24

2. Encouraging Suicide

“Encouraging suicide” is knowingly encouraging a person to commit or attempt to commit suicide if the offender 1) knows the other person has communicated a desire to commit suicide; 2) the encouraging action is made proximate in time to the other person committing or attempting to commit suicide; AND 3) the encouraging action substantially influences the other person’s decision or methods used to commit or attempt to commit suicide.

“Encouraging a person to commit or attempt to commit suicide” as oral, written, or visual communication that is persuasive or intended to be persuasive and that gives advice to commit suicide, attempt to commit suicide, or develop a plan to commit suicide.

[HB2144 \(2024 SL Ch 86\) §1](#) New Statute. [Bill Summary](#) Effective 7/1/24

3. Endangering A Child

The Endangering a Child statute is amended by adding fentanyl-related controlled substance to methamphetamine in existing law that is an element for aggravated endangering a child if the child is allowed to be in an environment where the person knows or should have known any person is distributing, possessing with intent to distribute, or manufacturing methamphetamine or any fentanyl-related controlled substance. It also changes the elements of aggravated endangering a child to include allowing a child to be in an environment where any drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing fentanyl-related controlled substance (continuing law already has this for methamphetamine).

[SB414 \(2024 SL Ch 96\) §3](#) Amending KSA 21-5601. [Bill Summary](#) Effective 7/1/24

4. Organized Retail Crime

A new “organized retail crime” is created. Any of the following acts is a violation: 1) Acting with one or more other persons to receive, purchase, sell, or possess merchandise with an aggregate retail market value of \$5,000 or more within a 12-month period, knowing or believing such merchandise to have been stolen; 2) Taking merchandise with an aggregate retail market value of \$5,000 or more from multiple retailers within a 12-month period, as part of an organized plan to commit theft; or 3) Recruiting, coordinating, organizing, supervising, directing, managing, or financing other persons to undertake any of the above-mentioned actions.

The crime may be prosecuted in any county in which at least \$1 of the aggregate value was taken, received, stolen or purchased. The attorney general’s prosecution authority is expanded to include a violation of the new law or any crime related to the conduct of the new crime. A violation of this law is included in the laws for the Kansas Racketeer Influenced Corrupt Organization Act (RICO).

[HB2144 \(2024 SL Ch 86\) §2-4](#) New statute and Amending KSA 21-6328 and 75-702. [Bill Summary](#) Eff: 7/1/24

5. Immunity From Prosecution of Simple Possession Charges When Assisting a Person Suffering a Drug Emergency

Law enforcement officers are prohibited from taking a person into custody, and prosecution is prohibited, based on an alleged offense of simple possession of a controlled substance or possession with the intent to use drug paraphernalia to use a controlled substance when the following immunity conditions exist.

Immunity extends to persons who: 1) on behalf of a person who appeared to need medical assistance due to the use of a controlled substance rendered aid or initiated contact with law enforcement or EMS and requested medical assistance for the person appearing to need medical assistance; or 2) reasonably appeared to need medical assistance due to the use of a controlled substance.

For the immunity to apply to an eligible person, the person must: 1) Cooperate with law enforcement and EMS while medical assistance was provided; 2) provide their full name and any other relevant information necessary to provide medical assistance requested by law enforcement or EMS personnel; 3) remain at the scene with the person needing medical assistance until EMS personnel and law enforcement officers arrived; and 4) cooperate with EMS personnel and law enforcement in providing medical assistance.

Immunity does not apply if: 1) Medical assistance is needed during the execution of an arrest warrant or search warrant; 2) a quantity of controlled substances was found at the scene of the encounter with law enforcement that would be sufficient to create a rebuttable presumption of intent to distribute; or 3) if the person possesses and intend to use drug paraphernalia to manufacture, cultivate, plant, propagate, harvest, test, analyze, or distribute a controlled substance, as specified in continuing law. Prosecution can be initiated later if evidence of the crime is developed from an independent source. Officers and agencies are not subject to civil liability for compliance with or failure to comply with the immunity provisions or when a person is arrested prior to discovering the person is eligible for immunity, unless the officer's conduct was reckless or intentional misconduct. [SB419 \(2024 SL Ch 97\)](#) New Statute [Bill Summary](#) Effective 7/1/24

6. Search of Probationers or Parolees

Current law allows a search of a probationer or parolee person, belongings, vehicle, and property by a law enforcement officer based on reasonable suspicion of condition violations or criminal activity. Current law requires a report to the supervising agent when such a search is conducted on a probationer, but prior to this amendment, the reporting requirement was not included for a search of a parolee. When a search of a parolee or probationer is conducted under this authorization, a written report must be submitted by the end of the next business day, whether the search resulted in a seizure or not, and must include: 1) The facts leading to the search; 2) the scope of the search; and 3) any findings of the search. The written notice is required.

[SB414 \(2024 SL Ch 96\) §6 & 10](#) Amending KSA 21-6607 & 22-3717. [Bill Summary](#) Effective 7/1/24.

7. Civil Asset Forfeiture

Drug crimes consisting only of simple possession, that is crimes where there is no profit to the offender are removed from the list of drug crimes that can be used as the basis for

forfeiture. The crimes that can still be grounds for forfeiture are: KSA 21-5703, manufacturing controlled substances; 21-5705, cultivation or distribution of controlled substances; 21-5707, using a communication facility to facilitate manufacturing, distribution, cultivation, or possession of controlled substances; 21-5708(b), selling a prescription only drug; 21-5709(a), possessing precursors to manufacture a controlled substance; (b)(1), Manufacture, cultivate, plant, propagate, harvest, test, analyze or distribute a controlled substance; (c), use or possess with intent to use anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas Department of Agriculture; (d), purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period; 21-5710, distribution of drug precursors or drug paraphernalia; 21-5713(a), distribute, possess with the intent to distribute, or manufacture with the intent to distribute any simulated controlled substance; 21-5714, distribute or intend to distribute a noncontrolled substance that is represented as a controlled substance; 21-5716, unlawful acts involving proceeds derived from violations of KSA 21-5701 through 5717.

In continuing law, seizures for forfeiture must be “proportional” to the nature and severity of the illegal conduct leading to forfeiture. The law is changed to allow the court to make this determination earlier in the legal process. Proportionality is an 8th amendment issue and has been part of Kansas forfeiture law since 1994.

When property is seized for forfeiture under this act, the seizing agency shall not request, induce or otherwise coerce a person who has at any time asserted rights as an owner or interest holder of such property to waive in writing such rights in the property until forfeiture proceedings are commenced pursuant to K.S.A. 60-4109.

The burden of proof in a forfeiture proceeding is “by clear and convincing evidence,” in place of “by the preponderance of evidence.”

New law provides that if less than half the value of property seized for forfeiture is ordered forfeited, the defendant’s attorney fees must be paid by the agency seizing the items. These costs can be paid from forfeiture funds, but if inadequate forfeiture funds exist, the agency must pay the fees from other funds. The bottom line for this is agencies will be wise to carefully consider the strength of the forfeiture case as it pertains to each item seized prior to filing the case in court. There is no good faith exception included.

[SB458 \(2024 SL Ch 83\)](#) Amending KSA 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4116, 60-4117 and 60-4127. [Bill Summary](#) Effective 7/1/24.

8. **Missing Persons with Developmental Disabilities: Purple Alert**

A new missing person public alert classification is created called the Purple Alert Plan for a missing person who suffers intellectual disabilities. The alert is similar to the Silver Alert Plan. The alert should be promptly used when a missing person meets the below criteria and conditions indicate the alert aid in more quickly locating the individual to lower the risk of serious injury or death:

- 18 years of age or older;
- Has been diagnosed with an intellectual disability;

- Their whereabouts are unknown;
- Believed to be in imminent danger of serious bodily injury or death because of their disability; and
- Believed to be unable to return to safety without assistance.

The Office of Attorney General and the KBI will develop details of the plan. The alerts will most likely be initiated using the same process used for Silver Alerts.

[HB2531 \(2024 SL Ch 106\)](#) New Statute. [Bill Summary](#) Effective 7/1/24

9. **Leaving the Scene of Fatal Crash**

The penalty for leaving the scene of a fatality accident is increased to a SL4 person felony if the offender should have reasonably known the accident resulted in injury or death, and to a SL3 person felony if accident resulted in the death of more than one person and the offender should have reasonably known the accident resulted in injury or death. Penalties for other circumstances or results of the accident remain unchanged.

[HB2665 \(2024 SL Ch 51\)](#) Amends KSA 8-1602. [Bill Summary](#) Effective 7/1/24

10. **Intent to Distribute Drugs: Inference**

In cases of intent to distribute drugs, a rebuttable presumption of an intent to distribute exists in prior law if a person possesses certain quantities of controlled substances. In the amended law, rebuttable presumption is replaced with “an inference,” if the facts support such an inference. The difference is that now the weight or dosage units of the drugs may not stand on their own, additional evidence of distribution intent may be needed. The trier of fact can find the evidence supports the presumption or not.

Testimony at hearings on the bill indicated as a practical matter this change in the law is a purely technical law change and doesn’t change the practical process since prosecutors have already been including supporting evidence of distribution, such as, packaging materials, scales, etc.

[SB318 \(2024 SL Ch 98\)](#). Amending KSA 21-5705 & 60-416. [Bill Summary](#). Effective 7/1/24.



Things from the 2024 Kansas Legislative Session Every Law Enforcement Administrator Should Know

Also review [the report on What Every Officer Should Know.](#)

1. **Fingerprinting of Persons Convicted of Certain Municipal Class A or B Misdemeanors**

The statute requiring fingerprinting of persons convicted of class A or B misdemeanors is amended to exempt from the requirement those convicted of municipal ordinance violations prohibited by KSA 8-235 (driving without a license or driving a class of vehicle not included in the person driver's license) and 40-3104 (driving without liability insurance).

[SB414 \(2024 SL Ch 96\) §1.](#) Amending KSA 12-4517. [Bill Summary.](#) Effective 7/1/24.

2. **Notice to Appear/Complaint Allowed in District Court for Certain Misdemeanors**

The law is revised to allow law enforcement to use a Notice to Appear/Complaint form for any unclassified or nonperson misdemeanor in district court. A requirement is included for a memo of agreement between the County or District Attorney and the law enforcement agency before using the NTA/Complaint form. This allows for the details of the form and the process of providing adequate reports to the County/District Attorney in cases where the NTA/Complaint form is used. The NTA must comply with the memo of agreement and existing law on the content requirements.

[SB473 \(2024 SL Ch 87\)§1–2.](#) Amending KSA 22-2202 & 22-2408. [Bill Summary.](#) Effective 7/1/24.

3. **Peer Support**

The term “peer support counseling session” is amended by expanding the reasons a participant may seek a counseling session to include a professional, personal, or social problem, or a difficult life event where peer counseling assistance and guidance would benefit the participant.

Under continuing law, members of law enforcement, emergency services, or the Kansas National Guard may utilize a peer support counseling session to discuss a critical incident or traumatic event. Certain information conveyed in a peer support counseling session by a participant or peer support specialist is considered privileged and may not be disclosed or be considered admissible in judicial, administrative, arbitration, or other adjudicatory proceedings. Exceptions to the privilege are not changed and include certain information related to threats of suicide or criminal acts, information relating to the abuse of persons, admission of criminal conduct, or certain information disclosed with consent.

[HB2557 \(2024 SL Ch 14\)](#) Amending KSA 60-473. [Bill Summary.](#) Effective 7/1/2024.

4. **KPERS: Working After Retirement**

Contribution Rates Paid for Covered Positions; Threshold on Retirant Compensation: Under current law, when a KPERS retirant (“retiree”) returns to work for a KPERS-affiliated employer in a covered position, the participating employer is required to pay a 30% percent “assessment” on compensation paid to the retiree that exceeds the \$25,000 threshold amount. The bill increased this threshold from \$25,000 to \$40,000 per calendar year.

[Note: In regular KPERS, participating employers are required to make contributions to KPERS for a retiree returning to work for an applicable KPERS employer. The employer pays the statutory contribution rate for the first \$40,000 of the retirant's salary and a 30% percent contribution rate (“assessment”) on earnings over the \$40,000 threshold. For regular KPERS, this is returning to work for any regular KPERS employer in a regular KPERS position.

Earnings Limit—KP&F Members, Returning to Work with Previous Employer: The bill increases the earnings limit from \$25,000 to \$40,000 on KP&F members who have retired and return to work for a previous employer.

NOTE: A retiree reaching the earnings limits has two options: 1) not work for an applicable employer once the limit is reached and continue receiving their retirement benefits for the remainder of the calendar year, or; continue earnings beyond the limit and lose their retirement benefits for the remainder of the calendar year.

HB2711 (2024 SL Ch 65) §9 & 11-13, Amends KSA 74-4914, 74-4937, 74-4957, & 74-49,315. Bill Summary
Effective 7/1/24

5. **Work Comp Benefits**

A major work comp reform bill was passed with increased benefits for employees. I will list only key changes.

Lifetime maximum benefits increased:

Death: From \$300,000 to \$500,000

Permanent Total Disability: From \$155,000 to \$400,000

Temporary Total Disability: From \$130,000 to \$225,000

Permanent Partial Disability: From \$130,000 to \$225,000

Temporary Partial Disability: From \$130,000 to \$225,000

Functional Only: From \$75,000 to \$100,000

Starting 7/1/2027, these caps would be increased annually by the 5-year average of the percentage change in the state average weekly wage.

Requires an employer to provide reimbursement for “reasonable expenses” for overnight accommodations in cases in which the employer requires the employee to seek a medical opinion outside of their town or city of residence. Increases the per diem requirement from \$15 to \$30 to help defray the employee’s meal expenses. Retains the requirement for the employer to provide funds for transportation.

Increases the amount of medical charges an employer is liable to cover from \$500 to \$800 when an employee consults a healthcare provider for the purpose of examination, diagnosis, or treatment without prior application or approval.

Amends the benefit reduction calculations for retirement benefits under the Federal Social Security Act by only deducting 50% of the weekly equivalent amount of benefits from the employee’s permanent partial or permanent total disability benefits. However, the temporary total and temporary partial disability compensation is excluded from the deduction. This is a change from a 100% deduction rate.

Increases the minimum weekly benefit payment amount from \$25 to \$50.

Many other procedural changes are also made.

SB430 (2024 SL Ch 27), New law. Bill Summary. Effective 7/1/24.

6. **Civil Asset Forfeiture**

Major changes were made to the Civil Asset Forfeiture statutes. Many of the changes were court procedures, but other will affect how we conduct forfeiture activity or are things we must be aware of when making decisions to seize items for forfeiture. For the most part, the bill follows the recommendations from an intense study of the issue by a Kansas

Judicial Council committee.

Drug Crimes Leading to Forfeiture are Limited

Drug crimes consisting only of simple possession, that is crimes where there is no profit to the offender are removed from the list of drug crimes that can be used as the basis for forfeiture. The crimes that can still be grounds for forfeiture are: KSA 21-5703, manufacturing controlled substances; 21-5705, cultivation or distribution of controlled substances; 21-5707, using a communication facility to facilitate manufacturing, distribution, cultivation, or possession of controlled substances; 21-5708(b), selling a prescription only drug; 21-5709(a), possessing precursors to manufacture a controlled substance; (b)(1), Manufacture, cultivate, plant, propagate, harvest, test, analyze or distribute a controlled substance; (c), use or possess with intent to use anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas Department of Agriculture; (d), purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period; 21-5710, distribution of drug precursors or drug paraphernalia; 21-5713(a), distribute, possess with the intent to distribute, or manufacture with the intent to distribute any simulated controlled substance; 21-5714, to distribute or intend to distribute a noncontrolled substance that is represented as a controlled substance; 21-5716, unlawful acts involving proceeds derived from violations of KSA 21-5701 through 5717. [Section 1 subsection (b)]

Proportionality of Seizure for Forfeiture and Illegal Conduct

In continuing law, seizures for forfeiture must be “proportional” to the nature and severity of the illegal conduct leading to forfeiture. The law is changed to allow the court to make this determination earlier in the legal process. Proportionality is an 8th amendment issue and has been part of Kansas forfeiture law since 1994. [Section 6]

Timelines to Initiate Prosecutor Review

The time allowed to take the case to the county/district attorney for consideration of forfeiture is reduced from 45 days to 15 days. The district attorney has 14 days from the receipt of the case to act on the request for forfeiture. Upon the expiration of this 14-day time limitation on the county/district attorney, or upon notification the county or district attorney declines the request (whichever occurs first), a local seizing agency has 14 days to request a state law enforcement agency adopt the forfeiture or engage a private attorney to represent the local seizing agency in the forfeiture proceeding. The bill provides the same 14-day time limitation for a state seizing agency to engage an assistant attorney general, or other approved attorney, to represent the state seizing agency in the forfeiture proceeding. [Section 3, subsection (g) through (j)]

If the seizing agency has not engaged an attorney for the forfeiture case within the above time limits, the property seized for forfeiture shall be returned within 30 days to the owner or interest holder or as provided in KSA 22-2512. [Section 3, subsection (i)]

(3)]

Requests for Waiver of Rights to Seized Property is Limited

When property is seized for forfeiture under this act, the seizing agency shall not request, induce or otherwise coerce a person who has at any time asserted rights as an owner or interest holder of such property to waive in writing such rights in the property until forfeiture proceedings are commenced pursuant to K.S.A. 60-4109.

[Section 3, subsection (p)]

Federal Adoption of Forfeiture Case (New Requirements)

A state or local law enforcement agency would be allowed to request federal adoption of a seizure under the Act or otherwise transfer or refer seized property to a federal agency only if:

- Seizure by the agency occurs pursuant to a joint task force with federal law enforcement authorities;
- Seizure by the agency occurs pursuant to a joint investigation with federal law enforcement authorities as part of an ongoing federal investigation;
- Agency makes such request in conjunction with a request for federal authorities to adopt the criminal investigation related to the seizure;
- Property seized by the agency is subsequently seized pursuant to a federal seizure warrant, obtained from a federal court, to take custody of assets originally seized under state law;
- Property seized by the agency directly relates to a serious public safety concern; or
- Gross estimated value of the property seized by the agency is \$25,000 or more.

[Section 3, subsection (m)]

Probable Cause Affidavit (New Requirement)

Law enforcement is required to file an affidavit describing probable cause supporting forfeiture with the court in addition to the notice of pending forfeiture or judicial forfeiture action in order to commence forfeiture proceedings, and the forfeiture could proceed only after a judge has determined there is probable cause to believe the property is subject to forfeiture under the Act.

A copy of this probable cause affidavit must be included with the required notice of a pending forfeiture mailed to an owner or interest holder. This replaces existing law requiring the notice to include an affidavit describing essential facts supporting forfeiture.

[Section 4, subsection (a)(1)(A)]

Notice of Claim Against Seized Property

If an owner or interest holder files a claim against property seized for forfeiture, the plaintiff's attorney must file a notice of receipt of the claim with the court, unless the claim was already filed. The filing must include a copy of the claim and documents showing the date the claim was mailed and received. [Section 5, subsection (a)(2)]

Authorized Use of Forfeiture Funds

Only change in the authorized use of forfeiture funds is the addition of paying attorney

fees of the defendant, if assessed by the court, from the forfeiture funds. [Section 9, subsection (e)(2)]

Changes in Court Proceedings

There are numerous changes to be made in court proceedings. I will not try to cover them all here but only the ones directly impacting the law enforcement agency.

Burden of Proof

The burden of proof in a forfeiture proceeding is by “clear and convincing evidence,” in place of by the “preponderance of evidence.” [Section 6, subsection (g)(2) and Section 7, subsection (h)]

Assignment of Attorney Fees

New law provides that if less than half the value of property seized for forfeiture is ordered forfeited, the defendant’s attorney fees must be paid by the agency seizing the items. These costs can be paid from forfeiture funds, but if inadequate forfeiture funds exist, the agency must pay the fees from other funds. The bottom line for this is agencies will be wise to carefully consider the strength of the forfeiture case as it pertains to each item seized prior to filing the case in court. There is no good faith exception included. [Section 8, subsection (f)(2) and Section 9, subsection (e)(2)]

SB458 (2024 SL Ch 83). Amending KSA 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4116, 60-4117 and 60-4127. Bill Summary. Effective 7/1/24.

NOTE ON MANDATORY FORFEITURE REPORTS TO THE KBI:

Continuing law requires all forfeiture transactions to be reported to the KBI. Ongoing case reporting is required to be submitted within 60 days after final disposition of the case. The annual report, due no later than January 31, is required of every state or local law enforcement agency in the state including a zero report if you have no forfeiture activity during the prior calendar year. For more information, see the KBI website at: <https://kasfr.kbi.ks.gov/>.

Failure to file these reports will result in the agency’s inability to file any forfeiture case until proper reporting is completed. A report of agencies not in compliance with report requirements must be submitted by the KBI to the legislature as part of their annual report to the legislature.