

Legislative Session Update

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

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Session Priority Bills



- PTSD Work Comp Coverage for First Responders
 - Working with FOP, Fire and EMS associations
 - Told early in session they would not hold a hearing on the issue
 - Attempted to get “Informational Hearing” but that didn’t happen
- Auto Theft Bill (City of Wichita Bill)
 - Change Culpability for Possession of Stolen Property
 - Felony for Auto Theft value over \$500 and under \$1500
 - Passed House 122-1, Senate 39-0, Conference Report passed Senate 40-0. No vote in House. **Failed to advance to Governor.**
- Oppose Medical Marijuana
 - Several bills introduced. No hearings.

Public Safety Bills



- Speeding excess of 100 mph or 35 mph over limit (KHP bill)
 - Passed favorably by Senate Committee, not debated on floor
- Domestic Battery (Rep. Mike Thompson's bill)
 - Increase penalty for 3rd offense
 - Bill passed House 123-0, Senate 39-1
 - Sent to conference but the Conference Committee never met.
- Child Neglect: Changing definition of neglect (House Committee bill)
 - Position: Voice Strong Concern
 - Bill did not pass out of committee on definition of neglect
 - Provisions was passed in conference in another bill to change police protective custody statute
 - More on this later.

Mental Health Bills



- Continue to address State Hospital Capacity: Emergency Commitments and Competency
 - Bill passed to designate catchment areas for South Central State Hospital.
 - Sedgwick; Butler; Cowley; Harvey; and Sumner counties/
 - Continuation of KDADS reimbursement to local LE, Hospitals, CMHC for cost of holding patients waiting for open beds at state hospitals

HB2365

Motor Vehicle Liability Insurance Bills



- Creation of real-time data base for verification purposes
- Bill signed by Governor. Will be effective July 1, 2025
 - Implementation will take time. Actual date of availability unknown.
 - Accessible to LE via KCJIS
- More than half of states already have this system
- Operational details lacking at this point
- Cannot used for primary reason for traffic stop.

Operational questions:

- Will the verification happen automatically when you run the tag, or will it be a separate query?
- Search capability based on policy number and company?

KPERS



- Fixing Tier 3 Regular KPERS
 - Several bills introduced
 - Only one to get a hearing would have fixed it only for teachers.
 - Passed House 116-5. Senate Committee did not hold hearing.
- COLA for Retirees
 - Three bills introduced
 - No hearings held

Tier 3: The bill getting movement was an attempt to start a process that was affordable and expand it to other Tier 3 members later.

Going back to Tier 2 is deemed too expensive now, since more than half of existing regular KPERS employees are under Tier 3.

A bill was introduced to go to a 401k type plan and scrap Tier 3. It failed to get any traction.

Leadership and key members in both chambers have no desire to provide retirees with a cost-of-living adjustment.

- Most don't understand facts and cite inaccurate information (not intentionally false).
- May don't want to be confused with facts.

Other Criminal Law Bills



- Passed by Legislature, Awaiting action by Governor
 - AI generated images of sexual nature now included in certain sex crimes
Effective 7/1/25
 - Amends KSA 21-5510 (sexual exploitation of a child) and 21-5611 (Unlawful transmission of a visual depiction of a child)
 - When images include a person depicted is indistinguishable from a real child, morphed from a real child's image or generated without any actual child involvement or appear to depict or purport to depict an identifiable person
 - "artificially generated visual depiction" means a visual depiction that is obscene and produced through the use of computer software, digital manipulation or other means that creates an image or video that appears to depict a child under 18 years of age shown or heard engaging in sexually explicit conduct. "Artificially generated visual depiction" includes depictions that are obscene and indistinguishable from a real child, morphed from a real child's image or generated without any actual child involvement

AI Generated Images: (SB186 from HB2183)

Other Criminal Law Bills



- Passed by Legislature, Awaiting action by Governor
 - AI generated images of sexual nature now included in certain sex crimes
Effective 7/1/25 (Cont'd)
 - Also amends KSA 21-6101 (breach of privacy)
 - Includes disseminating any videotape, photograph, film or image that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image.

AI Generated Images: (SB186 from HB2183)

Other Criminal Law Bills



- All other bills relating to criminal law amendments ended up in a dispute in conference and were not passed.
 - Possession of Stolen Property Culpability from “knows” to “should have known” item was stolen
 - Auto Theft: Raised auto theft with value of \$500-\$1500 to a felony.
 - Lasers used on LEO or aircraft
 - Registered sex offenders on K-12 school grounds
 - Buying Sexual Relations: Making first offense a felony

Other Criminal Procedure Bills



- Passed by Legislature Awaiting Action by Governor
 - Requirement for the District Court Odyssey system to allow LE access to arrest and search warrant affidavits.
 - Requirement for the District Court Odyssey system to allow LE access to juvenile records
 - Request for search warrants must come from law enforcement officers
 - Bonds for certain sex offenders:
 - Courts must determine prior convictions prior to setting bond.
 - Must set bond of at least \$750,000 unless court makes finding the person is not a public safety risk and is not a flight risk.
 - Condition of bond includes no contact with victims or witnesses and requires house arrest while on bond.

Odyssey District Court records system: Law enforcement has lost access to this information they had in prior court systems. This is information sometimes helpful in investigations and critical in cases of service of warrants for officer safety and public safety reasons.

Only LEO can request search warrants: (SB186 from SB138) This was brought by prosecutors as several defense attorneys had discovered long standing Kansas law allowing anyone to seek a search warrant and some of them have obtained search warrants that law enforcement was then expected to serve.

Bonds on certain sex offenders: (SB186 section 6 [was section 3] of the final bill amending KSA 22-2802, initiated in HB2389) This was from concerns brought up by victims and supported by LE.

(p) (1) [All new law] If a defendant is charged with **rape**, as described in K.S.A. 21-5503, and amendments thereto, **criminal sodomy or aggravated criminal sodomy**, as described in K.S.A. 21-5504, and amendments thereto, **aggravated sexual battery**, as described in K.S.A. 21-5505, and amendments thereto, or **indecent liberties with a child or aggravated indecent liberties with a child**, as described in K.S.A. 21-5506, and amendments thereto, the magistrate shall

determine prior convictions of such offenses or comparable out-of-state convictions upon available evidence.

(2) If the magistrate determines that such **defendant has a prior conviction of any crime that constitutes a sexually violent crime** as defined in K.S.A. 22-4902, and amendments thereto, **bond shall be at least 750,000 cash or surety and have at least minimum conditions of no contact with any victims or witnesses and the magistrate shall place the person under a house arrest program** pursuant to subsection (a)(4). Such **bond shall not be reduced or modified downward unless the magistrate determines by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk and not a flight risk.** At such evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.

Other Law Enforcement Procedure Bills



- Becoming Law
 - Disposal of firearms forfeited under Civil Asset Forfeiture by sale to licensed gun dealer. Effective 7/1/25.
 - Naloxone: No longer required to have medical advisor if naloxone not purchased with a prescription. Effective 4/24/25
 - Pole Cameras (and other pole mounted technology). Effective 7/1/25
 - Open Records: New procedures and restrictions on what is charged to fulfill an open records request. Effective 7/1/25
 - Law enforcement no longer required to assist State of Local Health Officers in enforcing health orders. Effective 7/1/25
- Passed by Legislature, Awaiting action by Governor
 - Law enforcement may investigate violations of Scrap Metal Act and report results to Attorney General for further action. Similar to how we handle alcohol violations with ABC. Effective 7/1/25

Disposal of Firearms (SB137) Section 1 amending KSA 60-4117 in the Civil Asset Forfeiture Act, Subsection (b):

(b) When firearms are forfeited under this act, the firearms, in the discretion of the seizing agency, shall be destroyed, used within the seizing agency for official purposes, traded to another law enforcement agency for use within such agency, *sold or transferred to a properly licensed federal firearms dealer* or given to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory. [Italicized and underlined provision is new, remainder is existing law.]

Consistent with firearms disposition provisions in KSA 22-2512.

Naloxone

SB193 amending KSA 65-16,127

Pole Cam bill: HB2109

Open records: HB2134

- The bill would specify that actual costs include the cost to review requests and redact the requested records

- Can charge for costs for staff time to provide access to or furnish copies of public records, the bill would require the agency to use in good faith the lowest cost category of staff reasonably necessary to provide such access or copies. The bill would require charges for staff time be based on the employee's salary or hourly wage, not including the cost of employee benefits.
- Require a public agency to make reasonable efforts to contact the requester and engage in interactive communication about mitigating request costs when the staff time needed to respond would exceed five hours or the estimated actual cost for staff time exceeds \$200. If the public agency has made reasonable efforts to contact the requester, and the requester fails to respond by the end of the third business day, the bill would consider such request to be withdrawn until a subsequent contact has been made by the requester to the agency. "Reasonable efforts" would mean contacting the requester through the means of communication the requester provided as their preferred method.
- Agency required to provide an itemized statement of costs incurred by the public agency and charged to the requester upon request.

Other Juvenile Related Bills



- Becoming Law
 - Police Protective Custody Under Child in Need of Care
 - Definition of Child Neglect was not changed.
 - Remains a requirement to take child into custody with reasonable belief the child will be harmed if not immediately removed from the place or residence where the child has been found.
 - Adds a requirement for officers to “explore other options to separate the child from the source of harm before removal of the child.”
 - No requirement to take such alternative action. Discretion left with officer.
 - Adds requirement for DCF to “provide an electronic means of communication for a responding law enforcement officer to refer a child who may be a victim of abuse or neglect to the secretary. The secretary shall receive such referrals and, within 24 hours, initiate an investigation of abuse or neglect and contact the persons who are the subject of such investigation. Then, within 24 hours of such contact, the secretary shall respond to the referring law enforcement agency with the status of the investigation.”
 - Effective 7/1/25

HB2075 Section 1 amending KSA 38-2231 in the Kansas Code for Care of Children (CINC laws)

With support from prosecutors, we were able to stop movement on redefining “neglect.” This was main focal point of original bill.

Concern with PPC arose because of data interpreted to indicate Kansas use of PPC in abuse and neglect cases is higher than other states.

Also, the Office of the Child Advocate indicated in their testimony some of the complaints alleging unnecessary use of PPC had been found. These are a small number of cases and details were not provided.

Other Juvenile Related Bills



- Related Information

- The Office of the Child Advocate is a resource for law enforcement if we find a problem with DCF or DCF contractor actions/inactions.
- Potentially they could be used to help resolve issues with lack of cooperation with investigations of child abuse or neglect.
- DCF and KLETC are currently working on a project for on-line training on PPC including changes in the law and the DCF “Four Questions” process of determining when a child should be taken into protective custody.
- DCF has supplied me with contact information for each Regional Director with the intent we contact them if we experience lack of response to investigative requests, such as redacted reports, or no response.

Other Bills



- Becoming Law
 - Off Duty Carry:
 - “No person of authority for a building shall require, request or record personal information of any off-duty law enforcement officer entering such building in accordance with this section, including, but not limited to, such officer's email address, home phone number or home address, nor shall such officer be required to wear any item identifying such officer as a law enforcement officer or as being armed.”
 - Drones: Manufactured in foreign adversarial countries
 - Bill passed House 104-18
 - Conference bill passed House 98-24, Senate 38-1 Effective on July 1, 2025.
 - Restricts future purchases of new drones and replacement parts.
 - Unlike the proposed Missouri drone bill, this bill does not prohibit continued use of existing drones
 - Contains several exemption provisions to continue use of existing drones.

Off duty carry: (HB2052) Amends KSA 75-7c22 in Personal and Family Protection Act

Drones: (SB9) Creates two new statutes found in sections 12 (Action items) and 13 (Definitions) in the bill.

Support increased after closed door security briefing by the Kansas Fusion Center to House Committee.

Remainder of bill (also included in security briefing) deals with foreign land ownership around military bases.

Other Bills



- Becoming Law
 - Drones: Manufactured in foreign adversarial countries-Exemptions
 - “Any critical components for drones or any related services or equipment that were acquired prior to July 1, 2025, and that are not in compliance with subsection (a) may continue to be used by the governmental agency that acquired such critical components.
 - When a governmental agency determines that a critical component must be replaced, the governmental agency may use any replacement component acquired prior to July 1, 2025, but no new replacement component shall be acquired from any foreign principal.
 - The provisions of this section shall not apply to any contract or agreement entered into prior to July 1, 2025.

“This section” refers to the entire statute, in this case section 12 of the bill.

Agencies should consider

- Stockpiling certain consumable parts for their devices prior to July 1, 2025
- Entering into contractual agreements for purchase of devices. These must be in place prior to July 1, 2025.
- Entering into contractual agreements for ongoing maintenance and parts supply for their currently owned devices. These must be in place prior to July 1, 2025.

Reference to “Subsection (a)”: . . . a governmental agency shall not purchase or acquire any drone or any related services, maintenance agreements or equipment, the critical components of which were:

- (1) Produced in any country of concern; or
- (2) produced or owned by any foreign principal.”

New Sec. 13. As used in section 12, and amendments thereto:

(a) "Company" means any:

- (1) For-profit corporation, partnership, limited partnership, limited liability partnership, limited liability company, joint venture, trust, association, sole proprietorship or other organization, including any:

- (A) Subsidiary of such company, a majority ownership interest of which is held by such company;
 - (B) parent company that holds a majority ownership interest of such company;
 - (C) other affiliate or business association of such company whose primary purpose is to make a profit; and
 - (D) representative agent of such company; or
- (2) nonprofit organization.
- (b) (1) "Country of concern" means the following:
- (A) People's republic of China, including the Hong Kong special administrative region;
 - (B) republic of Cuba;
 - (C) islamic republic of Iran;
 - (D) democratic people's republic of Korea;
 - (E) Russian federation; and
 - (F) Bolivarian republic of Venezuela.
- (2) "Country of concern" does not include the republic of China (Taiwan).
- (c) (1) "Critical component" means those components or subcomponents that are:
- (A) Distinct and serviceable articles; and
 - (B) the primary component or subcomponent of an identifiable process or subprocess necessary to the recording, storing or transmitting of data or any other form of information.
- (2) "Critical component" includes any software installed in a drone or in any device or network device used in support of the operations of a drone.
- (d) "Domicile" means the country where a:
- (1) Company is organized;
 - (2) company completes a substantial portion of its business; or
 - (3) majority of a company's ownership interest is held.
- (e) "Drone" means an unmanned aircraft that is controlled remotely by a human operator or operates autonomously through computer software or other programming.
- (f) "Foreign principal" means:
- (1) The government or any official of the government of a country of concern;
 - (2) any political party, subdivision thereof or any member of a political party of a country of concern;
 - (3) any corporation, partnership, association, organization or other combination of persons organized under the laws of or having its principal place of business in a country of concern. "Foreign principal" includes any subsidiary owned or wholly controlled by any such entity;
 - (4) any agent of or any entity otherwise under the control of a country of concern;
 - (5) any individual whose residence is in a country of concern and who is not a citizen or lawful permanent resident of the United States;
- or
- (6) any individual, entity or combination thereof described in paragraphs (1) through (5) that has a controlling interest in any company formed for the purpose

of manufacturing, distributing, transporting or selling critical components for drones and related services and equipment.

(g) "Governmental agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof.

Other Bills



- Becoming Law
 - Drones: Manufactured in foreign adversarial countries-Exemptions (Cont'd)
 - Any acquisition that is otherwise prohibited under subsection (a) or (b) may be completed by a governmental agency if:
 - (1) There is no other reasonable means to acquire such critical components or of addressing the needs of the governmental agency necessitating such acquisition;
 - (2) the agreement for such acquisition is approved by the secretary of administration after consultation with the adjutant general; **and**
 - (3) failure to acquire such critical components or otherwise address the needs of the governmental agency would pose a greater threat to the safety and security of this state than that posed by entering into such acquisition agreement.

“Any acquisition” includes purchase of devices or of components to maintain current devices.

“No other means to acquire such critical components” is intended to cover things only obtainable through the manufacturer of existing drones. Primarily this would cover components such as batteries, rotors, etc. But it can include circuit boards and other electronic components if all three conditions for the exemption are met.

All three provisions must be met.

These provisions were added intentionally to provide an exception as a result of our work with key legislators on the bill last year.

What's Next



- Emergency Medical Dispatching: We have been asked to lead a group to explore options for expanding this to all dispatch centers in an affordable way for small PSAPS.
- Protection of 4th amendment and privacy rights related to pole cameras: Interim discussions.
- Full reports on all legislation affecting law enforcement will be published in May.
- Engage in PTSD discussions with legislators and attempt to get hearing next year.

EMD: Result of SB11 mandating every PSAP personnel have training on Dispatch CPR training. We opposed based on unfunded mandate. The Committee Chair charged us with organizing a group to explore options that would be affordable for full Emergency Medical Dispatch services for every PSAP.

Pole Cameras (and other technology): This is fallout from HB2109, the pole camera bill. There was a bipartisan lack of understanding of the 4th amendment protections in case law. Sen. Owens was tasked with meeting with proponents over the interim on this issue.

Full reports will include less critical changes to law and reports specific to line officers and investigators.