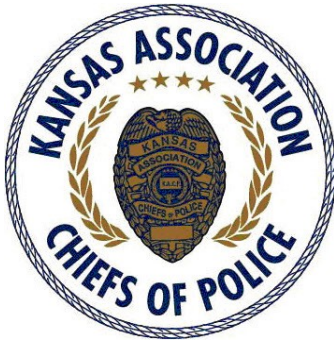


Guide To 2019 Kansas Legislation Impacting Law Enforcement

Version 1.0
June 17, 2019



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This document summarizes legislation impacting law enforcement passed by the 2019 legislature. This document 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. **Question relating to legal interpretation/advice and policy applications should be addressed within your agency following your agency's protocol.**

Additional documents available at www.KsLawEnforcementInfo.com/2019-session.html

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Errata Table

Version	Date	Correction
1.0	06/18/2019	Original Document

UPDATED STATUTES

Available now with current changes at:

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

<http://www.kscoflaw.com/thelawpage.htm>

Will not be available on the state website until later in the year.

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

Session Laws: https://www.sos.ks.gov/pubs/pubs_session_laws.html



Ten Things from the 2019 Kansas Legislative Session Every Law Enforcement Officer Should Know

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

June 10, 2019

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

- 1. Juveniles: CINC Custody:** Effective May 2, 2019, KSA 38-2202; 38-2231; 38-2232; and KSA 38-2242 are amended directing a child taken into custody by a law enforcement officer under the CINC laws cannot be placed into a juvenile detention facility unless specifically authorized in statute. statutes: 1) KSA 38-2232(a)(3) if after being placed in a shelter facility and is alleged but not yet adjudicated as a runaway from home or parents; or if a runaway for the second or subsequent time from a court placement, the child may be placed in a JDF for a maximum of 24 hours, excluding Saturdays, Sundays, and legal holidays IF the person in charge of the facility AND the law enforcement officer determines the child will not remain in the shelter facility; 2) KSA 38-2232(b)(1) for runaways detained under the interstate compact on juveniles; 3) KSA 38-2242(c)(2) and KSA 38-2260 if ordered by a court; 4) KSA 38-2243(g)(2) if alleged but not yet adjudicated as a runaway from home or parents; or if a runaway for the second or subsequent time from a court placement. This authorization is for a maximum of 24 hours, excluding Saturdays, Sundays, and legal holidays; 5) KSA 38-2288 if the child is also alleged to be a juvenile offender. Placement in a juvenile detention facility is specifically prohibited in the following statutes: 1) KSA 38-2232(b)(2) a human trafficking victim; 2) KSA 38-2232(b)(3) a child who the officer believes to be in a mental health crisis AND is likely to cause harm to self or others. This was placed into law as part of the Juvenile Justice Reform bill in 2016 with a delayed implementation date in 2019. Those earlier amendments were further cleaned up this year and are now in effect. [HB2203](#) §3-5 [Bill Summary](#) and [HB2103](#) §3 [Bill Summary](#)
- 2. DUI Law Revisions:** The DUI laws were amended to remove the criminal violations for refusal of the evidentiary test and for refusal of the preliminary breath tests. These laws were found by the courts to be unconstitutional and officers should have already been advised to not make arrests for those violations. The advisories required for the preliminary test are deleted and should no longer be provided. However, provisions are retained allowing officers to use preliminary test results in assessing probable cause to arrest. The advisories required prior to evidentiary testing are changed effective July 1. New forms will be provided. [HB2104](#). [Bill Summary](#)
- 3. Driver's License: Delivery on demand:** Effective July 1, 2019, KSA 8-244 is amended changing the requirement to “display” a driver’s license on demand of law enforcement to “deliver” the license. The effect of this is they must hand it to you if they in fact have it in their possession, they can’t just hold it up to the window and show it to you. There is no violation of this new provision if they fail to deliver it to you because they don’t have it in their possession. The amendment also separates the two provisions of the statute, requirement to possess a driver’s license and requirement to “deliver” the license upon demand, into separate subsections. The provision requiring the case to be dismissed if the license is later shown to the court will only apply to not having the license in their possession. It does not apply to failing to “deliver” the license if it is in the driver’s possession. [HB2125](#) [Bill Summary](#)

4. Drugs

- a. **CBD Oil with THC:** Effective July 1, 2019, the criminal statute is amended to create an affirmative defense for possession of CBD Oil with up to 5% THC, provided the person has a letter from a physician confirming they or their minor child have certain medical conditions. The legislative intent is for persons with these limited diseases to have access to CBD Oils with THC without facing conviction. They used this path attempting to protect law enforcement ability to enforce illegal marijuana. This will create several dilemmas for law enforcement officers they will need guidance on. Since this is an affirmative defense and not legalization of these substances the person is still subject to arrest. But is that what you want your officers doing, especially if the person is in possession of the required letter? When should the officers seize the CBD oil when they suspect the conditions of the affirmative defense are not met or if the officer has reason to believe or probable cause the 5% THC limit is exceeded? When should the seizure result in arrest vs. referral to the prosecutor for charges? See the full Legislative Report for additional details on this new law. See [full details at this link](#). [SB28](#). [Bill Summary](#)
- b. **Agricultural Hemp:** Substantial changes are made to the commercial hemp laws passed last year. These will eventually expand the program. But for right now the “Research Program” is the only active program. The new “Commercial Program” will not be allowed until a state plan is submitted to the USDA and the USDA approves it. These programs make significant changes to the laws governing cannabis that will impact drug enforcement, drug search and seizure cases, and present new challenges to officers in determining what cannabis is legal and what is illegal. Those legally working with the hemp programs are required to be licensed by the Kansas Department of Agriculture and to carry a copy of the license with them when they are engaged in the operation or transportation of the legal products. There are certain things officers will need to be trained on relating to these matters. The ramifications and information are extensive, so I won’t go into all the detail here. But you can see those details at the following links: [full details at this link](#). [HB2167](#). [Bill Summary](#)

5. **Alcohol Enforcement: Temporary Permits; Extended Premises; Common Consumption Areas; and Samples:** Effective May 2, 2019, several alcohol statutes are amended effecting the above listed topics. Key changes include:

TEMPORARY PERMITS: 1) Temporary permits allow the holder to sell alcohol for consumption in the Temporary Permit Area for a limited period of time during a special event without additional liquor licensing; 2) the boundaries of the event must be clearly marked; the consumption of the alcohol can take place on public streets, highways, sidewalks and alleys provided such locations are approved by the city or county, within the approved event boundaries, and the areas are blocked off from vehicle traffic; 3) a Temporary Permit Holder may allow patrons to bring their own liquor into the area for consumption but the liquor container cannot be stored by the permit holder; 4) the liquor sold by the Temporary Permit holder cannot be for consumption off premises, removed beyond the approved boundaries, or consumed within a vehicle; 5) any person employed by or providing services to the Temporary Permit holder must be age 18 or older to serve alcohol, over age 21 to mix drinks, and cannot be convicted of any intoxicating liquor law in the last 2 years or of certain felonies; 6) a person under age 18 may be employed by the Temporary Permit holder for other duties provided they are supervised by a person age 21 or older.

EXTENDED PREMISES: An establishment holding a liquor license located within or adjacent to the site of a temporary sales permit event may extend their premises into the area listed in the temporary sales permit for the duration of the event. Licensees, not related to a temporary sales permit, may extend their licensed premises into the city, county or township street, alley, road, sidewalk or highway, provided the public way is closed to vehicular traffic; and the extension is approved by ordinance or resolution of the city, county or township.

COMMON CONSUMPTION AREAS: One or more licensees may participate in a common consumption area in which they may all sell and serve alcoholic liquor from one non-contiguous service area within the common consumption area as approved by the common consumption area permit holder. The licensee is required to display a copy of the drinking establishment license and the approval of the common consumption area permit holder at the non-contiguous service area.

SAMPLES: Samples may be served by holders of liquor licenses or temporary permits, provided 1) a sample size is limited to no more than ½ ounce of distilled spirits; 1 ounce of wine; or 2 ounces of beer or CMB; 2) there can be no charge for any sample; 3) a sample may not be served to a person under age 21; and 4) samples may not be removed from the premises. More than one sample may be served to any person. Only a Temporary Permit holder may charge a cover charge and still serve samples, all other license holders cannot serve samples if a cover charge has been required.

REMINDER: The ABC cannot take action on a violation of the liquor laws based on a report from local law enforcement unless the violation is reported as required in KSA 41-106, which requires law enforcement to provide written notice of the violation to the person in charge of the licensed premises at the time the violation is discovered. The ABC provides a form at: <https://www.ksrevenue.org/pdf/abc60.pdf>

See [full details at this link](#) [SB70 Bill Summary](#) See the revised statutes at: <http://kansasleo.com/statutes.htm#Ch41> go to K.S.A. Chapter 41.

6. **Window Tint:** Effective July 1, 2019, KSA 8-1749a on window tint now allows a nearly clear window tint film to be applied to a windshield provided 1) the windshield combined with the tint has a 70% or greater transparency; 2) the person has letter from a physician in their possession stating the tint is medically necessary; and 3) the tint material is not scratched, bubbled or otherwise obstructs clear vision. A person in violation of possessing the physician letter has 60 days to demonstrate they have removed the tint or obtained the physician letter. That 60 day period does not apply to a violation of the tint being too dark or in poor condition. The law relating to window tint on law enforcement vehicles is changed to allow window tint on any law enforcement vehicle, not just marked vehicles. [SB63 §4 Bill Summary](#) See the revised statutes at: <http://www.kansasleo.com/vehcode/art17.htm#8-1749a>
7. **ATV and Work Site Utility Vehicle Operation on Roadways:** ATVs and Work Site Utility Vehicles may now be operated on roadways outside of cities when the following conditions are met: 1) The operator has a valid driver's license; 2) the trip is for an agricultural purpose; 3) the speed limit of the roadway is 65 mph or less; and 4) the vehicle is operated near the right side or the

roadway. [SB281](#) §5 & 6 [Bill Summary](#) See the revised statutes at:
<http://www.kscoflaw.com/KSAs/Ch60Art31.htm>

8. **Electric Assisted Scooters:** Effective July 1, 2019, electric assisted scooters must follow the same laws as bicycles but cannot be operated on state, federal or interstate highways except to cross a state or federal (non-interstate) highway. An electric-assisted scooter is a self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to stand upon when riding. Cities may further regulate operations. [HB2523](#) §2 [Bill Summary](#) See the revised statutes at:
<http://www.kscoflaw.com/crimcode/2668code/art55.htm#21-5512>
9. **Search Warrants for Electronic Data:** Specific search warrant provisions were added to KSA 22-2503 for searching devices and media for electronic data. The amendments only apply to search warrants issued after July 1, 2019. The revised statute retains the 96-hour rule for seizure of the device or media containing the data, but specifically removes the time period required for extraction and analysis of the data unless the warrant specifies such a time period. The new provisions also allow for the devices or media containing the data to be sent out of state for the extraction and analysis of the data. [HB2191](#). [Bill Summary](#)
10. **Domestic Violence Policy:** Effective July 1, 2019, the requirement to provide certain information to be given to domestic violence victims is expanded with additional notifications. When an arrest is made for a domestic violence offense of KSA 21-5111 or KSA 21-5924, including a violation of a protection order, the victim must be informed: (A) That in some cases the person arrested can be released from custody in a short amount of time; (B) that in some cases a bond condition may be imposed on the person arrested that prohibits contact with the victim for 72 hours, and that if the person arrested contacts the victim during that time, the victim should notify law enforcement immediately; and (C) any available services within the jurisdiction to monitor custody changes of the person being arrested, such as the [Kansas Victim Information And Notification Everyday \(VINE\)](#) service. See [SB18](#) §12 [Bill Summary](#)

NOTE: If this document has been printed making the internal links unavailable, you can locate the bills and summaries at: http://www.kslegislature.org/li/b2019_20/measures/bills/ Enter only the bill number (leave off the SB or HB).

The author of this document is not an attorney and this is not legal advice. It is a summary of legislation passed in the 2019 Kansas legislative session and based on explanations, observations, and studies of the bill and related documents.

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



Five Things from the 2019 Kansas Legislative Session Every Law Enforcement Administrator Should Know

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

June 10, 2018

- 1. CBD Oil with THC:** Effective July 1, 2019, the criminal statute is amended to create an affirmative defense for possession of CBD Oil with up to 5% THC, provided the person has a letter from a physician confirming they or their minor child have certain medical conditions. The legislative intent is for persons with these limited diseases to have access to CBD Oils with THC without facing conviction. They used this path attempting to protect law enforcement ability to enforce illegal marijuana. This will create several dilemmas for law enforcement officers they will need guidance on. Since this is an affirmative defense and not legalization of these substances the person is still subject to arrest. But is that what you want your officers doing, especially if the person is in possession of the required letter? When should the officers seize the CBD oil when suspected the conditions of the affirmative defense are not met or if the officer has probable cause the 5% THC limit is exceeded? When should the seizure result in arrest vs. referral to the prosecutor for charges? See the full Legislative Report for additional details on this new law. See [full details at this link](#). [SB28. Bill Summary](#)
ACTION CONSIDERATION: Consider discussions with your county or district attorney about this process to provide clear direction for your officers when dealing they encounter CBD oils as impacted by this legislation.
- 2. Agricultural Hemp:** Substantial changes are made to the commercial hemp laws passed last year. These will eventually expand the program. But for right now the “Research Program” is the only active program. The new “Commercial Program” will not be allowed until a state plan is submitted to the USDA and the USDA approves it. These programs make significant changes to the laws governing cannabis that will impact drug enforcement, drug search and seizure cases, and present new challenges to officers in determining what cannabis is legal and what is illegal. Those legally working with the hemp programs are required to be licensed by the Kansas Department of Agriculture and to carry a copy of the license with them when they are engaged in the operation or transportation of the legal products. There are certain things officers will need to be trained on relating to these matters. The ramifications and information are extensive, so I won’t go into all the detail here. But you can see those details at the following links: [full details at this link](#). [HB2167. Bill Summary](#)
ACTION CONSIDERATION: Discuss these procedures with your legal staff and prosecutors. Identify methods for redaction if it should be necessary and allowable under the law. Determine you have adequate equipment to provide the viewing. Clarify that during the viewing, recording by the viewing person is not allowed. Consider a written policy on how this will be conducted.
- 3. Domestic Violence Policy:** Statute has required every law enforcement agency in Kansas to have a written policy on domestic violence cases since 1991. The statute includes a list of things that must be addressed in that policy. This year the legislature added provisions expanding the information required to be given to domestic violence victims that must be addressed in the required policy. These new requirements are: When an arrest is made for a domestic violence offense of KSA 21-5111 or KSA 21-5924,

including a violation of a protection order, the victim must be informed of: (A) That in some cases the person arrested can be released from custody in a short amount of time; (B) that in some cases a bond condition may be imposed on the person arrested that prohibits contact with the victim for 72 hours, and that if the person arrested contacts the victim during that time, the victim should notify law enforcement immediately; and (C) any available services within the jurisdiction to monitor custody changes of the person being arrested, such as the Kansas victim information and notification everyday (VINE) service. The statute also requires officers to be trained on this policy. The statute does not require any set length or time nor frequency of such training. See [HB2459 Bill Summary](#)
ACTION CONSIDERATION: Update your written policy to include these provisions and make sure all officers are trained on the policy. The VINE system is currently active in 80 counties and will be in the remaining counties operating county jails by the end of the year. Contact your county jail to ascertain if they have the system in place and for information that can be provided to victims to utilize the automatic notifications of the release of a person arrested.

4. **DUI Law Revisions:** The DUI laws were amended to remove the criminal violations for refusal of the evidentiary test and for refusal of the preliminary breath tests. These laws were found by the courts to be unconstitutional and officers should have already been advised to not make arrests for those violations. The advisories required for the preliminary test are deleted and should no longer be provided. The advisories that must be given prior to evidentiary testing effective are changed effective July 1. New forms will be provided. [HB2104. Bill Summary](#)

ACTION CONSIDERATION: Be sure the DUI forms for evidentiary testing are replaced with the new ones on July 1. Be sure your officers are aware of the changes.

5. **Search Warrants for Electronic Data:** Specific search warrant provisions were added to KSA 22-2503 for searching devices and media for electronic data. The amendments only apply to search warrants issued after July 1, 2019. The revised statute retains the 96-hour rule for seizure of the device or media containing the data, but specifically removes the time period required for extraction and analysis of the data unless the warrant specifies such a time period. The new provisions also allow for the devices or media containing the data to be sent out of state for the extraction and analysis of the data. [HB2191. Bill Summary](#)

ACTION CONSIDERATION: Review these changes with those responsible for your investigations involving electronic devices.

ALSO SEE THE [TEN THINGS EVERY LAW ENFORCEMENT OFFICER SHOULD KNOW](#) FROM THE 2019 LEGISLATIVE SESSION.

The author of this document is not an attorney and this is not legal advice. It is a summary of legislation passed in the 2019 Kansas legislative session and based on explanations, observations, and studies of the bill and related documents.

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

2019 PASSED LEGISLATION TOPIC LIST

TOPIC	Final Bill	Final Brief	Summary	Bill Section	Effective Date
911 Act	HB2084	Supp Note	Summary	All	7/1/2019
Alcohol: CMB Violation Enforcement	HB2035	Supp. Note	Summary	1	4/11/2019
Alcohol: Common Consumption Areas	SB70	CCR Brief	Summary	29	5/2/2019
Alcohol: Extended Premises	SB70	CCR Brief	Summary	1, 2, 18, 20	5/2/2019
Alcohol: Farm Winery Sales by Producers and Vineyards	SB70	CCR Brief	Summary	11-17	5/2/2019
Alcohol: Reports When Commercial Carriers Bring Liquor into the State	SB70	CCR Brief	Summary	9	5/2/2019
Alcohol: Samples	SB70	CCR Brief	Summary	10,22, and 24-26	5/2/2019
Alcohol: Temporary Sales Permits	SB70	CCR Brief	Summary	1-6; 18-20; 30	5/2/2019
Animal Cruelty	SB20	CCR Brief	Summary	5	7/1/2019
Background checks	HB2290	CCR Brief	Summary	3	5/30/2019
Child Abuse and Involuntary Manslaughter Penalties	SB18	CCR Brief	Summary	5 & 6	7/1/2019
Closed Case Task Force	HB2290	CCR Brief	Summary	1	5/30/2019
Counterfeiting	SB18	CCR Brief	Summary	1	7/1/2019
Criminal Justice Reform Commission	HB2290	CCR Brief	Summary	2	5/30/2019
Domestic Violence: LE Procedures: Victim Information	SB18	CCR Brief	Summary	12	7/1/2019
Drugs: CBD Oils with 5% THC content	SB28	CCR Brief	Summary	1, 2	7/1/2019
Drugs: Hemp, Commercial Industrial	HB2167	CCR Brief	Summary	All	4/18/2019
EMS Statute Updates	SB53	CCR Brief	Summary	All	6/6/2019
Jail Costs: Civil Prisoners	HB2097	Supp. Note	Summary	1	7/1/2019
Juvenile Justice and Foster Care Crossover Task Force	SB25	CCR Brief	Summary	87, 88	6/20/2019
Juveniles: Children with Problem Sexual Behavior	SB77	Supp. Note	Summary	1	7/1/2019
Juveniles: CINC Placement Restrictions	HB2103	Supp Note	Summary	All	7/1/2019
Juveniles: CINC Residential Treatment Program Placement	HB2103	Supp Note	Summary	All	5/2/2019
Juveniles: Suicide, Youth	HB2290	CCR Brief	Summary	5	5/30/2019

<u>TOPIC</u>	<u>Final Bill</u>	<u>Final Brief</u>	<u>Summary</u>	<u>Bill Section</u>	<u>Effective Date</u>
K-12 Schools: Safety Drills	SB128	Supp Note	Summary	1	7/1/2019
KP&F DROP	HB2031	CCR Brief	Summary	5, 6, 7	7/1/2019
KP&F: Service Connected Definition	HB2031	CCR Brief	Summary	1	7/1/2019
KPERS: Requiring payment of deferred 2016 payment	SB9	Supp. Note	Summary	1	3/14/2019
KPERS: Requiring payment of deferred 2016 payment	SB9	Supp. Note	Summary	1	6/13/2019
Open Records: Annual Review of Exemptions	HB2290	CCR Brief	Summary	9	5/30/2019
Parole and Probations: Sanctions	SB18	CCR Brief	Summary	8, 10, 11	7/1/2019
Process Service, Civil: Service on Foreign or Series of LLC	HB2039	CCR Brief	Summary	50	7/1/2019
Reconciliation of Legislation	HB2203	CCR Brief	Summary	All	7/1/2019
Scrap Metal	HB2248	CCR Brief	Summary	1-13	7/1/2020
Search Warrants for Electronic Data	HB2191	Supp. Note	Summary	1	7/1/2019
Sentencing: Comparable Offenses	SB18	CCR Brief	Summary	13 & 16	3/14/2019
Sentencing: Drug Offender Treatment	SB18	CCR Brief	Summary	9	7/1/2019
Sentencing: Sexually Violent Crimes	SB18	CCR Brief	Summary	7	7/1/2019
Traffic: All Terrain Vehicles and Work Site Utility Vehicles Crossing Highways	SB63	CCR Brief	Summary	5 & 6	7/1/2019
Traffic: Driver's License Reinstatement Fees	HB2211	Supp. Note	Summary	1	7/1/2019
Traffic: Driver's License: Delivery on demand	HB2125	Supp. Note	Summary	1	7/1/2019
Traffic: Driver's Licenses: Motorcycle	SB17	Supp Note	Summary	1	7/1/2019
Traffic: DUI Advisories for Evidentiary Tests	HB2104	Supp. Note	Summary	All	7/1/2019
Traffic: DUI: Preliminary Tests	HB2104	Supp. Note	Summary	All	4/18/2019
Traffic: Emergency Vehicle: Passing When Stopped	SB40	Supp. Note	Summary	1	7/1/2019
Traffic: Fleet Vehicle Registrations	SB97	Supp. Note	Summary	1	1/1/2020
Traffic: Railroad Crossings	SB63	CCR Brief	Summary	3	7/1/2019
Traffic: Scooter operations on roadways	SB63	CCR Brief	Summary	7-12	7/1/2019
Traffic: Seatbelts	SB41	Supp. Note	Summary	1	7/1/2019

TOPIC	Final Bill	Final Brief	Summary	Bill Section	Effective Date
Traffic: Transportation network signs in vehicles	SB63	CCR brief	Summary	1 & 2	7/1/2019
Traffic: Truck Markings	HB2127	Supp. Note	Summary	1	7/1/2019
Traffic: Window Tint	SB63	CCR Brief	Summary	4	7/1/2019
Victims: Residential Tenancy Protections	SB78	CCR Brief	Summary	2	7/1/2019
VINE Coordinator	HB2290	CCR Brief	Summary	4	5/30/2019

More detailed information available at:

<http://www.KsLawEnforcementInfo.com/2019-session.html>

Sign up for e-mail notifications at:

www.KsLawEnforcementInfo.com/emailsignup.html

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2019 CRIMINAL LAW, CRIMINAL PROCEDURE, AND LE PROCEDURE ENACTED LEGISLATION

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TOPIC

Animal Cruelty

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Amends the procedural provisions for the handling of animals seized in cruelty cases. The bond requirement is changed from being filed in the county where the animal is being held to the county where the animal was seized. A requirement is added that the bond be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of the animal until disposition of the animal by the court and a clarification that any costs collected by the court or through the bond or other means be transferred to the entity responsible for paying the cost of care, treatment, or boarding of the animal.

Amends

Background checks

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Adds statutory provisions for records checks of employees and volunteers that have unsupervised access to children, the elderly or individuals with disabilities. Fixes problem with authority to conduct these records checks created by a change in federal rules.

Amends

Child Abuse and Involuntary Manslaughter Penalties

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Increases penalties for Child Abuse from SL5 to SL4 when the victim is less than 6 years old and Involuntary Manslaughter from SL5 to SL3 when the victim is less than 6 years old.

Amends

Closed Case Task Force

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Creates a Closed Case Task Force to create and assure the implementation of a plan to create uniform statewide policies and procedures on (1) Timely receipt of the data relating to hits in the combined DNA index system (CODIS) from the forensic laboratory; (2) directly connecting the data relating to hits to the combined DNA index system (CODIS) to the relevant case file; (3) proper policies and procedures to ensure all hits are accounted for and followed up; (4) procedures to address how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and (5) sharing the hits from both solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.

Amends

TOPIC

Counterfeiting

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Adds "currency" to the provisions on making, forging, or altering the listed official US documents with intent to defraud. Adds "note" and "currency" to distributing or possessing with intent to distribute the listed official US documents with intent to defraud. Adds "computer" to the list of items and changes "produce any counterfeit" to "make, forge, or alter any" of the listed items relating to possessing certain items with the intent to counterfeit. Adds "intent to defraud" to the knowing elements of the crimes of distributing and possession with intent to distribute counterfeit documents. Also removes the term "seized" and adds the terms "notes" and "currency" to the penalty provisions.

Amends

Domestic Violence: LE Procedures: Victim Information

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Requires LEO to provide additional information relating to prisoner release to domestic violence victims, including an arrest for violation of a protection order. The required information includes 1) the arrested person may be released in a short amount of time; 2) that bond conditions may include no contact with the victim as condition of bond and that if the person arrested contacts the victim within 72 hours the victim should report the contact to police; and 3) any available services within the jurisdiction to monitor custody changes of the person arrested, for example the VINE victim notification system.

Amends

Scrap Metal

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Amends the scrap metal laws. The primary change for law enforcement is the creation of a statewide database housed by the KBI. The database was part of the new law passed in 2015 that never became a reality. This bill sets a new path for implementing the database which will be in place by July 1, 2020. The database will be monitored by analysts at the KBI who will feed relative information to local agencies. Local law enforcement will also have direct access to the information in the database. There are also changes in the statutes regarding the regulation of scrap dealers including reduction of registration fees and eliminating the requirement to have a fingerprint based records check completed.

Amends

Search Warrants for Electronic Data

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Creates specific search warrant provisions for searching devices and media for electronic data. The amendments only apply to search warrants issued after July 1, 2019. The revised statute retains the 96 hour rule for seizure of the device or media containing the data, but specifically removes the time period required for extraction and analysis of the data unless the warrant specifies such a time period. The new provisions also allow for the devices or media containing the data to be sent out of state for the extraction and analysis of the data without obtaining an out of state warrant.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

2019 SENTENCING RELATED ENACTED LEGISLATION

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TOPIC

Comparable Offenses

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Clarifies the definition of comparable offenses in other jurisdictions for purposes of calculating placement on the sentencing grids.

Amends

Drug Offender Treatment

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Allows courts to assign persons to the drug abuse treatment program for those convicted of a DSL4 crime of cultivation or distribution of controlled substances under KSA 21-5705.

Amends

Sexually Violent Crimes

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Prohibits the application of the mitigating factor of "The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction" in a sexually violent crime or electronic solicitation, when the victim is less than 14 yoa and the offender is 18 or older. Also applies if the offender provides anything of value to the victim to engage in the unlawful act.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

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2019 JUVENILE RELATED ENACTED LEGISLATION

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TOPIC

CINC: Placement Restrictions

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Amends the Kansas code for care of children changing definition of "secure facility" to exclude "juvenile detention facilities." Effect seems to be that anywhere "secure facility" is used in the Code for Care of Children, a juvenile detention facility is not an acceptable placement unless specifically allowed as an option.

Placement in a juvenile detention facility is specifically allowed in the following statutes: 1) KSA 38-2232(a)(3) if after being placed in a shelter facility and is alleged but not yet adjudicated as a runaway from home or parents; or if a runaway for the second or subsequent time from a court placement, the child may be placed in a JDF for a maximum of 24 hours, excluding Saturdays, Sundays, and legal holidays IF the person in charge of the facility AND the law enforcement officer determines the child will not remain in the shelter facility; 2) KSA 38-2232(b)(1) for runaways detained under the interstate compact on juveniles; 3) KSA 38-2242(c)(2) and KSA 38-2260 if ordered by a court; 4) KSA 38-2243(g)(2) if alleged but not yet adjudicated as a runaway from home or parents; or if a runaway for the second or subsequent time from a court placement. This authorization is for a maximum of 24 hours, excluding Saturdays, Sundays, and legal holidays; 5) KSA 38-2288 if the child is also alleged to be a juvenile offender.

Placement in a juvenile detention facility is specifically prohibited in the following statutes: 1) KSA 38-2232(b)(2) a human trafficking victim; 2) KSA 38-2232(b)(3) a child who the officer believes to be in a mental health crisis AND is likely to cause harm to self or others.

Amends

CINC: Residential Treatment Program Placement

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Amends the Kansas code for care of children to provide requirements for placement of a child in a qualified residential treatment program for compliance with federal law. Requirements include: 1) the court must be notified within 30 days after placement of a child in a RTP; 2) Within 60 days of placement the court must approve or disapprove the placement based on a review the placement documentation and determine a) whether the needs of the child could be met through a foster family home; b) whether the placement meets the requirement of being the most effective and appropriate level of care for the child in the least restrictive manner; c) whether placement is consistent with short-term and long-term goals of the child's permanency plan.

Amends

TOPIC

Juveniles: Children with Problem Sexual Behavior

Status **Signed** 552

Final Bill [SB77](#) Final Brief [Supp. Note](#) Final Summary [Summary](#) SessionLawChapter 35
Bill Section 1 Eff Date 7/1/2019 Delayed Eff Date

Defines a "child with sexual behavior problems" as a person under 18 years of age who allegedly committed sexual abuse against another person under 18 years of age. It also requires DCF to take certain actions when a child with sexual behavior problems is reported as a victim of abuse or neglect or reported as a child with sexual behavior problems, and DCF determines a joint investigation with law enforcement is required in accordance with the CINC Code. If those requirements are met, DCF must immediately provide a referral to a child advocacy center or other mental health provider and, as needed, offer additional services to the child and the child's family. If DCF determines there is a high risk of future sexual behavior problems by the child if the child or family refuses services they may make the services mandatory, otherwise participation is voluntary.

Amends **New**

Suicide, Youth

Status **Signed** 648

Final Bill [HB2290](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 62
Bill Section 5 Eff Date 5/30/2019 Delayed Eff Date

Creates a Youth Suicide Prevention Coordinator in the Attorney General's Office to identify, create, coordinate and support youth suicide awareness and prevention efforts throughout the state.

Amends **New**

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

2019 DRUG RELATED ENACTED LEGISLATION

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TOPIC

CBD Oils with 5% THC content

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Allows CBD oils with up to 5% THC content to be used and possessed, but not sold, in Kansas but only through an affirmative defense. Possession remains a chargeable offense, however, a requirement is included for a person with a qualifying medical condition (chronic disease or medical condition causing a serious impairment of strength or ability to function) to have a physician's letter confirming such medical diagnoses with them at any time they are in possession of the CBD with THC. They are also required to show that letter to law enforcement upon request. The letter is not required to include any authorization to use CBD with THC.

Amends

Hemp, Commercial Industrial

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Changes the Agricultural Hemp program expanding it as allowed in the Federal Farm Act. The new plan must be approved by the USDA. The existing research program will continue with some modifications until the new plan is approved. Additional details in addendum at the end of this section.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

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CBD Laws Relevant to Local Law Enforcement

SB28 Effective July 1, 2019 [The Bill](#) [The Legislative Research Summary](#)
New Statutes are attached.

Definition of terms [Section 1 creating new law KSA 65-6235 effective July 1, 2019]:

“Cannabidiol treatment preparation”— an oil containing cannabidiol and tetrahydrocannabinol, as described in K.S.A. 65-4105, and amendments thereto, and having a tetrahydrocannabinol concentration of no more than 5% relative to the cannabidiol concentration in the preparation, verified through testing by a third-party, independent laboratory.

"Debilitating medical Condition a medically diagnosed chronic disease or medical condition causing a serious impairment of strength or ability to function, including one that produces seizures, for which the patient is under current and active treatment by a physician licensed to practice medicine and surgery in Kansas.

Prohibition to remove children from home based on use of CBD authorized in the Act

It is prohibited to initiate of proceedings to remove a child from the home of the child's parent or guardian or initiate any child protection action or proceeding based solely upon the parent's or the child's possession or use of cannabidiol treatment preparation in accordance with the provisions of K.S.A. 2018 Supp. 21-5706(d), and amendments thereto. [KSA 65-6235(c)]

Clarification the act does not authorize other forms of cannabis

The new statute clarifies the new law does not allow the possession, sale, production, redistribution or use of any other form of cannabis. [KSA 65-6235(e)]

Creates an affirmative defense to prosecution of a violation in KSA 21-5706, Unlawful Possession of a Controlled Substance [KSA 21-5706(d)]

Affirmative defense provides the defendant an opportunity to prove the facts necessary to defeat the prosecutions claims. In this case, the facts necessary are established in the statute and require showing:

1. The person or their minor child has a debilitating medical condition, as defined in KSA 65-6235
2. The product in question is a cannabidiol treatment preparation, as defined in KSA 65-6235 and is being used to treat such debilitating medical condition; and
3. The person has a letter
 - a. dated within the preceding 15 months
 - b. signed by a physician licensed to practice medicine and surgery in Kansas who diagnosed the debilitating medical condition;
 - c. on such physician's letterhead; and
 - d. Identifies the person or the person's minor child as such physician's patient and identifies the patient's debilitating medical condition.

State of CBD Laws in Kansas

Prior to July 1, 2019

CBD is only legal under two scenarios: 1) It is a pharmaceutical prescription prescribed by a physician as allowed in Kansas law; or 2) it does not contain any THC.

After July 1, 2019

CBD is only legal under two scenarios: 1) It is a pharmaceutical prescription prescribed by a physician as allowed in Kansas law; 2) it does not contain any THC;

Under the new law in KSA 65-6235, CBD with THC is technically illegal, but a person cannot be convicted if they demonstrate they meet the requirements of KSA 65-6235 and KSA 21-5706(d).

The Amended Statutes

65-6235. CBD With THC For Certain Medical Purposes.

- (a) This section shall be known and may be cited as Claire and Lola's law.
- (b) As used in this section and K.S.A. 2018 Supp. 21-5706, and amendments thereto:
 - (1) "Cannabidiol treatment preparation" means an oil containing cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)) and tetrahydrocannabinol, as described in K.S.A. 65-4105, and amendments thereto, and having a tetrahydrocannabinol concentration of no more than 5% relative to the cannabidiol concentration in the preparation, verified through testing by a third-party, independent laboratory.
 - (2) "Debilitating medical condition" means a medically diagnosed chronic disease or medical condition causing a serious impairment of strength or ability to function, including one that produces seizures, for which the patient is under current and active treatment by a physician licensed to practice medicine and surgery in Kansas.
 - (3) "Tetrahydrocannabinol concentration" means the combined percentage of tetrahydrocannabinol and its optical isomers, their salts and acids and salts of their acids, reported as free tetrahydrocannabinol on a percent by weight basis.
 - (4) "Third-party, independent laboratory" means an organization:
 - (A) That is accredited to ISO/IEC 17025 of the international organization for standardization and the international electrotechnical commission by an accreditation body that is a signatory of a multilateral recognition arrangement with the international accreditation forum, international laboratory accreditation cooperation or other similar body;
 - (B) whose scope of accreditation includes testing for cannabinoid potency; and

- (C) that is not affiliated with the producer of the item being tested.
- (c) No agency of this state or political subdivision thereof shall initiate proceedings to remove a child from the home of the child's parent or guardian or initiate any child protection action or proceeding based solely upon the parent's or the child's possession or use of cannabidiol treatment preparation in accordance with the provisions of K.S.A. 2018 Supp. 21-5706(d), and amendments thereto.
- (d) Nothing in this section shall be construed to require the Kansas medical assistance program or any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after July 1, 2019, to provide payment or reimbursement for any cannabidiol treatment preparation.
- (e) Nothing in this section shall be construed to allow the possession, sale, production, redistribution or use of any other form of cannabis.

History: L. 2019, Ch. 67, § 1; July 1

21-5706. Unlawful possession of controlled substances.

- (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.
- (b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:
- (1) Any depressant designated in K.S.A. 65-4105(e), K.S.A. 65-4107(e), K.S.A. 65-4109(b) or (c) or K.S.A. 65-4111(b), and amendments thereto;
 - (2) any stimulant designated in K.S.A. 65-4105(f), K.S.A. 65-4107(d)(2), (d)(4) (d)(5) or (f)(2), or K.S.A. 65-4109(e), and amendments thereto;
 - (3) any hallucinogenic drug designated K.S.A. 65-4105(d), K.S.A. 65-4107(g) or K.S.A. 65-4109(g), and amendments thereto;
 - (4) any substance designated in K.S.A. 65-4105(g) and K.S.A. 65-4111(c), (d), (e), (f) or (g), and amendments thereto; or
 - (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto;
 - (6) any substance designated in K.S.A. 65-4113, and amendments thereto;
 - (7) any substance designated in subsection (h) of K.S.A. 65-4105(h), and amendments thereto.
- (c) (1) Violation of subsection (a) is a drug severity level 5 felony.
- (2) Except as provided in subsection (c)(3):
- (A) violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subsection (c)(2)(B); and
 - (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a

substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

- (3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:
 - (A) Class B nonperson misdemeanor, except as provided in (c)(3)(B) and (c)(3)(C);
 - (B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and
 - (C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.
- (d) It shall be an affirmative defense to prosecution under this section arising out of a person's possession of any cannabidiol treatment preparation if the person:
 - (1) Has a debilitating medical condition, as defined in section 1, and amendments thereto, or is the parent or guardian of a minor child who has such debilitating medical condition;
 - (2) is possessing a cannabidiol treatment preparation, as defined in section 1, and amendments thereto, that is being used to treat such debilitating medical condition; and
 - (3) has possession of a letter, at all times while the person has possession of the cannabidiol treatment preparation, that:
 - (A) Shall be shown to a law enforcement officer on such officer's request;
 - (B) is dated within the preceding 15 months and signed by the physician licensed to practice medicine and surgery in Kansas who diagnosed the debilitating medical condition;
 - (C) is on such physician's letterhead; and
 - (D) identifies the person or the person's minor child as such physician's patient and identifies the patient's debilitating medical condition.
- (e) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.

History: L. 2009, ch. 32, § 6; L. 2010, ch. 74, § 3; L. 2011, ch. 83, § 2; L. 2012, ch. 150, § 10; L. 2016, ch. 90, § 1; L. 2018, ch. 112, § 6; L. 2019, ch. 67, § 2; July 1.

Hemp Laws Relevant to Local Law Enforcement

HB2167 Effective April 18, 2019 [The Bill](#) [The Legislative Research Summary](#)
New Statutes Available at: <http://www.kansasleo.com/KSAs/Ch2Art39.htm>

Definition of terms [KSA 2-3901]:

“Hemp Processor”— a person registered under K.S.A. 2019 Supp. 2-3907, and amendments thereto, to process and manufacture industrial hemp and hemp products.

“Hemp Producer”— any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to K.S.A. 2019 Supp. 2-3906, and amendments thereto.

"Industrial hemp" means all parts and varieties of the plant cannabis sativa L., whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

“Authorized seed or clone plants” means a source of industrial hemp seeds or clone plants that: (A) Has been certified by a certifying agency, as defined by K.S.A.2-1415, and amendments thereto; (B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or (C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq.

Licensing Under the Research program Authorized in the 2018 Act

Prior to July 1, 2019, the persons participating in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp must be licensed by the Department of Agriculture. [KSA 2-3906 (HB2167 § 2)]

Registration Under the 2019 Commercial Industrial Hemp Act

All Hemp Producers (anyone involved in the cultivation or production of industrial hemp), except those holding a license under the 2018 Research program, must register with the Department of Agriculture. [KSA 2-3907 (HB2167 § 4)]

Any individual employed or seeking employment under such registered hemp producer or a processor who would be engaged in extraction of cannabinoids, including through the disposal of cannabinoids from industrial hemp, must also be registered. Processors who are not engaged in the extraction process are exempt. [KSA 2-3907 (HB2167 § 4)]

Distribution of Licensing and Registration Information

The Kansas department of agriculture shall provide an updated list of all hemp processors to the Kansas Bureau of Investigation and to the county sheriff in each

county where a hemp processor is located as often as is reasonably required or requested. [KSA 2-3907 (HB2167 § 4) subsection (e) and (f)]

Ineligibility for License or Registration

The following are not eligible for a license or registration:

- An individual who has been convicted of a felony violation of Article 57 of Chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years. [KSA 2-3907 (HB2167 § 4) subsection (j)(5); Section 8, subsection (d)(2)]
 - This requires a conviction, excluding a juvenile adjudication, or diversion as an adult or juvenile.
- An individual who has submitted any materially false information in any application to become a licensed hemp producer. [KSA 2-3906 (HB2167 § 2) subsection (d)]

The bill requires local law enforcement to assist in the fingerprint records checks by assisting applicants to properly complete the fingerprint cards. The KBI has a published protocol for how the fingerprint cards and applications should be handled. [KSA 2-3907 (HB2167 § 4) subsection (j)(3)]

Requirement to Have License in Possession

The bill requires the state plan to monitor and regulate the commercial production of industrial hemp to include a “procedure for the creation of documentation that any person in possession of unprocessed industrial hemp may use to prove to any law enforcement officer that such industrial hemp was lawfully grown. [KSA 2-3906 (HB2167 § 2) subsection (b)(5)]

Current regulations implemented under the 2018 Act (KAR 4-34-5 subsection (f) requires anyone engaged in cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain or seeds to have their license in their possession. [https://www.agriculture.ks.gov/docs/default-source/statutes-ppwc/industrial-hemp-regulations.pdf?sfvrsn=20b185c1_12]

The Department of Agriculture must develop regulations by December 31, 2019, a requirement that license holders shall have a current license in their possession at all times that they are engaged in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp. [KSA 2-3902 subsection (e)]

The current KSA 2-3902 subsection (e) includes that requirement for those licensed under the Hemp Research Act to possess their license whenever they are engaged in cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp under current regulation.

Effects on Marijuana Definitions in Chapter 21 and Chapter 65

The definitions of marijuana are revised in both KSA 21-5701 (j) and KSA 65-4101 (aa) by adding an exclusion for “industrial hemp as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act. [KSA 21-5701; KSA 65-4101]

Unlawful Acts

- The bill distinguishes between “negligent violations” and non-negligent violations. [KSA 2-3906 (HB2167 § 2) subsection (c)]
 - Negligent violations are things such as hemp plants slightly exceeding the 0.3% limit but can include other statutory or regulatory violations. Negligent violations are not subject to criminal sanctions.
 - Non-negligent violations discovered by the Department of Agriculture are reported to the KBI. [NOTE: If you believe you have a non-negligent violation, you might want to work with the Department of Agriculture and/or the KBI.]
- It is unlawful for any person to operate as a hemp processor without valid registration. The first conviction is a class A nonperson misdemeanor, the second or subsequent conviction is a severity level 9, nonperson felony. [KSA 2-3907 (HB2167 § 4) subsection (h)]
- Providing false information on an application is a class C misdemeanor. [KSA 2-3907 (HB2167 § 4) subsection (d)(4)]
- Disclosure or use of any information received by the hemp processor in the process of screening an employee or prospective employee for any purpose other than the purposes provided for in the commercial industrial hemp act is a class A nonperson misdemeanor. [KSA 2-3907 (HB2167 § 4) subsection (j)(2)]
- Disclosure or use of any information received by the Department of Agriculture in the process of screening an applicant for license or registration for any purpose other than the purposes provided for in the commercial industrial hemp act is a class A nonperson misdemeanor. [KSA 2-3906 (HB2167 § 2) subsection (e)(1) and KSA 2-3902(d)(1)]
- It is a crime to manufacture, market, sell, or distribute hemp products for any of the purposes listed below. The first conviction is a class A nonperson misdemeanor, the second or subsequent conviction is a severity level 9, nonperson felony. [KSA 2-3908 (HB2167 § 5) subsection (a) and (c)]
 - cigarettes containing industrial hemp;
 - cigars containing industrial hemp;
 - chew, dip or other smokeless material containing industrial hemp;
 - teas containing industrial hemp;
 - liquids, solids or gases containing industrial hemp for use in vaporizing devices; and
 - any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas Food, Drug and Cosmetic Act, K.S.A. 65-636 et seq., and the commercial feeding stuffs act, K.S.A. 2-1001 et seq.
- It is a crime to market, sell, or distribute any of the listed below hemp products to any person who is not registered or licensed as a hemp processor for purposes authorized in

the Act. The first conviction is a class A nonperson misdemeanor, the second or subsequent conviction is a severity level 9, nonperson felony. [HB2167 § 5; KSA 2-3908, subsection (b) and (c)]

- industrial hemp buds;
- ground industrial hemp floral material; or
- ground industrial hemp leaf material.

Waste Products and Hemp Exceeding Legal Limits of THC [KSA 2-3909 (HB2167 § 6)]

- Waste can include extracted THC in any form.
- The bill requires all solid and hazardous waste that results from cultivation, production, or processing of industrial hemp under the Act be managed in accordance with all applicable solid and hazardous waste laws and regulations.
- If the waste can be used in the same manner as, or has the appearance of, a controlled substance, the bill requires the waste to be rendered unusable and unrecognizable before being transported or disposed. This requirement does not apply to waste managed as a hazardous waste and sent to a hazardous waste facility.
- Unusable and unrecognizable means “such waste can not be used in the same manner as, and does not have the appearance of, a controlled substance, as defined in K.S.A. 65-4101” [KSA 2-3909 (HB2167 § 6) subsection (a)(3)]
- A method of effective disposal of hemp or hemp products not meeting the acceptable legal limits or otherwise violating the Act must be included in the State Plan. [KSA 2-3906 (HB2167 § 2) subsection (b)(3); KSA 2-3901(b)(3)]

Other Considerations

There are several issues relating to the legalization of hemp that will affect law enforcement operations. These are not answered by statute, but will require consideration from agency administration, prosecutors, and legal advisors.

- How will the presence of THC in hemp, affect the use of canines who cannot distinguish between legal cannabis and illegal cannabis?
 - Can the requirement for those authorized to engage in cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp be used as a lead in question for use of a canine?
- How does an officer distinguish between hemp and illegal cannabis?
- Will field test kits react differently with low level THC hemp than higher THC content items?
- How does law enforcement proceed with information a person claiming to be licensed may not meet be?
- What criminal activity can we expect surrounding the farms growing and processing of hemp?

2019 TRAFFIC RELATED ENACTED LEGISLATION

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TOPIC

All Terrain Vehicles and Work Site Utility Vehicles Crossing Highways

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Allows an all-terrain vehicle or a work-site utility vehicle to cross state or federal highways. Also allows travel down a state or federal highway (not an interstate), if: 1) outside the corporate limits of a city, unless the city has passed an ordinance allowing operation of this type of vehicle in the city; 2) the trip is for agricultural purposes; 3) the operator has a valid driver's license; 4) the highway has a posted speed limit of 65 mph or less; and 5) the vehicle is operated as near to the right side of the roadway as practicable except when turning left.

Amends

Driver's License Reinstatement Fees

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Allows judges to waive all or part of the driver's license reinstatement fees related to an action based on failure to comply with a citation upon a finding they impose manifest hardship on the person or person's immediate family.

Amends

Driver's License: Delivery on demand

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Changes the statute on driver's licenses from requiring the license to be "displayed" on request of law enforcement, courts or DMV, to be "delivered" on demand when the license is in the driver's possession. This was requested to respond to incidents generally involving sovereign citizen encounters. The new law retains the provision that a person driving without a license can later take the license to the law enforcement agency or court and have the case dismissed, but only for the charge of not having the license in their possession and not for the charge of failure to "deliver" it upon demand when the driver has the license in their possession when stopped.

Amends

Driver's Licenses: Motorcycle

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Removes the rule that a person operating a motorcycle displaying a temporary tag does not have to possess a motorcycle license or motorcycle learner's permit. Any person operating a motorcycle must have a Driver's License with a Class M endorsement, or a Class M learners permit. The learners permit requires a person accompanying them on another motorcycle who has a Class M endorsement on their license.

Amends

TOPIC

DUI: Advisories for Evidentiary Tests

Status **Signed** 543

Final Bill [HB2104](#) Final Brief [Supp. Note](#) Final Summary [Summary](#) SessionLawChapter 13
Bill Section All Eff Date 7/1/2019 Delayed Eff Date 7/1/2019

Removes unconstitutional provisions in DUI statutes by repealing KSA 8-1025, the violation for refusing the evidentiary test effective April 18. The DUI advisories in KSA 8-1001 are also changed to correct inaccuracies in the current advisories. The advisory changes go into effect on July 1.

Amends 8-1001, also repealing 8-1025

DUI: Preliminary Tests

Status **Signed** 693

Final Bill [HB2104](#) Final Brief [Supp. Note](#) Final Summary [Summary](#) SessionLawChapter 13
Bill Section All Eff Date 4/18/2019 Delayed Eff Date

Removes unconstitutional provisions in KSA 8-1012, preliminary testing of breath or oral fluids, by removing violations for refusing the preliminary tests. Retains provision allowing results to be used by officer for consideration for probable cause to arrest.

Amends 8-1012, 8-2118; 75-712h

Emergency Vehicle: Passing When Stopped

Status **Signed** 526

Final Bill [SB40](#) Final Brief [Supp. Note](#) Final Summary [Summary](#) SessionLawChapter 7
Bill Section 1 Eff Date 7/1/2019 Delayed Eff Date

Removes the expired warning period requirement from the statute. Apparently some judges seemed to think it still applied and only warnings could still be given in some jurisdictions.

Amends 8-1530

Railroad Crossings

Status **Signed** 597

Final Bill [SB63](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 61
Bill Section 3 Eff Date 7/1/2019 Delayed Eff Date

Amends the law on when crossing railroad tracks is prohibited to include when railroad maintenance equipment is present. Other provisions prohibiting crossing when the arm is down, lights flashing, or flagman signals approaching rail traffic, or approaching rail traffic is giving an audible signal within 1500 feet of and in hazardous proximity to the crossing remains unchanged.

Amends 8-1551

Rental Vehicle Registrations

Status **Signed** 561

Final Bill [SB97](#) Final Brief [Supp. Note](#) Final Summary [Summary](#) SessionLawChapter 26
Bill Section 1 Eff Date 1/1/2020 Delayed Eff Date 1/1/2020

Creates a fleet rental vehicle registration for rental companies registering 250 or more vehicles. These license plates are permanent "fleet vehicle" plates. We will not start seeing these until after January 1, 2020.

Amends New; 8-145

TOPIC

Scooter operations on roadways

Status

Final Bill Final Brief Final Summary SessionLawChapter
Bill Section Eff Date Delayed Eff Date

Regulates the operation of electric-assisted scooters on roadways and provides specific authority to local government to further restrict or prohibit the operation of electric-assisted scooters on any public highway, street or sidewalk. Includes provision that scooter operation must follow same laws as bicycles and may not be operated on a state, federal or interstate highway, but may be operated to cross such highways. An electric-assisted scooter is a self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding. These vehicles are not required to be registered. Unlawful operation is a traffic infraction.

Amends

Seatbelts

Status

Final Bill Final Brief Final Summary SessionLawChapter
Bill Section Eff Date Delayed Eff Date

Amends the law to clarify seatbelt violations are traffic infractions, not misdemeanors. There is no change to the seat belt law itself (KSA 8-2503). This change is made in an administrative statute (KSA 8-2116).
NOTE: Seat belt violations and child restraint violations are NOT moving violations. They also are not recorded in a driver's driving record except for violations occurring while operating a commercial vehicle.

Amends

Transportation network signs in vehicles

Status

Final Bill Final Brief Final Summary SessionLawChapter
Bill Section Eff Date Delayed Eff Date

Allows cities to authorize lighted signs in network vehicles (Uber or Lync). These are lights that sit on the dash of the vehicle to help customers identify the vehicle responding to their ride request. The light cannot be flashing or red.

Amends

Truck Markings

Status

Final Bill Final Brief Final Summary SessionLawChapter
Bill Section Eff Date Delayed Eff Date

Eliminates the requirement for trucks and truck tractors registered over 12M to have their gross weight limits, owner name, and owner address on the sides of the truck.

NOTE: This does not change the federal requirement for commercial motor vehicles used in interstate commerce to be marked with the name of the owner or motorcarrier and the Federal identification number. Regulations also require the markings for intrastate motor carrier vehicles weighing at least 26,000 pounds.

Amends

TOPIC

Window Tint

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Allows light tinting (no darker than 78% transparency of film and 70% transparency of film and windshield combined) on windshields below the AS1 Line. Requires the film to be maintained in good condition not inhibiting clear view and without tears or bubbles. Requires physicians letter of need which must be presented to officer. If not in vehicle they have 60 days to present letter to court or demonstrate the removal of the film.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

2019 ALCOHOL RELATED ENACTED LEGISLATION

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TOPIC

CMB Violation Enforcement

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Adds the CMB Act to the list of acts local law enforcement may report violations to ABC for enforcement action. Remember all reports of CMB or liquor violations from local law enforcement to the ABC must follow this statute, include delivering the required written notice at the time of the violation to the licensee or person in charge of the licensees establishment.

Amends

Common Consumption Areas

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Allows holders of regular liquor licenses for premises immediately adjacent to or within an approved common consumption area to seek approval from the ABC to participate in a Common Consumption Area. With ABC approval, they may sell and serve liquor from one non-contiguous service area in addition to the licensed premise. A copy of its drinking establishment license and the approval of the CCA permit holder must be prominently displayed at the non-contiguous service area. Continuing law allows consumption anywhere within the Common Consumption Area regardless of what participating vendor the liquor was purchased from.

Amends

Extended Premises

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Allows a drinking establishment licensee, public venue, hotel, hotel caterer, or drinking establishment caterer to extend their licensed premises into an adjacent area covered by a temporary license. The extended premise area may include a city, county, or township street, alley, road, sidewalk, or highway if closed to motor vehicle traffic by the local governing body during any time that liquor is to be sold or consumed; and if the extension has been approved by the city, county, or township by ordinance or resolution that specifies the exact times during which liquor may be sold or consumed on a street, alley, road, sidewalk, or highway. Liquor may not be removed from the extended premise area. Removes a restriction on possessing or consuming liquor inside the premises licensed as a special event that was not sold or provided by the temporary permit holder.

Amends

Farm Winery Sales by Producers and Vineyards

Status **Signed** 689

Final Bill [SB70](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 57
Bill Section 11-17 Eff Date 5/2/2019 Delayed Eff Date

Allows producers of fermentative products to sell wine made at a farm winery. The farm wine must meet the minimum Kansas content requirements. A vineyard permit is renamed a producer license, which is available to producers of grapes, with not less than 100 vines; ripe fruit, or berries, not less than 1,000 pounds; or honey, not less than 100 pounds. A producer license is valid for two years. Requires licensees to maintain records and sales receipts, which may be inspected by the ABC, the Secretary of Revenue, or any law enforcement officer. If a producer is also licensed as a club or drinking establishment, the producer license allows for the sale of domestic wine and other alcoholic liquor, as authorized by the Club and Drinking Establishment Act. If the producer also has a cereal malt beverage license, the producer is allowed to sell beer not exceeding 6.0 percent alcohol by volume, as authorized by the Kansas Cereal Malt Beverage Act. A producer may, but is not required to, prohibit a person from possessing alcoholic liquor or cereal malt beverage not purchased on the licensee's premises.

Amends 41-304; 41-308a; 41-310; 41-316; 41-317;41-319; 41-355

Reports When Commercial Carriers Bring Liquor into the State

Status **Signed** 579

Final Bill [SB70](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 57
Bill Section 9 Eff Date 5/2/2019 Delayed Eff Date

Requires all railroads and common carriers to report delivery of alcoholic liquors into Kansas for delivery to consumers to report such deliveries to the ABC.

Amends New

Samples

Status **Signed** 688

Final Bill [SB70](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 57
Bill Section 10,22, and 24-2 Eff Date 5/2/2019 Delayed Eff Date

Changes the rules of providing alcohol samples by removing the limit to the number of samples that may be provided to a single person; sample quantity is limited to 1/2 oz. of distilled spirits, one oz. of wine, two oz. of beer or CMB. Allows samples to be provided by holder of a temporary sales permit. Samples must be provided from licensees stock and must be provided without charge. Samples may not be removed from licensees premises even in the case of a temporary sales license or common consumption area. Only temporary permit holders may charge an entrance fee or cover charge and provide samples. No other licensees may serve samples if an entrance fee is required.

Amends 41-102; 41-2622; 41-2637; 41-2641; 41-2641; Also repeals 41-2657.

Temporary Sales Permits

Status Signed 550

Final Bill SB70 Final Brief CCR Brief Final Summary Summary SessionLawChapter 57

Bill Section 1-6; 18-20; 30 Eff Date 5/2/2019 Delayed Eff Date

Boundaries of the permit area must be marked or posted by maps. Alcoholic liquor must be dispensed from the original container.

Temporary Permit holders may not employ or use the services of a person under the age of 18 to serve liquor; who is under the age of 21 to mix or dispense drinks containing liquor; or persons under 21 and not supervised by a person at least 21 for any task. A person convicted of a felony or any morals crime, or convicted in the past two years of any intoxicating liquor law, may not dispense, mix or serve liquor.

Every Temporary Permit application must include a diagram showing the boundaries of the premises, the entrances and exits, and the area where liquor will be served. Only 4 permits for a permit holder are allowed per year. A permit may be issued to multiple entities. Before the ABC can issue a permit a city, county or township must approve by ordinance or resolution 1) the event; 2) the closing of any street, alley, road, sidewalk or highway included in the designated premises to vehicle traffic. The proposed use must meet city, county or township zoning requirements. A permit cannot be issued for an event in a county which has not approved liquor by the drink. Generally, a Temporary Permit may only be issued for 3 days. However, the ABC can may issue a permit for up to 30 days when associated with a specific event, but the permit cannot be for longer than the event. See addendum at the end of this section for more details.

Amends New; 41-308a, 41-719, 41-2601 and 41-2608; also repealing 41-347 and 41-2645

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

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Law Enforcement Summary of Enacted Alcohol Law Amendments from 2019 Session

SB70: Temporary Sales Permits; Samples (Effective May 2, 2019; 2019 SL Ch. 57)

[Link to bill](#)

[Link to Summary](#)

HB2035: Violations of law; copy of citation; notice of reported violation (Effective April 4, 2019; 2019 SL Ch. 18 §1)

[Link to bill](#)

[Link to Summary](#)

UPDATED LIQUOR LAWS ARE AVAILABLE AT: <http://kansasleo.com/statutes.htm#Ch41>

Terminology:

- Alcoholic Liquor means “alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include any cereal malt beverage.” [KSA 41-102(c)]

Temporary Sales Permits

What is required

The boundaries of the premises stated in the license must be “clearly marked by signs, posted maps or other means.” [KSA 41-1201(f)(1) {(e)(1) in the bill}; 41-1202(f); 41-719(a)(4); 41-2648(g)]

All alcoholic liquor sold at an event must be dispensed from the original container. [KSA 41-1203(a)]

What is allowed

The holder of a Temporary Sales Permit is allowed to sell alcoholic liquor for consumption within the location listed in the permit. The permit also allows sale of alcoholic liquor at charitable auctions, including sales of limited issue porcelain containers containing alcoholic liquor for on-site or off-site consumption. [KSA 41-1201(a)]

Alcoholic liquor may be consumed on a city, county or township sidewalk, street, alley, or highway provided the city, county or township passes an ordinance or resolution approving the area for public consumption and to close the area to vehicle traffic during the event. [KSA 41-1201(f)(1) {(e)(1) in the bill}]

A cover charge is allowed for entry into the premises covered by a Temporary Sales Permit. [KSA 41-1201(b)]

A person may bring alcoholic liquor in the original container onto event premises, but only with permission of the temporary permit holder. If allowed the container cannot be stored on the premises by the permit holder and the person bringing it onto the premises must remove it when they leave the premises. [KSA 41-1203(b)]

The keg registration is not required for retail sales of kegs to the holder of a temporary sales permit. [KSA 41-1205]

What is not allowed

Alcoholic liquor may not be sold for removal from the event premises or for consumption off-premises, except for alcoholic liquor sold in a charitable auction or in a limited issue porcelain

container. This does not restrict removal of alcoholic liquor from a drinking establishment into the temporary event premises. [KSA 41-1202(e)]

Alcoholic Liquor sold by licensees in the Temporary Sale Permit premises may not be removed beyond the boundaries stated in the license, except for charitable auction events. [KSA 41-719(a)(4)]

Alcoholic liquor may not be consumed in a vehicle at any time, even within the premises of a temporary sales permit. [KSA 41-719(a)(3)]

The permit holder may not employ or use the services of 1) a person under age 18 to serve alcohol; 2) a person under age 21 to mix or dispense drinks; 3) a person under age 21 for any other task unless supervised by the permit holder or a person age 21 or older; 4) a person who has been convicted of a felony or of any crime involving a morals charge to dispense, mix or serve alcoholic liquor; or 5) a person who has been convicted in the past two years of a violation of any intoxicating liquor law. [KSA 41-1201(k) {(j) in the bill}]

Enforcement of violations

Operation under sections 1-5, Temporary Sales Permits, is subject to enforcement under the Liquor Control Act and the Club and Drinking Establishment Act and the regulations under those acts. [KSA 41-1206(a)]

All participating licensees who have extended their premises into the temporary event area are liable for violations of laws governing the sale and consumption of alcoholic liquor. [KSA 41-1201(f)(3) {(e)(3) in the bill}]

Each temporary permit holder selling alcoholic liquor for consumption on the permit premises shall be liable for all violations of laws governing the sale and consumption of alcoholic liquor that occur in areas covered by multiple temporary permits. [KSA 41-1201(f)(4) {(e)(4) in the bill}]

The holder of a temporary sales permit is responsible for violations of the Club and Drinking Establishment Act by 1) any employee or contractor the holder has providing services or food in connection with the event; or 2) any person dispensing, mixing, or serving alcoholic liquor at the event. [KSA 41-1202(d)]

What is a criminal violation

Any violation of KSA 41-719 (See Subsection (j) for penalty provision) is an A misdemeanor, including, among other violations:

- Removing alcoholic liquor from:
 - the properly marked boundary of premises designated in a temporary permit [KSA 41-719(a)(4)],
 - the boundaries of a catered event area designated by a county, city or township extended premises permit or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment [KSA 41-719(a)(4)], or
 - a common consumption area [KSA 41-719(b)] is an unclassified misdemeanor [KSA 41-719(k)].
- Consumption of alcoholic liquor within a vehicle on public streets, alleys, roads or highway at any location. [KSA 41-719]
- Consumption of alcoholic liquor on public streets, alleys, roads or highway not included in a common consumption area or temporary permit area. [KSA 41-719]

Permit Process

The ABC issues Temporary Sales Permits. Permits may be issued to multiple organizations. [KSA 41-1201(c)]

The application must be submitted at least 14 days in advance. The ABC may waive the 14-day requirement for good cause. [KSA 41-1201(d) {1st (d) in the bill}]

The permit application must include the exact location of the premises of the event and a diagram of the included premises and all exits, entrances and boundaries must all be marked on the diagram. [KSA 41-1201 (e) {2nd d in the bill}]

Before the ABC can issue a permit a city, county or township must approve by ordinance or resolution 1) the event; 2) the closing of any street, alley, road, sidewalk or highway included in the designated premises to vehicle traffic. The proposed use must meet city, county or township zoning requirements. A permit cannot be issued for an event in a county which has not approved liquor by the drink. [KSA 41-1201(e) and (f) {2nd (d)) and (e) in the bill}]

Temporary Permits generally cannot be for more than three days; however, the ABC can waive that and issue a permit for the entire duration of an event of up to 30 days. [KSA 41-1201(g)(1) and (3) {(f)(10 and (3) in the bill}]

Extended premises

Licenseses of an establishment within or adjacent to the site of a temporary sales permit area may have their licensed premises extended into the premises a city, county or township has approved for the temporary event, provided the public way is closed to vehicular traffic; and the extension is approved by the city, county or township. [KSA 41-1201(f)(2) {(e)(2) in the bill}; KSA 41-719(a)(2)(C); SB70, KSA 41-2608(c)]

Common Consumption Areas

One or more licenseses may participate in a common consumption area in which they may all sell and serve alcoholic liquor from one non-contiguous service area within the common consumption area as approved by the common consumption area permit holder. The licensee is required to display a copy of the drinking establishment license and the approval of the common consumption area permit holder at the non-contiguous service area. [KSA 41-2659(e)(2)]

Other provisions of Common Consumption areas remain unchanged as provided in KSA 41-2659 and KSA 41-719.

Samples

Samples of wine, beer or distilled spirits are allowed to be served by a temporary sales permit holder regardless of whether a cover charge is required, but on any other licensed premises samples may only be served if no cover charge is being collected. [SB70, Section 4(a) and (b); KSA 41-719(j)(1)(D); 41-2637(a); 41-2641; 41-2642]

A sample size is limited to no more than 1) ½ ounce of distilled spirits; 2) 1 ounce of wine; or 3) 2 ounces of beer or CMB. [KSA 41-102(bb); KSA 41-2601(u)]

There can be no charge for any sample. [KSA 41-1204(c); KSA 41-2637(a); KSA 41-2641(a); KSA 41-2642(c)]

There can be no cover charge to enter or remain where samples are being served, except for temporary sales permit areas. [KSA 41-2637(a); KSA 41-2641(a); KSA 41-2642(c)]

There is no limit on the number of samples a single person may be served. [SB70, Section 4(d)]
Previous limitations on the number of samples served to a person by licensees is stricken in various statutes. [KSA 41-2637(a); KSA 41-2641(a); KSA 41-2642(c)]

Samples may not be served to a minor (under age 21). [SB70, Section 4(d); SB70, KSA 41-2637(a); KSA 41-2641(a); 41-2642(c)]

Samples may not be removed from the premises designated in the Temporary Sales Permit. [KSA 41-1204(d); KSA 41-2637(a); KSA 41-2642(c)]

There is no requirement for a Department of Agriculture Food Service Dealer License to serve samples. [KSA 41-1204(d)]

Reporting Any Liquor Control or CMB Act Violation to ABC

Violations of any ABC alcoholic liquor laws or regulations observed by law enforcement must be reported to the ABC as provided in KSA 41-106, which requires law enforcement to issue a written notice to the person in charge of the licensed premises at the time the violation is discovered, prior to submitting a report to the ABC. [KSA 41-106]

Producer License

A producer license may be issued to certain vineyards and authorizes the sale of wine in the original, unopened container, the serving by the drink of wine, and to conduct wine tastings on the premises specified in the license. [KSA 41-355(c)]

The holder of a producer license may also sell other alcoholic liquor if they are also licensed as a club or drinking establishment; or may sell cereal malt beverage or veer up to 6% alcohol by volume if also licensed to sell a CMB. [KSA 41-355(e)]

State Fair Special Provisions

Special provisions are provided for the State Fair. [KSA 41-1201(g)(2) {(f)(2) in the bill}; KSA 41-308a(e); KSA 41-719 (d)(4) and (5)]

NOTE: There is an error in subsection numbering in Section 1 of SB70. There are two subsection (d)s. We believe the revisor will re-designate the subsections correctly when the statute is published in the fall. So the references to KSA 41-1201 with subsection (d) or beyond, carry a note showing what we believe will be published but showing the actual bill subsection in {brackets}.

2019 PROBATION/PAROLE RELATED ENACTED LEGISLATION

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TOPIC

Parole and Probations: Sanctions

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Amends sanction provisions for violation of probation supervision. It authorizes up to an additional 18 days of confinement in a county jail for quick dips. All 120 and 180 day sanctions are removed for persons on probation; these were DOC sanctions and are removed entirely, not converted to 120 or 180 day local jail sanctions. The provision allowing courts to include in sentencing that quick dips cannot be imposed is also removed.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

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2019 PROCESS SERVICE RELATED ENACTED LEGISLATION

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TOPIC

Process Service, Civil: Service on Foreign or Series of LLC

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

The bill amends the Code of Civil Procedure section governing service of process to provide that service on an LLC series may be made in the same manner as continuing methods of service on various corporate entities or resident agents. If service is made on the resident, managing, general, or other agent of the LLC upon which service may be made, or on the Secretary of State on behalf of any series, the bill requires the service to include the name of the LLC and the name of the series.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

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2019 JAIL OPERATIONS RELATED ENACTED LEGISLATION

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TOPIC

Jail Costs: Civil Prisoners

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Amends the amount sheriffs can receive for holding prisoners in civil cases from \$1.50/day to the average daily cost, the same as what is allowed for holding city or federal prisoners.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html

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2019 MISCELLANEOUS ENACTED LEGISLATION

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TOPIC

911 Act

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Amends the 911 Act including 911 fee increase to \$.90 per line. Results in full funding for state contracts and for future expansion of technology and capabilities. Bill includes administrative amendments sought by KSA and KACP clarifying 911 Coordinating Council authority; processes for expenditures of local 911 funds; and process for assuring GIS data is kept up to date.

Amends

Criminal Justice Reform Commission

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Creates a Criminal Justice Reform Commission to 1) Review sentencing grid for appropriate sentencing; 2) review sentencing proportionality; 3) analyze diversion programs; 4) review supervision levels and programs; 5) study specialty courts; 6) survey evidence-based programs for state and community corrections; 7) study DOC policies on placement inside facilities; 8) evaluate existing data systems; 9) study other matters. Members include a chief of police and a sheriff appointed by the AG.

Amends

EMS Statute Updates

Status

Final Bill Final Brief Final Summary SessionLawChapter

Bill Section Eff Date Delayed Eff Date

Updates several statutes relating to certification and training. Creates an official inactive status requiring annual fees to be paid, but exempts the holder from mandatory annual training and allows a method to reactivate the certification. Reduces the board from 6 to 4 members. Requires fingerprint based records checks of new EMS provider applicants. Amends the titles of certifications and eliminates those no longer used.

Amends

TOPIC

Juvenile Justice and Foster Care Crossover Task Force

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Requires the Department of Children and Families to establish a Task Force to study issues involving youth who are in foster care and also the juvenile offender system, including the impact of 2016 SB367, the Juvenile Reform bill. One is for a Task Force meeting in June and reporting by July 1, 2019; the second is a Task Force meeting July-October 2019 with reporting required by November 1. The Task Force will have one member appointed by the Kansas Sheriffs Association and one member appointed by the Kansas Association of Chiefs of Police.

NOTE: A legislative request was also sent to the Judicial Council to study this same topic. They are also forming a committee which will report prior to the 2020 legislative session.

Amends

K-12 Schools, Safety Drills

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Reduces the required emergency preparedness drills from 16 safety drills per year to 9 per year in K-12 public and private schools. The new requirements include at least 4 fire drills, 2 tornado drills (one in Sept and one in March), and 3 crisis drills.

Amends

Open Records: Annual Review of Exemptions

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Exemptions continued in this routine review include: 21-2511(h)(2) on KBI's profile records from biological samples; 21-5905(a)(7) on certain disclosure of a judges personal information; 22-2302 on arrest warrant information; 22-2502 on search warrant information.

Amends

Reconciliation of Legislation

Status

Final Bill Final Brief Final Summary SessionLawChapter
 Bill Section Eff Date Delayed Eff Date

Reconciles differences created within a statute when amended in more than one bill. Statutes included: 21-5413; 38-2212; 38-2232; 38-2242; 38-2243; 39-1431; 41-102; 79-32,117; 79-3602.

Amends

TOPIC

Victims: Residential Tenancy Protections

Status

Final Bill Final Brief Final Summary SessionLawChapter
Bill Section Eff Date Delayed Eff Date

Prohibits denial of tenancy in rental property because a "protected person" is a victim of domestic violence, human trafficking, stalking, or sexual assault. To qualify for the protections, the protected person must provide a statement regarding the qualifying circumstances to the landlord or property owner, who may ask for additional documentation. A "protected person" is defined as a person who, during the preceding 12 months, has been, is, or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking, or stalking. This is a civil issue, but is good information to know when handling tenant landlord disputes.

Amends

VINE Coordinator

Status

Final Bill Final Brief Final Summary SessionLawChapter
Bill Section Eff Date Delayed Eff Date

Creates a position in the Office of Attorney General for a Victim Information Every Day (VINE) system Coordinator to work with interested parties, including, but not limited to, the sheriffs to oversee the implementation and operation of the VINE system throughout the state.

Amends

More Legislative Information Available at www.KsLawEnforcementInfo/2019-session.html