

Information from the 2022 Legislative Session of Interest to KCJIS Users and 911 PSAPS

June 7, 2022

Jurisdiction of Local Law Enforcement

Some changes were made to the statute designating local law enforcement jurisdiction. Some of these changes are likely to be noticed by 911 Communications Center personnel. These changes were made due to court bench rulings over the past few years that caused problems with admission of evidence or validity of arrests.

One of those changes allow officers who are travelling on official business to utilize their law enforcement authority in certain limited situations where the safety of a person may be in jeopardy. A requirement when this authorization is used requires the officer to contact the agency with jurisdiction. That will likely be done through a 911 call or radio call. The officer is then required to remain at the location until officers from an agency with jurisdiction arrives. So, an officer will need to be dispatched to these events.

Another change allows officers who are out of their jurisdiction while investigating a crime occurring in their home jurisdiction to utilize their law enforcement authority. This law requires the officer to notify the agency of jurisdiction at the location of the investigative activity and to “coordinate with that agency.” The intent is to for the agency to be aware of the officer’s presence in their jurisdiction while conducting an investigation. This is not only a legal issue, but also an officer safety issue and public safety issue. This allows the dispatch center to know an officer is there, if the officer needs assistance or if the party the officer contacts calls the dispatch center to verify they really are law enforcement. It may also result in an officer from the agency with home jurisdiction to accompany them.

The special jurisdiction provisions in existing law for Sedgwick and Johnson counties are not changed.

[HB2495 §4](#), Amending KSA 22-2506. [Bill Summary](#). Effective 7/1/22.

Autonomous Vehicles

New law will allow autonomous vehicles to operate on the roads and highways in Kansas. Autonomous vehicles are vehicles operated with automated driving systems and may or may not have a human in the vehicle to alternately take control. These vehicles are authorized in nearly every other state and in operation in several states. Without getting into the details of the operation of these vehicles, our interest is in enforcing traffic laws, investigating crashes, and dealing with other emergencies involving these vehicles. We likely will not see these being operated on the road until well into next year.

These laws do not include the operation of small low-speed self-operating delivery vehicles not designed to operate on the roadway and generally operated on the sidewalks. Those are still not authorized for use in Kansas.

PSAPS and law enforcement agencies can expect to receive inquiries about these vehicles from both the public and from officers in the field.

Emergency information for the vehicles is available two ways. First, each vehicle operating

under these statutes must display an emergency contact number on the side of the vehicle. A call to this number should put you in contact with someone who should be available 24/7 to provide information necessary to deal with issues involving the vehicles. Secondly, the statutes provide the owner of these vehicles must supply a “law enforcement operation plan” to the Kansas Highway Patrol. The information in that plan must include 1) how to contact a fleet support specialist who must be available any time the vehicle is in operation; 2) information regarding safety considerations for first responders in dealing with a driverless-capable vehicle as the result of collision or fire; 3) how to recognize whether the driverless-capable vehicle is in autonomous mode; and 4) any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risk associated with the operation of the vehicle. Details on how the KHP will handle these has yet to be worked out. Presumably, the information contained in these documents will be available 24/7 through the KHP dispatchers. PSAPS can expect an officer to request their dispatchers to contact KHP for relative information in an emergency or information on how the officer might contact the KHP dispatcher directly. This could include fire or EMS personnel assigned to related emergencies as well.

Registration Plates: Specialty Plates

The new plates added this year are: Down Syndrome; Silver Star; Bronze Medal; KDWP (Kansas Department of Wildlife and Parks); Daughters of the American Revolution; and the City of Hutchinson.

[SB506 \(2022 SL Ch 25\)](#). New law. [Bill Summary](#). And [HB2476 \(2022 SL Ch 57\)](#), New law and amending KSA 8-1,141; 32-901. [Bill Summary](#). Effective 7/1/22.

Fingerprints for Non-Criminal Justice Records Checks

An applicant, employee or volunteer who is subject to a criminal history record check shall provide to the requesting authorized entity written consent to obtain the applicant's, employee's or volunteer's fingerprints to conduct a criminal history record check and participate in the rap back program for the purpose of determining suitability or fitness for a permit, license, employment or volunteer service.

If you are merely taking the fingerprints for the applicant, you will not have any responsibilities for handling this form but you could have someone ask you about the rap back process. However, if you submit fingerprints for a records check for a non-criminal justice reason as a requirement at your local level (such as licensing security guards, massage workers, non-criminal justice employee or applicant, etc.) you would have to obtain this form when you request an applicant to submit their prints then forward that form to the KBI when the records check is requested.

It is a class A misdemeanor for any person to intentionally disclose to any person not authorized to receive the records of fingerprints, records relating to fingerprints or any information concerning any individual.

If you are not familiar with rap back, it allows the recipient of the original records to receive ongoing notifications of criminal history record updates for individuals whose fingerprints are enrolled. The KBI must be informed by the agency requesting the records check when the enrolled person is no longer in the position authorizing the initial records check.

[HB2495 §1](#), New statute. [Bill Summary](#). Effective 7/1/22.

988 Suicide Prevention and Mental Health Crisis Hotline

Funding was approved for the 988 suicide hotline. The operational authorization was also passed. The Hotline will: 1) Receive all calls initiated by a service user dialing 988 from service providers; 2) deploy crisis services, including mobile crisis teams, according to KDADS guidelines; 3) coordinate access to crisis stabilization services or other local resources as appropriate according to KDADS guidelines; 4) provide referrals and follow-ups according to KDADS guidelines; 5) meet training requirements established by NSPL and KDADS; and 6) work with the VA to route calls from self-designated veterans for the provision of Veterans Crisis Line services.

[SB19 \(2022 SL Ch 100\)](#), Creates new law . [Bill Summary](#). Effective 7/1/22.

Open Records

Existing Exceptions Extended

Several sunset provisions from various Kansas Open Records Act (KORA) exceptions were extended indefinitely. The only one of interest to law enforcement is the extension of the exception in KSA 22-4620, protecting release of electronic recordings of felony custodial interrogations.

[HB2109 \(2022 SL Ch 62\) §3](#), Amending KSA 22-2902. [Bill Summary](#). Effective 7/1/22.

License Plate Reader Data

License plate reader data is added as a KORA exemption. This covers not only the data from the license tags but also the location information of the license plate reader device. It also clarifies any requests related to license plate readers must be directed to the agency owning, leasing or operating the devices.

[SB434 \(2022 SL Ch 48\)](#), Amending KSA 45-217; 45-220; 45-221. [Bill Summary](#). Effective 7/1/22.

More detailed and updated legislative information, including any updates to this document, can be found at the following link:

<https://www.kslawenforcementinfo.com/2022-session.html>

This information was compiled by Ed Klumpp and provided compliments of the Kansas Sheriffs Association, Kansas Association of Chiefs of Police, and Kansas Peace Officers Association. Contact: eklumpp@cox.net or (785) 640-1102.