



Ten Things from the 2017 Kansas Legislative Session Every Law Enforcement Officer Should Know

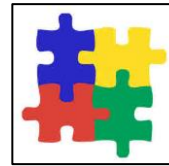
Presented by Kansas Association of Chiefs of Police; Kansas Sheriffs Association; Kansas Peace Officers Association

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- 1. Narcan Available to First Responders:** Effective July 1, 2017, any first responder agency will be allowed to obtain an opioid antagonist (the antidote for opioid overdose commonly known as Narcan or Naloxone) and first responders in agencies that choose to participate can administer it to any person they believe is suffering an opioid overdose. There are administrative and training requirements for the first responders and first responder agency. Liability protection is included in the legislation for the agency and the first responder. See [full details at this link. HB2217. Bill Summary](#)
- 2. Autism Alert Indicators for Law Enforcement:** DMV is authorized to issue a placard, a decal to be affixed to a license plate, and placement of an indicator the person is autistic on a driver's license or state issued identification card upon application with a physician confirmation of the condition. The law is fashioned after the handicap placard law including creating a C Misdemeanor for misrepresentation to obtain the placard, license, ID card, or decal and an unclassified misdemeanor with a \$100-\$300 fine for misuse of the devices. The intent is to offer a method for officers to recognize when they may be approaching a person with a relevant cognition condition. [SB74 Bill Summary](#) See examples below.

Placard: (Actual size same as handicap placard)

Tag Decal:



Decal goes in lower left corner of tag.



DL/ID Card:



ID Card will have similar designator.

- 3. Domestic Battery Amended/New Aggravated Domestic Battery Law**
 - a. Domestic Battery Amended:** Effective July 1, 2017, the crime of Domestic Battery is amended to include battery involving persons who are in or have been in a dating relationship in addition to the existing "family or household member." The definition of "dating relationship" is "a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since the termination of the relationship." [SB112 §2. Bill Summary](#)
 - b. Aggravated Domestic Battery (New Law):** This new law makes it a SL7 person felony to impede the normal breathing or circulation by strangulation or by blocking the nose and mouth of a person done in a rude, insulting or angry manner when the victim and offender is involved in or has been involved in a dating relationship, or is a family or household member. [SB112 §2. Bill Summary](#)

4. New Human Trafficking Related Laws:

- a. **Internet Trading in Child Pornography:** The elements of this crime are complicated. It requires a person 18 or older committing acts which violate one form of sexual exploitation of a child under subsection (a)(2) of KSA 21-5510, but not a violation of the sexting law passed last year, KSA 21-5610 Or 21-5611 AND the offender knowingly causes or permits any person other than the offender or a person depicted in the child pornography to view the pornography using an electronic device connected to the internet. Likewise, Aggravated Internet Trading in Child Pornography occurs when a person 18 or older commits an act violating one of two forms of sexual exploitation of a child under subsection (a)(1) or (a)(4) of KSA 21-5510, but is not a violation of the sexting law passed last year, KSA 21-5610 Or 21-5611 AND the offender 1) employs, uses, persuades, induces, entices or coerces a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance; or 2) a parent, guardian, or other person having custody or control of a child under 18 years of age, knowingly permits such child to engage in, or assist another to engage in, sexually explicit conduct with the intent to promote any performance or with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person. **Jurisdiction for either crime includes a place where the visual depiction or performance may be viewed by any person other than the offender using any electronic device connected to the Internet and is viewed by a law enforcement officer using an electronic device connected to the Internet while engaged in such officer's official duties.** [SB40 §3. Bill Summary](#)
- b. **Promoting Travel for Human Trafficking:** Promoting Travel for Child Exploitation, a SL5 person felony, is knowingly selling or offering to sell travel services that include or facilitate travel for the purpose of any person engaging in conduct constituting aggravated human trafficking, sexual exploitation of a child, Internet trading in child pornography, or commercial sexual exploitation of a child. There is a violation if the promotion or sale is offered to a person in Kansas even though the destination and sexual misconduct acts would occur outside of Kansas. "Travel services" is defined as transportation by air, sea, or ground; hotel or any lodging accommodations; package tours; or vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration. [NOTE: The simple transportation of a person for the purposes of human trafficking remain in KSA 21-5426.] [SB40 §2. Bill Summary](#)
- c. **Use of a Communication Facility:** It is a SL7 person felony to use a communication facility to commit the crimes of human trafficking, commercial sexual exploitation of a child, or promoting the sale of sexual relations, including an attempt, conspiracy or solicitation of those crimes. It is an A person misdemeanor to use a communication facility in committing, causing, or facilitating the commission of the crime of buying sexual relations (the "Johns"). "Communication facility" is defined as any public or private instrumentalities useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes telephone, wire, radio, computer, computer networks, beepers, pagers, and all other means of communication. An affirmative defense is created if the defendant committed the crime because they were subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child. [SB40 §1. Bill Summary](#)

5. Amended Human Trafficking Related Law:

- a. **Commercial Sexual Exploitation of a Child:** The crime of commercial sexual exploitation of a child (KSA 21-6422) is amended by combining subsections (a)(1)(A) and (B) into one subsection. The penalty is increased from a SL5 to a SL4 person felony. Transporting, procuring transportation, or paying for transportation of a child for purposes of selling sexual relations is stricken from this statute. Transporting is covered in aggravated human trafficking KSA 21-5426 subsections (a)(1) or (a)(4) [SB40 §14. Bill Summary](#)

- b. **Aggravated Human Trafficking:** The crime of aggravated human trafficking is amended in subsection (b)(4) defining one form of the crime as "recruiting, harboring, transporting, providing or obtaining, by any means, a *child* knowing the *child* will be used to engage in forced labor, involuntary servitude, or sexual gratification of the defendant or another *involving the exchange of anything of value.*" Subsection (b)(5) is added creating a new crime under aggravated human trafficking: "*Hiring a child by giving, or offering anything of value to any person to engage in 1) bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of another, 2) sexual intercourse, 3) sodomy, or 4) any unlawful sexual act when the offender recklessly disregards the age of the child.*" An affirmative defense is created for violations of subsection (b)(4) or (5) for a defendant who 1) at the time of the violation was under 18 and 2) committed the violation because at the time of the violation the defendant was subjected to human trafficking or aggravated human trafficking. It is not a defense that a victim consented or willingly participated in the forced labor, involuntary servitude, or sexual gratification of the defendant or another, or that the offender had no knowledge of the age of the victim. [SB40 §10. Bill Summary](#)
6. **Recording Interrogations:** Effective July 1, 2018, every Kansas law enforcement agency must have a policy in place requiring interrogations meeting certain conditions to be recorded. The minimum requirement is to record interrogations when a suspect under investigation for a homicide or any felony sex crime when the suspect must be given Miranda warnings, and is in custody in a facility under the control of a Kansas law enforcement agency. They new law does not require a specific procedure, but does list some things that must be contained in the policy. [SB112 §2. Bill Brief](#)
7. **Protection From Abuse Orders for Sexual Assault:** The Protection from Abuse Act (PFAA) and Protection from Stalking Act (PFSA) are amended to include protection for victims of sexual assault by amending the definition of "abuse" include "engaging in any sexual contact or attempted sexual contact with another person without consent or when such person is incapable of giving consent." The Protection from Stalking Act (PFSA) is also renamed the Protection from Stalking and Sexual Assault Act (PFSSAA). Sexual assault is defined in the act as: 1) A nonconsensual sexual act; or 2) An attempted sexual act against another by force, threat of force, or duress, or when the person is incapable of giving consent. It allows the court to issue an order restraining the defendant from committing or attempting to commit a sexual assault upon the victim and may be combined with other orders to also include restraining a defendant from harassing, or abusing victim. The statute on violating a protective order is amended to include these orders. [SB101 §1-11 Bill Summary](#)
8. **Sexual Assault Examination:** A continuing law requires a medical facility to give a parent or guardian written notice when a child has been given a sexual assault examination. An exception is created if either 1) the medical facility has information that a parent, guardian, or family or household member is the subject of a related criminal investigation, or 2) the physician, licensed physician assistant, or registered professional nurse, after consultation with law enforcement, reasonably believes the child will be harmed if such notice is given. The legislative intent is for law enforcement to convey to medical staff performing a sexual assault examination if officers know of a condition where parental notification is not advisable. [SB101 §12. Bill Summary](#)
9. **Bicycle Lighting Equipment:** A bicycle in use between sunset and sunrise must be equipped on the rear with any one of the following: 1) a red reflector visible from 100 feet to 600 feet, or; 2) a lamp that emits a red light visible from 500 feet, or; 3) a device worn by the operator that emits a red or amber light visible from 500 feet. References to approval of equipment by the Secretary of Transportation are removed. [HB2170 Bill Summary](#)
10. **Seat Belts Violations, Adults:** The fine is increased from \$10 to \$30, still no court cost, for adult seat belt violations. The additional fine is all designated to support the SAFE program, a high school driver safety program. [SB89 Bill Summary](#)