

Substitute for HOUSE BILL No. 2330

By Committee on Judiciary

3-11

1 AN ACT concerning law enforcement officers; relating to the office of
2 sheriff; qualifications for office; amending K.S.A. 2014 Supp. 19-801b
3 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 19-801b is hereby amended to read as
7 follows: 19-801b. (a) No person shall be eligible for ~~nomination~~; election
8 or appointment to the office of sheriff unless such person, *at the time such*
9 *person is elected or appointed:*

10 (1) Is a citizen of the United States and a qualified elector of the
11 county;

12 ~~(2) possesses a high school education or its recognized equivalent;~~
13 ~~and~~

14 ~~(3) has never been convicted of or pleaded guilty or entered a plea of~~
15 ~~nolo contendere to any felony charge, a misdemeanor crime of domestic~~
16 ~~violence as defined in K.S.A. 74-5602, and amendments thereto, or to any~~
17 ~~violation of any federal or state laws or city ordinances relating to~~
18 ~~gambling, liquor or narcotics.~~

19 (b) ~~Every person elected to the office of sheriff for the first time, or~~
20 ~~anyone reelected or appointed to the office after having been out of the~~
21 ~~office for five years or more shall be required to attend the law~~
22 ~~enforcement training center as established by K.S.A. 74-5601 et seq., and~~
23 ~~amendments thereto, and satisfactorily complete the required training~~
24 ~~course of not less than 320 hours, unless such person has satisfactorily~~
25 ~~completed such training course within the five years prior to election or~~
26 ~~appointment, passes a written competency test and firearms proficiency~~
27 ~~qualification course developed and administered by the Kansas law~~
28 ~~enforcement training center or unless the commission, as defined in~~
29 ~~subsection (b) of K.S.A. 74-5602, and amendments thereto, waives the~~
30 ~~requirements of this subsection as provided in K.S.A. 74-5608a, and~~
31 ~~amendments thereto. Unless the requirements are waived, any person~~
32 ~~elected or appointed to the office of sheriff who has not attended the law~~
33 ~~enforcement training center shall hold office on a provisional basis, and~~
34 ~~such person shall attend the next scheduled training program at the law~~
35 ~~enforcement training center and satisfactorily complete such training~~
36 ~~program or the one subsequent to it, or shall forfeit such office.~~

1 (2) *has not been convicted of a crime that would constitute a*
2 *misdemeanor crime of domestic violence or a felony under the laws of this*
3 *state;*

4 (3) *has not been convicted of a misdemeanor within five years*
5 *immediately preceding the date of election or appointment; and*

6 (4) *has graduated from a high school accredited by the state board of*
7 *education or the appropriate accrediting agency of another state*
8 *jurisdiction or obtained the equivalent of a high school education as*
9 *defined by rules and regulations of the commission.*

10 (b) *Unless the commission waives the training requirements of this*
11 *subsection pursuant to K.S.A. 74-5608a, and amendments thereto, any*
12 *person elected or appointed to the office of sheriff:*

13 (1) *Shall possess current full-time law enforcement certification from*
14 *the commission;*

15 (2) *if such person has allowed such full-time certification to lapse*
16 *due to more than five years since employment as a Kansas law*
17 *enforcement officer shall:*

18 (A) *Pass the next scheduled written competency test and firearms*
19 *proficiency qualification course developed and administered by the*
20 *Kansas law enforcement training center, that is available for such person*
21 *to attend after election or appointment to the office of sheriff, or the*
22 *subsequent scheduled written competency test and firearms proficiency*
23 *qualification course; or*

24 (B) *satisfactorily complete the next scheduled full-time basic training*
25 *course required under K.S.A. 74-5607a, and amendments thereto, that is*
26 *available for such person to attend after election or appointment to the*
27 *office of sheriff, or the one subsequent to it; or*

28 (3) *if such person has not obtained full-time certification by the*
29 *commission, shall satisfactorily complete the next scheduled full-time*
30 *basic training course required under K.S.A. 74-5607a, and amendments*
31 *thereto, that is available for such person to attend after election or*
32 *appointment to the office of sheriff, or the one subsequent to it.*

33 (c) *Unless the training requirements of subsection (b) are waived by*
34 *the commission, any person elected or appointed to the office of sheriff*
35 *who does not meet the training requirements of subsection (b) shall*
36 *complete such training requirements, or forfeit such office.*

37 ~~(e)-(d)~~ *Each newly elected sheriff of each county who is required to*
38 *attend the law enforcement training center prior to taking office shall be*
39 *hired as a deputy sheriff and shall be paid a salary as a deputy sheriff equal*
40 *to the existing sheriff's salary while attending the law enforcement training*
41 *center. The tuition, board, room and travel expense for the sheriff-elect at*
42 *the law enforcement training center shall be paid by the county.*

43 (e) *As used in this section, "commission" means the Kansas*

1 *commission on peace officers' standards and training created by K.S.A.*
2 *74-5606, and amendments thereto, or the commission's designee.*

3 Sec. 2. K.S.A. 2014 Supp. 19-801b is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the statute book.