



Proposed

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Doug Schroeder, Executive Director

Laura Kelly, Governor

State of Kansas
Kansas Commission on Peace Officers' Standards and Training

**Notice of Public Hearing on Proposed Administrative
Regulations**

April 5, 2022

A public hearing will be conducted on Thursday, June 16th at 10:00 a.m. in the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite #350, Wichita, Kansas to consider the adoption of proposed rules and regulations of the Commission, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite #350, Wichita, Kansas 67203 or by email to dschroeder@kscpost.org. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Doug Schroeder at (316) 832-9906 or dschroeder@kscpost.org. The KSCPOST office building is accessible. Handicapped parking is located on the east side of the building.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Kansas Commission on Peace Officers' Standards and Training, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed regulations and Economic Impact Statements for the proposed regulations can be viewed at the following website: www.kscpost.org

K.A.R. 106-2-1. General definitions. Amends definition of "Official document or official communication" to include an internal or criminal investigation conducted by a law enforcement agency or training school. This regulation is not anticipated to have any economic impact.

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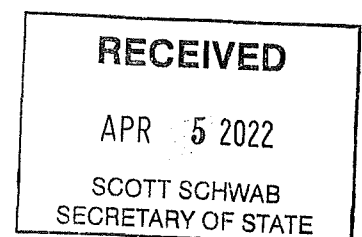
**SCOTT SCHWAB
SECRETARY OF STATE**

K.A.R. 106-1-9. Continuing education or training. This new regulation defines the annual continuing education or training period for law enforcement officers as July 1 of the year in which the requirement arises through June 30th of the following year. This regulation is not anticipated to have any economic impact.

K.A.R. 106-2-2b. Reporting criminal offenses. This new regulation requires certified law enforcement officers to self-report if the individual has been arrested, cited, or charged with a criminal offense that would be grounds for discipline. Reporting is mandated on a form provided by the director within 10 days after arrest or discovery of the filing of the criminal proceeding. This regulation is not anticipated to have any economic impact.

K.A.R. 106-2-3. Unprofessional conduct. This amended regulation adds intentionally using false or deceptive statements to gain employment or certification as a law enforcement officer and engaging in academic misconduct while attending a basic training course to the definition of unprofessional conduct. This regulation is not anticipated to have any economic impact.

End



106-1-9. Continuing education or training. The annual continuing education or training required by K.S.A. 74-5607a(b), and amendments thereto, shall be obtained during the period from July 1 of the year in which the requirement arises through June 30 of the following year.

(Authorized by K.S.A. 74-5607; implementing K.S.A. 74-5607a; effective P-

_____.)

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106-2-1. General definitions. Each of the following terms, as used in the commission's regulations and the Kansas law enforcement training act, shall have the meaning specified in this regulation:

- (a) "Applicant" means a person seeking certification as an officer.
- (b) "Appointing authority" means a person or group of persons empowered by a statute, local ordinance, or other lawful authority to make human resource decisions that affect the employment of officers. A sheriff shall be deemed to be that individual's own appointing authority.
- (c) "Basic training course" means a curriculum of instruction that meets the training requirements for certification as an officer.
- (d) "Criminal history record information" has the ~~same~~ meaning ~~as that specified for~~ that term in K.S.A. 22-4701, and amendments thereto.
- (e) "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.
- (f) "Officer" means a "police officer" or "law enforcement officer," as defined in K.S.A. 74-5602 and amendments thereto, who has been granted any certification by the commission.
- (g) "Official document or official communication" means information created or transferred, in any medium, in the course of performing the duties of an officer required by law or by policies or procedures of an appointing authority or in response to an internal or criminal investigation conducted by a law enforcement agency or training school.

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(h) "Other training authority" means an organization or individual with a curriculum of instruction and assessments in firearms or emergency vehicle operation that the director of police training has determined may provide training equivalent to instructor courses offered at the training center.

(i) "Public safety concern" means reason to believe that the health, safety, or welfare of the public at large would be adversely affected as a result of the reduced availability of law enforcement officers.

(j) "Trainee" means a person who is enrolled in a basic training course at a training school.

(k) "Training school" means a training organization operated by a law enforcement agency to provide basic training courses. This term shall include the training center. (Authorized by K.S.A. 2011 Supp. 74-5603, as amended by L. 2012, ch. 89, sec. 3, and K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5; implementing K.S.A. 2011 Supp. 74-5603, as amended by L. 2012, ch. 89, sec. 3, K.S.A. 2011 Supp. 74-5604a, K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5, and K.S.A. 74-5616, as amended by L. 2012, ch. 89, sec. 8; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012; amended P-_____.)

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106-2-2b. Reporting criminal offenses. Each individual who holds a certification from the commission shall report to the commission if the individual is arrested, cited, or charged with a criminal offense that would be grounds for discipline pursuant to K.S.A. 74-5616(b)(5), and amendments thereto. The individual shall report the event to the commission, on a form provided by the director, within 10 days after arrest or discovery of the filing of the criminal proceeding. (Authorized by K.S.A. 74-5607; implementing K.S.A. 74-5616; effective P-_____.)

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106-2-3. Unprofessional conduct. "Unprofessional conduct," pursuant to K.S.A. 74-5616 and amendments thereto, ~~means~~ shall mean any of the following:

(a) Willfully or repeatedly violating one or more regulations promulgated by the commission;

(b) having had a license, certification, or other credential to act as an officer denied, revoked, conditioned, or suspended; having been publicly or privately reprimanded or censured by the licensing authority of another state, agency of the United States government, territory of the United States, or country; or having had other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States, or country. A certified copy of the record or order of public or private reprimand or censure, denial, suspension, condition, revocation, or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States, or country shall constitute prima facie evidence of such a fact for purposes of this subsection;

(c) willfully failing to report to the appointing authority or its designee knowledge gained through observation that another officer engaged in conduct that would be grounds for discipline by the commission;

(d) willfully disclosing criminal history record information or other information designated as confidential by statute or regulation, except for a legitimate law enforcement purpose or when required by order of a court or agency of competent jurisdiction;

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(e) taking, threatening to take, or failing to take action as an officer if the action is or reasonably would appear to be motivated by a familial, financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(f) using excessive physical force in carrying out a law enforcement objective. As used in this subsection, physical force shall be deemed excessive if it is greater than what a reasonable and prudent officer would use under the circumstances;

(g) exploiting or misusing the position as an officer to obtain an opportunity or benefit that would not be available but for that position;

(h) exploiting or misusing the position as an officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(i) failing to report, in the manner required by the revised Kansas code for care of children, reasonable suspicion that a child has been harmed as a result of physical, mental, or emotional abuse or neglect; or

(j) engaging in any of the following conduct, except for a legitimate law enforcement purpose:

(1) Intentionally using a false or deceptive statement in any official document or official communication;

(2) committing conduct likely to endanger the public;

(3) performing duties as an officer while using or under the influence of alcohol;

(4) using any prescription-only drug, as defined by K.S.A. 65-1626 and amendments thereto, that impairs the officer's skill or judgment in performance of duties as an officer; or

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(5) using any controlled substance that is unlawful to possess, as defined by K.S.A.

~~2011~~ 2021 Supp. 21-5706 and amendments thereto;

(k) intentionally using a false or deceptive statement to gain employment or certification as a law enforcement official; or

(l) engaging in academic misconduct while attending a basic training course or any other course conducted at a training school. Academic misconduct shall include cheating on examinations, engaging in plagiarism, and providing or receiving unauthorized assistance on individual assignments and exercises. (Authorized by and implementing K.S.A. ~~2011 Supp.~~ 74-5616, as amended by L. 2012, ch. 89, sec. 8; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012; amended P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Commission on Peace Officers' Standards and Training
Agency

Doug Schroeder
Agency Contact

316-832-9906
Contact Phone Number

106-1-9
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

106-1-9 Continuing education period.

The annual continuing education or training required by K.S.A. 74-5607a(b) and amendment thereto shall be obtained during the period from July 1 of the year in which the requirement arises through June 30 of the following year.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This regulation is not mandated by the federal government.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This regulation will not enhance or restrict business activity and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

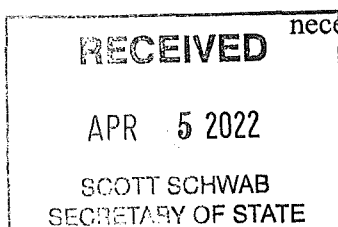
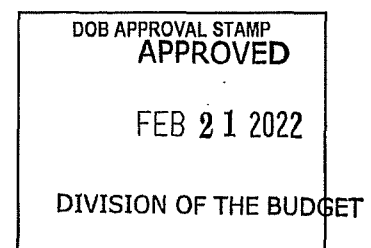
There is no economic effect of this KAR.

C. Businesses that would be directly affected by the proposed rule and regulation;

This regulation would not directly affect any business.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There are no costs. The Commission feels the regulation is necessary to protect the public more completely.



- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

This regulation will have no cost or impact on business or economic development in Kansas.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

This regulation will have no implementation or compliance cost.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no costs to detail.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

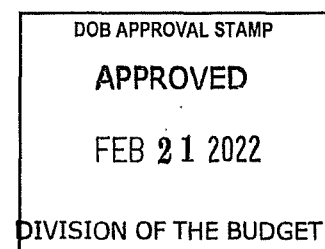
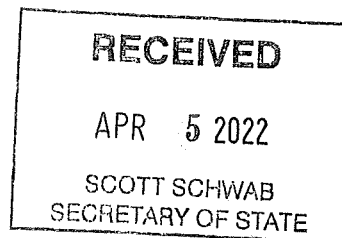
YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

This regulation will not increase or decrease revenues of cities, counties, or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

Based on experience, the Commission felt this regulation was necessary to protect the public more completely.



- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

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SECRETARY OF STATE

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Commission on Peace Officers' Standards and Training
Agency

Doug Schroeder
Agency Contact

316-832-9906
Contact Phone Number

106-2-1
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This amendment adds the following two matters to the general definitions of KAR 206-2-1:

(g) "Official document or official communication" means information created or transferred, in any medium, in the course of performing the duties of an officer required by law or by policies or procedures of an appointing authority, or in response to an internal or criminal investigation conducted by a law enforcement agency or training school.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

This regulation is not mandated by the federal government.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

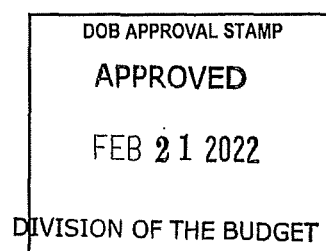
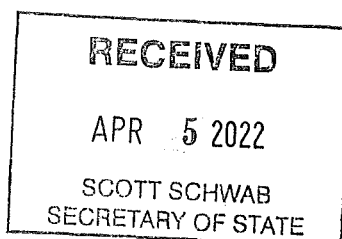
This regulation will not enhance or restrict business activity and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

This regulation should have no economic effect.

C. Businesses that would be directly affected by the proposed rule and regulation;

This regulation would not directly affect any business.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There are no costs. The Commission feels the regulation is necessary to protect the public more completely.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

This regulation will have no cost or impact on business or economic development in Kansas.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

This regulation will have no implementation or compliance cost.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no costs to detail.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties, or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

This regulation will not increase or decrease revenues of cities, counties, or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability.

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Based on experience, the Commission felt this regulation was necessary to protect the public more completely.

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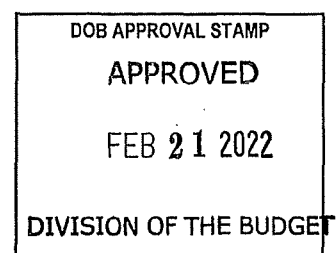
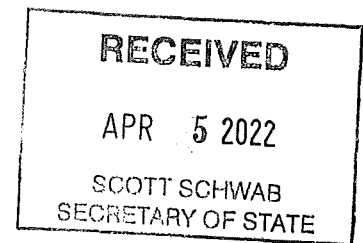
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- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

N/A



**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Commission on Peace Officers' Standards and Training
Agency

Doug Schroeder
Agency Contact

316-832-9906
Contact Phone Number

106-2-2b
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

Reporting Criminal Offenses - An individual who holds a certification from the commission must report to the commission if arrested, cited, or charged with any criminal offense that is grounds for discipline pursuant to K.S.A. 74-5616(b)(5), and amendments thereto. The individual must report the event to the commission within ten days after arrest or discovery of the filing of such criminal proceeding. Reporting shall be submitted on a form provided by the director.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This regulation is not mandated by the federal government.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This regulation will not enhance or restrict business activity and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

This regulation should have no economic effect.

C. Businesses that would be directly affected by the proposed rule and regulation;

This regulation would not directly affect any business.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There are no costs. The Commission feels the regulation is necessary to more completely protect the public.

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- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

This regulation will have no cost or impact on business or economic development in Kansas.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

This regulation will have no implementation cost. The only compliance cost would be the cost of postage if the notice is given by mail.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no costs to detail.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

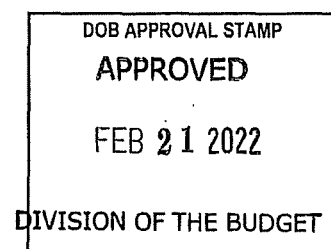
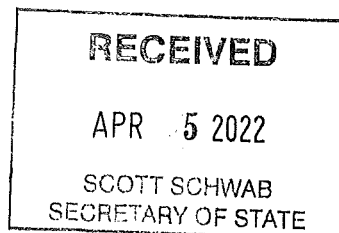
YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties, or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

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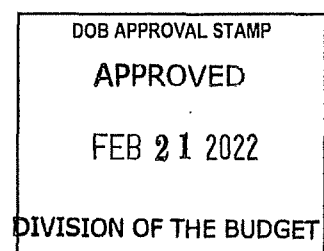
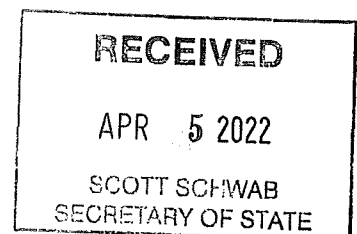
- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

Based on experience, the Commission felt this regulation was necessary to protect the public more completely.



- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A



Kansas Administrative Regulations Economic Impact Statement For the Kansas Division of the Budget

Kansas Commission on Peace Officers' Standards and Training
Agency

Doug Schroeder
Agency Contact

316-832-9906
Contact Phone Number

106-2-3
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This amendment adds the following two matters to the definition of "unprofessional conduct" in KAR 106-2-3:

(k) intentionally using a false or deceptive statement to gain employment or certification as a law enforcement officer.

(l) engaging in academic misconduct while attending a basic training course or any other course conducted at a training school. Academic misconduct includes, but is not limited to, cheating on examinations; plagiarism; and providing or receiving unauthorized assistance on individual assignments and exercises.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This amendment is not mandated by the federal government.

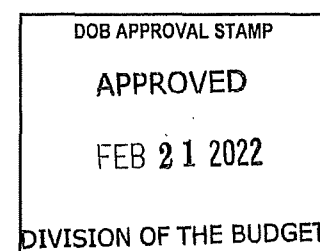
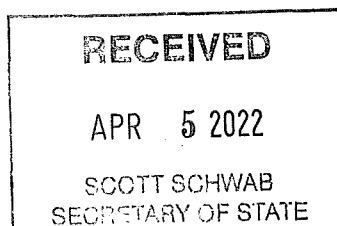
III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This amendment will not enhance or restrict business activity and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

This amendment should have no economic effect.



C. Businesses that would be directly affected by the proposed rule and regulation;

This amendment would not directly affect any business.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There are no costs. The Commission feels the amendment is necessary to protect the public more completely.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

This amendment will have no cost or impact on business or economic development in Kansas.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

This amendment will have no implementation or compliance cost.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no costs to detail.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

This amendment will not increase or decrease revenues of cities, counties, or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability.

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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Based on experience, the Commission felt this amendment was necessary to protect the public more completely.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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