

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2386

By Committee on Agriculture and Natural Resources Budget

2-9

1 AN ACT concerning public employees; relating to a person's property;
2 prohibiting a state or local governmental employee **acting within the**
3 **scope of such employee's employment** from entering or remaining on
4 private property; providing exceptions.

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

7 Section 1. (a) Except as provided in subsection (b), no government
8 official or employee of any state agency, county or city **acting within the**
9 **scope of such official's or employee's employment** shall enter or remain
10 on private property, **including, but not limited to, the use of aerial**
11 **surveillance**, unless:

12 (1) Authorized pursuant to a lawfully issued search warrant, court
13 order, subpoena, **administrative warrant** or the constitution of the United
14 States; ~~or~~

15 (2) the owner of such property has given written consent; **or**

16 **(3) exigent circumstances exist requiring entry on such property.**

17 (b) The provisions of this section shall not apply to:

18 **(1)** A law enforcement officer during the course of such officer's
19 duty; **or**

20 **(2) the officially designated protection and advocacy system for**
21 **the state required by federal law.**

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the statute book.