

SENATE BILL No. 424

By Committee on Federal and State Affairs

2-1

1 AN ACT concerning law enforcement; relating to officer-involved deaths
2 and use of aggressive force; requiring investigations and reports.

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

5 Section 1. (a) As used in this section:

6 (1) "Law enforcement officer" means the same as defined in K.S.A.
7 74-5602, and amendments thereto.

8 (2) "Next of kin" means the closest surviving blood or legal relative
9 of the decedent in the following order of succession:

10 (A) The surviving spouse;

11 (B) the decedent's surviving son or daughter, if there is no surviving
12 spouse;

13 (C) the decedent's surviving parent, if there is no surviving spouse,
14 son or daughter; and

15 (D) the decedent's surviving brother or sister, if none of the persons in
16 subparagraphs (A) through (C) survive the decedent.

17 (3) "Officer-involved death" means a death of an individual that
18 results directly from an action of a law enforcement officer while the law
19 enforcement officer is on duty or while the law enforcement officer is off
20 duty but performing activities that are within the scope of such officer's
21 law enforcement duties, but shall not include a death resulting directly
22 from an officer-involved motor vehicle accident.

23 (4) "Officer-involved use of aggressive force" means the application
24 of physical force, including by a weapon, by a law enforcement officer
25 while the law enforcement officer is on duty or while the law enforcement
26 officer is off duty but performing activities that are within the scope of
27 such officer's law enforcement duties, that results in the great bodily harm
28 or disfigurement of an individual.

29 (b) Each law enforcement agency in this state shall adopt written
30 policies regarding officer-involved deaths or use of aggressive force that
31 involve a law enforcement officer employed by the law enforcement
32 agency. Policies adopted pursuant to this section shall be implemented by
33 each Kansas law enforcement agency on or before July 1, 2023. Such
34 policies shall be available for public inspection during normal business
35 hours.

36 (c) Such written policies shall include, but not be limited to, the

1 following:

2 (1) A requirement that when an officer-involved death or use of
3 aggressive force occurs, an investigation shall be conducted by an outside
4 law enforcement agency and shall not be conducted by the law
5 enforcement agency that employs any law enforcement officer involved in
6 the death or use of aggressive force;

7 (2) a requirement that law enforcement agencies cooperate and share
8 information with the agency conducting the investigation;

9 (3) a statement requiring the outside law enforcement agency
10 conducting the investigation to produce a written, investigative report
11 following the completion of the investigation and that such investigative
12 report shall contain, at minimum, a complete and accurate summary of the
13 investigation and an explanation of charges filed, if any; and

14 (4) procedures to inform and update the individual involved in the use
15 of aggressive force or decedent's next of kin, if known, about the
16 investigation:

17 (A) A requirement that the outside law enforcement agency
18 conducting the investigation make reasonable efforts to identify and
19 contact an individual involved in a use of excessive force incident or a
20 decedent's next of kin; and

21 (B) except as provided in subsection (d)(1)(B), a requirement that the
22 investigative report shall be released to the individual involved in the use
23 of aggressive force or the decedent's next of kin within 30 days of the
24 investigation being completed.

25 (d) (1) If the county attorney or district attorney of the county in
26 which the law enforcement officer involved in the death is employed,
27 determines that there is:

28 (A) No basis to prosecute the law enforcement officer involved in the
29 officer-involved death or use of aggressive force, then the investigative
30 report required by this section, with redactions of information otherwise
31 protected from disclosure, shall be released; or

32 (B) a basis to prosecute the law enforcement officer involved in the
33 officer-involved death or use of aggressive force, then the investigative
34 report required by this section, with redactions of information otherwise
35 protected from disclosure, need not be released until any prosecution is
36 complete.

37 (2) Reports under this subsection shall not be considered criminal
38 investigation records pursuant to K.S.A. 45-221(a)(10), and amendments
39 thereto, and are open under the open records act, K.S.A. 45-215 et seq.,
40 and amendments thereto.

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