

SENATE BILL No. 461

By Committee on Federal and State Affairs

2-17

1 AN ACT concerning the attorney general; relating to duties to investigate
2 and prosecute; law enforcement officers.

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

5 Section 1. (a) (1) The attorney general shall investigate every death of
6 a person caused by a law enforcement officer engaged in the officer's
7 duties, regardless of whether the person was in detention at the time of the
8 action that resulted in the person's death.

9 (2) An investigation conducted pursuant to this section shall be a full,
10 reasoned and independent investigation, including the following:

- 11 (A) Gathering and analyzing evidence;
12 (B) conducting witness interviews; and
13 (C) reviewing investigative reports, scientific evidence and audio and
14 video recordings.

15 (3) The attorney general shall have exclusive supervision and control
16 of all investigations conducted pursuant to this section. In conducting an
17 investigation, the attorney general has all rights, privileges, powers and
18 duties of a prosecuting attorney, including, but not limited to, the power to
19 issue subpoenas, compel the attendance of witnesses, and compel the
20 production of records and papers that are relevant to the investigation.

21 (b) When the attorney general believes, as a result of an investigation
22 conducted pursuant to this section, that a prosecution is appropriate, the
23 attorney general shall refer the evidence to a grand jury pursuant to K.S.A.
24 22-3001, and amendments thereto. The attorney general shall have and
25 may exercise all rights, privileges and power of a prosecutor in such case.

26 (c) If an indictment is returned by a grand jury, the attorney general
27 shall have sole responsibility to prosecute the case. When prosecuting a
28 case pursuant to this section, the attorney general shall have all rights,
29 privileges, duties and powers of a prosecutor.

30 (d) The attorney general's authority to conduct an investigation and
31 prosecute related crimes pursuant to this section shall supersede the
32 authority of any other prosecutor. A prosecutor shall have only the powers
33 and duties designated by the attorney general.

34 (e) (1) The attorney general shall provide a report to the governor
35 under the following circumstances:

- 36 (A) The attorney general declines to refer evidence to a grand jury

1 regarding an investigation conducted pursuant to this section; or

2 (B) a grand jury declines to return an indictment on evidence referred
3 to the grand jury pursuant to this section.

4 (2) The report shall include an explanation of the outcome of the
5 investigation and any resulting recommendations for systematic reform.

6 Sec. 2. The attorney general shall collect and record data on each
7 incident that results in a person being injured or killed by a law
8 enforcement officer. The attorney general shall report the data collected
9 pursuant to this section by December 31 of each year to the governor, the
10 president of the senate and the speaker of the house of representatives. The
11 attorney general shall also publish such data on the official website of the
12 attorney general by December 31 of each year.

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