

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: March 7, 2022  
Subject: Bill Brief for SB 395

Senate Bill 395 imposes restrictions on surveillance of private property by employees of the Kansas department of wildlife and parks.

Current law in K.S.A. 32-808 requires the secretary of wildlife and parks to employ conservation officers and other employees to exercise law enforcement authority. The bill enacts a new section of law that prohibits such employees from conducting surveillance on private property unless authorized pursuant to a lawfully issued warrant, court order, subpoena, the constitution of the United States, or one of the following exceptions to the search warrant requirement: (1) Exigent circumstances; (2) consent searches; or (3) the plain view doctrine.

The Senate amended the bill to provide that the provisions of subsection (a) shall not apply to any activities of an employee of the Kansas department of wildlife and parks when the purpose of the surveillance is to locate and retrieve a missing person.

The term “surveillance” is defined as the installation and use of electronic equipment or devices on private property, including, but not limited to, the installation or use of a tracking device as defined in K.S.A. 22-2502, video camera or audio recording device to monitor activity or collect information related to the enforcement of the laws of the state of Kansas.