

HOUSE BILL No. 2430

By Committee on Federal and State Affairs

2-20

1 AN ACT concerning state agencies; relating to funds used to support
2 unhoused individuals; providing requirements for the use of funds;
3 requiring state agencies to provide funds for local subdivisions;
4 creating the crime of unauthorized use of state lands and providing
5 penalties therefor; restricting local subdivisions from adopting certain
6 policies; enacting the safe cities act.

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

9 Section 1. (a) This section shall be known and may be cited as the
10 safe cities act.

11 (b) A political subdivision shall not:

12 (1) Adopt or enforce any policy under which the political subdivision
13 directly or indirectly prohibits or discourages the enforcement of any order
14 or ordinance prohibiting public camping, sleeping or obstruction of public
15 right-of-ways, including roads and sidewalks; or

16 (2) prohibit or discourage a peace officer or prosecuting attorney who
17 is employed by or otherwise under the direction or control of the political
18 subdivision from enforcing any order or ordinance prohibiting public
19 camping, sleeping or obstruction of public right-of-ways, including roads
20 and sidewalks.

21 (c) The provisions of this section shall not prohibit a policy of any
22 political subdivision that encourages diversion programs or offering of
23 services in lieu of citation or arrest.

24 (d) (1) The attorney general shall have the power to bring a civil
25 action against any political subdivision to enjoin the political subdivision
26 from violating the provisions of this section.

27 (2) The attorney general may recover reasonable expenses incurred in
28 any civil action brought under this section, including court costs,
29 reasonable attorney fees, investigative costs, witness fees and deposition
30 costs.

31 (e) The provisions of this section shall be severable. If any provision
32 of this act or its application to any person or circumstance is held invalid,
33 the invalidity does not affect other provisions or applications of the act that
34 can be given effect without the invalid provision or application.

35 (f) Any political subdivision with a higher per-capita rate of
36 homelessness than the state average, as determined by the last held United

1 States census and the most recent United States department of housing and
2 urban development homelessness point-in-time count for the continuum of
3 care, as defined by 24 C.F.R. § 578.5(a), in which the political subdivision
4 is located, after July 1, 2024, shall not receive state funding designated for
5 the purpose of addressing homelessness until the department allocating
6 such funds determines that the political subdivision is compliant with this
7 section.

8 (g) Except as otherwise existing authorized in law or municipal
9 ordinance, it shall be unlawful to use state or local government-owned
10 lands for unauthorized sleeping, camping or long-term shelters. A violation
11 of this section is:

12 (1) An unclassified nonperson misdemeanor punishable by a fine not
13 to exceed \$1, except as provided in paragraph (2); and

14 (2) a class C nonperson misdemeanor upon a second or subsequent
15 violation.

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