

HOUSE BILL No. 2082

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning racial profiling; relating to data collection by law
2 enforcement; amending K.S.A. 2012 Supp. 22-4606 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2012 Supp. 22-4606 is hereby amended to read as
7 follows: 22-4606. As used in this act:

8 (a) "Governmental unit" means the state, or any county, city or other
9 political subdivision thereof, or any department, division, board or other
10 agency of any of the foregoing, except governmental unit shall not include
11 the board of education of any school district employing school security
12 officers.

13 (b) "Law enforcement agency" means the governmental unit
14 employing the law enforcement officer.

15 (c) "Law enforcement officer" has the meaning ascribed thereto in
16 K.S.A. 74-5602, and amendments thereto, except law enforcement officer
17 shall not include school security officers designated as school law
18 enforcement officers pursuant to K.S.A. 72-8222, and amendments
19 thereto.

20 ~~(d) "Racial or other biased-based policing" means the unreasonable~~
21 ~~use of race, ethnicity, national origin, gender or religion by a law~~
22 ~~enforcement officer in deciding to initiate an enforcement action. It is not~~
23 ~~racial or other biased-based policing when race, ethnicity, national origin,~~
24 ~~gender or religion is used in combination with other identifying factors as~~
25 ~~part of a specific individual description to initiate an enforcement action.~~
26 *"Profiling on the basis of ethnicity" means the practice of unlawfully*
27 *utilizing information regarding members of a cultural group with a shared*
28 *identity, ancestry or linguistic characteristics common to the members or*
29 *their affiliates. Ethnic groups may also have a common religious*
30 *association or history.*

31 (e) *"Racial profiling or other biased policing":*

32 (1) *Means the practice of a law enforcement officer or agency*
33 *selecting or subjecting an individual to routine investigatory activities, or*
34 *in deciding upon the scope and substance of law enforcement activity, in*
35 *whole or in part, based upon an individual's race, ethnicity, national*
36 *origin, socioeconomic status, religion, age or gender; and*

1 (2) *does not include a contact by a law enforcement officer of a*
2 *person when the contact is only for the purpose of asking the person if*
3 *they have information regarding the investigation of a complaint, crime or*
4 *suspicious activity, checking a person's welfare or as part of community*
5 *outreach or community policing.*

6 (f) *"Routine investigatory activities" means activities conducted by*
7 *law enforcement officers and agencies in conjunction with traffic or*
8 *pedestrian stops, including, but not limited to:*

9 (1) *Frisks and other body searches; and*

10 (2) *consensual or nonconsensual searches of persons or possessions,*
11 *including, but not limited to, vehicles and domiciles.*

12 (⊖) (g) *"Enforcement action" means any law enforcement act, as*
13 *described in K.S.A. 22-4609, and amendments thereto, during a*
14 *nonconsensual contact with an individual or individuals.*

15 (⊕) (h) *"Collection of data" means that information collected by*
16 *Kansas law enforcement officers ~~after each traffic stop~~ when a person is*
17 *issued a citation as the result of a pedestrian or traffic stop.*

18 New Sec. 2. (a) On and after July 1, 2013, data collected on each
19 citation issued by a Kansas law enforcement officer shall be sent to the
20 Kansas bureau of investigation.

21 (b) The data collected on each citation shall include:

22 (1) Officer identification number;

23 (2) law enforcement agency code;

24 (3) time and date of stop;

25 (4) name of person stopped;

26 (5) whether the person was a motorist or pedestrian;

27 (6) gender of person stopped;

28 (7) age of person stopped;

29 (8) race of person stopped, either: (A) African American; (B)
30 Hispanic; (C) Native American; (D) Caucasian; (E) Asian; (F) Arabic; or
31 (G) other, as stated by person stopped or by officer observation;

32 (10) reason for stop, either: (A) Violation of the criminal code; (B)
33 violation of a county resolution or city ordinance; (C) calls for service; (D)
34 suspect or vehicle description or pre-existing knowledge or information,
35 such as a warrant; (E) citizens assist or welfare; or (F) traffic violation
36 such as a moving violation, equipment failure or license plate violation. If
37 a moving violation, the officer shall indicate the specific violation;

38 (11) result of stop, either: (A) Citation; (B) warning; or (C) arrest;

39 (12) if person was arrested, what crime or violation was alleged;

40 (13) if applicable, the nature of the search conducted on the
41 pedestrian, driver or passenger, or of the vehicle or property;

42 (14) if applicable, the search authority, either: (A) By consent; (B)
43 tow inventory; (C) odor of drugs or alcohol; (D) plain view contraband;

- 1 (E) incidental to arrest; (F) dog alert; (G) search warrant; or (H) other;
- 2 (15) if applicable, the type of contraband discovered: (A) Illegal
3 drugs; (B) drug paraphernalia; (C) weapons; (D) alcohol; (E) currency or
4 stolen property; or (F) other;
- 5 (16) stop location in agency boundaries, using the specific address of
6 each stop including street address or highway mile marker, city and
7 county;
- 8 (17) duration of stop, either: (A) Under 5 minutes; (B) 5-9 minutes;
9 (C) 10-19 minutes;(D) 20-29 minutes; (E) 30-39 minutes; (F) 40-49
10 minutes; (G) 50-59 minutes; or (H) greater than 60 minutes;
- 11 (18) vehicle license plate number; and
- 12 (19) signature of law enforcement officer making the stop.
- 13 (c) A copy of the completed citation shall be given by the law
14 enforcement officer to the motorist or pedestrian who was stopped.
- 15 (d) Within 15 days after each citation is issued, such forms will be
16 mailed, faxed, optically scanned or sent electronically by each Kansas law
17 enforcement agency to the office of the Kansas bureau of investigation
18 where data from such forms shall be compiled into a statewide citation
19 database.
- 20 (e) At the beginning of each month, the Kansas attorney general shall
21 receive compiled statewide citation data from the Kansas bureau of
22 investigation and make such data available to the public and all law
23 enforcement agencies.
- 24 (f) The data shall be analyzed by statistical experts for patterns of
25 racial profiling or other biased policing at least once every three months.
26 The results of each three-month statistical analysis shall be posted on the
27 official website of the attorney general on and after December 31, 2013.
- 28 (g) Law enforcement agencies or individual officers who need to
29 correct their racial or other biased policing behavior shall be contacted by
30 the attorney general's office within two weeks after a pattern of biased-
31 based policing is identified as one standard deviation above the mean for
32 all racial or other groups of motorists and pedestrians stopped in a five-
33 block radius in a town or city or a 10-mile section of road or highway.
- 34 (h) An annual report summarizing the types of citizen contacts and
35 which law enforcement agencies need to end their racial or other biased
36 policing shall be prepared by the attorney general and submitted to the
37 legislature, governor and Kansas law enforcement agencies on or before
38 January 10 of each year. Each annual report shall be posted on the official
39 website of the attorney general.
- 40 (i) Any law enforcement officer shall provide, without being asked,
41 such officer's business card to any person whom the law enforcement
42 officer has detained in a traffic or pedestrian stop. The business card shall
43 include identifying information about the law enforcement officer

1 including, but not limited to, the law enforcement officer's name, division,
2 precinct and badge or other identification number and a telephone number
3 that may be used, if necessary, to report any comments, positive or
4 negative, regarding the stop.

5 (2) Nothing in this section shall be construed to require the collection
6 and maintenance of information in connection with roadblocks, vehicle
7 checks or checkpoints, except when such traffic stops result in a warning,
8 search, seizure or arrest.

9 Sec. 3. K.S.A. 2012 Supp. 22-4606 is hereby repealed.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.