

## 2021 Kansas Statutes

74-5622. **Certification; active status, time period, lapse, reinstatement; revocation, reinstatement.** (a) Certification by the commission will remain active for a period of five years after leaving employment as a law enforcement officer. Certification which has lapsed due to more than five years since employment as a law enforcement officer may be reinstated if the applicant, within one year of reappointment:

- (1) Satisfactorily completes the current basic training required under K.S.A. 74-5607a, and amendments thereto;
- (2) passes a written competency test and firearms proficiency qualification course developed and administered by the Kansas law enforcement training center; or
- (3) obtains from the commission pursuant to K.S.A. 74-5608a(b), and amendments thereto, a waiver based on the training, experience and circumstances of the applicant.

(b) (1) A person whose certificate issued under the Kansas law enforcement training act has been revoked may petition the commission to reinstate the certificate after the expiration of five years from the effective date of such revocation. If the commission denies a petition for reinstatement, such person may petition the commission to reinstate the certificate after the expiration of five years from such denial.

(2) The commission may reinstate a revoked certificate upon a finding that the petitioner is otherwise qualified for certification under the Kansas law enforcement training act and is sufficiently rehabilitated to warrant the public trust. The burden shall be upon the petitioner to establish rehabilitation by clear and convincing evidence.

(3) In determining whether a petitioner is sufficiently rehabilitated to warrant the public trust, the commission may consider any relevant evidence, and may, but shall not be required, to consider the following factors:

- (A) The present moral fitness of the petitioner for performance of duties as a police officer or law enforcement officer;
- (B) the demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought upon the law enforcement profession and the administration of justice;
- (C) the extent of the petitioner's rehabilitation;
- (D) the nature and seriousness of the original misconduct;
- (E) the conduct subsequent to discipline;
- (F) the time elapsed since the original discipline; and
- (G) the petitioner's character, maturity and experience at the time of the original revocation.

(4) The proceedings on a petition for reinstatement shall be conducted in accordance with the Kansas administrative procedure act.

**History:** L. 1997, ch. 168, § 7; L. 2012, ch. 89, § 9; L. 2015, ch. 89, § 2; July 1.