

**106-2-2a. Certain misdemeanors constituting grounds for denial or discipline.** (a) Pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute any of the following misdemeanor offenses:

- (1) Vehicular homicide, as defined in K.S.A. 2011 Supp. 21-5406 and amendments thereto;
- (2) interference with parental custody, as defined in K.S.A. 2011 Supp. 21-5409 and amendments thereto;
- (3) interference with custody of a committed person, as defined in K.S.A. 2011 Supp. 21-5410 and amendments thereto;
- (4) criminal restraint, as defined in K.S.A. 2011 Supp. 21-5411 and amendments thereto;
- (5) assault or assault of a law enforcement officer, as defined in K.S.A. 2011 Supp. 21-5412 and amendments thereto;
- (6) battery, battery against a law enforcement officer, or battery against a school employee, as defined in K.S.A. 2011 Supp. 21-5413 and amendments thereto;
- (7) mistreatment of a confined person, as defined in K.S.A. 2011 Supp. 21-5416 and amendments thereto;
- (8) mistreatment of a dependent adult, as defined in K.S.A. 2011 Supp. 21-5417 and amendments thereto;
- (9) unlawful administration of a substance, as defined in K.S.A. 2011 Supp. 21-5425 and amendments thereto;

- (10) stalking, as defined in K.S.A. 2011 Supp. 21-5427 and amendments thereto;
- (11) criminal sodomy, as defined in K.S.A. 2011 Supp. 21-5504(a)(2) and amendments thereto;
- (12) sexual battery, as defined in K.S.A. 2011 Supp. 21-5505 and amendments thereto;
- (13) lewd and lascivious behavior, as defined in K.S.A. 2011 Supp. 21-5513 and amendments thereto;
- (14) endangering a child, as defined in K.S.A. 2011 Supp. 21-5601 and amendments thereto;
- (15) contributing to a child's misconduct or deprivation, as defined in K.S.A. 2011 Supp. 21-5603 and amendments thereto;
- (16) furnishing alcoholic liquor or cereal malt beverage to a minor, as defined in K.S.A. 2011 Supp. 21-5607 and amendments thereto;
- (17) except when related to a legitimate law enforcement purpose, unlawful cultivation or distribution of controlled substances, as defined in K.S.A. 2011 Supp. 21-5705 and amendments thereto;
- (18) except when related to a legitimate law enforcement purpose, unlawful possession of controlled substances, as defined in K.S.A. 2011 Supp. 21-5706 and amendments thereto;
- (19) except when related to a legitimate law enforcement purpose, unlawfully obtaining and distributing a prescription-only drug, as defined in K.S.A. 2011 Supp. 21-5708 and amendments thereto;

(20) except when related to a legitimate law enforcement purpose, unlawful possession of certain drug precursors and paraphernalia, as defined in K.S.A. 2011 Supp. 21-5709 and amendments thereto;

(21) except when related to a legitimate law enforcement purpose, unlawful distribution of certain drug precursors and drug paraphernalia, as defined in K.S.A. 2011 Supp. 21-5710 and amendments thereto;

(22) except when related to a legitimate law enforcement purpose, unlawful abuse of toxic vapors, as defined in K.S.A. 2011 Supp. 21-5712 and amendments thereto;

(23) except when related to a legitimate law enforcement purpose, unlawful distribution or possession of a simulated controlled substance, as defined in K.S.A. 2011 Supp. 21-5713 and amendments thereto;

(24) except when related to a legitimate law enforcement purpose, unlawful representation that noncontrolled substance is controlled substance, as defined in K.S.A. 2011 Supp. 21-5714 and amendments thereto;

(25) unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage, as defined in K.S.A. 2011 Supp. 21-5608 and amendments thereto;

(26) theft, as defined in K.S.A. 2011 Supp. 21-5801 and amendments thereto;

(27) theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 2011 Supp. 21-5802 and amendments thereto;

(28) criminal deprivation of property, as defined in K.S.A. 2011 Supp. 21-5803 and amendments thereto;

- (29) criminal trespass, as defined in K.S.A. 2011 Supp. 21-5808 and amendments thereto;
- (30) criminal damage to property, as defined in K.S.A. 2011 Supp. 21-5813 and amendments thereto;
- (31) giving a worthless check, as defined in K.S.A. 2011 Supp. 21-5821 and amendments thereto;
- (32) counterfeiting, as defined in K.S.A. 2011 Supp. 21-5825 and amendments thereto;
- (33) criminal use of a financial card, as defined in K.S.A. 2011 Supp. 21-5828 and amendments thereto;
- (34) unlawful acts concerning computers, as defined in K.S.A. 2011 Supp. 21-5839 and amendments thereto;
- (35) interference with law enforcement, as defined in K.S.A. 2011 Supp. 21-5904 and amendments thereto;
- (36) interference with the judicial process, as defined in K.S.A. 2011 Supp. 21-5905 and amendments thereto;
- (37) criminal disclosure of a warrant, as defined in K.S.A. 2011 Supp. 21-5906 and amendments thereto;
- (38) simulating legal process, as defined in K.S.A. 2011 Supp. 21-5907 and amendments thereto;
- (39) intimidation of a witness or victim, as defined in K.S.A. 2011 Supp. 21-5909 and amendments thereto;

(40) obstructing apprehension or prosecution, as defined in K.S.A. 2011 Supp. 21-5913 and amendments thereto;

(41) false impersonation, as defined in K.S.A. 2011 Supp. 21-5917 and amendments thereto;

(42) tampering with a public record, as defined in K.S.A. 2011 Supp. 21-5920 and amendments thereto;

(43) tampering with a public notice, as defined in K.S.A. 2011 Supp. 21-5921 and amendments thereto;

(44) violation of a protective order, as defined in K.S.A. 2011 Supp. 21-5924 and amendments thereto;

(45) official misconduct, as defined in K.S.A. 2011 Supp. 21-6002 and amendments thereto;

(46) misuse of public funds, as defined in K.S.A. 2011 Supp. 21-6005 and amendments thereto;

(47) breach of privacy, as defined in K.S.A. 2011 Supp. 21-6101 and amendments thereto;

(48) denial of civil rights, as defined in K.S.A. 2011 Supp. 21-6102 and amendments thereto;

(49) criminal false communication, as defined in K.S.A. 2011 Supp. 21-6103 and amendments thereto;

- (50) disorderly conduct, as defined in K.S.A. 2011 Supp. 21-6203 and amendments thereto;
- (51) harassment by telecommunication device, as defined in K.S.A. 2011 Supp. 21-6206 and amendments thereto;
- (52) criminal distribution of firearms to a felon, as defined in K.S.A. 2011 Supp. 21-6303 and amendments thereto;
- (53) promoting obscenity or promoting obscenity to minors, as defined in K.S.A. 2011 Supp. 21-6401 and amendments thereto;
- (54) promotion to minors of material harmful to minors, as defined in K.S.A. 2011 Supp. 21-6402 and amendments thereto;
- (55) except when related to a legitimate law enforcement purpose, prostitution, as defined in K.S.A. 2011 Supp. 21-6419 and amendments thereto;
- (56) except when related to a legitimate law enforcement purpose, promoting prostitution, as defined in K.S.A. 2011 Supp. 21-6420 and amendments thereto;
- (57) except when related to a legitimate law enforcement purpose, patronizing a prostitute, as defined in K.S.A. 2011 Supp. 21-6421 and amendments thereto; or
- (58) a second or subsequent occurrence of driving under the influence, as defined in K.S.A. 8-1567 and amendments thereto.
- (b) In determining any conduct that requires the intent to permanently deprive an owner or lessor of the possession, use, or benefit of property, prima facie evidence of intent shall include any act described in K.S.A. 2011 Supp. 21-5804, and amendments thereto.

(c) A certified copy of the order or journal entry documenting conviction of a misdemeanor shall constitute prima facie evidence of having engaged in such conduct.

(Authorized by and implementing K.S.A. 2011 Supp. 74-5616, as amended by L. 2012, ch. 89, sec. 8; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)