Article 2.—DEFINITIONS

106-2-3. Unprofessional conduct. "Unprofessional conduct," pursuant to K.S.A. 74-5616, and amendments thereto, shall mean any of the following:

(a) Willfully or repeatedly violating one or more regulations promulgated by the commission;

(b) having had a license, certification, or other credential to act as an officer denied, revoked, conditioned, or suspended; having been publicly or privately reprimanded or censured by the licensing authority of another state, agency of the United States government, territory of the United States, or country; or having had other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States, or country. A certified copy of the record or order of public or private reprimand or censure, denial, suspension, condition, revocation, or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States, or country shall constitute prima facie evidence of such a fact for purposes of this subsection;

(c) willfully failing to report to the appointing authority or its designee knowledge gained through observation that another officer engaged in conduct that would be grounds for discipline by the commission;

(d) willfully disclosing criminal history record information or other information designated as confidential by statute or regulation, except for a legitimate law enforcement purpose or when required by order of a court or agency of competent jurisdiction;

(e) taking, threatening to take, or failing to take action as an officer if the action is or reasonably would appear to be motivated by a familial, financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(f) using excessive physical force in carrying out a law enforcement objective. As used in this subsection, physical force shall be deemed excessive if it is greater than what a reasonable and prudent officer would use under the circumstances;

(g) exploiting or misusing the position as an officer to obtain an opportunity or benefit that would not be available but for that position;

(h) exploiting or misusing the position as an officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(i) failing to report, in the manner required by the revised Kansas code for care of children, reasonable suspicion that a child has been harmed as a result of physical, mental, or emotional abuse or neglect;

(j) engaging in any of the following conduct, except for a legitimate law enforcement purpose:

(1) Intentionally using a false or deceptive statement in any official document or official communication;

(2) committing conduct likely to endanger the public;

(3) performing duties as an officer while using or under the influence of alcohol;

(4) using any prescription-only drug, as defined by K.S.A. 65-1626, and amendments thereto, that impairs the officer's skill or judgment in performance of duties as an officer; or

(5) using any controlled substance that is unlawful to possess, as defined by K.S.A. 21-5706, and amendments thereto;

(k) intentionally using a false or deceptive statement to gain employment or certification as a law enforcement official;

(l) engaging in academic misconduct while attending a basic training course or any other course conducted at a training school. Academic misconduct shall include cheating on examinations, engaging in plagiarism, and providing or receiving unauthorized assistance on individual assignments and exercises;

(m) failing to report a criminal offense to the commission as required by K.A.R. 106-2-2b, and amendments thereto; or

(n) failing to comply with the requirements of K.S.A. 74-5611a(c), and amendments thereto, or K.S.A. 74-5611a(b), and amendments thereto, or both. (Authorized by K.S.A. 2024 Supp. 74-5607 and implementing K.S.A. 74-5616; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012; amended July 29, 2022; amended March 13, 2026.)