

Substitute for HOUSE BILL No. 2051

By Committee on Corrections and Juvenile Justice

2-22

9 AN ACT concerning crimes, punishment and criminal procedure; relat-
10 ing to offender release notification; amending K.S.A. 22-4704 and 22-
11 4705 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 22-4704 is hereby amended to read as follows: 22-
15 4704. (a) In accordance with the provisions of K.S.A. 77-415 *et seq.*, and
16 amendments thereto, the director shall adopt appropriate rules and reg-
17 ulations for agencies in the executive branch of government and for crim-
18 inal justice agencies other than those that are part of the judicial branch
19 of government to implement the provisions of this act.

20 (b) The director shall develop procedures to permit and encourage
21 the transfer of criminal history record information among and between
22 courts and affected agencies in the executive branch, and especially be-
23 tween courts and the central repository.

24 (c) The rules and regulations adopted by the director shall include
25 those: (1) Governing the collection, reporting, and dissemination of crim-
26 inal history record information by criminal justice agencies;

27 (2) necessary to insure the security of all criminal history record in-
28 formation reported, collected and disseminated by and through the crim-
29 inal justice information system;

30 (3) necessary for the coordination of all criminal justice data and in-
31 formation processing activities as they relate to criminal history record
32 information;

33 (4) governing the dissemination of criminal history record
34 information;

35 (5) governing the procedures for inspection and challenging of crim-
36 inal history record information;

37 (6) governing the auditing of criminal justice agencies to insure that
38 criminal history record information is accurate and complete and that it
39 is collected, reported, and disseminated in accordance with this act;

40 (7) governing the development and content of agreements between
41 the central repository and criminal justice and noncriminal justice
42 agencies;

43 (8) governing the exercise of the rights of inspection and challenge

1 provided in this act.

2 (d) The rules and regulations adopted by the director shall not in-
3 clude any provision that allows the charging of a fee *for providing infor-*
4 *mation to any criminal justice agency or* for information requests for the
5 purpose of participating in a block parent program, including but not
6 limited to, the McGruff house program.

7 (e) Rules and regulations adopted by the director may not be incon-
8 sistent with the provisions of this act.

9 Sec. 2. K.S.A. 22-4705 is hereby amended to read as follows: 22-
10 4705. (a) The following events are reportable events under this act:

- 11 (1) Issuance of an arrest warrant;
- 12 (2) an arrest;
- 13 (3) release of a person after arrest without the filing of a charge;
- 14 (4) dismissal or quashing of an indictment or criminal information;
- 15 (5) an acquittal, conviction or other disposition at or following trial,
16 including a finding of probation before judgment;
- 17 (6) imposition of a sentence;
- 18 (7) commitment to a correctional facility, whether state or locally
19 operated;
- 20 (8) release from detention or confinement;
- 21 (9) an escape from confinement;
- 22 (10) a pardon, reprieve, commutation of sentence or other change in
23 a sentence, including a change ordered by a court;
- 24 (11) judgment of an appellate court that modifies or reverses the
25 lower court decision;
- 26 (12) order of a court in a collateral proceeding that affects a person's
27 conviction, sentence or confinement, including any expungement or an-
28 nulment of arrests or convictions pursuant to state statute; and
- 29 (13) any other event arising out of or occurring during the course of
30 criminal justice proceedings declared to be reportable by rule or regu-
31 lation of the director.

32 (b) There is hereby established a criminal justice information system
33 central repository for the collection, storage, and dissemination of crim-
34 inal history record information. The central repository shall be operated
35 by the Kansas bureau of investigation under the administrative control of
36 the director.

37 (c) Except as otherwise provided by this subsection, every criminal
38 justice agency shall report criminal history record information, whether
39 collected manually or by means of an automated system, to the central
40 repository, in accordance with rules and regulations adopted pursuant to
41 this act. A criminal justice agency shall report to the central repository
42 those reportable events involving a violation of a county resolution or city
43 ordinance only when required by rules and regulations adopted by the

1 director.

2 *(d) The central repository shall identify those persons committed to*
3 *a correctional facility and report the issuance of an arrest warrant or the*
4 *imposition of a sentence for such persons to the department of corrections*
5 *within seven days of the repository receiving those reportable events.*

6 ~~(e)~~ (e) Reporting methods may include:

7 (1) Submittal of criminal history record information by a criminal
8 justice agency directly to the central repository;

9 (2) if the information can readily be collected and reported through
10 the court system, submittal to the central repository by the administrative
11 office of the courts; or

12 (3) if the information can readily be collected and reported through
13 criminal justice agencies that are part of a geographically based infor-
14 mation system, submittal to the central repository by the agencies.

15 ~~(f)~~ (f) Nothing in this section shall prevent a criminal justice agency
16 from maintaining more detailed information than is required to be re-
17 ported to the central repository. However, the dissemination of that crim-
18 inal history record information is governed by the provisions of this act.

19 ~~(g)~~ (g) The director may determine, by rule and regulation, the re-
20 portable events to be reported by each criminal justice agency, in order
21 to avoid duplication in reporting.

22 Sec. 3. K.S.A. 22-4704 and 22-4705 are hereby repealed.

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