

HOUSE BILL No. 2614

By Committee on Judiciary

Requested by Matt Bingesser on behalf of the Office of the Attorney General

2-2

1 AN ACT concerning the crime victims compensation board; relating to
2 confidentiality of records; providing certain exceptions thereto;
3 amending K.S.A. 2025 Supp. 74-7308 and repealing the existing
4 section.
5

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

7 Section 1. K.S.A. 2025 Supp. 74-7308 is hereby amended to read as
8 follows: 74-7308. (a) There shall be no privilege, except privileges arising
9 from the attorney-client relationship, as to communications or records
10 relevant to an issue of the physical, mental or emotional conditions of the
11 claimant or victim in a proceeding under this act in which such condition
12 is an element.

13 (b) If the mental, physical or emotional condition of a victim or
14 claimant is material to a claim, the board may order the victim or claimant
15 to submit to a mental or physical examination by a physician or
16 psychologist, and may order an autopsy of a deceased victim. The order
17 may be made for good cause shown upon notice to the person to be
18 examined and to all persons who have appeared. The order shall specify
19 the time, place, manner, conditions and scope of the examination or
20 autopsy and the person by whom ~~it~~ *the examination or autopsy* is to be
21 made; ~~and the order shall~~ require the person to file with the board a
22 detailed written report of the examination or autopsy. The report shall set
23 out the findings of the person making the report, including results of all
24 tests made, diagnoses, prognosis and other conclusions and reports of
25 earlier examinations of the same conditions.

26 (c) On request of the person examined, the board shall furnish a copy
27 of the report to such person. If the victim is deceased, the board, on
28 request, shall furnish to the claimant a copy of the report.

29 (d) The board may require the claimant to supplement the application
30 with any reasonably available medical or psychological reports relating to
31 the injury for which compensation is claimed.

32 (e) All records and information given to the board and the crime
33 victims compensation division created by K.S.A. 75-773, and amendments
34 thereto, to process a claim on behalf of a crime victim shall be
35 confidential. Such exhibits, medical records, psychological records,

1 counseling records, work records, criminal investigation records, criminal
2 court case records, witness statements, telephone records and other records
3 of any type or nature whatsoever gathered for the purpose of evaluating
4 whether to compensate a victim shall not be obtainable by any party to any
5 action, civil or criminal, through any discovery process except:

6 (1) In the event of an appeal under the Kansas administrative
7 procedure act from a decision of the board and then only to the extent
8 narrowly and necessarily to obtain court review;

9 (2) *by the board upon a finding that the records and information*
10 *given to the board were not previously available to an agency*
11 *investigating or prosecuting child abuse or neglect. Upon such a finding,*
12 *the board or the board's designee may disclose such records and*
13 *information necessary to assist in such investigation or prosecution to:*

14 (A) *Any law enforcement agency of this state or any political*
15 *subdivision of this state;*

16 (B) *any county or district attorney of this state; and*

17 (C) *the Kansas department for children and families;*

18 (3) *by the board upon a finding that the records and information*
19 *given to the board are wholly or partially false or fraudulent. Upon such a*
20 *finding, the board or the board's designee may disclose such records and*
21 *information to any law enforcement agency of this state or any political*
22 *subdivision of this state responsible for investigating or prosecuting such*
23 *false or fraudulent records and information;*

24 (4) upon a strict showing to the court in a separate civil or criminal
25 action that particular information or documents are not obtainable after
26 diligent effort from any independent source, and are known to exist
27 otherwise only in board records, the court may inspect in camera such
28 records to determine whether the specific requested information exists. If
29 the court determines the specific information sought exists in the board
30 records, the documents may then be released only by court order if the
31 court finds as part of its order that the documents will not pose any threat
32 to the safety of the victim or any other person whose identity may appear
33 in board records; or

34 ~~(3)~~(5) by any board order granting or denying compensation to a
35 crime victim.

36 Sec. 2. K.S.A. 2025 Supp. 74-7308 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.