

SENATE BILL No. 204

By Committee on Judiciary

2-5

1 AN ACT concerning court records; relating to records in criminal and
2 juvenile offender cases; requiring the sealing of certain records related
3 to case information, warrants and subpoenas; amending K.S.A. 2024
4 Supp. 60-2617 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2024 Supp. 60-2617 is hereby amended to read as
8 follows: 60-2617. (a) *(1) Upon filing of a criminal case or a case pursuant*
9 *to the revised Kansas juvenile justice code in which an arrest warrant is*
10 *being sought, the case shall be sealed by the court until such warrant has*
11 *been executed or the request for such warrant is denied. ~~Nothing in this~~*
12 *paragraph shall prohibit disclosure of case or warrant information to law*
13 *enforcement for the purposes of executing such warrant.*

14 *(2) All subpoenas issued in a criminal case or a case pursuant to the*
15 *revised Kansas juvenile justice code shall be sealed by the court and a*
16 *subpoena shall only be unsealed if the court makes a finding that*
17 *unsealing such subpoena is in the interest of justice.*

18 *(3) The provisions of this subsection shall apply retroactively to any*
19 *case or warrant information or subpoenas that are currently pending.*

20 *(4) Nothing in this subsection shall:*

21 *(A) }Prohibit disclosure of warrant information, subpoenas or other*
22 *case information to law enforcement for the purposes of executing a*
23 *warrant or serving a subpoena}; or*

24 *(B) apply to a warrant issued pursuant to K.S.A. 22-2807, and*
25 *amendments thereto}.*

26 *(5) As used in this subsection, "seal" means that no information*
27 *related to a case, warrant or subpoena, including the existence of such*
28 *case, warrant or subpoena, shall be made available to the public.*

29 *(b) In a civil or criminal case, the court, upon the court's own motion,*
30 *may hold a hearing or any party may request a hearing to seal or redact the*
31 *court records or to close a court proceeding. Reasonable notice of a*
32 *hearing to seal or redact court records or to close a court proceeding shall*
33 *be given to all parties in the case. In a criminal case, reasonable notice of a*
34 *hearing to seal or redact court records or to close a court proceeding shall*

1 also be given to the victim, if ascertainable.

2 ~~(b)~~(c) After the hearing, the court may order the court files and
3 records in the proceeding, or any part thereof, to be sealed or redacted or
4 the court proceeding closed. If the court grants such an order, before
5 closing proceedings or granting leave to file under seal, the court shall
6 make and enter a written finding of good cause.

7 ~~(e)~~(d) In granting the order, the court shall recognize that the public
8 has a paramount interest in all that occurs in a case, whether at trial or
9 during discovery and in understanding disputes that are presented to a
10 public forum for resolution.

11 ~~(d)~~(e) Good cause to close a proceeding or seal or redact records,
12 whether upon the motion of a party, or on the court's own motion, does not
13 exist unless the court makes a finding on the record that there exists an
14 identified safety, property or privacy interest of a litigant or a public or
15 private harm that predominates the case and such interest or harm
16 outweighs the strong public interest in access to the court record and
17 proceedings.

18 ~~(e)~~(f) Agreement of the parties shall be considered by the court but
19 shall not constitute the sole basis for the sealing or redaction of court
20 records or for closing the court proceeding.

21 ~~(f)~~(g) The provisions of this section shall not apply to proceedings
22 under the revised Kansas code for care of children, K.S.A. 38-2201 et seq.,
23 and amendments thereto, the revised Kansas juvenile justice code, K.S.A.
24 38-2301 et seq., and amendments thereto, the Kansas adoption and
25 relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto, to
26 supreme court rules which allow motions, briefs, opinions and orders of
27 the court to identify parties by initials or by familial relationship or to
28 supreme court rules which require appellate court deliberations to be kept
29 in strict confidence. Nothing in this section shall be construed to prohibit
30 the issuance of a protective order pursuant to ~~subsection (e)~~ of K.S.A. 60-
31 226(c), and amendments thereto.

32 ~~(g)~~(h) The provisions of this section shall not preclude a court from
33 allowing a settlement which includes a confidentiality clause to be filed
34 under seal where the interests of justice would be served by such
35 settlement being filed under seal.

36 Sec. 2. K.S.A. 2024 Supp. 60-2617 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.