

SENATE BILL No. 204

AN ACT concerning courts; relating to county law libraries; providing that the attorney members of the board of trustees of the county law library in certain counties shall be appointed by the chief judge of the judicial district; allowing the board to authorize the chief judge to use certain fees for the purpose of facilitating and enhancing functions of the district court of the county; relating to records in criminal and juvenile offender cases; requiring the sealing of certain records related to case information, warrants and subpoenas; amending K.S.A. 20-3127 and K.S.A. 2024 Supp. 60-2617 and repealing the existing sections.

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

Section 1. K.S.A. 20-3127 is hereby amended to read as follows: 20-3127. (a) Except as provided further, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library. *Such library shall be established or maintained* in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county, including acquiring and maintaining materials and technology that may, at the discretion of the board of trustees, be loaned to library users for use outside the premises of the library. The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) (1) The board of trustees of any law library established or governed under this act in Johnson, Sedgwick and Douglas counties shall consist of the following five members:

(A) Two judges of the district court, appointed by a consensus of all judges of the district court in such county; and

(B) three members of such county's bar association, appointed by selection of the county bar association pursuant to the county bar association's bylaws for two-year terms.

(2) The board of trustees of the law library in all other counties shall consist of the district judge or judges of the district court presiding in such county and ~~not less fewer~~ than two attorneys ~~who shall be elected for two-year terms by a majority of the attorneys residing in the county~~ *reside in such county, appointed by the chief judge of the judicial district.*

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, ~~wherein~~ *in which* an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, ~~who~~ *and library assistants as are necessary to perform the duties of administering the law library.* *Such librarian shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law of the library.* The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and

recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, ~~which~~. *Such salaries and benefits* shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

(f) (1) Except as provided by subsection (f)(2), the board of trustees of a county law library established pursuant to this section may authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126 *and* 20-3129, and amendments thereto, for the purpose of facilitating and enhancing functions of the district court of the county. No judge shall participate in any decision made by the board of trustees of a county law library pursuant to this paragraph to authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126 *and* 20-3129, and amendments thereto.

(2) The provisions of subsection (f)(1) shall not apply to the board of trustees of any law library established in Johnson and Sedgwick counties.

Sec. 2. K.S.A. 2024 Supp. 60-2617 is hereby amended to read as follows: 60-2617. (a) *(1) Upon filing of a criminal case or a case pursuant to the revised Kansas juvenile justice code in which an arrest warrant is being sought, the case shall be sealed by the court until such warrant has been executed or the request for such warrant is denied.*

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

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

(4) Nothing in this subsection shall:

(A) Prohibit disclosure of warrant information, subpoenas, returns of service or other case information to law enforcement for the purposes of executing a warrant or serving a subpoena; or

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

(5) As used in this subsection, "seal" means that no information related to a case or warrant, including the existence of such case or warrant, shall be made available to the public. Subpoenas and returns of service for subpoenas shall not be made available to the public.

(b) In a civil or criminal case, the court, upon the court's own motion, may hold a hearing or any party may request a hearing to seal or redact the court records or to close a court proceeding. Reasonable notice of a hearing to seal or redact court records or to close a court proceeding shall be given to all parties in the case. In a criminal case, reasonable notice of a hearing to seal or redact court records or to close a court proceeding shall also be given to the victim, if ascertainable.

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

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

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

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

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

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

Sec. 3. K.S.A. 20-3127 and K.S.A. 2024 Supp. 60-2617 are hereby repealed.

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

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.