

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2342

As Amended by Senate Committee on Judiciary

Brief*

HB 2342, as amended, would authorize the Secretary of Commerce (Secretary) to request the Kansas Bureau of Investigation (KBI) conduct a state and national criminal history record check on any final applicant for, or an employee in, a sensitive position within the Department of Commerce (Department).

The Secretary would be authorized to use information from such a background check in the determination of applicants for, or employees in, sensitive positions. This determination would be required to be in the Secretary's discretion except for a minimum standard requiring that a person in such a position have no misdemeanor conviction for any crime involving theft, fraud, forgery, or other financial crime or any felony conviction.

The bill would define "final applicant" to mean an applicant for a sensitive position with the Department whom the Secretary has determined is among a select group of applicants most qualified for the sensitive position and to whom the Secretary intends to give final consideration for an employment offer.

The bill would also define "sensitive position" to mean an employee in:

- The positions of division, director, assistant secretary, deputy secretary, information technology manager, and chief counsel;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Grant or loan program manager positions directly involved with accounting or disbursement of funds; and
- Any position determined by the Secretary involving significant financial management responsibilities, the collection or maintenance of, or access to, confidential personal or business information, or a significant risk of fraud or financial liability to the Department.

The bill would amend current law to allow the KBI to release certain criminal history record information to the Secretary for final applicants or employees for a sensitive position.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Department.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by a representative of the Department, who stated the bill would help protect the State as an employer and reduce potential future hiring risks.

No other testimony was provided.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Department, who stated the bill would increase security and promote a positive work environment.

No other testimony was provided.

The Senate Committee amended the bill to be effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department states the agency would be able to implement the bill within its existing resources. The KBI indicates that revenue received from criminal background check requests would be used to offset any expenditures related to staffing and maintenance of the required systems used to transmit background check information. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Department of Commerce; criminal history; background checks; Kansas Bureau of Investigation