



Kansas Bureau of Investigation

Kirk Thompson
Director

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House Corrections and Juvenile Justice Committee
Testimony of Kyle Smith, Assistant Attorney General
Deputy Director, Kansas Bureau of Investigation
Neutral Testimony regarding of HB 2498
March 5, 2012

Chairman Colloton and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation (KBI) as a neutral conferee regarding HB 2498. Our concern is with language in the bill regarding criminal history record information dissemination. The KBI is the central repository for such information and we then provide it to the various users within the criminal justice system. Access under the Kansas statutes is based on the purpose it is needed for – criminal justice agencies such as courts and prosecutors, get one level of access while public access is more restricted.

However, HB 2498 contains language that could cause problems for this process. The language provides access based on the position of the person, not the purpose of the inquiry. On page 5, line 24-26, it states:

"A copy of the agreement shall be made available upon request to the attorney general, any county, district or city attorney or any court."

And page 6, line 15-16 contains similar language:

"Such record shall be made available upon request to the attorney general, any county, district or city attorney or any court."

This language is unnecessary as prosecutors and judges already have access to such records for their official work. Our records division is concerned about expense and problems if we have to develop software to allow us to search and respond based on the office of the person inquiring.

On behalf of the KBI we would respectfully request the above cited language be struck from the bill.

I would be happy to answer any questions.

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