



Kansas Bureau of Investigation

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Senate Judiciary Committee
Neutral Testimony of Kyle Smith, Assistant Attorney General
Deputy Director, Kansas Bureau of Investigation
Substitute for SB 64
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Chairman Knox and Members of the Committee,

I am Kyle Smith, deputy director of the Kansas Bureau of Investigation (KBI). The KBI maintains the central repository of criminal records for the state of Kansas and serves as the connector to repositories in other states and the Federal Bureau of Investigation (FBI).

Substitute for SB 64 seeks authority to run nationwide record checks, utilizing the FBI's nationwide database. However the FBI has strict limitations on who has access to such records and the statutory authority to obtain those records has to meet certain restrictions. The purpose of my testimony today is to point out that SB 64, as currently written, does not meet those requirements and would need amendment to obtain the goals of the legislations.

Below I have inserted language that has been approved by the FBI in other Kansas statutes that would make the bill compliant with their standards. It should have no other impact on the bill.

I would be happy to answer questions.

KBI proposed Amendments to Substitute for SB 64

Page , lines 22-25:

(b) An application for a license shall be submitted on forms prescribed by the commissioner. The application shall be accompanied by an application fee as established by rules and regulations adopted by the commissioner. ~~The commissioner may require fingerprinting of any individual, officer, director, partner, member, shareholder or any other person related to the application deemed necessary by the commissioner. Such fingerprints may be submitted to the Kansas bureau of investigation, federal bureau of investigation or other law enforcement agency for the purposes of verifying the identity of such person and obtaining the records of such person's criminal arrests and convictions.~~ **Such fingerprints may be submitted to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of arrests and convictions in this state or other jurisdiction. The commissioner may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license.** Whenever the commissioner requires fingerprinting, any associated costs shall be paid by the applicant or the parties to the application. If the applicant is a publicly traded corporation or a subsidiary of a publicly traded corporation, no fingerprint check shall be required. In addition, each person submitting an application shall meet the following requirements:

Page 4, lines 1-4:

~~commissioner. Such fingerprints may be submitted to the Kansas bureau of investigation, federal bureau of investigation or other law enforcement agency for the purposes of verifying the identity of such persons and obtaining the records of their criminal arrests and convictions.~~ **Such fingerprints may be submitted to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of arrests and convictions in this state or other jurisdiction. The commissioner may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license.** Whenever the commissioner requires fingerprinting, any associated costs shall be paid by the applicant or the parties to the application.

(c) The commissioner may accept an application filed