

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2625

By Committee on Judiciary

2-5

1 AN ACT concerning the Kansas law enforcement training act; relating to
2 the central registry; records contained in the registry; amending K.S.A.
3 2017 Supp. 74-5611a and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2017 Supp. 74-5611a is hereby amended to read as
7 follows: 74-5611a. (a) (1) The commission shall establish and maintain a
8 central registry of all Kansas police officers or law enforcement officers.

9 (2) The purpose of the registry is to be a resource for all agencies who
10 appoint or elect police or law enforcement officers to use when reviewing
11 employment applications of such officers. The registry shall ~~be made~~
12 ~~available only to those agencies who appoint or elect police or law~~
13 ~~enforcement officers.~~ *include all records received or created by the*
14 *commission pursuant to this section and all records related to violations of*
15 *the Kansas law enforcement training act, including, but not limited to,*
16 *records of complaints received or maintained by the commission.*

17 (3) *All records contained in the registry are confidential and shall not*
18 *be disclosed pursuant to the Kansas open records act, except such records*
19 *may be disclosed as provided in subsections (a)(4) and (a)(5) and the*
20 **Kansas administrative procedure act.** *The provisions of this paragraph*
21 *shall expire on July 1, 2023, unless the legislature reviews and reenacts*
22 *this provision pursuant to K.S.A. 45-229, and amendments thereto, prior*
23 *to July 1, 2023.*

24 (4) *Records contained in the registry may, other than investigative*
25 **files, shall be disclosed:**

26 (A) *To an agency that certifies, appoints or elects police or law*
27 *enforcement officers;*

28 (B) *to the person who is the subject of the information, but the*
29 *commission may require disclosure in such a manner as to prevent*
30 *identification of any other person who is the subject or source of the*
31 *information;*

32 (C) *in any proceeding conducted by the commission in accordance*
33 *with the Kansas administrative procedure act, or in an appeal of an order*
34 *of the commission entered in a proceeding, or to a party in such*
35 *proceeding or that party's attorney;*

36 (D) *to a municipal, state or federal licensing, regulatory or*

1 enforcement agency with jurisdiction over acts or conduct similar to acts
2 or conduct that would constitute grounds for action under this act; or

3 (E) to the director of police training when such disclosure is relevant
4 to the exercise of the authority granted in K.S.A. 74-5604a(b), and
5 amendments thereto.

6 (5) The following records may be disclosed to any person pursuant to
7 the Kansas open records act:

8 (A) ~~A recording~~ **record** containing only:

9 (i) A police or law enforcement officer's name;

10 (ii) the name of a police or law enforcement officer's current
11 employer;

12 (iii) the police or law enforcement officer's dates of employment with
13 the police or law enforcement officer's current employer;

14 (iv) the name of previous law enforcement employers and the dates of
15 employment with each employer;

16 (v) a summary of the trainings completed by the police or law
17 enforcement officer as reported to the commission; and

18 (vi) the status of the police or law enforcement officer's certification
19 under this act; **and**

20 (B) statewide summary data without personally identifiable
21 information;

22 ~~(C) any written order or agreement regarding the censure,~~
23 ~~reprimand, or the ordering of a condition, suspension, revocation or~~
24 ~~denial of certification of a person as a police officer or law enforcement~~
25 ~~officer;~~

26 ~~(D) any records submitted during a hearing regarding the censure,~~
27 ~~reprimand or the ordering of a condition, suspension, revocation or denial~~
28 ~~of certification of a person as a police officer or law enforcement officer;~~
29 ~~and~~

30 ~~(E) any written or electronic transcript of a hearing regarding the~~
31 ~~censure, reprimand or other ordering of a condition, suspension,~~
32 ~~revocation or denial of certification of a person as a police officer or law~~
33 ~~enforcement officer.~~

34 (6) The provisions of K.S.A. 45-221(a), and amendments thereto,
35 shall apply to any records disclosed pursuant to subsection (a)(4) or (a)
36 (5).

37 (b) The director shall provide forms for registration and shall refuse
38 any registration not submitted on such form in full detail.

39 (c) Within 30 days of appointment, election or termination, every city,
40 county and state agency, every school district and every community
41 college shall submit the name of any person appointed or elected to or
42 terminated from the position of police officer or law enforcement officer
43 within its jurisdiction.

1 (d) Upon termination, the agency head shall include a report
2 explaining the circumstances under which the officer resigned or was
3 terminated. Such termination report shall be available to the terminated
4 officer and any law enforcement agency to which the terminated officer
5 later applies for a position as a police officer or law enforcement officer.
6 The terminated officer may submit a written statement in response to the
7 termination and any such statement shall be included in the registry file
8 concerning such officer. The director shall adopt a format for the
9 termination report.

10 (e) The agency, agency head and any officer or employee of the
11 agency shall be absolutely immune from civil liability:

12 (1) For the report made in accordance with subsection (d); and

13 (2) when responding in writing to a written request concerning a
14 current or former officer from a prospective law enforcement agency of
15 that officer for the report made in accordance with subsection (d) and for
16 the disclosure of such report.

17 Sec. 2. K.S.A. 2017 Supp. 74-5611a is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.