

## **Open Records Exceptions; Juror Information; Procedure and Justifications for Closed or Executive Meetings; HB 2301**

**HB 2301** amends law related to public records and public meetings, as follows.

### ***Juror Information***

The bill amends law within the Kansas Code of Criminal Procedure relating to trial jurors. The bill removes addresses of prospective jurors from the information included in the list of prospective jurors filed as a public record with the clerk of the court.

### ***Open Records Exceptions***

The bill continues in existence the following exceptions to the Kansas Open Records Act (KORA):

- KSA 2016 Supp. 74-2012, concerning motor vehicle records;
- KSA 2016 Supp. 22-4909, concerning criminal offender registration;
- KSA 2016 Supp. 45-221(a)(51) and (52), concerning home addresses of law enforcement officers and judges;
- KSA 2016 Supp. 65-1505, concerning criminal history records checks;
- KSA 2016 Supp. 74-5607, concerning peace officers standards and training;
- KSA 2016 Supp. 75-7d01 and 75-7d05, concerning the batterer intervention program certification;
- KSA 2016 Supp. 75-5133, concerning charitable gaming and microdistillery information;
- KSA 2016 Supp. 79-3234, concerning social security numbers;
- KSA 2016 Supp. 75-7d08, concerning the batterer intervention program;
- KSA 2016 Supp. 12-5711, concerning the Fort Scott/Bourbon County Riverfront Authority;
- KSA 2016 Supp. 21-2511, concerning biological samples for the Kansas Bureau of Investigation;

- KSA 2016 Supp. 38-2313, concerning fingerprints and photographs of juvenile offenders;
- KSA 2016 Supp. 65-516, concerning child care facilities;
- KSA 2016 Supp. 74-8745, concerning the multistate lottery;
- KSA 2016 Supp. 74-8752, concerning the multistate lottery investigation and audit;
- KSA 2016 Supp. 74-8772, concerning the Kansas Racing and Gaming Commission; and
- KSA 2016 Supp. 75-7427, concerning the Office of Inspector General.

The bill removes the sunset date of July 1, 2021, placed on the following exceptions to KORA by the 2016 Legislature following its review of the exceptions:

- KSA 2016 Supp. 40-955, concerning insurance rate filings;
- KSA 2016 Supp. 45-221(a)(10)(F), concerning victims of sexual offenses;
- KSA 2016 Supp. 45-221(a)(50), concerning information provided to the 911 Coordinating Council;
- KSA 2016 Supp. 65-4a05, concerning individual identification present in documents related to licensing of abortion clinics;
- KSA 2016 Supp. 65-445(g), concerning child sexual abuse reports;
- KSA 2016 Supp. 12-5611, concerning the Topeka/Shawnee County Riverfront Authority;
- KSA 2016 Supp. 22-4906 and 22-4909, concerning criminal offender registration;
- KSA 2016 Supp. 38-2310, concerning records concerning certain juveniles;
- KSA 2016 Supp. 38-2311, concerning juvenile treatment records;
- KSA 2016 Supp. 38-2326, concerning juvenile offender information systems;
- KSA 2016 Supp. 44-1132, concerning discrimination in employment;
- KSA 2016 Supp. 60-3333, concerning environmental audit reports;

- KSA 2016 Supp. 65-6154, concerning emergency medical services reports;
- KSA 2016 Supp. 71-218, concerning community colleges and employee evaluation documents;
- KSA 2016 Supp. 75-457, concerning substitute mailing addresses;
- KSA 2016 Supp. 75-712c, concerning reports of missing persons;
- KSA 2016 Supp. 75-723, concerning the Abuse, Neglect, and Exploitation of Persons Unit in the Office of the Attorney General; and
- KSA 2016 Supp. 75-7c06, concerning concealed firearm records.

The bill also removes a reference to a repealed statute.

### ***Procedure and Justifications for Closed or Executive Meetings***

The bill amends the Kansas Open Meetings Act with respect to closed or executive meetings. The bill requires any motion to recess for a closed or executive session to include a statement describing the subjects to be discussed during the closed or executive session and the justification for closing the meeting. Prior law required a statement of the justification for closing the meeting and the subjects to be discussed during the closed meeting. The bill leaves unchanged the requirement the motion contain the time and place at which the open meeting will resume.

The bill requires the complete motion be recorded in the minutes of the meeting.

Justifications for closing meetings are limited to the circumstances listed in the bill. The justifications are substantively similar to the list of subjects allowed to be discussed at closed or executive sessions under continuing law, with the following exceptions:

- The bill amends language related to KSA 22a-243(j) to specify matters relating to the investigation of child deaths can be discussed;
  - Continuing law states matters related to district coroners can be discussed in executive session pursuant to the statute;
- The bill specifies what matters can be discussed pursuant to statute in the following instances:
  - Matters relating to parimutuel racing pursuant to KSA 74-8804 and amendments thereto;
  - Matters relating to the care of children pursuant to KSA 2016 Supp. 38-2212(d)(1) or 38-2213(e) and amendments thereto;

- Matters relating to patients and providers pursuant to KSA 39-7,119(g) and amendments thereto;
- Matters relating to maternity centers and child care facilities pursuant to KSA 65-525(d) and amendments thereto; and
- Matters relating to the Office of Inspector General pursuant to KSA 2015 Supp. 75-7427 and amendments thereto;
- The bill adds a justification allowing the Governor's Domestic Violence Fatality Review Board to conduct case reviews in closed or executive meetings; and
- The bill removes language related to repealed statutes.