

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2301

As Amended by Senate Committee on Judiciary

Brief*

HB 2301, as amended, would amend law related to public records, as follows.

Juror Information

The bill would amend law within the Kansas Code of Criminal Procedure relating to trial jurors. The bill would remove addresses of prospective jurors from the information included in the list of prospective jurors filed with the clerk of the court.

The bill also would specify the list would not be considered a public record (under current law, the list is designated a public record). This provision would expire on July 1, 2022, unless the Legislature reviews and reenacts the provision.

Open Records Exceptions

The bill would continue 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;

*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 <http://www.kslegislature.org>

- KSA 2016 Supp. 45-221(a)(51),(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, 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 would also remove 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, 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 would also remove a reference to a repealed statute.

Background

HB 2301

As introduced by the House Committee on Judiciary, HB 2301 contained the provisions continuing certain KORA exceptions. A sunset provision for all exceptions to KORA was added in 2000, requiring a review of exceptions within five years or they would expire. The law also required any exceptions continued after legislative review to be reviewed again five years later. More recently, 2013 HB 2012 modified

the review requirement so that exceptions would no longer be subject to review and expiration if the Legislature reviews and continues the exception during the 2013 Session or thereafter. However, 2016 Sub. for SB 22 continued certain exceptions as specified in that bill only until July 1, 2021.

In the House Committee hearing, staff presented an overview of the bill. No other testimony was presented.

The House Committee recommended the bill be placed on the Consent Calendar.

In the Senate Committee on Judiciary hearing, staff presented an overview of the bill and requested an amendment to correct a typographical error.

The Senate Committee adopted the amendment requested by staff and an amendment adding the language of HB 2197, regarding juror information. Further background regarding HB 2197 is provided below.

According to the fiscal note prepared by the Division of the Budget on HB 2301, as introduced, enactment of the bill would have no fiscal effect. Fiscal note information for HB 2197 is provided below.

HB 2197

HB 2197 was introduced by the House Committee on Judiciary at the request of the Kansas District Judges Association (KDJA). In the House Committee and Senate Committee on Judiciary hearings, representatives of the KDJA testified in support of the bill. No opponent or neutral testimony was presented.

According to the fiscal note prepared by the Division of the Budget on HB 2197, the Office of Judicial Administration indicates any fiscal effect associated with the enactment of the bill would be negligible.