

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2625

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2625 would amend the section of the Kansas Law Enforcement Training Act (Act) related to the central registry of Kansas police officers and law enforcement officers, as follows.

The bill would specify the registry is to include all records received or created by the Kansas Commission on Peace Officers' Standards and Training (CPOST) pursuant to this section and all records related to violations of the Act, including records of complaints received or maintained by CPOST.

The bill would remove language stating the registry shall be made available only to agencies that appoint or elect police or law enforcement officers and would add provisions governing disclosure of records in the registry, as follows.

All records in the registry would be confidential and not subject to disclosure pursuant to the Kansas Open Records Act (KORA), except that records contained in the registry, other than investigative files, would have to be disclosed:

- To an agency that certifies, appoints, or elects police or law enforcement officers;
- To the person who is the subject of the information, but CPOST may require disclosure in a manner to

*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>

prevent identification of any other person who is the subject or source of the information;

- In any proceeding conducted by CPOST in accordance with the Kansas Administrative Procedure Act (KAPA), in an appeal from such proceeding, or to a party or party's attorney in such proceeding;
- To a municipal, state, or federal licensing, regulatory, or enforcement agency with jurisdiction over acts or conduct similar to acts or conduct that would constitute grounds for action under the Act; or
- To the director of police training of the Law Enforcement Training Center when such disclosure is relevant to the director's pretraining evaluation of applicants for admission.

Additionally, the following records could be disclosed to any person pursuant to KORA:

- A record containing only a police or law enforcement officer's name, the name of a police or law enforcement officer's current employer, the police or law enforcement officer's dates of employment with the police or law enforcement officer's current employer, the name of previous law enforcement employers and the dates of employment with each each employer, a summary of the trainings completed by the police or law enforcement officer as reported to CPOST, and the status of the police or law enforcement officer's certification under the Act; and
- Statewide summary data without personally identifiable information.

The bill would provide that KORA exceptions would apply to any records disclosed under the above provisions.

Finally, the bill would specify that records could be disclosed as provided in KAPA.

The confidentiality provision and disclosure exceptions created by the bill would expire on July 1, 2023, unless the Legislature reviews and reenacts the provision prior to July 1, 2023.

Background

Introduced in 2017, HB 2070 would have amended the registry statute to classify reports to the registry as personnel records not required to be disclosed under KORA and to classify complaints or related documents received or maintained by CPOST as criminal investigation records under KORA and not required to be disclosed except under the provisions for disclosure of such records. HB 2070 passed the House and was referred to the Senate Judiciary Committee for hearing.

Following the 2017 Session, Representative Finch requested the Judicial Council study HB 2070. In December 2017, the Judicial Council's Criminal Law Advisory Committee published a report summarizing its study, recommending against enactment of HB 2070, and setting forth recommended language for amendment of the registry statute. The report also included a minority statement by an *ad hoc* member of the advisory committee expressing concerns about the recommendation.

HB 2625 was introduced by the House Committee on Judiciary at the request of Representative Whitmer. As introduced, the language of the bill was based upon the Judicial Council's recommendation.

In the House Committee on Corrections and Juvenile Justice hearing, representatives of CPOST and the Johnson County Sheriff's Office testified in support of the bill. Written-only proponent testimony was provided by the Director of the

Kansas Bureau of Investigation; representatives of the Fairway Police Department, Kansas Highway Patrol, and Judicial Council; and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association.

A representative of the League of Kansas Municipalities testified as a neutral conferee. A representative of a member of the Judicial Council advisory committee testified in opposition to the bill, noting concerns from the minority statement in the Judicial Council's report.

The House Committee amended the bill to specify records could be disclosed as provided in KAPA; exclude investigative files from required disclosure; strike provisions for disclosure of records that are covered by disclosure provisions in current law; and make technical changes to ensure consistent statutory phrasing and punctuation.

According to the fiscal note prepared by the Division of the Budget on HB 2625, as introduced, CPOST indicates enactment of the bill could cause a reduction to the number of requests for registry records but is not expected to have a fiscal effect.