

HOUSE BILL No. 2625

By Committee on Judiciary

Proposed Amendments to HB 2625 - Finch
House Corrections and Juvenile Justice
Prepared by: Natalie Scott, Assistant Revisor
March 7, 2018

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). The
20 provisions of this paragraph shall expire on July 1, 2023, unless the
21 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,
22 and amendments thereto, prior to July 1, 2023.

23 (4) Records contained in the registry may be disclosed:

24 (A) To an agency that certifies, appoints or elects police or law
25 enforcement officers;

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

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

34 (D) to a municipal, state or federal licensing, regulatory or
35 enforcement agency with jurisdiction over acts or conduct similar to acts
36 or conduct that would constitute grounds for action under this act; or

and the Kansas administrative procedure act

, other than investigative files, shall

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

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

record

6 (A) ~~A recording containing only:~~

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

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

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

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

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

and

16 (vi) the status of the police or law enforcement officer's certification
17 under this act;

18 (B) statewide summary data without personally identifiable
19 information;

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

strike

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

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

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

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

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

42 (d) Upon termination, the agency head shall include a report
43 explaining the circumstances under which the officer resigned or was

1 terminated. Such termination report shall be available to the terminated
2 officer and any law enforcement agency to which the terminated officer
3 later applies for a position as a police officer or law enforcement officer.
4 The terminated officer may submit a written statement in response to the
5 termination and any such statement shall be included in the registry file
6 concerning such officer. The director shall adopt a format for the
7 termination report.

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

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

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

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

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