

REVISED
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SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2070

As Amended by House Committee on Judiciary

Brief*

HB 2070, as amended, 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 to provide that the registry and termination reports to the registry shall be considered personnel records not required to be disclosed under the Kansas Open Records Act (KORA). This exception would expire on July 1, 2022, unless reviewed and reenacted by the Legislature.

The bill also would create new law in the Act providing that any complaint or report, record, or other information relating to a complaint received, obtained, created, or maintained by the Kansas Commission on Peace Officers' Standards and Training (CPOST) would be confidential and not subject to disclosure under KORA or legislative review of KORA exceptions. Such items could be disclosed:

- In a proceeding conducted by CPOST under the Kansas Administrative Procedure Act or in an appeal of an order entered in 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 constituting grounds for action under the Act; and

*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>

- To the director of police training when such disclosure is relevant to the pre-training evaluation of applicants for admission to the course for law enforcement officers or to any certified state or local law enforcement training school.

The bill would require any item disclosed by CPOST under these provisions to remain under seal in the record of the administrative proceeding and to not be redisclosed by the receiving party or agency, unless otherwise authorized by law.

Background

The bill was introduced by the House Committee on Judiciary at the request of CPOST. As introduced, the bill would have stated the registry and termination reports are confidential and not subject to disclosure under KORA, and this provision would not be subject to expiration. The bill also contained the new section regarding disclosure of complaints or information related to complaints received, obtained, created, or maintained by CPOST.

In the House Committee hearing, Representative Whitmer, as chairperson of CPOST, testified in support of the bill. Counsel for CPOST also testified in support. The Director of the Kansas Bureau of Investigation and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association submitted written testimony supporting the bill. A representative of the Kansas Press Association testified in opposition to the bill.

The House Committee adopted an amendment to replace the general exception from KORA for the registry and reports with language bringing the registry and reports within the existing KORA exception for personnel records.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, CPOST indicates the bill would have no immediate fiscal effect, but it could reduce the need for additional staff to fulfill KORA requests and possibly prevent lawsuits regarding what information the agency can release.