

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2508**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2508, as amended, would create law requiring an applicant, employee, or volunteer subject to a criminal history record check to provide to the requesting authorized entity written consent to obtain such person's fingerprints to conduct a criminal history record check and participate in the Rap Back Program for the purpose of determining suitability or fitness for a permit, license, employment, or volunteer service.

[*Note:* As defined by the bill, "authorized entity" would mean an agency or entity with authorization under state or federal law to conduct a fingerprint-based criminal history record check, and "rap back" would mean the state or federal system that enables an authorized entity to receive ongoing notifications of criminal history record updates for individuals whose fingerprints are enrolled.]

The bill would require an authorized entity to notify each such person that fingerprints shall be retained by the Kansas Bureau of Investigation (KBI) and the Federal Bureau of Investigation for all current and future purposes and uses authorized for fingerprint submission and when fingerprints will be enrolled in the Rap Back Program.

The bill would require fingerprints and related records obtained by the KBI for a fingerprint-based criminal history record check to be searched against known criminal fingerprints to determine if a criminal history record exists and

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\*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>

against latent fingerprints entered into the unsolved latent fingerprint file.

The bill would limit completion of a criminal history record check only for the purpose for which the check was requested and would require submission of a new set of fingerprints for any additional record checks. An authorized entity enrolled in the Rap Back Program would be required to immediately notify the KBI when the entity is no longer entitled to receive criminal history record information relating to a particular person enrolled in the Rap Back Program. The KBI would be required to cancel such enrollment, and updates to criminal history record information would no longer be provided to such entity.

The bill would limit availability of fingerprints and records relating to fingerprints acquired by the KBI to only the authorized entities entitled to obtain the information and would prohibit KBI employees from disclosing any records of or related to fingerprints acquired in the performance of duties under the bill to any person not authorized to receive the information pursuant to state or federal law. The bill would prohibit a person acquiring the records of or relating to fingerprints, or any information concerning any individual, from disclosing such information to any person who is not authorized to receive such information, and any intentional disclosure of such information would be a class A nonperson misdemeanor.

In addition to “authorized entity” and “rap back,” the bill also would define “criminal history record check.”

## **Background**

The bill was introduced by the House Committee on Judiciary at the request of Representative Patton on behalf of the KBI.

### ***House Committee on Judiciary***

In the House Committee hearing on February 3, 2022, a representative of the KBI testified as a **proponent** of the bill, stating the bill would clarify and codify requirements for participation in and usage of the state and federal Rap Back programs. No other testimony was provided.

### ***Senate Committee on Judiciary***

In the Senate Committee hearing on March 10, 2022, the same conferee provided **proponent** testimony as in the House Committee hearing. No other testimony was provided.

### ***Senate Committee of the Whole***

On March 17, 2022, the Senate Committee of the Whole amended the bill to make intentional disclosure of the records of fingerprints, records relating to fingerprints, or any information concerning any individual a class A nonperson misdemeanor.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KBI states enactment of the bill would not have a fiscal effect because it currently conducts such record checks at the state level but not at the federal level. The federal level process would not be implemented until a new information system is fully implemented in FY 2024, and there is no charge for participation in the federal Rap Back Program.

Criminal history record information; fingerprints; Rap Back programs; Kansas Bureau of Investigation