MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 14, 2023

Subject: Bill Brief for SB 189

Senate Bill 189 authorizes state and local law enforcement agencies to receive files and information about an applicant from other agencies that received an application for employment from the applicant or conducted an employment background investigation on the applicant.

The bill amends K.S.A. 75-4379, which requires state and local law enforcement agencies, upon request by a hiring agency, to disclose files and information about an applicant. Current law in subsection (a) requires an applicant who has been employed by another state or local law enforcement agency or governmental agency to execute a written waiver that authorizes that agency to disclose the applicant's files to the hiring agency and releases each agency from liability. The bill amends this provision to apply when an applicant submitted an application for a law enforcement officer position with another agency and authorizes disclosure by an agency that has employed the applicant in a law enforcement position, received an application from the applicant for a law enforcement position or conducted an employment background investigation on the applicant.

The bill also amends the definition of "files" in subsection (f) to include, regardless of whether the applicant was ultimately hired, the employment application, background investigations, polygraph or voice stress analysis examination results and law enforcement-related psychological evaluation reports connected to the application process. The bill adds that "files" does not include psychological examination reports not directly related to the applicant's suitability for law enforcement employment or certification.