

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 81

As Amended by House Committee on Judiciary

Brief*

SB 81, as amended, would amend two statutes in the Kansas Open Records Act (KORA).

The bill would amend exemptions from KORA related to law enforcement officers, parole officers, probation officers, courts services officers, community correctional officers, federal judges, Supreme Court justices, Court of Appeals judges, district judges, district magistrate judges, U.S. attorneys, the Kansas Attorney General, assistant attorneys general, and county and district attorneys, in KSA 45-221. Specifically, the bill would amend the exemption from KORA for the home address or home ownership records of such persons to restrict the exemption to records on a public website that are searchable by a keyword search. The bill would extend from seven to ten days the length of time a public agency has to restrict such information from public access after receiving a request to do so.

Additionally, the bill would strike a provision allowing agency heads or employers to make such requests under these exemptions on behalf of their officers or employees. The bill also would establish that the restrictions under the exemption would expire after five years, requiring persons covered by the exemption to file a new request to continue the restriction.

The bill would create a new exemption prohibiting a public agency from disclosing the name, home address, e-mail address, phone numbers, or other contact information for

*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>

any person licensed to carry concealed handguns, any person who has enrolled in or completed weapons training for concealed carry licensure, or any person who has applied for a concealed carry license.

The bill also would resolve two conflicts between different versions of the statute by striking a reference to the Ombudsman of Corrections and by repealing a version of the statute containing an exemption for the contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the disposal of property.

Finally, the bill would require requests for records submitted to the Kansas Bureau of Investigation (KBI) central repository or other KBI repositories supporting the criminal justice information system to be directed to the criminal justice agency from which the records originated, an addition to KSA 45-220. An exception would be provided for requests of summary data compiled from information submitted by multiple criminal justice agencies.

Background

The bill was introduced by the Senate Judiciary Committee at the request of Senator Smith. As introduced, the bill would have amended the exemptions for home address or home ownership information for various public officials and officers.

In the Senate Judiciary Committee, representatives of the Kansas Land Title Association, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas Peace Officers Association, Kansas Press Association, Johnson County Department of Records and Tax Administration, and Kansas Association of Counties testified in support of the bill. A Riley County commissioner and the Riley County counselor testified as neutral conferees. Representatives of the Kansas Bankers Association and Kansas Bar Association submitted written proponent testimony. There was no opponent

testimony.

The Senate Committee amended the bill to add the concealed carry exemption, strike the authority for agency heads or employers to request restriction of information, establish the sunset period for restrictions, and resolve the conflict regarding disposal of property by a public agency by repealing the conflicting version of the statute without incorporating the additional language from that version in this bill. The Committee recommended the bill be passed as amended.

In the House Judiciary Committee, representatives of the Kansas Land Title Association, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas Peace Officers Association, and Kansas Association of Counties testified in support of the bill. Representatives of the Kansas Bankers Association and Kansas Bar Association submitted written testimony supporting the bill. There was no opponent testimony.

The House Committee amended the bill to add the language of SB 60, amending KSA 45-220.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, indicates it would have no fiscal effect.

Background of SB 60

The bill was introduced by the Senate Judiciary Committee at the request of the Kansas Association of Chiefs of Police. The Senate Judiciary Committee heard testimony supporting the bill from a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association. There was no opponent testimony.

In the House Judiciary Committee, the same conferee testified in support of the bill.

The fiscal note prepared by the Division of the Budget on SB 60 indicates the KBI could see a decrease in the number of open records requests it receives if the bill is enacted. The League of Kansas Municipalities indicates there could be increased costs for city police departments as open records requests shift from the KBI to local police departments. The League cannot quantify the higher expenses at this time.