

2020 Kansas Statutes

75-712i. Criminal history record checks; certain qualified entities that provide care to children, the elderly or individuals with disabilities. (a) As used in this section:

(1) "Care" means the provision of treatment, education, training, instruction, supervision or recreation to children, the elderly or individuals with disabilities.

(2) "Provider" means a person who:

(A) Is employed by a qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly or individuals with disabilities to whom the qualified entity provides care;

(B) is a volunteer of a qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly or individuals with disabilities to whom the qualified entity provides care; or

(C) owns, operates or seeks to own or operate a qualified entity.

(3) "Qualified entity" means a business or organization that provides care to children, the elderly or individuals with disabilities that is private, for profit, not-for-profit or voluntary, except such businesses or organizations that are subject to the provisions of K.S.A. 39-970, 65-516 or 65-5117, and amendments thereto, or K.S.A. 2020 Supp. 39-2009 or 75-53,105, and amendments thereto.

(b) A qualified entity may request the Kansas bureau of investigation to conduct a state and national criminal history record check on any person who will serve as a provider, or is currently a provider with such entity. The qualified entity may request a state and national criminal history record check by submitting the following:

(1) The person's fingerprints; and

(2) a copy of a completed and signed statement furnished by the qualified entity that includes:

(A) A waiver permitting the qualified entity to request and receive a criminal history record check for the purpose of determining the person's qualification and fitness to serve as a provider;

(B) the name, address and date of birth of the person as it appears on a valid identification document;

(C) a disclosure of whether or not the person has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and

(D) a notice to the person that they are entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in any such report before any final determination is made by the qualified entity.

(c) A qualified entity is authorized to require a person to be fingerprinted and to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The qualified entity shall use the fingerprints to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdictions or countries. The qualified entity may use the information obtained from the fingerprints and such state and national criminal history record checks in the official determination of the qualifications and fitness of the person to be permitted to serve as a provider.

(d) Local and state law enforcement officers and agencies shall assist the qualified entity in taking and processing a person's fingerprints as authorized by this section.

(e) The Kansas bureau of investigation shall release all records of the person's adult convictions and diversions, and adult convictions and diversions from another state, jurisdiction or country, to the qualified entity to make a final determination of the qualification of such person to serve as a provider.

(f) A qualified entity shall be solely responsible for making any determination that a person's criminal history record shows that such person has been convicted of a crime that bears upon the fitness of such person to serve as a provider. This section does not require the Kansas bureau of investigation to make such a determination on behalf of any qualified entity.

History: L. 2019, ch. 62, § 3; May 30.