

HOUSE BILL No. 2075

By Committee on Judiciary

1-19

AN ACT concerning juveniles; relating to fingerprinting of alleged juvenile offenders; amending K.S.A. 38-1611 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 38-1611 is hereby amended to read as follows: 38-1611. (a) Fingerprints or photographs shall not be taken of any juvenile who is taken into custody for any purpose, except that:

(1) Fingerprints or photographs of the juvenile may be taken if authorized by a judge of the district court having jurisdiction;

(2) a juvenile's fingerprints shall be taken, and photographs of a juvenile may be taken, immediately upon taking the juvenile into custody or upon first appearance or in any event before final sentencing, before the court for an offense which, if committed by a person 18 or more years of age, would make the person liable to be arrested and prosecuted for the commission of a felony as defined by K.S.A. 21-3105 and amendments thereto ~~or~~, a class A or B misdemeanor *or assault, as defined by K.S.A. 21-3408, and amendments thereto*; and

(3) fingerprints or photographs of a juvenile may be taken under K.S.A. 21-2501 and amendments thereto if the juvenile has been:

(A) Prosecuted as an adult by reason of 38-1636, and amendments thereto; or

(B) convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto; or

(C) taken into custody for an offense described in subsection (b)(1) or (2) of K.S.A. 38-1602 and amendments thereto.

(b) Fingerprints and photographs taken under subsection (a)(1) or (2) shall be kept readily distinguishable from those of persons of the age of majority. Fingerprints and photographs taken under subsection (a)(3) may be kept in the same manner as those of persons of the age of majority.

(c) Fingerprints and photographs of a juvenile shall not be sent to a state or federal repository, except that:

(1) Fingerprints and photographs may be sent to a state or federal repository if authorized by a judge of the district court having jurisdiction;

(2) a juvenile's fingerprints shall, and photographs of a juvenile may,

1 be sent to a state or federal repository if taken under subsection (a)(2);
2 and

3 (3) fingerprints or photographs taken under subsection (a)(3) shall be
4 processed and disseminated in the same manner as those of persons of
5 the age of majority.

6 (d) Fingerprints or photographs of a juvenile may be furnished to
7 another juvenile justice agency, as defined by K.S.A. 38-1617 and amend-
8 ments thereto, if the other agency has a legitimate need for the finger-
9 prints or photographs.

10 (e) Any fingerprints or photographs of a juvenile taken under the
11 provisions of subsection (a)(2) as it existed before the effective date of
12 this act may be sent to a state or federal repository on or before December
13 31, 1984.

14 (f) Any law enforcement agency that willfully fails to make any report
15 required by this section shall be liable to the state for the payment of a
16 civil penalty, recoverable in an action brought by the attorney general, in
17 an amount not exceeding \$500 for each report not made. Any civil penalty
18 recovered under this subsection shall be paid into the state general fund.

19 (g) The director of the Kansas bureau of investigation shall adopt any
20 rules and regulations necessary to implement, administer and enforce the
21 provisions of this section, including time limits within which fingerprints
22 shall be sent to a state or federal repository when required by this section.

23 (h) Nothing in this section shall preclude the custodian of a juvenile
24 from authorizing photographs or fingerprints of the juvenile to be used
25 in any action under the Kansas parentage act.

26 Sec. 2. K.S.A. 38-1611 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.

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