

HOUSE BILL No. 2156

By Committee on Local Government

1-24

AN ACT concerning criminal procedure; relating to reportable events under the criminal history record information; amending K.S.A. 22-4705 and repealing the existing section.

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

Section 1. K.S.A. 22-4705 is hereby amended to read as follows: 22-4705. (a) The following events are reportable events under this act:

- (1) Issuance of an arrest warrant;
- (2) an arrest;
- (3) release of a person after arrest without the filing of a charge;
- (4) dismissal or quashing of an indictment or criminal information;
- (5) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;
- (6) imposition of a sentence;
- (7) commitment to a correctional facility, whether state or locally operated;
- (8) release from detention or confinement;
- (9) an escape from confinement;
- (10) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
- (11) judgment of an appellate court that modifies or reverses the lower court decision;
- (12) order of a court in a collateral proceeding that affects a person's conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; ~~and~~
- (13) *the death of any person who died in the process of being arrested, en route to be incarcerated, or while incarcerated in a municipal jail, county jail, correctional facility, juvenile facility, or while in custody as defined by K.S.A. 21-3809, and amendments thereto; and*
- (14) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated

1 by the Kansas bureau of investigation under the administrative control of
2 the director.

3 (c) Except as otherwise provided by this subsection, every criminal
4 justice agency shall report criminal history record information, whether
5 collected manually or by means of an automated system, to the central
6 repository, in accordance with rules and regulations adopted pursuant to
7 this act. A criminal justice agency shall report to the central repository
8 those reportable events involving a violation of a county resolution or city
9 ordinance only when required by rules and regulations adopted by the
10 director.

11 (d) Reporting methods may include:

12 (1) Submittal of criminal history record information by a criminal
13 justice agency directly to the central repository;

14 (2) if the information can readily be collected and reported through
15 the court system, submittal to the central repository by the administrative
16 office of the courts; or

17 (3) if the information can readily be collected and reported through
18 criminal justice agencies that are part of a geographically based infor-
19 mation system, submittal to the central repository by the agencies.

20 (e) Nothing in this section shall prevent a criminal justice agency from
21 maintaining more detailed information than is required to be reported to
22 the central repository. However, the dissemination of that criminal history
23 record information is governed by the provisions of this act.

24 (f) The director may determine, by rule and regulation, the report-
25 able events to be reported by each criminal justice agency, in order to
26 avoid duplication in reporting.

27 (g) *If the reportable event is a death pursuant to subsection (a)(13),*
28 *such report shall include the name, gender, race, ethnicity and age of the*
29 *deceased; the date, time and location of death; a brief description of the*
30 *circumstances surrounding the death; and any other information as the*
31 *director may determine, by rules and regulations.*

32 (h) *The director, on a quarterly basis, shall provide to the attorney*
33 *general of the United States, the information reported pursuant to sub-*
34 *section (a)(13).*

35 Sec. 2. K.S.A. 22-4705 is hereby repealed.

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

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