

## HOUSE BILL No. 2950

By Committee on Appropriations

4-29

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9 AN ACT concerning children; creating the Kansas oversight committee  
10 on child deaths; membership and duties thereof; duties of the state  
11 child death review board; investigations by the attorney general;  
12 amending K.S.A. 22a-243, 22a-244, 38-1508 and 38-1523 and K.S.A.  
13 2003 Supp. 22-3101, 22a-242, 38-1507, 38-1522 and 75-4319 and re-  
14 pealing the existing sections.  
15

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

17 New Section 1. (a) At least once every five business days, the state  
18 child death review board shall send a notice to the secretary of social and  
19 rehabilitation services and the commissioner of juvenile justice containing  
20 a list of the names, dates of deaths and other identifying information  
21 relevant to children whose deaths had been reported to the board in the  
22 preceding week by coroners as involving suspicious circumstances or un-  
23 known cause, as described in the protocol developed by the board under  
24 K.S.A. 22a-243, and amendments thereto.

25 (b) Upon receipt of the notice from the board, the secretary and  
26 commissioner shall cause the records of the department of social and  
27 rehabilitation services and the juvenile justice authority to be reviewed to  
28 determine whether: (1) Any child identified on the board's report was in  
29 the custody of the secretary or the commissioner at the time of the child's  
30 death or within the preceding six months had been in the custody of the  
31 secretary or the commissioner; or (2) a report of abuse or neglect re-  
32 garding any child identified on the board's report had been received by  
33 the department of social and rehabilitation services within the six months  
34 prior to the child's death and the report was accepted for investigation.

35 (c) Within 48 hours of the receipt of the board's report, the secretary  
36 and commissioner shall cause a written response to be provided by the  
37 respective agencies to the board identifying any child from the board's  
38 report who meets the criteria established in subsection (b).

39 (d) Within 10 business days of the receipt of a written response from  
40 the secretary or commissioner, the chairperson of the board shall inform  
41 the attorney general of the identity of any child reported to the board  
42 pursuant to this section. The chairperson of the board shall request the  
43 attorney general initiate an investigation of the death pursuant to subsec-

1 tion (c) of K.S.A. 38-1523, and amendments thereto.

2 New Sec. 2. (a) There is hereby established the Kansas oversight  
3 committee on child deaths.

4 (b) The oversight committee shall consist of the following appointed  
5 members, all of whom shall be members of the legislature:

6 (1) The president of the senate or the president's designee, and one  
7 additional senator appointed by the president. Such senators shall not be  
8 members of the same political party; and

9 (2) the speaker of the house of representatives or the speaker's des-  
10 ignee, and two additional representatives appointed by the speaker. No  
11 more than two representatives shall be members of the same political  
12 party.

13 (c) The legislators shall select from among the membership of the  
14 committee a chairperson and vice-chairperson, one of whom shall be a  
15 senator and one of whom shall be a representative. The position of chair-  
16 person shall alternate each calendar year between a senator and a  
17 representative.

18 (d) The oversight committee shall be a continuing committee of the  
19 legislature during the terms for which the members are appointed and  
20 shall hold meetings as may be necessary until the convening of the next  
21 regular session of the legislature. Any vacancy in the membership of the  
22 committee shall be filled by appointment in the manner prescribed by  
23 this section for the original appointment.

24 (e) At any time following the adjournment of the legislature in each  
25 odd-numbered year and until the convening of the ensuing session of the  
26 legislature in even-numbered years the committee may meet on call of  
27 the chairperson.

28 (f) Any member of the committee attending a meeting authorized  
29 by this section, shall receive compensation and travel expenses and sub-  
30 sistence expenses or allowances as provided in K.S.A. 75-3212 and  
31 amendments thereto. All vouchers of any member of the committee and  
32 all expense vouchers shall be approved by the chairperson or vice-chair-  
33 person thereof. Compensation, allowances and expenses authorized un-  
34 der this section shall be paid from funds specifically appropriated for such  
35 purpose or, in the absence of such specific appropriation, from funds  
36 appropriated for legislative expense.

37 (g) Staff assistance to the committee shall be provided by the office  
38 of the revisor of statutes, the legislative research department and such  
39 other legislative offices and employees as may be directed by the legis-  
40 lative coordinating council.

41 New Sec. 3. (a) Upon the written request of the chairperson of the  
42 Kansas oversight committee on child deaths, based on a majority vote of  
43 the committee, the committee may:

- 1 (1) Receive reports and updates on the status of investigations of  
2 child deaths investigated by the attorney general pursuant to subsection  
3 (c)(2) of K.S.A 38-1523 and amendments thereto;
- 4 (2) receive reports and updates on the status of reviews of child  
5 deaths conducted by the state child death review board of investigations  
6 of child deaths investigated by the attorney general pursuant to subsection  
7 (c)(2) of K.S.A 38-1523 and amendments thereto;
- 8 (3) request that the attorney general conduct an investigation of a  
9 specific incident or incidents involving the death or near fatality of a child  
10 who:
- 11 (A) Was in the custody of the secretary of social and rehabilitation  
12 services or the commissioner of juvenile justice at the time of the death  
13 or near fatality;
- 14 (B) had been in the custody of the secretary or commissioner within  
15 three years of the death or near fatality; or
- 16 (C) had been the subject of a child in need of care petition within  
17 three years prior to the death or near fatality.
- 18 (4) Receive from the attorney general, the Kansas bureau of inves-  
19 tigation or other criminal justice agencies, including, but not limited to,  
20 the federal bureau of investigation and the federal internal revenue serv-  
21 ice, such criminal history record information, including arrest and non-  
22 conviction data, criminal intelligence information and information relat-  
23 ing to criminal and background investigations as are determined to be  
24 relevant to the committee's review of investigations conducted by the  
25 attorney general pursuant to subsection (c)(2) of K.S.A 38-1523 and  
26 amendments thereto;
- 27 (5) receive from the district courts such information relating to ju-  
28 venile proceedings as necessary and relevant to the committee's review  
29 of investigations conducted by the attorney general pursuant to subsection  
30 (c)(2) of K.S.A 38-1523 and amendments thereto.
- 31 (b) (1) In extraordinary cases where a specific violation of state or  
32 federal law, rules and regulations or agency policy has been alleged and  
33 found to be credible by the committee, the committee, in writing, based  
34 on a four-fifths majority vote, may request that the attorney general con-  
35 duct a review of a specific child in need of care case on file in a district  
36 court within the preceding three years, or an investigation of allegations  
37 of abuse or neglect of a child which were received by the department of  
38 social and rehabilitation services within the preceding three years. If, after  
39 receiving a request for review as provided by this subsection, the attorney  
40 general learns that the matter to be reviewed is the subject of a criminal  
41 investigation or a civil or criminal court action, other than a child in need  
42 of care case, the attorney general shall inform the committee of the ex-  
43 istence of the criminal investigation or civil or criminal court action. The

1 attorney general shall then suspend the review of the matter until such  
2 time as the criminal investigation or civil or criminal court action has been  
3 concluded.

4 (2) When conducting a review pursuant to this subsection, the at-  
5 torney general, or any employee assigned by the attorney general, shall  
6 have access to any and all records necessary for the review, in the same  
7 manner as provided in subsection (c)(3) of K.S.A. 38-1523, and amend-  
8 ments thereto. A review conducted pursuant to this subsection shall focus  
9 exclusively on the issue of whether the state agency, or any contractor of  
10 the state agency, complied with applicable state or federal law, rules and  
11 regulations or agency policy regarding the investigation, documentation,  
12 decisions and actions taken with respect to the child in need of care case  
13 or the investigation of the allegation of abuse or neglect of a child.

14 (c) If the committee requests an investigation of a specific case as  
15 provided in subsection (a)(3), the committee may request that:

16 (1) Upon the conclusion of the investigation conducted by the at-  
17 torney general, a report be submitted to the board for the board's review  
18 and recommendations; and

19 (2) the board provide the committee with a report and recommen-  
20 dations concerning the board's review of the matter investigated by the  
21 attorney general.

22 (d) Upon the written request of the chairperson of the committee,  
23 based on a majority vote of the committee, the committee, upon receipt  
24 of an investigative report from the attorney general, shall have access to  
25 any and all records or documents regarding the death of a child or a near  
26 fatality injury suffered by a child obtained by any agent of the attorney  
27 general in the course of an investigation as provided by this section.

28 (e) All records, documents, investigative notes or other information  
29 received by, acquired by, and records of, the committee shall be confi-  
30 dential, shall not be disclosed or subject to subpoena, discovery or intro-  
31 duction into evidence in any civil or criminal proceeding, except:

32 (1) Such records or documents may be disclosed upon a four-fifths  
33 majority vote by the committee specifying the record or document to be  
34 disclosed and further specifying such redactions or other limitations to  
35 be imposed on the record or document prior to disclosure necessary to  
36 protect and insure the privacy of individuals identified in the record or  
37 document including, but not limited to, the child, the child's parents,  
38 siblings, guardians, adoptive or foster parents.

39 (2) At least 20 days prior to disclosure of records as provided by this  
40 subsection, the committee shall notify any affected individual or entity of  
41 specific information to be released to the public and inform the affected  
42 entity or individual of the right to seek a court order preventing the dis-  
43 closure of such record or records as provided in paragraph (4). Notifi-

1 cation to an affected entity or individual shall be deemed effective if  
2 written notice is sent by first class mail, at such affected entity or individ-  
3 ual's last known address. If the affected entity or individual does not file  
4 a motion with the district court within 20 days of notification, the com-  
5 mittee shall release the record. In cases where the committee has red-  
6 acted the names or other identifying information regarding persons or  
7 entities identified in a record subject to release by the committee, no  
8 prior notification to persons or entities shall be required pursuant to this  
9 subsection.

10 (3) Records received by the committee which do not contain the  
11 name or other identifying information regarding a specific entity or in-  
12 dividual shall be presumed by the committee to be subject to release to  
13 the public unless the committee determines release of the record would  
14 clearly constitute an unwarranted invasion of privacy of any entity or  
15 individual.

16 (4) Any affected entity or individual may bring suit in a district court  
17 to obtain an order preventing the disclosure of any or all records or doc-  
18 uments pertaining to a particular case reviewed by the committee pur-  
19 suant to this section. The court shall interpret this section to aid disclosure  
20 of such records or documents, taking into consideration public interests  
21 and the privacy rights of entities or individuals.

22 (f) (1) The committee may prepare a report and recommendations  
23 concerning individual child death or near fatality investigations for public  
24 disclosure. Such report and recommendations may include the findings  
25 of the committee and factual information about the case and investigation  
26 regarding any act or acts of child abuse or neglect which resulted in, or  
27 contributed to, the child fatality or near fatality. When the committee  
28 makes a report public regarding any individual child death or near fatality  
29 investigation:

30 (A) Confidential identifying information regarding the child and the  
31 child's parents, siblings, guardians, foster or adoptive parents may be re-  
32 leased to the public only with the express written permission of the in-  
33 dividuals involved or such individual's legal representatives or upon order  
34 of the court having jurisdiction; and

35 (B) every reasonable effort shall be made not to include information  
36 that would compromise an ongoing criminal or civil investigation or  
37 prosecution.

38 (2) The committee may delay the public release of any report upon  
39 the request of a law enforcement agency or a prosecuting attorney, as  
40 such term is defined in K.S.A. 22-2202, and amendments thereto, when  
41 the committee makes a finding the release of such report would compro-  
42 mise an ongoing criminal investigation or prosecution.

43 (g) Any disclosure of records or information received by the com-

1 mittee shall fall within the official legislative functions of the members of  
2 the committee as duly elected members of the Kansas legislature. Mem-  
3 bers of the committee acting within the scope of the member's service  
4 on the committee and in compliance with the provisions of this section  
5 shall be afforded legislative immunity for such actions and shall not be  
6 liable for damages resulting from such legislative functions including acts  
7 and omissions. Unauthorized disclosure of records or information ob-  
8 tained by the committee by any member of the committee may subject  
9 such member to discipline or censure from the house of representatives  
10 or senate.

11 (h) When receiving any reports or information from the attorney  
12 general or the state child death review board regarding reviews and in-  
13 vestigations specifically requested by the committee, the committee shall  
14 recess for a closed or executive meeting to receive and discuss information  
15 received by the committee pursuant to this section.

16 (i) For the purposes of this section, "near fatality" means any injury  
17 which results in a critical or serious medical condition as certified by a  
18 person licensed by the state board of healing arts to practice medicine  
19 and surgery.

20 Sec. 4. K.S.A. 2003 Supp. 22-3101 is hereby amended to read as  
21 follows: 22-3101. (1) If the attorney general, an assistant attorney general,  
22 the county attorney or the district attorney of any county is informed or  
23 has knowledge of any alleged violation of the laws of Kansas, such person  
24 may apply to a district judge to conduct an inquisition. An application for  
25 an inquisition shall be in writing, verified under oath, setting forth the  
26 alleged violation of law. Upon the filing of the application, the judge with  
27 whom it is filed, on the written praecipe of such attorney, shall issue a  
28 subpoena for the witnesses named in such praecipe commanding them  
29 to appear and testify concerning the matters under investigation. Such  
30 subpoenas shall be served and returned as subpoenas for witnesses in  
31 criminal cases in the district court.

32 (2) If the attorney general, assistant attorney general, county attorney  
33 or district attorney, or in the absence of the county or district attorney a  
34 designated assistant county or district attorney, is informed or has knowl-  
35 edge of any alleged violation in this state pertaining to gambling, intoxi-  
36 cating liquors, criminal syndicalism, racketeering, bribery, tampering with  
37 a sports contest, narcotic or dangerous drugs, *allegations of abuse or ne-*  
38 *glect of a child or the death of a child as the attorney general is required*  
39 *to investigate pursuant to subsection (c) of K.S.A. 38-1523, and amend-*  
40 *ments thereto*, or any violation of any law where the accused is a fugitive  
41 from justice, such attorney shall be authorized to issue subpoenas for such  
42 persons as such attorney has any reason to believe or has any information  
43 relating thereto or knowledge thereof, to appear before such attorney at

1 a time and place to be designated in the subpoena and testify concerning  
2 any such violation. For such purposes, any prosecuting attorney shall be  
3 authorized to administer oaths. If an assistant county or district attorney  
4 is designated by the county or district attorney for the purposes of this  
5 subsection, such designation shall be filed with the chief judge of such  
6 judicial district.

7 (3) Each witness shall be sworn to make true answers to all questions  
8 propounded to such witness touching the matters under investigation.  
9 The testimony of each witness shall be reduced to writing and signed by  
10 the witness. Any person who disobeys a subpoena issued for such ap-  
11 pearance or refuses to be sworn as a witness or answer any proper ques-  
12 tion propounded during the inquisition, may be adjudged in contempt of  
13 court and punished by fine and imprisonment.

14 Sec. 5. K.S.A. 2003 Supp. 22a-242 is hereby amended to read as  
15 follows: 22a-242. (a) When a child dies, any law enforcement officer,  
16 health care provider or other person having knowledge of the death shall  
17 immediately notify the coroner of the known facts concerning the time,  
18 place, manner and circumstances of the death. If the notice to the coroner  
19 identifies any suspicious circumstances or unknown cause, as described  
20 in the protocol developed by the state review board under K.S.A. 22a-  
21 243 and amendments thereto, the coroner shall immediately: (1) Inves-  
22 tigate the death to determine whether the child's death included any such  
23 suspicious circumstance or unknown cause; and (2) direct a pathologist  
24 to perform an autopsy.

25 (b) If, after upon conclusion of an investigation and an autopsy, the  
26 coroner determines that the death of a child does not include any sus-  
27 picious circumstances or unknown cause, as described in the protocol  
28 developed by the state review board under K.S.A. 22a-243 and amend-  
29 ments thereto, the coroner shall complete and sign a nonsuspicious child  
30 death form.

31 (c) If, ~~after~~ *upon conclusion of an* investigation and an autopsy, the  
32 coroner determines that the death of a child includes any suspicious cir-  
33 cumstance or unknown cause, as described in the protocol developed by  
34 the state review board under K.S.A. 22a-243 and amendments thereto,  
35 the coroner shall notify: (1) Within 30 days, the chairperson of the state  
36 review board ~~and shall notify~~; (2) within 24 hours, the county or district  
37 attorney of the county where the death of the child occurred; *and (3) if*  
38 *the coroner has information indicating that the child may have been in*  
39 *the custody of the secretary of social and rehabilitation services or the*  
40 *commissioner of juvenile justice within the six months prior to the child's*  
41 *death or that a report regarding the child was received by social and*  
42 *rehabilitation services within the six months prior to the child's death and*  
43 *the report was accepted for investigation, within 24 hours the chairperson*

1 *of the state review board and shall notify within 24 hours the county or*  
2 *district attorney of the county where the death of the child occurred.*

3 (d) The coroner shall attempt to notify any parent or legal guardian  
4 of the deceased child prior to the performance of an autopsy pursuant to  
5 this section and attempt to notify any such parent or legal guardian of the  
6 results of the autopsy.

7 (e) A coroner shall not make a determination that the death of a  
8 child less than one year of age was caused by sudden infant death syn-  
9 drome unless an autopsy is performed.

10 (f) The fee for an autopsy performed under this section shall be the  
11 usual and reasonable fee and travel allowance authorized under K.S.A.  
12 22a-233 and amendments thereto and shall be paid from the district cor-  
13 oners fund.

14 Sec. 6. K.S.A. 22a-243 is hereby amended to read as follows: 22a-  
15 243. (a) There is hereby established a state child death review board,  
16 which shall be composed of:

17 (1) One member appointed by each of the following officers to rep-  
18 resent the officer's agency: The attorney general, the director of the Kan-  
19 sas bureau of investigation, the secretary of social and rehabilitation serv-  
20 ices, the secretary of health and environment and the commissioner of  
21 education;

22 (2) three members appointed by the state board of healing arts, one  
23 of whom shall be a district coroner and two of whom shall be physicians  
24 licensed to practice medicine and surgery, one specializing in pathology  
25 and the other specializing in pediatrics;

26 (3) one person appointed by the attorney general to represent ad-  
27 vocacy groups which focus attention on child abuse awareness and pre-  
28 vention; and

29 (4) one county or district attorney appointed by the Kansas county  
30 and district attorneys association.

31 (b) The chairperson of the state review board shall be the member  
32 appointed by the attorney general to represent the office of the attorney  
33 general.

34 (c) The state child death review board shall be within the office of  
35 the attorney general as a part thereof. All budgeting, purchasing and re-  
36 lated management functions of the board shall be administered under the  
37 direction and supervision of the attorney general. All vouchers for ex-  
38 penditures and all payrolls of the board shall be approved by the chair-  
39 person of the board and by the attorney general. The state review board  
40 shall establish and maintain an office in Topeka.

41 (d) The state review board shall meet at least annually to review all  
42 reports submitted to the board. The chairperson of the state review board  
43 may call a special meeting of the board at any time to review any report



1 of a child death.

2 (e) Within the limits of appropriations therefor, the state review  
3 board shall appoint an executive director who shall be in the unclassified  
4 service of the Kansas civil service act and shall receive an annual salary  
5 fixed by the state review board.

6 (f) Within the limits of appropriations therefor, the state review  
7 board may employ other persons who shall be in the classified service of  
8 the Kansas civil service act.

9 (g) Members of the state review board shall ~~not~~ receive compensa-  
10 tion, subsistence allowances, mileage and expenses as provided by K.S.A.  
11 75-3223 and amendments thereto for attending meetings or subcommit-  
12 tee meetings of the board.

13 (h) The state review board shall develop a protocol to be used by  
14 the state review board. The protocol shall include written guidelines for  
15 coroners to use in identifying any suspicious deaths, procedures to be  
16 used by the board in investigating child deaths, methods to ensure co-  
17 ordination and cooperation among all agencies involved in child deaths  
18 and procedures for facilitating prosecution of perpetrators when it ap-  
19 pears the cause of a child's death was from abuse or neglect. The protocol  
20 shall be adopted by the state review board by rules and regulations.

21 (i) The state review board shall submit an annual report to the gov-  
22 ernor and the legislature on or before October 1 of each year, com-  
23 mencing October 1993. Such report shall include the findings of the  
24 board regarding reports of child deaths, the board's analysis and the  
25 board's recommendations for improving child protection, including rec-  
26 ommendations for modifying statutes, rules and regulations, policies and  
27 procedures.

28 (j) Information acquired by, and records of, the state review board  
29 shall be confidential, shall not be disclosed and shall not be subject to  
30 subpoena, discovery or introduction into evidence in any civil or criminal  
31 proceeding, except that such information and records may be disclosed  
32 to any member of the legislature or any legislative committee which has  
33 legislative responsibility of the enabling or appropriating legislation, car-  
34 rying out such member's or committee's official functions. The legislative  
35 committee, in accordance with K.S.A. 75-4319 and amendments thereto,  
36 shall recess for a closed or executive meeting to receive and discuss in-  
37 formation received by the committee pursuant to this subsection.

38 (k) The state review board may adopt rules and regulations as nec-  
39 essary to carry out the provisions of K.S.A. 22a-241 through 22a-244 and  
40 amendments thereto.

41 Sec. 7. K.S.A. 22a-244 is hereby amended to read as follows: 22a-  
42 244. (a) Within 72 hours after receipt of notification from a coroner pur-  
43 suant to K.S.A. 22a-242, the chairperson of the state review board may

1 activate the board to investigate and make a written report regarding the  
2 death.

3 (b) The state review board shall have access to all law enforcement  
4 investigative information regarding the death; any autopsy records and  
5 coroner's investigative records relating to the death; any medical records  
6 of the child; and any records of the department of social and rehabilitation  
7 services or any other social service agency which has provided services to  
8 the child or the child's family within three years preceding the child's  
9 death. *The state review board may receive from the attorney general, the*  
10 *Kansas bureau of investigation or other criminal justice agencies, includ-*  
11 *ing, but not limited to, the federal bureau of investigation and the federal*  
12 *internal revenue service, such criminal history record information, in-*  
13 *cluding arrest and non-conviction data, criminal intelligence information*  
14 *and information relating to criminal and background investigations as are*  
15 *determined to be relevant to the board's review of child deaths.*

16 (c) The state review board may apply to the district court for the  
17 issuance of, and the district court may issue, a subpoena to compel the  
18 production of any books, records or papers relevant to the cause of any  
19 death being investigated by the board. Any books, records or papers re-  
20 ceived by the board pursuant to the subpoena shall be regarded as con-  
21 fidential and privileged information and not subject to disclosure.

22 (d) The state review board's report shall contain the circumstances  
23 leading up to the death and cause of death; any social service agency  
24 involvement prior to death, including the kinds of services delivered to  
25 the dead child or the child's parents, siblings or any other children in the  
26 home; the reasons for initial social service agency activity and the reasons  
27 for any termination of agency activities if involvement was terminated;  
28 whether court intervention had ever been sought and, if so, any action  
29 taken by the court; and recommendations for prevention of future death  
30 under similar circumstances.

31 (e) Within 15 days of its activation pursuant to this section, the state  
32 review board shall complete and transmit a copy of its written report to  
33 the county or district attorney of the county in which the child's death  
34 occurred. If the death of the child occurred in a different county than  
35 where the child resided, a copy of the report shall be sent to the county  
36 or district attorney of the county where the child resided or, if the child  
37 resided in another state, to the child protective services agency of that  
38 state.

39 (f) The state review board shall maintain permanent records of all  
40 written reports concerning child deaths.

41 (g) The state review board may disclose its conclusions regarding a  
42 report of a child death but shall not disclose any information received by  
43 the board which is not subject to public disclosure by the agency that

1 provided the information to the board.

2 (h) Information, documents and records otherwise available from  
3 other sources are not immune from discovery or use in a civil or criminal  
4 action solely because they were presented during proceedings of the state  
5 review board. A person who presented information before the board or  
6 who is a member of the board shall not be prevented from testifying about  
7 matters within the person's knowledge. *A member of the board cannot be*  
8 *compelled to testify about any matter regarding the death or near fatality*  
9 *of a child which the member learned about solely in the member's capacity*  
10 *as a member of the board.*

11 Sec. 8. K.S.A. 2003 Supp. 38-1507 is hereby amended to read as  
12 follows: 38-1507. (a) Except as otherwise provided, in order to protect  
13 the privacy of children who are the subject of a child in need of care  
14 record or report, all records and reports concerning children in need of  
15 care, including the juvenile intake and assessment report, received by the  
16 department of social and rehabilitation services, a law enforcement  
17 agency or any juvenile intake and assessment worker shall be kept con-  
18 fidential except: (1) To those persons or entities with a need for infor-  
19 mation that is directly related to achieving the purposes of this code, ~~or~~;  
20 (2) upon an order of a court of competent jurisdiction pursuant to a  
21 determination by the court that disclosure of the reports and records is  
22 in the best interests of the child or are necessary for the proceedings  
23 before the court, or both, and are otherwise admissible in evidence. Such  
24 access shall be limited to in camera inspection unless the court otherwise  
25 issues an order specifying the terms of disclosure; *or (3) the state child*  
26 *death review board or the oversight committee on child deaths in accord-*  
27 *ance with section 3, and amendments thereto.*

28 (b) The provisions of subsection (a) shall not prevent disclosure of  
29 information to an educational institution or to individual educators about  
30 a pupil specified in subsection (a) of K.S.A. 72-89b03 and amendments  
31 thereto.

32 (c) When a report is received by the department of social and re-  
33 habilitation services, a law enforcement agency or any juvenile intake and  
34 assessment worker which indicates a child may be in need of care, the  
35 following persons and entities shall have a free exchange of information  
36 between and among them:

- 37 (1) The department of social and rehabilitation services;
- 38 (2) the commissioner of juvenile justice;
- 39 (3) the law enforcement agency receiving such report;
- 40 (4) members of a court appointed multidisciplinary team;
- 41 (5) an entity mandated by federal law or an agency of any state  
42 authorized to receive and investigate reports of a child known or sus-  
43 pected to be in need of care;

- 1 (6) a military enclave or Indian tribal organization authorized to re-  
2 ceive and investigate reports of a child known or suspected to be in need  
3 of care;
- 4 (7) a county or district attorney;
- 5 (8) a court services officer who has taken a child into custody pur-  
6 suant to K.S.A. 38-1527, and amendments thereto;
- 7 (9) a guardian ad litem appointed for a child alleged to be in need  
8 of care;
- 9 (10) an intake and assessment worker;
- 10 (11) any community corrections program which has the child under  
11 court ordered supervision;
- 12 (12) the department of health and environment or persons author-  
13 ized by the department of health and environment pursuant to K.S.A. 65-  
14 512, and amendments thereto, for the purpose of carrying out responsi-  
15 bilities relating to licensure or registration of child care providers as  
16 required by article 5 of chapter 65 of the Kansas Statutes Annotated, and  
17 amendments thereto; and
- 18 (13) members of a duly appointed community services team.
- 19 (d) The following persons or entities shall have access to information,  
20 records or reports received by the department of social and rehabilitation  
21 services, a law enforcement agency or any juvenile intake and assessment  
22 worker. Access shall be limited to information reasonably necessary to  
23 carry out their lawful responsibilities to maintain their personal safety and  
24 the personal safety of individuals in their care or to diagnose, treat, care  
25 for or protect a child alleged to be in need of care.
  - 26 (1) A child named in the report or records.
  - 27 (2) A parent or other person responsible for the welfare of a child,  
28 or such person's legal representative.
  - 29 (3) A court-appointed special advocate for a child, a citizen review  
30 board or other advocate which reports to the court.
  - 31 (4) A person licensed to practice the healing arts or mental health  
32 profession in order to diagnose, care for, treat or supervise: (A) A child  
33 whom such service provider reasonably suspects may be in need of care;  
34 (B) a member of the child's family; or (C) a person who allegedly abused  
35 or neglected the child.
  - 36 (5) A person or entity licensed or registered by the secretary of health  
37 and environment or approved by the secretary of social and rehabilitation  
38 services to care for, treat or supervise a child in need of care. In order to  
39 assist a child placed for care by the secretary of social and rehabilitation  
40 services in a foster home or child care facility, the secretary shall provide  
41 relevant information to the foster parents or child care facility prior to  
42 placement and as such information becomes available to the secretary.
  - 43 (6) A coroner or medical examiner when such person is determining

1 the cause of death of a child.

2 (7) The state child death review board established under K.S.A. 22a-  
3 243, and amendments thereto.

4 (8) A prospective adoptive parent prior to placing a child in their  
5 care.

6 (9) The department of health and environment or person authorized  
7 by the department of health and environment pursuant to K.S.A. 65-512,  
8 and amendments thereto, for the purpose of carrying out responsibilities  
9 relating to licensure or registration of child care providers as required by  
10 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments  
11 thereto.

12 (10) The state protection and advocacy agency as provided by sub-  
13 section (a)(10) of K.S.A. 65-5603 or subsection (a)(2)(A) and (B) of K.S.A.  
14 74-5515, and amendments thereto.

15 (11) Any educational institution to the extent necessary to enable the  
16 educational institution to provide the safest possible environment for its  
17 pupils and employees.

18 (12) Any educator to the extent necessary to enable the educator to  
19 protect the personal safety of the educator and the educator's pupils.

20 (13) The secretary of social and rehabilitation services.

21 (14) A law enforcement agency.

22 (15) A juvenile intake and assessment worker.

23 (16) The commissioner of juvenile justice.

24 (e) Information from a record or report of a child in need of care  
25 shall be available to members of the standing house or senate committee  
26 on judiciary, house committee on appropriations, senate committee on  
27 ways and means, legislative post audit committee and joint committee on  
28 children and families, carrying out such member's or committee's official  
29 functions in accordance with K.S.A. 75-4319 and amendments thereto,  
30 in a closed or executive meeting. Except in limited conditions established  
31 by  $\frac{2}{3}$  of the members of such committee, records and reports received  
32 by the committee shall not be further disclosed. Unauthorized disclosure  
33 may subject such member to discipline or censure from the house of  
34 representatives or senate.

35 (f) Nothing in this section shall be interpreted to prohibit the sec-  
36 retary of social and rehabilitation services from summarizing the outcome  
37 of department actions regarding a child alleged to be a child in need of  
38 care to a person having made such report.

39 (g) Disclosure of information from reports or records of a child in  
40 need of care to the public shall be limited to confirmation of factual details  
41 with respect to how the case was handled that do not violate the privacy  
42 of the child, if living, or the child's siblings, parents or guardians. Further,  
43 confidential information may be released to the public only with the ex-

1 press written permission of the individuals involved or their representa-  
2 tives or upon order of the court having jurisdiction upon a finding by the  
3 court that public disclosure of information in the records or reports is  
4 necessary for the resolution of an issue before the court.

5 (h) Nothing in this section shall be interpreted to prohibit a court of  
6 competent jurisdiction from making an order disclosing the findings or  
7 information pursuant to a report of alleged or suspected child abuse or  
8 neglect which has resulted in a child fatality or near fatality if the court  
9 determines such disclosure is necessary to a legitimate state purpose. In  
10 making such order, the court shall give due consideration to the privacy  
11 of the child, if, living, or the child's siblings, parents or guardians.

12 (i) Information authorized to be disclosed in subsections (d) through  
13 (g) shall not contain information which identifies a reporter of a child in  
14 need of care.

15 (j) Records or reports authorized to be disclosed in this section shall  
16 not be further disclosed, except that the provisions of this subsection shall  
17 not prevent disclosure of information to an educational institution or to  
18 individual educators about a pupil specified in subsection (a) of K.S.A.  
19 72-89b03 and amendments thereto.

20 (k) Anyone who participates in providing or receiving information  
21 without malice under the provisions of this section shall have immunity  
22 from any civil liability that might otherwise be incurred or imposed. Any  
23 such participant shall have the same immunity with respect to participa-  
24 tion in any judicial proceedings resulting from providing or receiving  
25 information.

26 (l) No individual, association, partnership, corporation or other entity  
27 shall willfully or knowingly disclose, permit or encourage disclosure of  
28 the contents of records or reports concerning a child in need of care  
29 received by the department of social and rehabilitation services, a law  
30 enforcement agency or a juvenile intake and assessment worker except  
31 as provided by this code. Violation of this subsection is a class B  
32 misdemeanor.

33 Sec. 9. K.S.A. 38-1508 is hereby amended to read as follows: 38-  
34 1508. All records and reports concerning child abuse or neglect received  
35 by law enforcement agencies shall be kept separate from all other records  
36 and shall not be disclosed to anyone except:

37 (a) The judge and members of the court staff designated by the judge  
38 of the court having the child before it in any proceedings;

39 (b) the guardian *ad litem* and the parties to the proceedings and  
40 their attorneys, subject to the restrictions imposed by subsection (a)(2)(C)  
41 of K.S.A. 38-1507 and amendments thereto;

42 (c) the department of social and rehabilitation services;

43 (d) any individual, or public or private agency authorized by a prop-

1 erly constituted authority to diagnose, care for, treat or supervise a child  
2 who is the subject of a report or record of child abuse or neglect and  
3 specifically includes the following: Physicians, psychiatrists, nurses, nurse  
4 practitioners, psychologists, licensed social workers, child development  
5 specialists, physician assistants, community mental health workers, alco-  
6 hol and drug abuse counselors, and licensed or registered child care pro-  
7 viders. Teachers, administrators and school paraprofessionals shall have  
8 access but shall not copy materials in the file;

9 (e) law enforcement officers or county or district attorneys or their  
10 staff when necessary for the discharge of their official duties in investi-  
11 gating or prosecuting a report of known or suspected child abuse or  
12 neglect;

13 (f) any member of the standing house or senate committee on ju-  
14 diciary, house committee on appropriations, senate committee on ways  
15 and means, legislative post audit committee and joint committee on chil-  
16 dren and families, carrying out such member's or committee's official  
17 functions; ~~and~~

18 (g) any juvenile intake and assessment worker;

19 (h) *the state child death review board in accordance with section 3,*  
20 *and amendments thereto; and*

21 (i) *the oversight committee on child deaths in accordance with section*  
22 *3, and amendments thereto.*

23 Sec. 10. K.S.A. 2003 Supp. 38-1522 is hereby amended to read as  
24 follows: 38-1522. (a) When any of the following persons has reason to  
25 suspect that a child has been injured as a result of physical, mental or  
26 emotional abuse or neglect or sexual abuse, the person shall report the  
27 matter promptly as provided in subsection (c) or (e): Persons licensed to  
28 practice the healing arts or dentistry; persons licensed to practice optom-  
29 etry; persons engaged in postgraduate training programs approved by the  
30 state board of healing arts; licensed psychologists; licensed masters level  
31 psychologists; licensed clinical psychotherapists; licensed professional or  
32 practical nurses examining, attending or treating a child under the age of  
33 18; teachers, school administrators or other employees of a school which  
34 the child is attending; chief administrative officers of medical care facil-  
35 ities; licensed marriage and family therapists; licensed clinical marriage  
36 and family therapists; licensed professional counselors; licensed clinical  
37 professional counselors; registered alcohol and drug abuse counselors;  
38 persons licensed by the secretary of health and environment to provide  
39 child care services or the employees of persons so licensed at the place  
40 where the child care services are being provided to the child; licensed  
41 social workers; firefighters; emergency medical services personnel; me-  
42 diators appointed under K.S.A. 23-602 and amendments thereto; juvenile  
43 intake and assessment workers; and law enforcement officers. The report

1 may be made orally and shall be followed by a written report if requested.  
2 When the suspicion is the result of medical examination or treatment of  
3 a child by a member of the staff of a medical care facility or similar  
4 institution, that staff member shall immediately notify the superinten-  
5 dent, manager or other person in charge of the institution who shall make  
6 a written report forthwith. Every written report shall contain, if known,  
7 the names and addresses of the child and the child's parents or other  
8 persons responsible for the child's care, the child's age, the nature and  
9 extent of the child's injury (including any evidence of previous injuries)  
10 and any other information that the maker of the report believes might be  
11 helpful in establishing the cause of the injuries and the identity of the  
12 persons responsible for the injuries.

13 (b) Any other person who has reason to suspect that a child has been  
14 injured as a result of physical, mental or emotional abuse or neglect or  
15 sexual abuse may report the matter as provided in subsection (c) or (e).

16 (c) Except as provided by subsection (e), reports made pursuant to  
17 this section shall be made to the state department of social and rehabil-  
18 itation services. When the department is not open for business, the re-  
19 ports shall be made to the appropriate law enforcement agency. On the  
20 next day that the state department of social and rehabilitation services is  
21 open for business, the law enforcement agency shall report to the de-  
22 partment any report received and any investigation initiated pursuant to  
23 subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports  
24 may be made orally or, on request of the department, in writing.

25 (d) Any person who is required by this section to report an injury to  
26 a child and who knows of the death of a child shall notify immediately  
27 the coroner as provided by K.S.A. 22a-242, and amendments thereto.

28 (e) Reports of child abuse or neglect occurring in an institution op-  
29 erated by the secretary of social and rehabilitation services or the com-  
30 missioner of juvenile justice shall be made to the attorney general. All  
31 other reports of child abuse or neglect by persons employed by or of  
32 children of persons employed by the state department of social and re-  
33 habilitation services or the juvenile justice authority shall be made to the  
34 appropriate law enforcement agency.

35 (f) *Within 24 hours of becoming aware of the death of a child, the*  
36 *secretary or the commissioner of juvenile justice shall make a report to*  
37 *the chairperson of the state child death review board, if the child:*

38 (1) *Was in the custody of the secretary or the commissioner at the*  
39 *time of the child's death or within the preceding six months had been in*  
40 *the custody of the secretary or the commissioner of juvenile justice; or*

41 (2) *was the subject of a report received by child protective services*  
42 *within the six months prior to the child's death and the report was ac-*  
43 *cepted for investigation.*



1       ~~(f)~~ (g) Willful and knowing failure to make a report required by this  
2 section is a class B misdemeanor.

3       ~~(g)~~ (h) Preventing or interfering with, with the intent to prevent, the  
4 making of a report required by this section is a class B misdemeanor.

5       Sec. 11. K.S.A. 38-1523 is hereby amended to read as follows: 38-  
6 1523. (a) *Investigation for child abuse or neglect.* The state department  
7 of social and rehabilitation services and law enforcement officers shall  
8 have the duty to receive and investigate reports of child abuse or neglect  
9 for the purpose of determining whether the report is valid and whether  
10 action is required to protect the child from further abuse or neglect. If  
11 the department and such officers determine that no action is necessary  
12 to protect the child but that a criminal prosecution should be considered,  
13 the department and such law enforcement officers shall make a report of  
14 the case to the appropriate law enforcement agency. In no instance shall  
15 an investigation by the department of social and rehabilitation services  
16 proceed under this section when the alleged victim has reached the age  
17 of 23 years.

18       (b) *Joint investigations.* When a report of child abuse or neglect  
19 indicates (1) that there is serious physical injury to or serious deterioration  
20 or sexual abuse of the child and (2) that action may be required to protect  
21 the child, the investigation shall be conducted as a joint effort between  
22 the department of social and rehabilitation services and the appropriate  
23 law enforcement agency or agencies, with a free exchange of information  
24 between them. If a statement of a suspect is obtained by the law enforce-  
25 ment agency, a copy of the statement shall be provided to the department  
26 of social and rehabilitation services on request.

27       (c) *Investigation of certain cases.* (1) Suspected child abuse or ne-  
28 glect which occurs in an institution operated by the secretary or commis-  
29 sioner of juvenile justice shall be investigated by an agent under the di-  
30 rection of the attorney general. Any other suspected child abuse or  
31 neglect by persons employed by the state department of social and re-  
32 habilitation services shall be investigated by the appropriate law enforce-  
33 ment agency under the direction of the appropriate county or district  
34 attorney, and not by the state department of social and rehabilitation  
35 services.

36       (2) *In the event the death of a child involves any suspicious circum-*  
37 *stance or unknown cause as described in the protocol developed by the*  
38 *state child death review board under K.S.A. 22a-243, and amendments*  
39 *thereto, and the child was in the custody of the secretary or the commis-*  
40 *sioner of juvenile justice within the six months prior to the child's death*  
41 *or the child who has died was a child for whom a report was received by*  
42 *child protective services within the six months prior to the child's death*  
43 *and the report was accepted for investigation by social and rehabilitation*

1 *services, the child's death shall be investigated by an agent under the*  
2 *direction of the attorney general to determine whether there have been*  
3 *violations of criminal laws or whether the child's death was the result of*  
4 *abuse or neglect of the child by any person.*

5 (3) *When conducting an investigation pursuant to this subsection, an*  
6 *agent of the attorney general shall have access to any and all records or*  
7 *documents necessary to the furtherance of the investigation, including,*  
8 *but not limited to: (A) Adoption records, including investigative notes;*

9 (B) *child in need of care records regarding the child;*

10 (C) *records maintained by social and rehabilitation services regard-*  
11 *ing the child or any member of the child's family;*

12 (D) *law enforcement investigative records related to the child or the*  
13 *child's death;*

14 (E) *records related to the child or the child's death maintained by*  
15 *any state or local agency; and*

16 (F) *records maintained by any independent contractor, or employee*  
17 *of such contractor, under contract to any state or local agency, regarding*  
18 *the child or any member of the child's family or related to the child's*  
19 *death.*

20 (4) *An investigation conducted by the attorney general pursuant to*  
21 *this subsection shall in no way preclude any other law enforcement agency*  
22 *from also investigating the death of a child nor shall an investigation by*  
23 *the attorney general pursuant to this section relieve any other law en-*  
24 *forcement agency or other governmental agency of a lawful duty to in-*  
25 *vestigate the death of a child.*

26 (5) *Within 10 working days of the completed investigation in cases*  
27 *involving an investigation of the death of a child as provided in paragraph*  
28 *(2), a report containing investigative findings and such recommendations*  
29 *as deemed appropriate by the attorney general will be provided to the*  
30 *secretary or the commissioner, or both, the chairperson of the state child*  
31 *death review board, the Kansas oversight committee on child deaths and*  
32 *the county or district attorney where the death occurred.*

33 (6) *At the request of the state child death review board, the board*  
34 *shall have access to any and all records or documents obtained by any*  
35 *agent of the attorney general who participated in the investigation of the*  
36 *death of a child as provided by this section or the investigation of a near*  
37 *fatality as provided by section 3, and amendments thereto.*

38 (7) *The findings of the child death review board, and any recom-*  
39 *mendations deemed appropriate by the child death review board, shall be*  
40 *reported to the secretary or commissioner, or both, and to the oversight*  
41 *committee on child deaths within 10 working days of the completion of*  
42 *the board's review of the matter.*

43 (d) *Coordination of investigations by county or district attorney. Ex-*

1 *cept for investigations conducted by the attorney general as provided in*  
2 *subsection (c), if a dispute develops between agencies investigating a re-*  
3 *ported case of child abuse or neglect, the appropriate county or district*  
4 *attorney shall take charge of, direct and coordinate the investigation.*

5 (e) *Investigations concerning certain facilities.* Any investigation in-  
6 volving a facility subject to licensing or regulation by the secretary of  
7 health and environment shall be promptly reported to the state secretary  
8 of health and environment.

9 (f) *Cooperation between agencies.* Law enforcement agencies and  
10 the department of social and rehabilitation services shall assist each other  
11 in taking action which is necessary to protect the child regardless of which  
12 party conducted the initial investigation.

13 (g) *Cooperation between school personnel and investigative agencies.*  
14 Elementary and secondary schools, the state department of social and  
15 rehabilitation services and law enforcement agencies shall cooperate with  
16 each other in the investigation of reports of suspected child abuse or  
17 neglect. Administrators of elementary and secondary schools shall provide  
18 to employees of the state department of social and rehabilitation services  
19 and law enforcement agencies access to a child in a setting on school  
20 premises determined by school personnel for the purpose of the inves-  
21 tigation of a report of suspected child abuse or neglect. To the extent that  
22 safety and practical considerations allow, law enforcement officers on  
23 school premises for the purpose of investigating a report of suspected  
24 child abuse or neglect shall not be in uniform.

25 (h) The secretary or the secretary's designee or a law enforcement  
26 officer may request disclosure of documents, reports or information in  
27 regard to a child, who is the subject of a report of abuse or neglect, by  
28 making a written verified application to the district court. Upon a finding  
29 by the court there is probable cause to believe the information sought  
30 will assist in the investigation of a report of child abuse or neglect, the  
31 court may issue a subpoena, subpoena duces tecum or an order for the  
32 production of the requested documents, reports or information and di-  
33 recting the documents, reports or information to be delivered to the ap-  
34 plicant at a specific time, date and place.

35 The time and date of delivery shall not be sooner than five days after  
36 the service of the subpoena or order, excluding Saturdays, Sundays and  
37 holidays. The court issuing the subpoena or order shall keep all applica-  
38 tions filed pursuant to this subsection and a copy of the subpoena or order  
39 in a special file maintained for that purpose. Upon receiving service of a  
40 subpoena, subpoena duces tecum or an order for production pursuant to  
41 this subsection, the party served shall give oral or written notice of service  
42 to any person known to have a right to assert a privilege or assert a right  
43 of confidentiality in regard to the documents, reports or information

1 sought at least three days before the date of delivery.  
2 (i) The written verified application shall be in substantially the fol-  
3 lowing form:

4 Name of Court \_\_\_\_\_  
5 In the Interest of \_\_\_\_\_ Case No. \_\_\_\_\_  
6 Name(s)  
7 Date of birth: \_\_\_\_\_

8 Each a child under 18 years of age.

9 WRITTEN APPLICATION FOR  
10 DISCLOSURE OF INFORMATION

11 County of \_\_\_\_\_

12 ss

13 State of Kansas

14 The undersigned applicant being first duly sworn alleges and states as follows:

- 15 1. The applicant is \_\_\_\_\_
- 16 2. There is an investigation being made into the report of alleged abuse or neglect in  
17 regard to the above-named child or children.
- 18 3. The following documents, reports and/or information are requested. (List specifi-  
19 cally.)
- 20 4. The reasons for the request are:

21 Further applicant saith not.

22 \_\_\_\_\_  
23 Applicant

24 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

25 \_\_\_\_\_  
26 Notary Public

27 My commission expires:  
28 \_\_\_\_\_

29 (j) Any parent, child, guardian ad litem, party subpoenaed or subject  
30 to an order of production or person who claims a privilege or right of  
31 confidentiality may request in writing that the court issuing the subpoena  
32 or order of production withdraw the subpoena, subpoena duces tecum  
33 or order for production issued pursuant to subsection (i). The request  
34 shall automatically stay the operation of the subpoena, subpoena duces  
35 tecum or order for production and the documents, reports or information  
36 requested shall not be delivered until the issuing court has held a hearing  
37 to determine if the documents, reports or information are subject to the  
38 claimed privilege or right of confidentiality, and whether it is in the best  
39 interests of the child for the subpoena or order to produce to be honored.  
40 The request to withdraw shall be filed with the district court issuing the  
41 subpoena or order at least 24 hours prior to the specified time and date  
42 of delivery, excluding Saturdays, Sundays or holidays, and a copy of the  
43 written request must be given to the person subpoenaed or subject to

1 the order for production at least 24 hours prior to the specified time and  
2 date of delivery.

3 Sec. 12. K.S.A. 2003 Supp. 75-4319 is hereby amended to read as  
4 follows: 75-4319. (a) Upon formal motion made, seconded and carried,  
5 all bodies and agencies subject to the open meetings act may recess, but  
6 not adjourn, open meetings for closed or executive meetings. Any motion  
7 to recess for a closed or executive meeting shall include a statement of  
8 (1) the justification for closing the meeting, (2) the subjects to be dis-  
9 cussed during the closed or executive meeting and (3) the time and place  
10 at which the open meeting shall resume. Such motion, including the re-  
11 quired statement, shall be recorded in the minutes of the meeting and  
12 shall be maintained as a part of the permanent records of the body or  
13 agency. Discussion during the closed or executive meeting shall be limited  
14 to those subjects stated in the motion.

15 (b) No subjects shall be discussed at any closed or executive meeting,  
16 except the following:

- 17 (1) Personnel matters of nonelected personnel;
- 18 (2) consultation with an attorney for the body or agency which would  
19 be deemed privileged in the attorney-client relationship;
- 20 (3) matters relating to employer-employee negotiations whether or  
21 not in consultation with the representative or representatives of the body  
22 or agency;
- 23 (4) confidential data relating to financial affairs or trade secrets of  
24 corporations, partnerships, trusts, and individual proprietorships;
- 25 (5) matters relating to actions adversely or favorably affecting a per-  
26 son as a student, patient or resident of a public institution, except that  
27 any such person shall have the right to a public hearing if requested by  
28 the person;
- 29 (6) preliminary discussions relating to the acquisition of real prop-  
30 erty;
- 31 (7) matters permitted to be discussed in a closed or executive meet-  
32 ing pursuant to K.S.A. 74-8804 and amendments thereto;
- 33 (8) matters permitted to be discussed in a closed or executive meet-  
34 ing pursuant to subsection (e) of K.S.A. 38-1507 and amendments thereto  
35 or subsection (f) of K.S.A. 38-1508 and amendments thereto;
- 36 (9) matters permitted to be discussed in a closed or executive meet-  
37 ing pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;
- 38 (10) matters permitted to be discussed in a closed or executive meet-  
39 ing pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;
- 40 (11) matters permitted to be discussed in a closed or executive meet-  
41 ing pursuant to subsection (g) of K.S.A. 39-7,119 and amendments  
42 thereto;
- 43 (12) matters required to be discussed in a closed or executive meet-

1 ing pursuant to a tribal-state gaming compact;  
2 (13) matters relating to the security of a public body or agency, public  
3 building or facility or the information system of a public body or agency,  
4 if the discussion of such matters at an open meeting would jeopardize  
5 the security of such public body, agency, building, facility or information  
6 system; ~~and~~  
7 (14) matters permitted to be discussed in a closed or executive meet-  
8 ing pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto;  
9 *and*  
10 (15) *matters permitted to be discussed in a closed or executive meet-*  
11 *ing pursuant to subsection (h) of section 3, and amendments thereto.*  
12 (c) No binding action shall be taken during closed or executive re-  
13 cesses, and such recesses shall not be used as a subterfuge to defeat the  
14 purposes of this act.  
15 Sec. 13. K.S.A. 22a-243, 22a-244, 38-1508 and 38-1523 and K.S.A.  
16 2003 Supp. 22-3101, 22a-242, 38-1507, 38-1522 and 75-4319 are hereby  
17 repealed.  
18 Sec. 14. This act shall take effect and be in force from and after its  
19 publication in the statute book.