HOUSE BILL No. 2393

By Committee on Taxation

3-20

9 AN ACT concerning civil procedure; relating to civil court records; 10 expungement thereof.

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

Section 1. (a) Any person who contests an entry in a civil court record concerning such person may petition the district court where the disputed civil court record is maintained for the expungement of such record.

- (b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the clerk of the district court. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. The petition shall state:
 - (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of the contested entry, if different than the petitioner's current name;
 - (3) the petitioner's sex, race and date of birth; and
- (4) the entry or entries for which the petitioner has petitioned for expungement.
- (c) No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who has a civil record entry as a result of being a victim of identity theft under K.S.A. 21-4018, and amendments thereto.
- (d) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.
- (e) At the hearing on a petition for expungement, the court shall order the civil record expunged upon finding:
 - (1) The entry occurred because of mistaken identity;
 - (2) that the entry was erroneous;
- 42 (3) that the entry was duplicative; or
- 43 (4) that the case had been dismissed prior to trial.

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- (f) Data brokers shall delete all civil record entries that have been sealed, deleted or expunged by court order within one month of any such order. Data brokers shall correct all duplicative or erroneous errors found by petitioners within three months of notification of the errors.
- (g) As used in this section, "data broker" means a business entity which for monetary fees, dues or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of collecting, transmitting or otherwise providing personally identifiable information on a nationwide basis on more than 5,000 individuals who are not the customers or employees of the business entity or affiliate.
- Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.