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Statement to the House Committee Judiciary
By Dick Carter, Jr.
SB 128 – Exempting Municipal Judges and Prosecutors from Public Records
March 16, 2015

Chairman Barker and members of the House Committee on Judiciary, my name is Dick Carter, Jr., and I appear before you today in support of SB 128. With me today, as well, is Overland Park municipal judge, Ryan Dixon.

The City requested this bill after it became aware that similar statutes exempting judges and prosecutors did not cover those employed at the municipal level. K.S. A. 45-221 provides exceptions for federal and state judges and prosecutors to the open records statute. In K.S.A 45-221(52) a federal or state judge and prosecutor may contact their county of residence and request that their contact information be removed from the open records data base. This bill would simply amend current statute to allow for the same exception for municipal judges and prosecutors.

As you may be aware, municipal judges and prosecutors deal with persons with extensive criminal histories, and with serious personality and mental health issues. Within the last two years, Judge Cornwell in Overland Park received two threats that resulted in Felony cases being filed. Our administrative prosecutor also received a written threat by mail from a defendant containing very graphic and violent descriptions.

The Johnson County government maintains a county website wherein one could do a search of our municipal judges and prosecutors, and be forwarded to their home address, name of spouse, photos of the home, and even driving directions to the property. The county government has denied previous requests to remove contact information because municipal judges and prosecutors are not specifically addressed in the statute. The City would simply like to have the option of requesting that the name and contact information be taken out of the records made available to the public.

The bill was amended in the Senate Committee on Corrections and Juvenile Justice, to add special assistant city attorneys, special assistant U.S. attorneys, special assistant attorneys general, special assistant county attorneys, and special assistant district attorneys to the records exception.

The City of Overland Park respectfully requests that you pass SB 128. I would be happy to answer questions at the appropriate time.