

Statement on
Proposed House Substitute for Substitute for Senate Bill No. 18
AN ACT concerning law enforcement; relating to audio and video recordings using a body
camera or a vehicle camera; criminal investigation records exception under open records
act; amending K.S.A. 2015 Supp. 45-217 and repealing the existing section.

Date: February 4, 2016

To: House Standing Committee on Judiciary, Kansas Legislature
c/o Rep. John Barker, Chair, Judiciary

From: Mike Kautsch, Professor
School of Law
University of Kansas
1535 W. 15th St.
Lawrence, Kansas 66045
E-mail: mkautsch@ku.edu
Phone: 785.864.5377

Re: Hearing Thursday, February 4, 2016, 3:30 p.m. Room 112-N on Proposed House
Substitute for Substitute for Senate Bill No. 18

Law enforcement's collection, use and storage of audio and video recordings (AVRs) raise complex practical and policy issues that are being studied across the United States. The process of resolving the issues is not yet complete. In that context, Proposed Substitute for Substitute for SB 18 represents a commendably reasonable approach to management of AVRs made and retained by law enforcement using a body camera or vehicle camera.

The bill appropriately brings AVRs within the framework of the Kansas Open Records Act (KORA), K.S.A. 45-215 *et seq.* Because the bill defines AVRs as "criminal investigation records," they would be exempt from disclosure under K.S.A. 45-221(10) of KORA. At the same time, however, the bill sensibly provides for persons outside of law enforcement to request access to AVRs under certain conditions pursuant to law.

NOTE: As a faculty member at the University of Kansas School of Law, I teach classes and engage in research related to First Amendment. My areas of interest include laws that provide for public access to records and proceedings of public agencies. My views regarding Proposed House Substitute for Substitute for Senate Bill No. 18 are entirely my own. They are not representative of the law school or the University.