

## HOUSE BILL No. 2773

By Committee on Judiciary

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AN ACT concerning criminal procedure; relating to criminal history record information; adding the state security hospital to the definition of criminal justice agency; amending K.S.A. 2001 Supp. 22-4701 and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 22-4701 is hereby amended to read as follows: 22-4701. As used in this act, unless the context clearly requires otherwise:

(a) "Central repository" means the criminal justice information system central repository created by this act and the juvenile offender information system created pursuant to K.S.A. 38-1618, and amendments thereto.

(b) "Criminal history record information" means data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. The term does not include:

(1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;

(2) wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions;

(3) data pertaining to violations of the traffic laws of the state or any other traffic law or ordinance, other than vehicular homicide; or

(4) presentence investigation and other reports prepared for use by a court in the exercise of criminal jurisdiction or by the governor in the exercise of the power of pardon, reprieve or commutation.

(c) "Criminal justice agency" means any government agency or subdivision of any such agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. The term includes, but is not limited to, the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:

(1) State, county, municipal and railroad police departments, sheriffs' offices and countywide law enforcement agencies, correctional facilities,

1 jails ~~and~~, detention centers *and the state security hospital at Larned*;

2 (2) the offices of the attorney general, county or district attorneys and  
3 any other office in which are located persons authorized by law to pros-  
4 ecute persons accused of criminal offenses;

5 (3) the district courts, the court of appeals, the supreme court, the  
6 municipal courts and the offices of the clerks of these courts;

7 (4) the Kansas sentencing commission;

8 (5) the Kansas parole board; and

9 (6) the juvenile justice authority.

10 (d) "Criminal justice information system" means the equipment (in-  
11 cluding computer hardware and software), facilities, procedures, agree-  
12 ments and personnel used in the collection, processing, preservation and  
13 dissemination of criminal history record information.

14 (e) "Director" means the director of the Kansas bureau of  
15 investigation.

16 (f) "Disseminate" means to transmit criminal history record infor-  
17 mation in any oral or written form. The term does not include:

18 (1) The transmittal of such information within a criminal justice  
19 agency;

20 (2) the reporting of such information as required by this act; or

21 (3) the transmittal of such information between criminal justice agen-  
22 cies in order to permit the initiation of subsequent criminal justice pro-  
23 ceedings against a person relating to the same offense.

24 (g) "Reportable event" means an event specified or provided for in  
25 K.S.A. 22-4705, and amendments thereto.

26 Sec. 2. K.S.A. 2001 Supp. 22-4701 is hereby repealed.

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

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