

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

Held in Room 522, at the Statehouse at 3:30 ~~xx~~m./p. m., on January 19, 1978.

All members were present except:
Rep. Gastl, who was excused.

The next meeting of the Committee will be held at 3:30 ~~xxx~~m./p. m., on January 23, 1978.

These minutes of the meeting held on _____, 19____ were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

Steve R. Starr, KPOA
John Carey Brown, KBI
Dwayne Sackman, KBI
Frank Gentry, Kansas Hospital Association
Jerry Slaughter, Kansas Medical Society

The meeting was called to order by the Chairman. Rep. Martin requested that the committee consider introducing a bill amending the Probate Code, concerning certain acts by minors, amending KSA 59-513, and repealing the existing section. After discussion, it was moved by Rep. Foster and seconded by Rep. Hayes that the bill be introduced. Motion carried.

Senate Bill 406, concerning the collection, storage and dissemination of certain criminal justice system information was discussed. Steve Starr asked the committee to consider a proposal in the form of a letter from Fred H. Howard, Topeka Chief of Police. The Kansas Association of Chiefs of Police and the Kansas Sheriffs' Association propose to increase the size of the board. (See exhibit.) With that addition, both groups totally support the bill.

Dwayne Sackman and Carey Brown, both spoke on behalf of the KBI, and further discussed amendments which had been recommended during the summer interim meetings. It was felt that the size of the board as stated in the bill would be more compatible. The Chairman referred to Section 2, page 3, which sets out the number on the board. Steve Starr recommended that they would like to increase the number on the board. The Chairman agreed there was urgency to adopt this type of legislation. It was suggested that the committee proceed with the interim bill. Rep. Foster suggested that the bill would self-destruct in 1978, and the Chairman stated its purpose was to get the board established.

It was moved by Rep. Foster and seconded by Rep. Martin that the balloon version of the bill, as corrected, be adopted. Motion carried. Rep. Ferguson referred to line 209, page 6, and moved to insert "arrests" before the word "convictions". Motion was seconded by Rep. Mills, and was adopted.

Mr. Frank Gentry of the Kansas Hospital Association, spoke in opposition to HB 2219. (See exhibit.)

Mr. Jerry Slaughter, representing the Kansas Medical Society, stated that sufficient safeguards exist now, and that if the bill should pass it would increase medical costs. The Chairman inquired the percentage of medical doctors belonging to the association, and Mr. Slaughter replied that there are approximately 3,000 physicians in the state and 2,500 belong. Rep. Frey inquired if there have been complaints in this regard and Mr. Slaughter stated there have not, but if there was repeated abuse the association should be contacted. It was moved by Rep. Augustine and seconded by Rep. Whitaker that the bill be reported adversely. After discussion, motion carried.

Senate Bill 406 was again discussed, and the question arose as to the board and the chairperson. Carey Brown explained the situation as it is affected by federal regulations and the compliance requirements. Rep. Frey inquired about the criminal history records in Kansas at the present time, and Mr. Brown explained that approximately 150 agencies have received funds for criminal history record keeping, and that the KBI is the central depository.

Rep. Gillmore inquired if failure to adopt the bill would affect federal funding, and Mr. Brown stated it would only help to meet the federal regulations. It was moved by Rep. Ferguson and seconded by Rep. Augustine that SB 406, as amended, be recommended for passage. Motion carried. Rep. Hoagland, who had recently arrived at the meeting asked to be recorded as having reservations about this action.

It was moved by Rep. Hurley and seconded by Rep. Hayes that House Bill 2399 be reported adversely. Motion carried.

Rep. Heinemann discussed HB 2759 and expressed the opinion that it was needed to correct an oversight. Rep. Hurley suggested considering the situation where there was a divorce within six months or so, and the youngster would be treated as an adult while still actually in minority. Rep. Hayes pointed out the problems in regard to foreclosures after divorce, and if one of the persons reverted to minority there would be trouble. Also, he pointed out there could be an annulment with the same effect. It was moved by Rep. Roth and seconded by Rep. Heinemann that the bill be reported favorably. Motion carried.

Rep. Lorentz told the committee with regard to HB 2776, that last year the Senate turned the proposal into a repealer which was vetoed by the Governor. He stated he had introduced it again and moved that it be recommended favorably. Motion was seconded by Rep. Whitaker, and carried.

Rep. Hurley stated that he believed HB 2397 could be disposed of, and moved that it be reported adversely. Motion was seconded by Rep. Hayes, and carried.

The meeting was adjourned.

Jan 19, 1978

Judiciary
Committee

Name

Address

Organization

Dr. Dwayne Moore

2522 SE Lakeshore Topeka

Office Lab + Res.

LEE KRMAHAN

535 KANS AVE TOPEKA

KOC

Spencer Shaw

Topeka

TPD

Frank L. Gentry
JERRY SAUGHTER

Topeka
TOPEKA

Topeka
KANSAS MEDICAL SOCIETY

Frank L. Gentry

Kans. Hospital Assoc.

WAYNE JACKMAN

KBI (Topeka)

JOHN CAREY BROWN

KBI - TOPEKA

Ruby DeLues

Topeka

alumni

Department of Police



Topeka, Kansas
66603
Fred H. Howard II
Chief of Police

January 19, 1978

The Honorable Richard Brewster
House of Representatives
Judiciary Committee
State Capitol

Dear Chairman Brewster:

I submit the following amendment for consideration by the Judiciary Committee membership regarding the inequity of representation of chiefs and sheriffs on the proposed Criminal Justice Information Advisory Board as set forth in Senate Bill No. 406. There are 140 terminals on the criminal justice information system of which 136 are installed in municipal and county enforcement agency communications centers. The municipal and county agencies are the principal and majority users of the system with but token representation on the proposed board.


Our Associations, Kansas Association of Chiefs of Police and Kansas Sheriffs Association executive officers thereof, strongly urge the House Judiciary Committee to rectify the inadequacy.

We would propose, 3 chiefs of police: one nominated from first-class city, one nominated from second-class city, and one to be nominated from a third-class city. Three Kansas sheriffs: one nominated from an urban area of 100 thousand people or more, one nominated from an area of 50 thousand to 100 thousand population, and one nominated from a county of less than 50 thousand population. These nominations would be submitted to the Governor by executive boards of the respective law enforcement agencies. Other than this for which we seek your consideration, we totally support the bill because Kansas certainly needs the guidelines.

The majority of data contained in the designated repository originates with local enforcement units and the anticipated controls (promulgation of rules and regulations) which govern operation of the system has ramifications of severe manpower demands plus capital outlay expenditures associated with security and privacy of records.

For the foregoing explanation and justification, we sincerely place trust in your Committee to insure a more adequate local input into the physical makeup of the Advisory Board thereby increasing the membership to 15. I submit this letter in absence of appearing before your Committee with the understanding that a hearing would not be held. However, upon receipt of this letter and you want input, then the presidents of the Associations welcome an opportunity to speak upon the issue.

Sincerely,


FRED H. HOWARD, II
Chief of Police

FH:ju

9/1/77
1-11-78

As Amended by Senate Committee

Session of 1977

SENATE BILL No. 406

By Committee on Judiciary

2-22

0016 AN ACT relating to crimes; concerning the collection, storage
0017 and dissemination of certain criminal justice system informa-
0018 tion; establishing a privacy and security advisory board; es-
0019 tablishing a criminal justice system information central repos-
0020 itory; authorizing the promulgation of rules and regulations;
0021 declaring certain acts to be a crime.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. As used in this act, unless the context clearly
0024 requires otherwise, the following words and phrases shall have
0025 the meanings ascribed to them herein:

0026 (a) "Advisory board" means the privacy and security advisory
0027 board established by this act.

0028 (b) (a) "Central repository" means the criminal justice in-
0029 formation system central repository created by this act.

0030 (c) (b) "Criminal history record information" means data
0031 initiated or collected by a criminal justice agency on a person
0032 pertaining to a reportable event. The term does not include:

0033 (1) Data contained in intelligence or investigatory files or
0034 police work-product records used solely for police investigation
0035 purposes;

0036 (2) data pertaining to a proceeding pursuant to the Kansas
0037 juvenile code, but it does include data pertaining to a person
0038 following waiver of jurisdiction pursuant to K.S.A. ~~40-10~~ Supp.
0039 38-808;

0040 (3) wanted posters, police blotter entries, court records of
0041 public judicial proceedings, or published court opinions;

0042 (4) data pertaining to violations of the traffic laws of the state
0043 or any other traffic law or ordinance, other than vehicular homi-

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0082 (g) (f) "Reportable event" means an event specified or pro-
0083 vided for in section 5.

0084 (h) (g) "Director" means the director of the Kansas bureau of
0085 investigation.

0086 Sec. 2. There is hereby established a privacy and security
0087 advisory board composed of ~~seventeen (17)~~ *eleven (11)* members
0088 to be appointed as provided in this section. The attorney general
0089 shall appoint four members one of which shall be a county or
0090 district attorney, one of which shall be an assistant or deputy
0091 attorney general, one of which shall be a sheriff or the head of a
0092 county-wide law enforcement agency, and one of which shall be a
0093 police chief of a city in this state. The chief justice of the supreme
0094 court shall appoint ~~five members one of which shall be a justice~~
0095 ~~of the supreme court, two of which shall be district judges from~~
0096 ~~different judicial districts, one of which shall be one member~~
0097 ~~who is a chief clerk of the district court, and one of which shall be~~
0098 ~~a judge of the court of appeals.~~ The governor shall appoint three
0099 ~~members one member~~ from the general public. ~~The members~~
0100 ~~appointed as hereinbefore provided shall be appointed for four~~
0101 ~~year terms. A vacancy occurring before the expiration of a term~~
0102 ~~shall be filled by the appointing authority for the remainder of~~
0103 ~~the term. A member shall serve until a successor is appointed and~~
0104 ~~qualified.~~ The remaining five members shall be as follows: (1)
0105 The director of the Kansas bureau of investigation; ~~who shall be~~
0106 ~~the chairperson~~; (2) the superintendent of the highway patrol or
0107 the superintendent's designee; (3) the secretary of corrections or
0108 said secretary's designee; (4) a member of the house of repre-
0109 sentatives appointed by the speaker of the house; and (5) a
0110 member of the Kansas senate appointed by the president of the
0111 senate *the chairperson of the judiciary committee of the house of*
0112 *representatives of this state, or such chairperson's designee from*
0113 *among members of the house of representatives; and (5) the*
0114 *chairperson of the judiciary committee of the state senate, or*
0115 *such chairperson's designee from among members of the senate.*
0116 *The chairperson of the advisory board shall be the chairperson*
0117 *of the senate judiciary committee or such chairperson's designee*
0118 *from among members of the senate.* Members shall receive no

0119 compensation for their services, but shall receive mileage and
0120 expenses as provided in subsections (c) and (d) of K.S.A. ~~1976~~
0121 ~~Supp.~~ 75-3223. The first meeting of the board shall be at a time
0122 and place designated by the director. For administrative and
0123 budgeting purposes the advisory board shall be deemed an ad-
0124 junct of the Kansas bureau of investigation.

1979

0125 *From and after July 1, 1979, the advisory board created by*
0126 *this section shall be abolished.*

0127 Sec. 3. (a) The advisory board *created pursuant to section 2*
0128 *shall perform the duties set forth in this section and those of an*
0129 *advisory nature that may otherwise be delegated to it in accord-*
0130 *ance with law.*

0131 (b) It shall advise the director on matters pertaining to the
0132 development, operation, and maintenance of the criminal justice
0133 information system, and shall monitor the operation of the sys-
0134 tem.

0135 (c) It shall propose and recommend to the director, rules and
0136 regulations necessary to the development, operation, and main-
0137 tenance of the criminal justice information system.

0138 (d) It shall: (1) Recommend procedures and methods for the
0139 use of criminal history record information for the purpose of
0140 research, evaluation, and statistical analysis of criminal activity;

0141 (2) recommend any legislation necessary for the implementa-
0142 tion, operation, and maintenance of the criminal justice informa-
0143 tion system; and

0144 (3) report ~~annually~~ to the governor and the legislature on the
0145 development and operation of the criminal justice information
0146 system.

0147 Sec. 4. (a) The director shall adopt appropriate rules and
0148 regulations for agencies in the executive branch of government
0149 and for criminal justice agencies other than those that are part of
0150 the judicial branch of government to implement the provisions of
0151 this act ~~and to establish, operate, and maintain the criminal~~
0152 ~~justice information system.~~ *Any rule and regulation to be*
0153 *adopted by the director shall first be submitted by the director*
0154 *to the speaker of the house of representatives and the president*
0155 *of the senate at the beginning of the next legislative session. Such*

0156 rules and regulations shall not become effective until the same
0157 are approved by resolution of both houses.

0158 (b) The director and the justice of the supreme court ap-
0159 pointed to the advisory board as provided in section 2 of this act
0160 shall develop procedures to permit and encourage the transfer of
0161 criminal history record information among and between courts
0162 and affected agencies in the executive branch, and especially
0163 between courts and the central repository.

0164 (c) The rules and regulations adopted by the director shall
0165 include those: (1) Governing the collection, reporting, and dis-
0166 semination of criminal history record information by criminal
0167 justice agencies;

0168 (2) necessary to insure the security of ~~the criminal justice~~
0169 ~~information system and all criminal history record information~~
0170 ~~reported and collected from it;~~

0171 (3) necessary for the coordination of all criminal justice data
0172 and information processing activities;

0173 (4) governing the dissemination of criminal history record
0174 information;

0175 (5) governing the procedures for inspection and challenging
0176 of criminal history record information;

0177 (6) governing the auditing of criminal justice agencies to
0178 insure that criminal history record information is accurate and
0179 complete and that it is collected, reported, and disseminated in
0180 accordance with this act;

0181 (7) governing the development and content of agreements
0182 between the central repository and criminal justice and noncri-
0183 minal justice agencies;

0184 (8) governing the exercise of the rights of inspection and
0185 challenge provided in this act.

0186 (d) Rules and regulations adopted by the director may not be
0187 inconsistent with the provisions of this act.

0188 Sec. 5. (a) The following events are reportable events under
0189 this act:

0190 (1) Issuance of an arrest warrant;

0191 (2) an arrest;

0192 (3) release of a person after arrest without the filing of a

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and disseminated by and through the criminal justice information system

as they relate to criminal history information

0304 thorization from his or her client.

0305 (b) Nothing in this section requires a criminal justice agency
0306 to make a copy of any information or allows a person to remove
0307 any document for the purpose of making a copy of it. A person
0308 having the right of inspection may make notes of the information.

0309 Sec. 10. (a) It is unlawful for any employer or prospective
0310 employer to require a person to inspect or challenge any criminal
0311 history record information relating to that person for the purpose
0312 of obtaining a copy of the person's record in order to qualify for
0313 employment.

0314 (b) Any person violating the provisions of this section shall be
0315 deemed guilty of a class A misdemeanor.

0316 Sec. 11. Criminal history record information which was re-
0317 corded prior to ~~July 1, 1977,~~ is subject to the right of access and
0318 challenge in accordance with this act. However, the duty of a
0319 criminal justice agency is to make a reasonable search for such
0320 information. There is no duty to provide access to criminal
0321 history record information that cannot be located after a reason-
0322 able search.

0323 *Sec. 12. From and after July 1, 1979, sections 2 and 3 of this*
0324 *act shall be and are hereby repealed.*

0325 Sec. ~~12~~ 13. This act shall take effect and be in force from and
0326 after its publication in the ~~statute book~~

the effective date of this act

1979

official state paper



W. L. ALBOTT
DIRECTOR

STATE OF KANSAS

KANSAS BUREAU OF INVESTIGATION

3420 VAN BUREN
TOPEKA, KANSAS 66611
(913) 296-3026

January 19, 1978

JACK H. FORD
ASST. DIRECTOR

ROBERT R. CLESTER
SAC—INVESTIGATION

JACK A. WEST
SAC—SPECIAL SERVICES

DWAYNE SACKMAN
ADMIN. OFFICER—CRIMINAL
JUSTICE SERVICES

The Honorable Richard Brewster, Chairman
House Judiciary Committee
The Honorable Elwaine F. Pomeroy, Chairman
Senate Judiciary Committee
Statehouse
Topeka, KS 66612

Gentlemen:

The Interim Special Committee on Judiciary-B this summer considered the several bills pending in the legislature that dealt with the expungement/annulment process. The outcome of the Committee's deliberations was House Bill 2711, introduced at the beginning of the current session.

I am for the most part very pleased with the many improvements suggested by 2711, and would not take issue with any of its provisions. However, I feel that the bill is somewhat lacking in its guidance for those charged with implementing the process. This request for additional work is made reluctantly, as I do not want to imply that the legislature needs to become involved in specific operational implementation problems. Instead, it would be helpful if the Legislature could further define the expected relationships between agencies necessary to implement this process.

Specifically, a statement of Legislative desire or intent is appropriate. Such a statement should provide that agencies involved in the handling of expungement orders, and most importantly, the court issuing the order, must provide enough identifying data to allow other agencies to execute the order.

During the past year, our processing of these orders has been helped considerably by the issuance of Supreme Court Rule #184, even though some courts do not adhere to the rule. A greater number of courts make an attempt to follow the rule but do not provide enough information to allow records custodians to process the order.

It is not at all unusual for us to receive a court order directing the expungement of a subject's record, without any identifying information such as: the subject's full name, sex, race, date of birth, which conviction is being expunged, etc. The attached copy of an actual order received at our offices is a good example. Such an order is of little value. It is interesting to note that the attached order does not even direct any

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records custodians to perform any alterations. It could be argued that the order is defective. Such poorly executed orders are so commonplace at this office that we normally use pre-printed form letters to return them to the court.

We would very much appreciate any assistance you could provide us in this area, and will be always ready to provide any additional information or assistance you may desire.

Cordially yours,



W.L. ALBOTT
Director

enc.

WLA/JCB/ss

IN THE DISTRICT COURT OF [REDACTED], KANSAS

STATE OF KANSAS,)
Plaintiff,)
vs.)
[REDACTED],)
Defendant.)

Case No. 76-599

ORDER OF ANNULMENT OF CONVICTION

NOW, on this 7th day of December, 1977, this matter comes on for hearing before the Court. The defendant appears by counsel, [REDACTED] Kansas.

THEREUPON, the Court having examined the record and hearing defendant's information is support of said motion for annulment of conviction finds generally in favor of defendant, and,

IT IS THEREFORE BY THE COURT ORDERED that defendant is permitted to withdraw his plea of guilty and enter a plea of not guilty and the Court hereby releases him from any and all penalties and disabilities resulting from the crime of which he has been convicted so that he shall in all respects be treated as not having been convicted.

[REDACTED]

Associate District Judge

APPROVED:

[REDACTED]

Attorney for Defendant

REVISION NO.	date:

"SUBSTANTIALLY NEW"

PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

#6

THROUGH: _____ Date: _____

_____ BILL No. _____

BY: _____

An Act Concerning

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 That K.S.A. 21-4201 (2) (ii) be amended to read as follows:

2 K.S.A. 21-4201 (2) (ii). Wardens, superintendents, *directors, security personnel and*
3 keepers of prisons, penitentiaries, jails and other institutions for the detention of
4 persons accused or convicted of crime *while acting within the scope of their authority.*

See also 21-3110

6 That K.S.A. 22-2202 (11) be amended to read as follows:

7 K.S.A. 22-2202 (11). "Law Enforcement Officer" means any persons who by virtue of
8 office or public employment is vested by law with a duty to maintain public order or to
9 make arrests for violation of the laws of the state of Kansas or ordinances of any muni-
0 cipality thereof, *or with a duty to maintain or assert or reassert custody or supervision over*
1 persons accused or convicted of crime, *and includes probation or parole officers, wardens,*
2 *superintendents, directors, security personnel, and keepers of prisons, penitentiaries,*
3 *jails and other institutions for the detention of persons accused or convicted of crime,*
4 *while acting within the scope of their authority.*

6 That K.S.A. 75-5212 be amended to read as follows:

7 K.S.A. 75-5212: *The secretary of corrections shall establish standards of training*
8 *and procedures for certifying correctional officers and probation and parole officers*
9 *under the jurisdiction of the secretary of corrections.*

0 *On and after July 1, 1978, no person shall receive a permanent appointment as a correc-*
1 *tional officer or a probation and parole officer under the jurisdiction of the secretary*
2 *of corrections unless awarded a certificate attesting to satisfactory completion of not*

REVISION NO.	date:

 "SUBSTANTIALLY NEW"

PROPOSAL FOR LEGISLATION
 Department of Corrections
 State of Kansas

THROUGH: _____ Date: _____

_____ BILL No. _____

BY: _____

An Act Concerning

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 That K.S.A. 75-5202 be amended to read as follows:

2 K.S.A. 75-5202. (g) "Correctional Officer" means a full-time, salaried officer or
 3 employee of the state, whose duties are limited to the receipt, custody, control,
 4 maintenance, discipline, security, and apprehension of persons convicted of criminal
 5 offense in this state and sentenced to a term of imprisonment under the custody of the
 6 secretary of corrections.

7 (h). "Probation and P
 8 means a full time
 9 whose duties ;
 10 or parole

11
12
13

*
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TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY
BY FRANK L. GENTRY, PRESIDENT
THE KANSAS HOSPITAL ASSOCIATION
JANUARY 19, 1978

1-19

HB 2219

"AN ACT relating to charges for certain laboratory services; declaring certain acts to be a crime."

I, personally, am not engaged in the pricing mechanism. I do know it's quite complicated and that if this bill were to become law, it would add to the complications.

At the top level of the governance of a hospital, the governing board makes the overall policy decisions. The level of these decisions will vary from one hospital to another, of course, but generally speaking, the governing board concerns themselves with the overall financial status of the facility. If they look at the figures relating to the clinical laboratory, it probably would be the bottom line, taking into consideration the contract with the pathologist and other total expenses, and the projecting of the total income required of that department to go with that of some fifteen other income-producing departments to assure that the facility is financially sound.

Hospital staff people use this kind of information, then, to establish the charging schedule. In the laboratory department, this, of course, requires the projection of the number of the various tests that will be run - as well as an estimate of how many of each kind of test - to determine if an adjustment in the previous charges is necessary.

I really don't believe this process gets sufficiently sophisticated that for a given test, the charge by the pathologist, whether salaried or under contract, could be determined; nor would the department break its expenses down in that fashion. I suppose they could - based on averages - but it really doesn't seem practical.

As a matter of fact, such action would be totally unprecedented. It seems inappropriate for any outside group, including the state, to get involved in the hospital's pricing structure, especially the minute elements of a given department.

If the party that requested this bill were to make a thorough study of the matter, I'm sure he would find more than adequate assurances through the existing and numerous auditing procedures to which the hospitals subject themselves and to which they are subjected by the various third-party payors, especially the government.

Having said all that, I will declare myself, representing the 158 general acute hospitals in the state, as opposed to the bill.

HOUSE BILL NO. _____

By Representative Martin
Committee on Judiciary

AN ACT amending the probate code; concerning certain acts by minors; amending K.S.A. 59-513 and repealing the existing section.

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

Section 1. K.S.A. 59-513 is hereby amended to read as follows: 59-513. No person who shall be convicted of feloniously killing, or procuring the killing of, another person shall inherit or take by will ^{or} by intestate succession, as a surviving joint tenant, as a beneficiary under a trust or otherwise from such other person any portion of the estate or property in which the decedent had an interest. ~~Provided, That, The foregoing provisions also shall apply to a minor who is adjudged to be a delinquent child pursuant to the juvenile code if such adjudication arose from acts by such minor which, if done by an adult, would constitute the felonious killing of another person. Notwithstanding the above provisions,~~ when any person shall kill or cause the killing of his or her spouse, and shall then take his or her own life, the estates and property of both persons shall be disposed of as if their deaths were simultaneous pursuant to the provisions of K.S.A. 58-701 to 58-705, inclusive.

Sec. 2. K.S.A. 59-513 is hereby repealed.

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

HOUSE BILL NO. _____

By Committee on Judiciary

AN ACT amending the probate code; concerning certain acts by minors; amending K.S.A. 59-513 and repealing the existing section.

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

Section 1. K.S.A. 59-513 is hereby amended to read as follows: 59-513. No person who shall be convicted of feloniously killing, or procuring the killing of, another person shall inherit or take by will, by intestate succession, as a surviving joint tenant, as a beneficiary under a trust or otherwise from such other person any portion of the estate or property in which the decedent had an interest: ~~Provided, That, The foregoing provisions also shall apply to a minor who is adjudged to be a delinquent child pursuant to the juvenile code if such adjudication arose from acts by such minor which, if done by an adult, would constitute the felonious killing of another person. Notwithstanding the above provisions,~~ when any person shall kill or cause the killing of his or her spouse, and shall then take his or her own life, the estates and property of both persons shall be disposed of as if their deaths were simultaneous pursuant to the provisions of K.S.A. 58-701 to 58-705, inclusive.

Sec. 2. K.S.A. 59-513 is hereby repealed.

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

RE: PROPOSAL NO. 82 - LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION (LEAA) REQUIREMENTS:
CRIMINAL HISTORY RECORDS

Proposal No. 82, assigned to the Special Committee on Judiciary - B, was a study regarding the implementation of Federal Law Enforcement Assistance Administration requirements governing criminal history records and certain other criminal justice system information.

Background

Federal law (42 U.S.C.A. 3771) requires the Law Enforcement Assistance Administration to assure the security and privacy of all criminal history information collected, stored, or disseminated through federal support. LEAA regulations (28 C.F.R. Part 20) have been adopted pursuant to this requirement. These regulations apply to all state and local agencies and individuals collecting, storing, or disseminating criminal history record information processed by manual or automated operations where such collection, storage, or dissemination has been funded in whole or in part with funds made available by the Law Enforcement Assistance Administration subsequent to July 1, 1973, and pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.A. 3701 et seq., as amended). Kansas has received such funds and is subject to these regulations.

Under the regulations, Kansas is required to have operational, by no later than December 31, 1977, approved procedures governing the collection, storage, and dissemination of criminal history information.

Pursuant to the regulations, the Governor designated the Kansas Bureau of Investigation as the state agency that would draw up a plan of proposed procedures. S.B. 406 is the embodiment of this plan in bill form. The bill was passed by the Senate 36-2 but remained in the House Judiciary Committee at the end of the last session.

Committee Activity

The Committee heard testimony from the director of the Kansas Bureau of Investigation, and reviewed S.B. 406. The K.B.I. director stated that the procedures created by S.B. 406 will become operational even if the bill does not pass because they are required by federal regulation. The adoption of the bill, however, would make implementation of the federal regulations easier, more orderly, and uniform, and would allow the circumvention of possible friction over this matter between state and local units of government.

Conclusions and Recommendations