

Approved: 2-21-2000  
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on February 10, 2000 in Room 313-S and 123-S of the Capitol.

All members were present except: Senators Hensley, Kerr and Oleen - Excused

Committee staff present: Avis Swartzman, Revisor of Statutes  
Ben Barrett, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Milkin Foundation Recipients:  
Kevin E. Burr, Garden City USD 457  
R. Bruce Courtney, Basehor-Linwood USD 458  
Marshall Cruce, Louisburg USD 416  
Bruce Graham, Twin Valley USD 240  
Senator Vratil  
David G. Sim, KBI  
Dr. Gene Johnson, Shawnee Mission School District

Others attending: See Attached List

The Senate met jointly with the House to hear from the Milkin Foundation Recipients. Chairman Tanner called the meeting to order and called on Dale Dennis, Deputy Education Commissioner, to introduce the recipients.

Mr. Dennis commented on the pleasure the students and others experienced on learning of their principal or teacher winning the award. He asked each recipient to give a few brief remarks.

The recipients gave a short biography of their lives and careers and gave a philosophy about their view of their profession. They were pleased and honored to be recipients and, with one voice, asked the legislators to always place kids first.

The House Education Committee paused to give the Senate time to adjourn to its standing committee room on the first floor to continue with the day's agenda.

**SB 432 - school districts; employment of personnel**

Chairperson Lawrence called on Senator Vratil, bill sponsor, to begin testimony.

Senator Vratil stated that Dr. Gene Johnson, Shawnee Mission Public Schools and Patricia Baker, Kansas Association of School Boards, were present to speak to the bill. He defined the bill as criminal background checks for prospective school district employees. The purpose of the bill is to require a school district to conduct a statewide and nationwide criminal history check on each new employee. Current law does not contain language necessary to authorize a nationwide criminal history check.

Senator Vratil gave background on the bill and stated that the bill needs an amendment to authorize a school district to hire a new employee subject to a background check. He ended his testimony by stating that the bill should result in a safer environment for the children. (Attachment 1)

David G. Sim, KBI, distributed testimony that covered three points on the bill. The first point was the definition of the criminal history record check. The second was how **SB 432** would accomplish criminal history record checks as currently written. The third point were recommended amendments to the bill. (Attachment 2) He ended the testimony with support for the bill which, with amendments, would provide substantial and consistent protection to the children and schools.

Dr. Gene Johnson, Shawnee Mission School District, addressed the bill and stated the bill, with proposed amendments, is supported because there is currently no formal required process in Kansas that requires a background check for classified and certified employees in Kansas school districts. (Attachment 3)

L... Johnson's proposed amendment was contained in page 2 of his testimony and he ended his testimony by stating the amendment is critical in ensuring the safety of school communities.

The Chairperson stated the hearing would continue Monday and adjourned the meeting.

## SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 10, 2000

NAME	REPRESENTING
Patt Baker	KASG
Jim Yavelley	USD #512
John Vratil	Dist. #11
Bob DiPierro	USD 512
Gene Johnson	USD 512
DG. Gme	KBI
Kyle Smith	KBI
Bob Vancum	USD 229
Mark Goodwin	Hein & Weir
Donald Simmons	USD 347
Deanna Haliger	USD 347
Jim Vratil	USD #495
Sten Larson	KBC
Jessie Conrad	Sen Vratil
Chris Toufa	Sen Emert
Bryce Meeker	Sen. Jones
Diane Gjerstad	Wichita Public Schools

JOHN VRATIL  
 SENATOR, ELEVENTH DISTRICT  
 JOHNSON COUNTY  
 LEGISLATIVE HOTLINE  
 1-800-432-3924



COMMITTEE ASSIGNMENTS  
 VICE CHAIRMAN: JUDICIARY  
 MEMBER: ENERGY AND NATURAL RESOURCES  
 FEDERAL AND STATE AFFAIRS  
 SPECIAL CLAIMS AGAINST THE STATE  
 STATE/TRIBAL RELATIONS

TOPEKA

SENATE CHAMBER  
 STATE CAPITOL  
 TOPEKA, KANSAS 66612-1504  
 (785) 296-7361

**TESTIMONY ON SENATE BILL 432  
 TO THE SENATE EDUCATION COMMITTEE  
 Senator John Vratil**

Senate Bill 432 concerns to criminal background checks for prospective school district employees. Its purpose is to require that a school district conduct a statewide and nationwide criminal history check on each new employee. Current law does not contain language necessary to authorize a nationwide criminal history check.

**BACKGROUND**

Under current law, a school district is authorized to conduct a statewide criminal history check; but is not authorized to conduct a nationwide criminal history check. Federal law requires that "magic language" be used in state legislation in order to access the FBI criminal history records. That is not possible under current state law. Therefore, SB 432 is intended to allow school districts to access nationwide criminal history records in conducting a background check.

**AMENDMENTS TO BILL**

After discussing this bill with a representative of the KBI and a representative of the Kansas Department of Education, I believe that SB 432 requires amendment in order to work in an efficient and effective manner. Currently, a nationwide criminal history check takes approximately five weeks. School districts should not be required to wait five weeks before they put a new employee to work. The bill should be amended to authorize a school district to hire a new employee, subject to a background check. That way, any delay in obtaining the background check will not preclude an employee from beginning work.

As the bill is currently written, information from the background check is delivered to the State Department of Education and the Department then notifies the school district whether or not an applicant is eligible for employment. At the recommendation of the Department, this bill should be amended to indicate that only information concerning a certificated employee will be processed through the State Department of Education. The Department can take appropriate action with respect to an applicant's license if the background check turns up adverse information. With respect to non-certificated employees, the criminal history background information should be sent directly to the local school district. Further delay will be avoided and

HOME  
 9534 LEE BLVD.  
 LEAWOOD, KS 66206  
 (913) 341-7559

DISTRICT OFFICE  
 1050/40 CORPORATE WOODS  
 9401 INDIAN CREEK PKWY.  
 OVERLAND PARK, KS 66210  
 (913) 451-5100  
 FAX (913) 451-0875

STATE OFFICE (JAN-APR)  
 E CAPITOL, ROOM 128-S  
 PEKA, KANSAS 66612  
 (785) 296-7361  
 FAX (785) 296-6718

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the local school district can take quicker action with respect to the classified employee. Incidentally, it is intended under this bill that a criminal history record check will be performed only on a successful employment applicant and not on every employment applicant.

### **CONCLUSION**

Senate Bill 432 is designed to enhance the safety and security of our schools. The intended outcome is that a person who has a background indicating violence or a propensity for crime will not be employed by our local school districts. That should result in a safer environment for our children. In conclusion, I urge you to favorably consider SB 432 and advance it for consideration by the Senate.



# Kansas Bureau of Investigation

Larry Welch  
*Director*

Carla J. Stovall  
*Attorney General*

## TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

DAVID G. SIM, SPECIAL AGENT IN CHARGE  
CRIMINAL RECORDS SECTION  
KANSAS BUREAU OF INVESTIGATION

February 10, 2000

Madam Chair and Members of the Committee:

I am David Sim, Special Agent in Charge of the Criminal Records Section of the central records repository at the Kansas Bureau of Investigation (KBI). I appear today on behalf of Director Larry Welch and the Kansas Bureau of Investigation in support of Senate Bill 432 and to offer amendments to enhance its utility.

My testimony is intended to cover three points. First, I'd like to define a criminal history record check. Secondly, I will explain how Senate Bill 432 would accomplish criminal history record checks as currently written. Lastly, I'd like to recommend amendments to the bill to improve both the access to and use of criminal history record checks.

### ***Criminal History Records Check.***

Criminal history records consist of summary information of arrests and court dispositions maintained in a central repository at each state and also at the federal level. The Kansas central repository is at the KBI. Each of the other states has a similar single central repository,

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and each state central repository submits most of its record information to the Federal Bureau of Investigation (FBI). The FBI consolidates these state criminal histories and federal criminal data in a single federal repository, and releases them on demand to criminal justice agencies nationwide. Record creation at both the KBI and the FBI is based solely on fingerprint card submission and positive identification of the subject by fingerprint technicians. Record release is based on either name or fingerprint comparison.

Non-criminal justice agencies may have the KBI conduct record checks of the state repository either by name look-up or by fingerprint comparison. However, non-criminal justice record checks of the federal repository are more limited and strictly controlled by federal law and regulation. With only a few exceptions, such checks require specific mention in state legislation and must be accomplished by submission of fingerprint cards.

The process in Kansas for processing federally approved non-criminal justice record checks begins with the requesting agency submitting fingerprints of the subject of the search to the KBI. The KBI compares the subject's fingerprints against the Kansas fingerprint database, then submits the fingerprints to the FBI for the national search. Both the KBI and the FBI charge a fee for processing each such non-criminal justice record check request.

Kansas central repository criminal history data is released in the form of a "RAP sheet." These are printed documents consisting of the subject's identification and recorded criminal arrests and dispositions. The FBI's "RAP sheet" is similarly constructed. Sample copies of both a Kansas and a federal RAP sheet are attached to this testimony.

***SB 432 as currently written.***

*Section 1.(a)* requires fingerprint-based record checks from both the KBI and the FBI for persons applying for employment with a school district. The phrasing of this section requires fingerprints, applies to a defined group of persons without permitting situational discretion, and requires a national criminal history record check. The phrasing contains the required wording for access to the federal repository. We have submitted SB 432 to the FBI and they have approved the language in *Section 1.(a)* as acceptable.

*Section 1* does not state that non-conviction data is to be released. Without that language, the KBI will only release adult conviction data from the Kansas central repository. However, the FBI will provide both conviction and non-conviction data since the federal repository cannot distinguish between those categories. An agency entitled to criminal history records from the FBI will receive everything in the federal record.

*Section 1. (b)* requires the Kansas board of education to keep RAP sheet non-conviction information confidential. The effect of this will be the need for the board of education to either redact non-conviction data from the FBI RAP sheet or withhold that entire RAP sheet from the requesting school district.

The requirement to fingerprint applicants will have a significant additional benefit. Kansas is in the process of reengineering the central repository and establishing networking among the state's criminal justice agencies. This program is a multi-year, multi-million dollar venture involving all Kansas criminal justice agencies and several federal organizations. One outcome of this reengineering will be the ability to provide "delayed notification" records checks to non-criminal justice agencies that submit fingerprint-based records checks. Using this



feature, an individual who has been searched through the Kansas central repository and who subsequently is arrested and booked in Kansas will have that new arrest reported to the non-criminal justice agency that originally submitted his/her fingerprints. SB 432 will permit the KBI to provide this feature to the Kansas board of education and the participating school districts.

***Recommended amendments to SB 432.***

In *Section 1.(a)*, reference to the applicant's authorization of the record check could be removed, since his/her consent is unnecessary. Also, reference to the FBI could be added to specifically identify the "nationwide" check. Finally, while this is a policy decision, the wording could embrace the non-conviction data as well as the convictions. The KBI recommends the first sentence of *Section 1.(a)* be replaced with:

*"Section 1. (a) On and after the effective date of this act, the board of education of a school district shall require, as a condition of initial employment by the district, that an applicant be fingerprinted. Such fingerprints shall be forwarded to the Kansas bureau of investigation and to the federal bureau of investigation for the purpose of verifying the identity of the applicant and obtaining records of arrests and convictions."*

The KBI recommends that *Section 1.(b)* be rewritten to remove the requirement for confidentiality. This would allow the release of state and federal RAP sheets to the requesting local school district, with both conviction and non-conviction data, without redaction.

Finally, the KBI recommends you consider defining "applicant" as the person who will be offered the position rather than all persons who submitted applications. Such a definition would significantly limit the effort and expense of fingerprinting and processing record checks.

While SB 432 passes on the costs for these record checks, the KBI will need additional resources to process the large number of record checks generated. An essential element to the proper execution of our responsibilities under this bill is the authorization of additional full time employee (FTE) staff positions to process the record checks. It is essential that the KBI be provided the FTE positions defined in our fiscal note to accomplish the extra workload. We ask your support in providing these.

In conclusion, the KBI supports Senate Bill 432, with our recommended amendments, as a significant law that will provide substantial and consistent protection to our children and their schools. I appreciate this opportunity to speak. Subject to your questions, this ends my testimony.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

KSKBI0000

ICN IFCS0005000 [REDACTED]

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
[REDACTED]	[REDACTED]	1999/11/29
SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR BIRTH PLACE		
M W [REDACTED] 600 160 BRO BRO MARYLAND		
FINGERPRINT CLASS PATTERN CLASS CITIZENSHIP		
[REDACTED] [REDACTED] UNREPORTED		
AA 53 14 13 10 AU WU RS WU		

1-ARRESTED OR RECEIVED 1980/08/19  
AGENCY-DPS WATERBURY (VTVSP0000)  
AGENCY CASE-[REDACTED]  
CHARGE 1-DRIVING WHILE INTOXICATED 5400

COURT-  
1981/02/23 DISPOSITION-CONVICTED-  
CHARGE-DRIVING WHILE INTOXICATED 5400  
SENTENCE-  
FINED \$160

2-ARRESTED OR RECEIVED 1995/03/14 SID-[REDACTED]  
AGENCY-POLICE DEPARTMENT STAUNTON (VA1260000)  
NAME USED-[REDACTED]  
CHARGE 1-ATTEMPT MALICIOUS WOUNDING  
CHARGE 2-POSS OF SAWED OFF SHOTGUN  
CHARGE 3-USE OF FIREARM IN THE COMM OF A FELONY

3-ARRESTED OR RECEIVED 1997/12/05 SID-[REDACTED]  
AGENCY-POLICE DEPARTMENT WICHITA (KS0870300)  
AGENCY CASE-[REDACTED]  
CHARGE 1-POSS OF COCAINE HFSW  
CHARGE 2-POSS OF PARA HFSW

COURT-  
CHARGE-POSS OF COCAINE HFSW  
SENTENCE-  
REL WOP 12-7-97

END OF PART 1 - PART 2 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

KSKBI0000  
PART 2

ICN IFCS00050000 [REDACTED]

- FBI IDENTIFICATION RECORD - FBI NO- [REDACTED]

4-ARRESTED OR RECEIVED 1998/04/18 SID- KS00364482

AGENCY-POLICE DEPARTMENT WICHITA (KS0870300)

AGENCY CASE- [REDACTED]

CHARGE 1-CARRY UNCONCEALED WEAPON IN VEH

COURT-

CHARGE-CARRY UNCONCEALED WEAPON IN VEH

SENTENCE-

GUILTY \$100 30 DAYS 5/5/99

RECORD UPDATED 1999/11/29

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON  
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL  
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

# ABSTRACT OF RECORD



## Kansas Bureau of Investigation Criminal History Record Information System 1620 SW Tyler • Topeka, KS 66612-1837 (913) 296-8200



Pursuant to K.S.A. 45-215, et seq., this record is not public information. This abstract is provided to authorized requestors and may be used only for the purpose requested. Use of this abstract is regulated by federal and state law. This abstract is complete and accurate to the maximum extent feasible as of the date of dissemination. Any inaccuracies should be reported immediately to the KBI. Because additions and deletions may be made at any time, a new copy should be requested when needed for subsequent use.

KBI#: 900255

### IDENTIFICATION DATA

REQUESTOR CODE DISSEM DATE  
KSKBIO000 00 11/16/98

Name:  
STEVEN ALLAN SAMPLE JR

Aliases:  
GUIDO PASQUALE  
ORENTHAL JAMES SAMPLE III  
ALAN STEPHEN SAMPLES  
J PIERPONT VON SAMPLE IV

Sex: MALE  
Race: White

Date of Birth: Aug. 19, 1952  
Aug. 19, 1953  
Height: 5 ft. 9 in.

Weight: 220 lbs  
Hair: Brown

Eyes: Brown  
Scars, Marks, Tattoos, Amputations:  
SC L ANKL  
TAT R ARM

Place Born:  
TOPEKA, KS

Citizenship:  
US

Fingerprint Class:

State Ident. No.:  
900255

FBI No.:  
943657J7

Soc. Sec. No.:  
555 25 8997  
315 82 4193  
505 25 8997

Driver Lic. No.:  
445772A22

INS Reg. No.:

Misc. No.:  
PP 1234567890

Palm Print Avail:  
KS Bureau of Investigation

Photo Avail:

DNA Sample Avail:

Fire Arms Flag:  
B

A "Brady Check" disqualifier exists. This individual is prohibited from purchasing or receiving a handgun. (Gun Control Act of 1968; 18 U.S.C. 921-930)  
No "Domestic Violence" disqualifiers have been found. According to this criminal history record, this individual is not prohibited from possessing a firearm or ammunition. (Omnibus Appropriations Bill of 1996; H.R. 4278)

Monikers  
BUBBA  
RED

=====  
Occupation:

GENERAL LABORER (Feb. 15, 1971)  
STOCK CLERK (April 23, 1975)  
UNEMPLOYED (April 30, 1975)  
PRIVATE SECURITY GUARD (Feb. 16, 1981)  
SECURITY CONSULTANT (Oct. 31, 1989)  
DAY LABORER (Sept. 10, 1991)  
EQUIPMENT OPERATOR (May 15, 1995)  
EQUIPMENT OPERATOR (May 21, 1995)

Employer:

GOODYEAR (Feb. 15, 1971)  
GOODYEAR (April 23, 1975)  
TOPEKA NATIONAL BANK, NA (Feb. 15, 1981)  
SELF-EMPLOYED (Oct. 31, 1989)  
SANTA FE RAILROAD (Sept. 10, 1991)  
SANTA FE RAILROAD (May 15, 1995)  
SANTA FE RAILROAD (May 21, 1995)  
UNEMPLOYED (May 31, 1995)

Residence:

1000 SOUTH 49TH, TOPEKA KS (Feb. 15, 1971)  
RR 2 BOX 25, SILVER LAKE KS (April 23, 1975)  
RR 2 BOX 25, SILVER LAKE KS (April 30, 1975)  
4552 SE CALIFORNIA, TOPEKA KS (Feb. 16, 1981)  
21334 BURLINGAME RD, PAULINE KS (Oct. 31, 1989)  
RR 3 BOX 144, OSAGE CITY KS (Sept. 10, 1991)  
RR 3 BOX 144, OSAGE CITY KS (May 21, 1995)  
4552 SE CALIFORNIA, TOPEK KS (May 31, 1995)

Miscellaneous Comments

CRIMINAL HISTORY DATA

CYCLE NO. 1

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ARREST/CHARGE DATA

Transaction No.: 20039560 - 1  
Name Used: STEVEN ALLAN SAMPLE JR  
Date of Arrest: Feb. 15, 1971  
Juvenile/Adult: Adult as an Adult  
Date of Offense: Feb. 15, 1971  
Arresting Agency: KS0890100 TOPEKA PD  
Arresting Agency Case No.: 90388  
Arrest Charges:  
1: KSA 21-3701 (1 Count)  
Theft; Misdemeanor  
Class: A Misdemeanor Crime: Non-person  
Disposition: Referred to Prosecutor

PROSECUTION DATA

Transaction No.: 20039560 - 1  
Prosecuting Agency: KS089025A SHAWNEE COUNTY DISTRICT ATTORNEY  
Prosecuting Agency Case No.: 71-99122  
Disposition: Charges Declined (Nolle Prosequi) Mar. 01, 1971

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Disposition: Insuf evid establishing criminal offense  
Pre-Trial Status: Released, Own Recognizance

CYCLE NO. 2

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ARREST/CHARGE DATA

Transaction No.: 20039563 - 1  
Name Used: ALAN STEPHEN SAMPLES  
Date of Arrest: April 23, 1975  
Juvenile/Adult: Adult as an Adult  
Date of Offense: April 23, 1975  
Arresting Agency: KS0850100 SALINA PD  
Arresting Agency Case No.: 2044  
Arrest Charges:  
1: KSA 21-4108 (1 Count)  
Vagrancy  
Class: C Misdemeanor  
Disposition: Referred to Prosecutor

PROSECUTION DATA

Transaction No.: 20039563 - 1  
Prosecuting Agency: KS085011A SALINA CITY ATTORNEY  
Prosecuting Agency Case No.: 75-1002  
Disposition: Charges Filed May 11, 1975  
Pre-Trial Status: Released, Own Recognizance

COURT DATA

Transaction No.: 20039563 - 1  
Court: KS085013J SALINE COUNTY MAGISTRATE COURT  
Court Case No.: 75CR0077  
Disposition Date: June 02, 1975  
Sentence Date: June 30, 1975  
Type of Trial: Non-Jury  
Type of Counsel: Court-Assigned Counsel  
Actual Sentence: 10 Days  
Fine: \$100  
Court Costs: Yes  
Charges Disposed of:  
1: KSA 21-4108 (1 Count)  
Vagrancy  
Class: C Misdemeanor  
Disposition: Convicted  
Sentence: City/County Jail  
Term: Min 10Das Max 10Das

CYCLE NO. 3

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ARREST/CHARGE DATA

Transaction No.: 20039564 - 1  
Name Used: ALAN STEPHEN SAMPLES  
Date of Arrest: April 30, 1975  
Juvenile/Adult: Adult as an Adult  
Date of Offense: April 30, 1975

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Arresting Agency: KS0850100 SALINA PD  
Arresting Agency Case No.: 2065  
Arrest Charges:  
1: KSA 21-4101 (3 Counts)  
Disorderly conduct  
Class: C Misdemeanor  
Disposition: Referred to Prosecutor

PROSECUTION DATA

Transaction No.: 20039564 - 1  
Prosecuting Agency: KS085011A SALINA CITY ATTORNEY  
Prosecuting Agency Case No.: 75CR0717  
Disposition: Charge Added May 26, 1975  
1: KSA 21-4101 (3 Counts) Charge Filed  
Disorderly conduct  
Class: C Misdemeanor  
2: KSA 21-4108 (1 Count) Charge Added  
Vagrancy  
Class: C Misdemeanor  
Pre-Trial Status: Released, Private Bond

COURT DATA

Transaction No.: 20039564 - 1  
Court: KS085013J SALINE COUNTY MAGISTRATE COURT  
Court Case No.: 75CR0717  
Disposition Date: July 01, 1975  
Type of Trial: Non-Jury  
Type of Counsel: Court-Assigned Counsel  
Charges Disposed of:  
1: KSA 21-4101 (3 Counts)  
Disorderly conduct  
Class: C Misdemeanor  
Disposition: Dismissed With Prejudice  
2: KSA 21-4108 (1 Count)  
Vagrancy  
Class: C Misdemeanor  
Disposition: Convicted

CYCLE NO. 4

ARREST/CHARGE DATA

Transaction No.: 20039565 - 1  
Name Used: ORENTHAL JAMES SAMPLE III  
Date of Arrest: Feb. 16, 1981  
Juvenile/Adult: Adult as an Adult  
Date of Offense: Feb. 16, 1981  
Arresting Agency: KS0890000 SHAWNEE COUNTY SHERIFF  
Arresting Agency Case No.: 810302  
Arrest Charges:  
1: KSA 08-1566 (1 Count)  
Reckless driving  
Class:  
2: KSA 08-0244 (1 Count)  
License to be carried and exhibited upon demand  
Class:  
3: KSA 08-1567 (1 Count)  
Driving under influence of alcohol or drugs; Misdemeanor  
Class: B Misdemeanor Crime: Non-person  
Disposition: Referred to Prosecutor



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PROSECUTION DATA

Transaction No.: 20039565 - 1  
Prosecuting Agency: KS089025A SHAWNEE COUNTY DISTRICT ATTORNEY  
Prosecuting Agency Case No.: NOF  
Disposition: Charge Amended Mar. 01, 1981  
1: KSA 08-1566 (1 Count) Charge Filed  
Reckless driving  
Class:  
2: KSA 08-0244 (1 Count) Charge filed, later withdrawn  
License to be carried and exhibited upon demand  
Class:  
3: KSA 08-1567 (1 Count) Charge Amended  
Driving under influence of alcohol or drugs; Misdemeanor  
Class: B Misdemeanor Crime: Non-person  
Amended to: 1: KSA 21-3808 (1 Count) Charge Filed  
Obstruction legal process or official duty in misdemeanor  
Class: A Misdemeanor Crime: Non-person  
Pre-Trial Status: Released, Own Recognizance

COURT DATA

Transaction No.: 20039565 - 1  
Court: KS089015J JUDIC DIST # 3 DIST COURT  
Court Case No.: 81CR4387  
Disposition Date: Mar. 15, 1981  
Sentence Date: Mar. 15, 1981  
Type of Trial: Jury  
Type of Counsel: Private Attorney  
Fine: \$150  
Court Costs: Yes  
Charges Disposed of:  
1: KSA 08-1566 (1 Count)  
Reckless driving  
Class:  
Disposition: Convicted  
Sentence: Fine only  
2: KSA 21-3808 (1 Count)  
Obstruction legal process or official duty in misdemeanor  
Class: A Misdemeanor Crime: Non-person  
Disposition: Acquitted

CYCLE NO. 5

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ARREST/CHARGE DATA

Transaction No.: 20039566 - 1  
Name Used: STEVEN ALLAN SAMPLE JR  
Date of Arrest: Oct. 31, 1989  
Juvenile/Adult: Adult as an Adult  
Date of Offense: Oct. 28, 1989  
Arresting Agency: KSKBI0000 KANSAS BUREAU OF INVESTIGATION  
Arresting Agency Case No.: 197855  
Arrest Charges:  
1: KSA 21-3410 (1 Count)  
Aggravated assault  
Class: Felony Crime: Person Severity: 07  
2: KSA 21-4204 (1 Count)  
Criminal possession of firearm; Felony  
Class: Felony Crime: Non-person Severity: 08  
Disposition: Referred to Prosecutor

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PROSECUTION DATA

Transaction No.: 20039566 - 1  
Prosecuting Agency: KS089025A SHAWNEE COUNTY DISTRICT ATTORNEY  
Prosecuting Agency Case No.: 89CR351  
Disposition: Charge Amended Nov. 15, 1989  
1: KSA 21-3410 (1 Count) Charge filed, later withdrawn  
Aggravated assault  
Class: Felony Crime: Person Severity: 07  
2: KSA 21-3410 (1 Count) Charge Amended  
Aggravated assault  
Class: Felony Crime: Person Severity: 07  
Amended to: 1: KSA 21-3419 (1 Count) Charge Filed  
Criminal threat  
Class: Felony Crime: Person Severity: 09  
3: KSA 21-4204 (1 Count) Charge Filed  
Criminal possession of firearm; Felony  
Class: Felony Crime: Non-person Severity: 08  
Pre-Trial Status: Not Released from Custody

COURT DATA

Transaction No.: 20039566 - 1  
Court: KS089015J JUDIC DIST # 3 DIST COURT  
Court Case No.: 89CR351  
Disposition Date: Dec. 12, 1989  
Sentence Date: Jan. 15, 1990  
Type of Trial: Jury  
Type of Counsel: Private Attorney  
Probation: 1 Yrs  
Court Costs: Yes  
Restitution: \$2,000  
Charges Disposed of:  
1: KSA 21-3419 (1 Count)  
Criminal threat  
Class: Felony Crime: Person Severity: 09  
Disposition: Convicted  
Sentence: Probation and Restitution  
2: KSA 21-4204 (1 Count)  
Criminal possession of firearm; Felony  
Class: Felony Crime: Non-person Severity: 08  
Disposition: Acquitted

CYCLE NO. 6

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ARREST/CHARGE DATA

Transaction No.: 20039567 - 1  
Name Used: J PIERPONT VON SAMPLE IV  
Date of Arrest: Sept. 10, 1991  
Juvenile/Adult: Adult as an Adult  
Date of Offense: Aug. 11, 1991  
Arresting Agency: KS0870300 WICHITA PD  
Arresting Agency Case No.: 0991-29987  
Arrest Charges:  
1: KSA 21-3710 (10 Counts)  
Forgery  
Class: Felony Crime: Non-person Severity: 08  
Disposition: Referred to Prosecutor

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PROSECUTION DATA

Transaction No.: 20039567 - 1  
Prosecuting Agency: KS087015A SEDGWICK COUNTY DISTRICT ATTORNEY  
Prosecuting Agency Case No.: 91CR1135  
Disposition: Diversion of Prosecution Oct. 01, 1991  
1: KSA 21-3710 (10 Counts) Diversion of Prosecution Successful-Dismissed  
Forgery  
Class: Felony Crime: Non-person Severity: 08  
Diversion: Oct. 01, 1991 to Sept. 30, 1992 (12 Mos.)  
Pre-Trial Status: Released, Own Recognizance

COURT DATA

Transaction No.: 20039567 - 1  
Court: KS087015J JUDICIAL DIST #18 DC  
Court Case No.: 91CR1135  
Disposition Date: Oct. 01, 1991  
Sentence Date: Oct. 01, 1991  
Type of Trial: Not Reported  
Type of Counsel: Not Reported  
Court Costs: Yes  
Charges Disposed of:  
1: KSA 21-3710 (1 Count)  
Forgery  
Class: Felony Crime: Non-person Severity: 08  
Disposition: Dismissed-Successful Completion of Diversion

CYCLE NO. 7

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ARREST/CHARGE DATA

Transaction No.: 11133 - 1  
Name Used: ALAN STEPHEN SAMPLES  
Date of Arrest: May 15, 1995  
Juvenile/Adult: Adult as an Adult  
Date of Offense: May 15, 1995  
Arresting Agency: KS0890000 SHAWNEE COUNTY SHERIFF  
Arresting Agency Case No.: 31127  
Arrest Charges:  
1: KSA 65-4161 (1 Count)  
Sale etc. of opiates, opium or narcotic drugs  
Class: Felony Crime: Non-person Severity: 3D  
Disposition: Referred to Prosecutor

Transaction No.: 11133 - 2  
Name Used: GUIDO PASQUALE  
Date of Arrest: May 31, 1995  
Juvenile/Adult: Adult as an Adult  
Date of Offense: May 31, 1995  
Arresting Agency: KS0890100 TOPEKA PD  
Arresting Agency Case No.: 95-127783  
Arrest Charges:  
1: KSA 21-3608 (5 Counts)  
Endangering a child; Involves child <18 yoa  
Class: A Misdemeanor Crime: Person  
Disposition: Referred to Prosecutor

2-14

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PROSECUTION DATA

Transaction No.: 11133 - 1  
Prosecuting Agency: KS089025A SHAWNEE COUNTY DISTRICT ATTORNEY  
Prosecuting Agency Case No.: 95CR0101  
Disposition: Charges Filed July 01, 1995  
Pre-Trial Status: Court Ordered Release

CYCLE NO. 8

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ARREST/CHARGE DATA

Transaction No.: 11111 - 1  
Name Used: STEVEN ALLAN SAMPLE JR  
Date of Arrest: May 21, 1995  
Juvenile/Adult: Adult as an Adult  
Date of Offense: May 21, 1995  
Arresting Agency: KS0890100 TOPEKA PD  
Arresting Agency Case No.: 20383  
Arrest Charges:  
1: KSA 65-4160 (a) (1 Count)  
Possession of opiates, opium or narcotic drugs; 1st offense  
Class: Felony Crime: Non-person Severity: 4D  
Disposition: Disposition not on file at Central Repository

This abstract was prepared for dissemination to persons/agencies entitled to receive conviction, non-conviction and expunged criminal history record information.

If neither fingerprints nor an identifying number indexed in our files accompanied your request, the KBI cannot guarantee that the information on this abstract pertains to the individual in whom you are interested.

*Dr Johnson testimony*  
**RE: Senate Bill No. 432**  
**By Senator Vratil**

Providing safe schools for students, staff, and patrons is paramount in any school district. The Shawnee Mission School District supports Senate Bill No. 432, introduced by Senator John Vratil. The bill requires, as a condition of initial employment by the district, that certified or classified applicants authorize the release of results of a statewide and national criminal records check. These checks, conducted by the Kansas bureau of investigation, would be released to the state board of education. This bill, with proposed amendments outlined below, is supported because there is currently no formal required process in Kansas that requires a background check for classified and certified employees in Kansas school districts.

The Shawnee Mission District currently contracts with outside vendors to conduct background checks. The vendors, Kelly & Associates and RSI, conduct the criminal records checks in counties that the applicant has resided in during the past seven years. The background checks are dependent on the accuracy of the information provided by the applicant. Providing legislation that will allow extensive state and federal checks for both certified and classified school district employees will be a positive step in ensuring that people with criminal records are not employed in Kansas school districts.

Data gathered from the National Association of State Directors of Teacher Education and Certification (NASDTEC) indicates that 42% (21) of states require state background checks, 38% (19) require federal background checks, and 32% (16) require both state and federal checks. A chart showing this data is attached.

The Shawnee Mission School District would request the following amendments to the proposed legislation:

- ◆ *School districts manage the state and federal background checks for certified employees at the local level, not at the state board of education level. In our opinion, it would be too cumbersome for the state board of education to manage and communicate the criminal check results to local school districts.*
- ◆ *School districts manage the state and federal background checks for classified employees. The same rationale would apply here as for classified employees. In Shawnee Mission, over 500 classified employees are hired in the course of a year.*

Again, the proposed legislation is critical in ensuring the safety of our school communities. We encourage support of this bill with the amendments outlined above.

**Thank you.**

Mr. Robert DiPierro  
Deputy Superintendent  
Shawnee Mission Public Schools

✓ Dr. Gene Johnson  
Associate Superintendent  
Shawnee Mission Public Schools

Criminal Background Check Requirements by States for Employment or Certification  
(1998 Data)

State	Check by State Patrol or State Bureau of Investigation	Check by FBI
Alabama	X	
Alaska	X	X
Arizona	X	X
Arkansas	X	X
California	X	X
Colorado		X
Connecticut	X	X
Delaware		
D.C.	X	X
Florida	X	X
Georgia	X	X
Hawaii		X
Idaho		
Illinois		
Indiana		
Iowa		
Kansas		
Kentucky	X	
Louisiana	X	
Maine		
Maryland		
Massachusetts		
Michigan		X
Minnesota	X	X
Mississippi		
Missouri		
Montana		
Nebraska		
Nevada	X	X
New Jersey	X	X
New Mexico		
New York		
North Carolina		
North Dakota		
Ohio		
Oklahoma		
Oregon	X	X
Pennsylvania		
Rhode Island		
South Carolina		
South Dakota		
Tennessee		
Texas	X	
Utah	X	X
Vermont		
Virginia		
Washington	X	X
West Virginia	X	
Wisconsin	X	X
Wyoming	X	X