

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on March 18, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Rick Rehorn- excused
Representative Dale Swenson- excused
Representative Dan Williams- excused
Representative Kevin Yoder- excused

Committee staff present:

Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

Conferees appearing before the committee:

Kyle Smith, Kansas Bureau of Investigation
Sgt. Randy Cole, Sedgwick County Sheriff's Office
Tim Madden, Kansas Department of Corrections, Legal Counsel
Ed Klumpp, Kansas Association of Chiefs of Police

The hearing on **SB 432 - applicants to be a law enforcement officer required to disclose criminal records**, was opened.

Kyle Smith, Kansas Bureau of Investigation, stated that this bill was designed to ensure a higher standard of law enforcement agents in Kansas. Kansas law prohibits a convicted felon from serving as a law enforcement official but does not allow the Kansas Law Enforcement Training Commission to do background checks. The ability to do so would ensure quality law enforcement agents across the state. (Attachment 1)

Sgt. Randy Cole, Sedgwick County Sheriff's Office, echoed Mr. Smith in that it's hard to get personal information they need in order to determine if the person applying for the job meets all the qualifications. (Attachment 2)

Tim Madden, Kansas Department of Corrections, Legal Counsel, believed that the bill was good public policy and requested that "law enforcement officer" be defined as found in K.S.A. 22-2202 & 74-5602. (Attachment 3)

Ed Klumpp, Kansas Association of Chiefs of Police, commented that they spend 30-40 hours on one background check and then might only know the date that the person left their previous job but not the reason why. This would allow law enforcement to use their time more efficiently. (Attachment 4).

The hearing on **SB 432** was closed.

The committee meeting adjourned. The next meeting was scheduled for March 29, 2004.



Kansas Bureau of Investigation

Larry Welch
Director

Phill Kline
Attorney General

Testimony
Kansas Law Enforcement Training Commission
SB 432, Enhancing Law Enforcement Integrity
Kyle G. Smith
Before the House Judiciary Committee
March 18, 2004

Chairman O'Neal and Members of the Committee,

On behalf of the Kansas Law Enforcement Training Commission (KLETC), I appear in support of SB 432. This legislation is designed to help ensure the quality and integrity of Kansas law enforcement officers.

KLETC is the agency in charge of licensing law enforcement officers in Kansas. The commission is made up of law enforcement professionals from various backgrounds across the state and they strive to ensure Kansas law enforcement officers meet the highest standards of professionalism. SB 432 will assist in that effort.

Section one amends the Kansas expungement statute, K.S.A. 21-4619, to KLETC to access expunged records for purposes of issuing commissions and disciplinary action. Kansas law prohibits a convicted felon from serving as a law enforcement officer, even if the conviction is expunged. It only makes sense that the Commission be able to check those qualifications. Currently, the Commission is dependant on its investigator having access to such records, but his authority to then share that with the commission isn't perfectly clear. Section one should help in identifying unqualified applicants for a law enforcement commission.

House Judiciary Committee
3-18-04
Attachment 1

Section two is adapted from Texas law and amends part of the law enforcement training act to require documentation of why employment as a law enforcement officer is terminated. The purpose of this legislation would be to enable other law enforcement agencies that are considering hiring that officer to be accurately apprised of the circumstances as to why the officer left. Unfortunately, some agencies are reluctant to divulge problems with an employee that led to the firing or termination, normally out of fear of litigation. By requiring the information be available to potential new employers, this legislation will keep 'bad cops' from drifting from one agency to another without their previous bad acts being discovered. Agencies contemplating hiring such an officer will have access to this essential information and public safety will be better served.

Thank you for your time and consideration. I'd be happy to answer any questions.

Sgt. Randy Cole



SEDGWICK COUNTY, KANSAS

SHERIFF'S OFFICE
GARY STEED
Sheriff

141 WEST ELM * WICHITA, KANSAS 67203 * TELEPHONE: (316) 383-7264 * FAX: (316) 383-7758

TESTIMONY Before the House Judiciary Committee March 18, 2004

Honorable Chairman O'Neal and members of the committee:

Thank you for the opportunity to testify today in support of Senate Bill 432 – specifically Section 2 as it relates to termination reports. I am the Sheriff of Sedgwick County, and this year marks my thirtieth anniversary as a law enforcement officer. Additionally, I chair the Kansas Sheriff's Association legislative committee and am a member of the Kansas Law Enforcement Training Commission. I am appearing on behalf of Sedgwick County and the Sedgwick County Sheriff's Office to offer support for this legislation.

As part of our hiring process, prospective employees are subjected to a thorough background investigation. Through this investigation, we examine many aspects of each applicant; to include contacting former employers. By contacting these employers, we try to gather information as to the applicant's abilities, attitude, reliability, work ethic, and other factors as they apply in the work environment. Unfortunately, it is becoming increasingly difficult to get this type of information. Citing fears of potential lawsuits or other legal actions, many employers will only confirm dates of employment and release no other information.

Law enforcement agencies, like other employers, are not immune from hiring the occasional person who is sub-par or who displays less than desirable characteristics. If such a person is dismissed or resigns from employment at one agency and applies at another, there is currently no mechanism in place to obtain reliable information regarding the person's status at termination, aside from information given voluntarily from the previous employer. As stated earlier, this

information is often hard to obtain. If the proposed legislation is enacted, the termination reports will provide valuable insight into those applicants who have been dismissed (sometimes repeatedly) for poor performance or misconduct, and who travel from agency to agency for periods of employment.

Once again, I support this bill, and believe that it will provide one more tool at our disposal to ensure that law enforcement agencies throughout the state maintain the highest caliber of employees with which to serve the public.

Gary E. Steed
Sedgwick County Sheriff



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on SB 432
to
The House Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections

March 18, 2004

The Department of Corrections supports SB 432, however, the amendment of K.S.A. 21-4619 by SB 432 regarding disclosure of expunged criminal records for employment as a law enforcement officer does not include law enforcement officers who are not required to be certified by the Kansas Law Enforcement Training Commission. The Department urges amendment of SB 432 to include law enforcement officers who are not certified by the Law Enforcement Training Academy. The Department recommends that the definition of "law enforcement officer" provided by K.S.A. 22-2202 be included in SB 432.

Corrections and parole officers of the Department of Corrections are defined as law enforcement officers by K.S.A. 22-2202, 75-5247a, and 75-5214. Corrections and parole officers are certified as law enforcement officers by the Secretary of Corrections pursuant to K.S.A. 75-5212. Therefore, law enforcement officers in the employ of the Department of Corrections, as well as by certain other state and local law enforcement agencies, are not included in the definition of a "law enforcement officer" utilized by SB 432.

The definition of "law enforcement officer" used in SB 432, K.S.A. 74-5602, specifically excludes officers employed by the Juvenile Justice Authority, Department of Corrections, and as city or county corrections officers. The Department of Corrections believes the public policy embodied by SB 432 should be extended to candidates for employment as law enforcement officers with any law enforcement agency. Attached is a balloon setting out the amendment of SB 432 proposed by the Department.

The Department urges favorable consideration of SB 432 as it is proposed to be amended.

SENATE BILL No. 432

By Committee on Judiciary

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10 AN ACT concerning law enforcement officers; relating to the records
11 thereof; termination of employment; amending K.S.A. 74-5611a and
12 K.S.A. 2003 Supp. 21-4619 and repealing the existing sections.
13

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

15 Section 1. K.S.A. 2003 Supp. 21-4619 is hereby amended to read as
16 follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c),
17 any person convicted in this state of a traffic infraction, cigarette or to-
18 bacco infraction, misdemeanor or a class D or E felony, or for crimes
19 committed on or after July 1, 1993, nondrug crimes ranked in severity
20 levels 6 through 10 or any felony ranked in severity level 4 of the drug
21 grid, may petition the convicting court for the expungement of such con-
22 viction or related arrest records if three or more years have elapsed since
23 the person: (A) Satisfied the sentence imposed; or (B) was discharged
24 from probation, a community correctional services program, parole, post-
25 release supervision, conditional release or a suspended sentence.

26 (2) Except as provided in subsections (b) and (c), any person who has
27 fulfilled the terms of a diversion agreement may petition the district court
28 for the expungement of such diversion agreement and related arrest re-
29 cords if three or more years have elapsed since the terms of the diversion
30 agreement were fulfilled.

31 (b) Except as provided in subsection (c), no person may petition for
32 expungement until five or more years have elapsed since the person sat-
33 isfied the sentence imposed, the terms of a diversion agreement or was
34 discharged from probation, a community correctional services program,
35 parole, postrelease supervision, conditional release or a suspended sen-
36 tence, if such person was convicted of a class A, B or C felony, or for
37 crimes committed on or after July 1, 1993, if convicted of an off-grid
38 felony or any nondrug crime ranked in severity levels 1 through 5 or any
39 felony ranked in severity levels 1 through 3 of the drug grid, or:

40 (1) Vehicular homicide, as defined by K.S.A. 21-3405 and amend-
41 ments thereto or as prohibited by any law of another state which is in
42 substantial conformity with that statute;

43 (2) a violation of K.S.A. 8-1567 and amendments thereto, or a viola-

1 tion of any law of another state, which declares to be unlawful the acts
2 prohibited by that statute;

3 (3) driving while the privilege to operate a motor vehicle on the public
4 highways of this state has been canceled, suspended or revoked, as pro-
5 hibited by K.S.A. 8-262 and amendments thereto or as prohibited by any
6 law of another state which is in substantial conformity with that statute;

7 (4) perjury resulting from a violation of K.S.A. 8-261a and amend-
8 ments thereto or resulting from the violation of a law of another state
9 which is in substantial conformity with that statute;

10 (5) violating the provisions of the fifth clause of K.S.A. 8-142 and
11 amendments thereto, relating to fraudulent applications or violating the
12 provisions of a law of another state which is in substantial conformity with
13 that statute;

14 (6) any crime punishable as a felony wherein a motor vehicle was
15 used in the perpetration of such crime;

16 (7) failing to stop at the scene of an accident and perform the duties
17 required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto,
18 or required by a law of another state which is in substantial conformity
19 with those statutes;

20 (8) violating the provisions of K.S.A. 40-3104 and amendments
21 thereto, relating to motor vehicle liability insurance coverage; or

22 (9) a violation of K.S.A. 21-3405b, prior to its repeal.

23 (c) There shall be no expungement of convictions for the following
24 offenses or of convictions for an attempt to commit any of the following
25 offenses: (1) Rape as defined in subsection (a)(2) of K.S.A. 21-3502 and
26 amendments thereto; (2) indecent liberties with a child as defined in
27 K.S.A. 21-3503 and amendments thereto; (3) aggravated indecent liber-
28 ties with a child as defined in K.S.A. 21-3504 and amendments thereto;
29 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-
30 3505 and amendments thereto; (5) aggravated criminal sodomy as defined
31 in K.S.A. 21-3506 and amendments thereto; (6) indecent solicitation of a
32 child as defined in K.S.A. 21-3510 and amendments thereto; (7) aggra-
33 vated indecent solicitation of a child as defined in K.S.A. 21-3511 and
34 amendments thereto; (8) sexual exploitation of a child as defined in K.S.A.
35 21-3516 and amendments thereto; (9) aggravated incest as defined in
36 K.S.A. 21-3603 and amendments thereto; (10) endangering a child as
37 defined in K.S.A. 21-3608 and amendments thereto; (11) abuse of a child
38 as defined in K.S.A. 21-3609 and amendments thereto; (12) capital mur-
39 der as defined in K.S.A. 21-3439 and amendments thereto; (13) murder
40 in the first degree as defined in K.S.A. 21-3401 and amendments thereto;
41 (14) murder in the second degree as defined in K.S.A. 21-3402 and
42 amendments thereto; (15) voluntary manslaughter as defined in K.S.A.
43 21-3403 and amendments thereto; (16) involuntary manslaughter as de-

1 fined in K.S.A. 21-3404 and amendments thereto; (17) involuntary man-
2 slaughter while driving under the influence of alcohol or drugs as defined
3 in K.S.A. 2003 Supp. 21-3442 and amendments thereto; (18) sexual bat-
4 tery as defined in K.S.A. 21-3517 and amendments thereto; (19) aggra-
5 vated sexual battery as defined in K.S.A. 21-3518 and amendments
6 thereto; or (20) any conviction for any offense in effect at any time prior
7 to the effective date of this act, that is comparable to any offense as
8 provided in this subsection.

9 (d) When a petition for expungement is filed, the court shall set a
10 date for a hearing of such petition and shall cause notice of such hearing
11 to be given to the prosecuting attorney and the arresting law enforcement
12 agency. The petition shall state: (1) The defendant's full name;

13 (2) the full name of the defendant at the time of arrest, conviction or
14 diversion, if different than the defendant's current name;

15 (3) the defendant's sex, race and date of birth;

16 (4) the crime for which the defendant was arrested, convicted or
17 diverted;

18 (5) the date of the defendant's arrest, conviction or diversion; and

19 (6) the identity of the convicting court, arresting law enforcement
20 authority or diverting authority. There shall be no docket fee for filing a
21 petition pursuant to this section. All petitions for expungement shall be
22 docketed in the original criminal action. Any person who may have rel-
23 evant information about the petitioner may testify at the hearing. The
24 court may inquire into the background of the petitioner and shall have
25 access to any reports or records relating to the petitioner that are on file
26 with the secretary of corrections or the Kansas parole board.

27 (e) At the hearing on the petition, the court shall order the peti-
28 tioner's arrest record, conviction or diversion expunged if the court finds
29 that:

30 (1) The petitioner has not been convicted of a felony in the past two
31 years and no proceeding involving any such crime is presently pending
32 or being instituted against the petitioner;

33 (2) the circumstances and behavior of the petitioner warrant the
34 expungement; and

35 (3) the expungement is consistent with the public welfare.

36 (f) When the court has ordered an arrest record, conviction or diver-
37 sion expunged, the order of expungement shall state the information re-
38 quired to be contained in the petition. The clerk of the court shall send
39 a certified copy of the order of expungement to the Kansas bureau of
40 investigation which shall notify the federal bureau of investigation, the
41 secretary of corrections and any other criminal justice agency which may
42 have a record of the arrest, conviction or diversion. After the order of
43 expungement is entered, the petitioner shall be treated as not having been

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1 arrested, convicted or diverted of the crime, except that:

2 (1) Upon conviction for any subsequent crime, the conviction that
3 was expunged may be considered as a prior conviction in determining the
4 sentence to be imposed;

5 (2) the petitioner shall disclose that the arrest, conviction or diversion
6 occurred if asked about previous arrests, convictions or diversions:

7 (A) In any application for licensure as a private detective, private
8 detective agency, certification as a firearms trainer pursuant to K.S.A.
9 2003 Supp. 75-7b21, and amendments thereto, or employment as a de-
10 tective with a private detective agency, as defined by K.S.A. 75-7b01 and
11 amendments thereto; as security personnel with a private patrol operator,
12 as defined by K.S.A. 75-7b01 and amendments thereto; or with an insti-
13 tution, as defined in K.S.A. 76-12a01 and amendments thereto, of the
14 department of social and rehabilitation services;

15 (B) in any application for admission, or for an order of reinstatement,
16 to the practice of law in this state;

17 (C) to aid in determining the petitioner's qualifications for employ-
18 ment with the Kansas lottery or for work in sensitive areas within the
19 Kansas lottery as deemed appropriate by the executive director of the
20 Kansas lottery;

21 (D) to aid in determining the petitioner's qualifications for executive
22 director of the Kansas racing commission, for employment with the com-
23 mission or for work in sensitive areas in parimutuel racing as deemed
24 appropriate by the executive director of the commission, or to aid in
25 determining qualifications for licensure or renewal of licensure by the
26 commission;

27 (E) upon application for a commercial driver's license under K.S.A.
28 8-2,125 through 8-2,142, and amendments thereto;

29 (F) to aid in determining the petitioner's qualifications to be an em-
30 ployee of the state gaming agency;

31 (G) to aid in determining the petitioner's qualifications to be an em-
32 ployee of a tribal gaming commission or to hold a license issued pursuant
33 to a tribal-state gaming compact;

34 (H) in any application for registration as a broker-dealer, agent, in-
35 vestment adviser or investment adviser representative all as defined in
36 K.S.A. 17-1252 and amendments thereto; or

37 (I) in any application for a commercial guide permit or associate
38 guide permit under K.S.A. 32-964, and amendments thereto; or

39 (J) in any application for employment as a law enforcement officer as
40 defined in K.S.A. 74-5602, and amendments thereto;

41 (3) the court, in the order of expungement, may specify other cir-
42 cumstances under which the conviction is to be disclosed;

43 (4) the conviction may be disclosed in a subsequent prosecution for

or K.S.A. 22-2202

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1 an offense which requires as an element of such offense a prior conviction
2 of the type expunged; and

3 (5) upon commitment to the custody of the secretary of corrections,
4 any previously expunged record in the possession of the secretary of cor-
5 rections may be reinstated and the expungement disregarded, and the
6 record continued for the purpose of the new commitment.

7 (g) Whenever a person is convicted of a crime, pleads guilty and pays
8 a fine for a crime, is placed on parole, postrelease supervision or proba-
9 tion, is assigned to a community correctional services program, is granted
10 a suspended sentence or is released on conditional release, the person
11 shall be informed of the ability to expunge the arrest records or convic-
12 tion. Whenever a person enters into a diversion agreement, the person
13 shall be informed of the ability to expunge the diversion.

14 (h) Subject to the disclosures required pursuant to subsection (f), in
15 any application for employment, license or other civil right or privilege,
16 or any appearance as a witness, a person whose arrest records, conviction
17 or diversion of a crime has been expunged under this statute may state
18 that such person has never been arrested, convicted or diverted of such
19 crime, but the expungement of a felony conviction does not relieve an
20 individual of complying with any state or federal law relating to the use
21 or possession of firearms by persons convicted of a felony.

22 (i) Whenever the record of any arrest, conviction or diversion has
23 been expunged under the provisions of this section or under the provi-
24 sions of any other existing or former statute, the custodian of the records
25 of arrest, conviction, diversion and incarceration relating to that crime
26 shall not disclose the existence of such records, except when requested
27 by:

28 (1) The person whose record was expunged;

29 (2) a private detective agency or a private patrol operator, and the
30 request is accompanied by a statement that the request is being made in
31 conjunction with an application for employment with such agency or op-
32 erator by the person whose record has been expunged;

33 (3) a court, upon a showing of a subsequent conviction of the person
34 whose record has been expunged;

35 (4) the secretary of social and rehabilitation services, or a designee of
36 the secretary, for the purpose of obtaining information relating to em-
37 ployment in an institution, as defined in K.S.A. 76-12a01 and amend-
38 ments thereto, of the department of social and rehabilitation services of
39 any person whose record has been expunged;

40 (5) a person entitled to such information pursuant to the terms of the
41 expungement order;

42 (6) a prosecuting attorney, and such request is accompanied by a
43 statement that the request is being made in conjunction with a prosecu-

1 tion of an offense that requires a prior conviction as one of the elements
2 of such offense;

3 (7) the supreme court, the clerk or disciplinary administrator thereof,
4 the state board for admission of attorneys or the state board for discipline
5 of attorneys, and the request is accompanied by a statement that the
6 request is being made in conjunction with an application for admission,
7 or for an order of reinstatement, to the practice of law in this state by the
8 person whose record has been expunged;

9 (8) the Kansas lottery, and the request is accompanied by a statement
10 that the request is being made to aid in determining qualifications for
11 employment with the Kansas lottery or for work in sensitive areas within
12 the Kansas lottery as deemed appropriate by the executive director of the
13 Kansas lottery;

14 (9) the governor or the Kansas racing commission, or a designee of
15 the commission, and the request is accompanied by a statement that the
16 request is being made to aid in determining qualifications for executive
17 director of the commission, for employment with the commission, for
18 work in sensitive areas in parimutuel racing as deemed appropriate by
19 the executive director of the commission or for licensure, renewal of
20 licensure or continued licensure by the commission;

21 (10) the Kansas sentencing commission;

22 (11) the state gaming agency, and the request is accompanied by a
23 statement that the request is being made to aid in determining qualifi-
24 cations: (A) To be an employee of the state gaming agency; or (B) to be
25 an employee of a tribal gaming commission or to hold a license issued
26 pursuant to a tribal-gaming compact;

27 (12) the Kansas securities commissioner or a designee of the com-
28 missioner, and the request is accompanied by a statement that the request
29 is being made in conjunction with an application for registration as a
30 broker-dealer, agent, investment adviser or investment adviser represen-
31 tative by such agency and the application was submitted by the person
32 whose record has been expunged; or

33 (13) the department of wildlife and parks and the request is accom-
34 panied by a statement that the request is being made to aid in determining
35 qualifications for a permit as a commercial guide or associate guide under
36 K.S.A. 32-964, and amendments thereto; or

37 (14) *the Kansas law enforcement training commission and the request*
38 *is accompanied by a statement that the request is being made to aid in*
39 *determining certification eligibility as a law enforcement officer pursuant*
40 *to K.S.A. 74-5601 et seq., and amendments thereto. ✓*

41 Sec. 2. K.S.A. 74-5611a is hereby amended to read as follows: 74-
42 5611a. The director shall establish and maintain a central registry of all
43 Kansas police officers or law enforcement officers. The director shall pro-

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(15) a law enforcement agency and the request is accompanied by a statement that the request is being made in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

1 vide forms for registration and shall refuse any registration not submitted
2 on such form in full detail. Within 30 days of appointment, election or
3 termination, every city, county and state agency, every school district and
4 every community college shall submit the name of any person appointed
5 or elected to or terminated from the position of police officer or law
6 enforcement officer within its jurisdiction. *Upon termination, the agency*
7 *head shall include a report explaining the circumstances under which the*
8 *officer resigned or was terminated. Such termination report shall be avail-*
9 *able to **the terminated officer** and any law enforcement agency to which*
10 *the terminated officer later applies for a position as a police officer or law*
11 *enforcement officer. The director shall adopt a format for the termination*
12 *report.*

13 Sec. 3. K.S.A. 74-5611a and K.S.A. 2003 Supp. 21-4619 are hereby
14 repealed.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.

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CITY OF TOPEKA

James A. McClinton, Mayor

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TESTIMONY BEFORE THE
HOUSE JUDICIARY COMMITTEE
IN SUPPORT OF SB 432
CONCERNING THE RECORDS OF TERMINATED LAW ENFORCEMENT OFFICERS
MARCH 18, 2004

PRESENTED BY
ED KLUMPP, CHIEF OF POLICE
TOPEKA POLICE DEPARTMENT
ON BEHALF OF THE
TOPEKA POLICE DEPARTMENT
AND
THE KANSAS ASSOCIATION OF CHIEFS OF POLICE

I appreciate the opportunity to provide testimony on SB 432. The provisions of this bill will assure complete information is available to law enforcement agencies to make solid hiring decisions when considering applicants with prior law enforcement experience.

The position of a law enforcement officer carries high responsibilities. Officers are entrusted with the safety and security of the citizens and of other person's properties. They are frequently in a position where only their own character and integrity assures they will accept that responsibility. When an officer breaks that trust and commits an act where they show they cannot properly respond to this responsibility, they are disciplined and frequently discharged from their position. Many of these discharged officers will apply for a position with some other law enforcement agency.

Many agencies will not release details of the circumstances of an officers discharge fearing liability exposure. This is often times not the desire of the law enforcement executives but required by the governing bodies legal staff and/or personnel staff. The only information frequently released is the dates of employment. This is especially true when an officer is allowed to resign rather than face termination.

The result is a bad officer may be employed by another agency where the misconduct can be repeated. This bill does not prohibit the hiring of an officer who has been terminated. In some situations a terminated officer will learn from the experience and become a solid employee. But complete information regarding the termination or resignation is essential to making the determination of whether a second chance is appropriate.

The additional language requiring the applicant to disclose expunged records is an important inclusion in the statutes. Likewise, the authorization to release expunged records to the Training Commission for the purposes of determining the certification eligibility is necessary to allow the Commission to be effective.

The collection of termination data will assure the issues surrounding a termination or resignation is available to agencies considering hiring a former law enforcement officer. There will be no significant fiscal costs by the passage of this bill. However, the passage of this bill could result in significant fiscal savings to law enforcement agencies who would otherwise hire a bad officer. And more importantly the passage of this bill will avoid the damage that could be inflicted upon our citizens by a bad officer who would otherwise be hired. And since agencies must already report when law enforcement officers leave employment, passage of the bill will not create an additional report for law enforcement agencies but merely add a statement of the circumstances leading to the termination or resignation.

As a Chief of Police I urge you to recommend this bill favorably.

The Kansas Association of Chiefs of Police also urges you to recommend this bill favorably.



Ed Klumpp