

SESSION OF 2003

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2308**

As Agreed to April 2, 2003

Brief *

Senate Sub. for HB 2308 repeals the criminal statute dealing with the Kansas Open Records Act, making it a class C misdemeanor for the unlawful use of names derived from public records and provides instead for civil liability for violations.

The bill provides the following:

No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except:

- ! Lists of public records of the division of vehicles obtained under KSA 74-2012;
- ! Lists of persons licensed, registered or issued certificates or permits to practice a profession or vocation may be sold or given to an organization of persons who practice that profession or vocation for membership, informational, or other purposes;
- ! Lists persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or given to organizations providing professional or vocational educational materials or courses;
- ! Lists from voter registration lists may be compiled, used, given, received, sold or purchases by any person solely for political campaign or election purposes;

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- ! Lists of public records of the state educational institutions and postsecondary institutions may be given to, and received and disseminated by their separately incorporated 501(c)(3) affiliates and supporting organizations for use in the furtherance of the purposes and programs of such state educational institutions, and their separately incorporated 501(c)(3) affiliates and supporting organizations; and
- ! To the extent otherwise authorized by law.

Violation of the provisions of this act shall make such person subject to civil penalties under KSA 45-223, *i.e.*, a fine of not to exceed \$500 for each violation in an action brought by the Attorney General or the county or district attorney.

Background

The substitute bill was suggested by the Kansas Alumni Association.

The bill, as it passed the House, requires that medical records, including psychiatric records, of juvenile offenders be provided to juvenile correctional facilities.

The Conference Committee added provisions to the bill to do the following:

- ! Provide that individuals who knowingly violate the Act shall be liable for the payment of a civil penalty of up to \$500 for each violation;
- ! Provide that the liability or penalty will not apply to any public official or agency who, in good faith, grants access to public records or information containing names and addresses to a person who has executed a written certification officially requesting information; and
- ! Other provisions that are technical in nature.