

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Financial Institutions and Insurance
From: Office of Revisor of Statutes
Date: February 7, 2023
Subject: Bill Brief, SB 51

SB 51 amends K.S.A. 9-2301 and 9-2302 of the Fiduciary Financial Institutions Act (Act) to authorize the bank commissioner to accept criminal history record checks performed by entities other than the Kansas bureau of investigation (KBI) or the federal bureau of investigation (FBI).

Section 1 of the bill amends K.S.A. 9-2301, which is the definition section of the Act and has been amended to add definitions of "director," "officer," "organizer" and "private entity." Please note here that "private entity" is specifically defined as an entity other than the KBI or the FBI that can provide a state or national criminal history record check.

Section 2 of the bill amends K.S.A. 9-2302 to authorize the commissioner or the state banking board to accept a state or national criminal history record check from a private entity if the KBI or the FBI is unable to provide such criminal history record checks. The section also specifies that the results of a state or federal criminal history record check are confidential, not subject to the Kansas open records act and shall not be used for any purpose other than those specified in this statute. Unauthorized disclosure of the results of a criminal history record check would be classified as a class A nonperson misdemeanor.