



Kansas Bureau of Investigation

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Before the
Senate Judiciary Committee
Regarding SB 30 (Proponent)
Bob Stuart, Executive Officer
Kansas Bureau of Investigation
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Chairwoman Warren and Members of the Committee:

The Kansas Bureau of Investigation (KBI) supports SB 30, which will require the Secretary of Labor to conduct fingerprint based criminal history record checks on employees who have access to federal tax information.

Background:

In 1978, the KBI was statutorily required the responsibility of maintaining the state's criminal history records through K.S.A. 22-4705. Per K.S.A. 21-2501, fingerprint and palm prints are to be taken by local law enforcement agencies if a person is wanted for the commission of a felony or a class A or B misdemeanor or assault as defined in K.S.A. 21-3408. Those fingerprint and palm prints are to be provided to and maintained by the KBI. The KBI shall forward one set of the fingerprints to the Federal Bureau of Investigation (FBI).

The KBI offers criminal history record checks to both *criminal justice* and *non-criminal justice* entities. Presently, there are fifty-five (55) state statutes that authorize fingerprint based criminal history record checks for non-criminal justice entities. There are four (4) state statutes that authorize fingerprint based criminal history record checks for criminal justice entities. There are eighteen (18) state statutes that authorize name based criminal history record checks for non-criminal justice entities. Some examples of non-criminal justice entities who are authorized to receive fingerprint based criminal history record checks are: State Bank Commissioner, Kansas Department of Aging and Disability Services (KDADS), Kansas Real Estate Commission, State Board of Nursing, Department of Education, Kansas Department of Health and Environment, and Kansas Department of Children and Families (DCF). Many of these entities request criminal history record checks on applicants, employees, and volunteers who work in positions of trust and those working with vulnerable populations such as children, the elderly, and disabled individuals.

When a criminal history record check is requested the KBI searches not only the state criminal history record repository, but also the national criminal history repository, which is maintained by

the FBI. The national repository includes arrests and convictions of crimes committed in Kansas as well as all other states and US territories.

Current Issue:

The Kansas Department of Labor participates in the Treasury Offset Program. It utilizes Federal Tax Information administered by the Internal Revenue Service (IRS). The US Treasury requires all persons having access to federal tax information received directly from the IRS to be fingerprinted and submit to a state and national criminal history record check. The record check results will be utilized for purposes of verifying the identification of the person and to determine if the person meets IRS guidelines to have access to federal tax information.

The Kansas Department of Labor worked directly with the KBI to create legislation that would be approved by the Federal Bureau of Investigation for them to receive both state and federal record check information.

The KBI is in support of this legislation to ensure that the employees who are working on the Treasury Offset Program have completed the appropriate level of record check to protect Federal Tax Information.

Thank you for your consideration of this testimony in your deliberation of SB 30. The KBI encourages the committee to pass SB 30 out of committee.

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