

SENATE BILL No. 248

By Committee on Judiciary

2-7

1 AN ACT concerning criminal history record information; providing
2 criminal history record information for hemp producers to the state fire
3 marshal; authorizing the attorney general and the state gaming agency
4 to receive more criminal history records; updating criminal history
5 record language related to the state bank commissioner; amending
6 K.S.A. 2024 Supp. 2-3906, 9-555, 9-565, 9-2411, 22-4714 and 75-7b01
7 and repealing the existing sections.
8

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

10 Section 1. K.S.A. 2024 Supp. 2-3906 is hereby amended to read as
11 follows: 2-3906. (a) The Kansas department of agriculture, in consultation
12 with the governor and attorney general, shall submit a plan to the United
13 States department of agriculture under which the Kansas department of
14 agriculture will monitor and regulate the commercial production of
15 industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq.
16 and any rules and regulations adopted thereunder.

17 (b) Such plan shall include the following:

18 (1) A procedure to maintain relevant information regarding land on
19 which industrial hemp is produced, including a legal description of the
20 land, for a period of not less than three calendar years;

21 (2) a procedure for testing, using post-decarboxylation or other
22 similarly reliable methods, the delta-9 tetrahydrocannabinol concentration
23 levels of industrial hemp produced;

24 (3) a procedure for the effective disposal of industrial hemp and hemp
25 products that are found to be in violation of this act;

26 (4) any licensing requirements or other rules and regulations deemed
27 necessary by the Kansas department of agriculture for the proper
28 monitoring and regulation of industrial hemp cultivation and production
29 for commercial purposes, including, but not limited to:

30 (A) Fees for licenses, license renewals and other necessary expenses
31 to defray the cost of implementing and operating the plan on an ongoing
32 basis; and

33 (B) standards for authorized seed or clone plants;

34 (5) a procedure for the creation of documentation that any person in
35 possession of unprocessed industrial hemp may use to prove to any law
36 enforcement officer that such industrial hemp was lawfully grown under

1 this section;

2 (6) a procedure for conducting annual inspections of, at a minimum, a
3 random sample of hemp producers to verify that industrial hemp is not
4 produced in violation of this act; and

5 (7) any other procedures necessary to meet the requirements set forth
6 in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted
7 thereunder.

8 (c) (1) A hemp producer who negligently violates this section or any
9 rules and regulations adopted hereunder shall not be subject to any state or
10 local criminal enforcement action, but shall comply with the following
11 corrective actions as applicable:

12 (A) A reasonable date by which the hemp producer shall correct the
13 negligent violation; and

14 (B) a requirement that the hemp producer shall periodically report to
15 the Kansas department of agriculture on the hemp producer's compliance
16 with this section and rules and regulations adopted hereunder, for a period
17 of not less than the next two calendar years.

18 (2) A hemp producer who negligently violates this section or any
19 rules and regulations adopted hereunder three times in a five-year period
20 shall be ineligible to produce industrial hemp for a period of five years
21 beginning on the date of the third violation.

22 (3) The Kansas department of agriculture shall immediately report
23 any violation by a hemp producer with a greater culpable mental state than
24 negligence to the attorney general and such hemp producer shall not be
25 subject to the exemption in subsection (c)(1).

26 (d) Any individual otherwise eligible to become a licensed hemp
27 producer shall not be eligible to produce industrial hemp if such individual
28 has submitted any materially false information in any application to
29 become a licensed hemp producer.

30 (e) (1) ~~The department~~ *state fire marshal* shall require, as a
31 qualification for initial or continuing licensure, all individuals seeking a
32 license or license renewal as a hemp producer under this section to be
33 fingerprinted and to submit to a state and national criminal history record
34 check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments
35 thereto. *The state fire marshal may fix and collect a fee in an amount*
36 *necessary to reimburse the agency for the costs and fees associated with*
37 *processing the fingerprints.*

38 (2) An individual who has been convicted of a felony violation of
39 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
40 thereto, or a substantially similar offense in another jurisdiction, within the
41 immediately preceding 10 years, shall be disqualified from initial or
42 continuing licensure as a hemp producer under this section.

43 (3) The individual seeking a license or license renewal as a hemp

1 producer under this section shall pay the costs of fingerprinting and the
2 state and national criminal history record checks.

3 (f) The secretary of agriculture shall promulgate rules and regulations
4 to implement the plan submitted to the United States department of
5 agriculture and to otherwise effectuate the provisions of this section.

6 (g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a
7 federal plan by the United States department of agriculture that allows for
8 the cultivation and production of industrial hemp for commercial purposes
9 within the state or upon the adoption of rules and regulations by the
10 Kansas secretary of agriculture that establish the cultivation and
11 production of industrial hemp for commercial purposes within the state,
12 the Kansas department of agriculture may discontinue the industrial hemp
13 research program established pursuant to K.S.A. 2-3902, and amendments
14 thereto.

15 (h) Any modification fee established by the department for any
16 requested change to a license that was previously issued by the department
17 under this section shall not exceed \$50.

18 (i) Any licensing or other fees collected pursuant to this section and
19 any rules and regulations adopted hereunder shall be deposited in the
20 commercial industrial hemp act licensing fee fund established by K.S.A. 2-
21 3903, and amendments thereto, for all costs of the administration of the
22 commercial production of industrial hemp.

23 (j) This section shall be a part of and supplemental to the commercial
24 industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

25 Sec. 2. K.S.A. 2024 Supp. 9-555 is hereby amended to read as
26 follows: 9-555. (a) K.S.A. 2024 Supp. 9-555 through 9-596, and
27 amendments thereto, shall be known and may be cited as the Kansas
28 money transmission act.

29 (b) As used in the Kansas money transmission act:

30 (1) "Act" means the Kansas money transmission act.

31 (2) "Acting in concert" means persons knowingly acting together
32 with a common goal of jointly acquiring control of a licensee whether or
33 not pursuant to an express agreement.

34 (3) *"Applicant in control of a licensee" means a person or a person in*
35 *a group of persons acting in concert that is in control of, or apply to*
36 *acquire control of, a licensee pursuant to K.S.A. 2024 Supp. 9-571, and*
37 *amendments thereto.*

38 (4) "Authorized delegate" means a person designated by a licensee to
39 engage in money transmission on behalf of the licensee.

40 ~~(4)~~(5) "Average daily money transmission liability" means the
41 amount of the licensee's outstanding money transmission obligations in
42 Kansas at the end of each day in a given period of time added together and
43 divided by the total number of days in the given period of time. For any

1 licensee required to calculate "average daily money transmission liability"
2 pursuant to this act, the given period of time shall be the calendar quarters
3 ending March 31, June 30, September 30 and December 31.

4 ~~(5)~~(6) "Closed loop stored value" means stored value that is
5 redeemable by the issuer only for goods or services provided by the issuer
6 or the issuer's affiliates or franchisees of the issuer or the franchisees's
7 affiliates, except to the extent required by applicable law to be redeemable
8 in cash for its cash value.

9 ~~(6)~~(7) "Commissioner" means the state bank commissioner, or a
10 person designated by the state bank commissioner to enforce this act.

11 ~~(7)~~(8) "Control" means the power to:

12 (A) Vote directly or indirectly at least 25% of the outstanding voting
13 shares or voting interests of a licensee or person in control of a licensee;

14 (B) elect or appoint a majority of key individuals or executive
15 officers, managers, directors, trustees or other persons exercising
16 managerial authority of a person in control of a licensee; or

17 (C) exercise, directly or indirectly, a controlling influence over the
18 management or policies of a licensee or person in control of a licensee.

19 ~~(8)~~(9) "Eligible rating" means a credit rating from any of the three
20 highest rating categories provided by an eligible rating service. Each rating
21 category may include rating category modifiers such as plus or minus for
22 Standard & Poor or the equivalent for any other eligible rating service.
23 "Eligible rating" shall be determined as follows:

24 (A) Long-term credit ratings shall be deemed eligible if the rating is
25 equal to A- or higher by Standard & Poor or the equivalent from any other
26 eligible rating service.

27 (B) Short-term credit ratings are deemed eligible if the rating is equal
28 to or higher than A-2 or SP-2 by Standard & Poor or the equivalent from
29 any other eligible rating service. If ratings differ among eligible rating
30 services, the highest rating shall apply when determining whether a
31 security bears an eligible rating.

32 ~~(9)~~(10) "Eligible rating service" means any nationally recognized
33 statistical rating organization that has been registered by the securities and
34 exchange commission or any organization designated by the commissioner
35 through order or rules and regulations as an eligible rating service.

36 ~~(10)~~(11) "Federally insured depository financial institution" means a
37 bank, credit union, savings and loan association, trust company, savings
38 association, savings bank, industrial bank or industrial loan company
39 organized under the laws of the United States or any state of the United
40 States, when such bank, credit union, savings and loan association, trust
41 company, savings association, savings bank, industrial bank or industrial
42 loan company has federally insured deposits.

43 ~~(11)~~(12) "In Kansas" means the:

1 (A) Physical location of a person who is requesting a transaction in
2 person in the state of Kansas; or

3 (B) person's residential address or the principal place of business for a
4 person requesting a transaction electronically or by telephone if such
5 residential address or principal place of business is in the state of Kansas.

6 ~~(12)~~(13) "Individual" means a natural person.

7 ~~(13)~~(14) "Key individual" means any individual ultimately
8 responsible for establishing or directing policies and procedures of the
9 licensee, including, but not limited to, an executive officer, manager,
10 director or trustee.

11 ~~(14)~~(15) "Licensee" means a person licensed under this act.

12 ~~(15)~~(16) "Material litigation" means litigation, that according to
13 United States generally accepted accounting principles, is significant to a
14 person's financial health and would be a required disclosure in the person's
15 annual audited financial statements, report to shareholders or similar
16 records.

17 ~~(16)~~(17) "Money" means a medium of exchange that is authorized or
18 adopted by the United States or a foreign government. "Money" includes a
19 monetary unit of account established by an intergovernmental organization
20 or by agreement between two or more governments.

21 ~~(17)~~(18) "Monetary value" means a medium of exchange, whether or
22 not redeemable in money.

23 ~~(18)~~(19) (A) "Money transmission" means any of the following:

24 (i) Selling or issuing payment instruments to a person located in
25 Kansas;

26 (ii) selling or issuing stored value to a person located in Kansas;

27 (iii) receiving money for transmission from a person located in
28 Kansas; or

29 (iv) payroll processing services.

30 (B) "Money transmission" does not include the provision of solely
31 online or telecommunications services or network access.

32 ~~(19)~~(20) "Money service business accredited state" means a state
33 agency that is accredited by the conference of state bank supervisors and
34 money transmitter regulators association for money transmission licensing
35 and supervision.

36 ~~(20)~~(21) "Multistate licensing process" means any agreement entered
37 into by state regulators relating to coordinated processing of applications
38 for money transmission licenses, applications for the acquisition of control
39 of a licensee, control determinations or notice and information
40 requirements for a change of key individuals.

41 ~~(21)~~(22) "Nationwide multistate licensing system and registry" means
42 a licensing system developed by the conference of state bank supervisors
43 and the American association of residential mortgage regulators and

1 owned and operated by the state regulatory registry, limited liability
2 company or any successor or affiliated entity for the licensing and
3 registration of persons in financial services industries.

4 ~~(22)~~(23) (A) "Outstanding money transmission obligation" means:

5 (i) Any payment instrument or stored value issued or sold by the
6 licensee to a person located in the United States or reported as sold by an
7 authorized delegate of the licensee to a person that is located in the United
8 States that has not yet been paid or refunded by or for the licensee or
9 escheated in accordance with applicable abandoned property laws; or

10 (ii) any money received for transmission by the licensee or an
11 authorized delegate in the United States from a person located in the
12 United States that has not been received by the payee or refunded to the
13 sender or escheated in accordance with applicable abandoned property
14 laws.

15 (B) "In the United States" includes a person in any state, territory or
16 possession of the United States, the District of Columbia, the
17 commonwealth of Puerto Rico or a United States military installation that
18 is located in a foreign country.

19 ~~(23)~~(24) "Passive investor" means a person that:

20 (A) Does not have the power to elect a majority of key individuals or
21 executive officers, managers, directors, trustees or other persons exercising
22 managerial authority of a person in control of a licensee;

23 (B) is not employed by and does not have any managerial duties of
24 the licensee or person in control of a licensee; or

25 (C) does not have the power to exercise, directly or indirectly, a
26 controlling influence over the management or policies of a licensee or
27 person in control of a licensee; and

28 (D) (i) Either attests to subparagraphs (A), (B) and (C) in a form and
29 in a manner prescribed by the commissioner; or

30 (ii) commits to the passivity characteristics of subparagraphs (A), (B)
31 and (C) in a written document.

32 ~~(24)~~(25) (A) "Payment instrument" means a written or electronic
33 check, draft, money order, traveler's check or other written or electronic
34 instrument for the transmission or payment of money or monetary value,
35 regardless of negotiability.

36 (B) "Payment instrument" does not include stored value or any
37 instrument that is:

38 (i) Redeemable by the issuer only for goods or services provided by
39 the issuer or the issuer's affiliate or franchisees of the issuer or the
40 franchisees' affiliate, except to the extent required by applicable law to be
41 redeemable in cash for its cash value; or

42 (ii) not sold to the public but issued and distributed as part of a
43 loyalty, rewards or promotional program.

1 (25)(26) "Payroll processing services" means the receipt of money for
2 transmission pursuant to a contract with a person to deliver wages or
3 salaries, make payment of payroll taxes to state and federal agencies, make
4 payments relating to employee benefit plans or make distributions of other
5 authorized deductions from wages or salaries. "Payroll processing
6 services" does not include an employer performing payroll processing
7 services on the employer's own behalf or on behalf of an affiliate.

8 (26)(27) "Person" means any individual, general partnership, limited
9 partnership, limited liability company, corporation, trust, association, joint
10 stock corporation or other corporate entity identified or recognized by the
11 commissioner.

12 (27)(28) "Receiving money for transmission" or "money received for
13 transmission" means the receipt of money or monetary value in the United
14 States for transmission within or outside the United States by electronic or
15 other means.

16 (28)(29) "Stored value" means monetary value representing a claim
17 against the issuer evidenced by an electronic or digital record and that is
18 intended and accepted for use as a means of redemption for money or
19 monetary value or payment for goods or services. "Stored value" includes,
20 but is not limited to, prepaid access as defined by 31 C.F.R. § 1010.100.
21 "Stored value" does not include a payment instrument or closed loop
22 stored value or stored value not sold to the public but issued and
23 distributed as part of a loyalty, rewards or promotional program.

24 (29)(30) "Tangible net worth" means the aggregate assets of a
25 licensee excluding all intangible assets, less liabilities, as determined in
26 accordance with United States generally accepted accounting principles.

27 (c) This section shall take effect on and after January 1, 2025.

28 Sec. 3. K.S.A. 2024 Supp. 9-565 is hereby amended to read as
29 follows: 9-565. (a) As a part of any original application, any individual in
30 control of a licensee, any applicant in control of a licensee and each key
31 individual shall provide the commissioner with the following items
32 through the nationwide multistate licensing system and registry:

33 (1) (A) The office of the state bank commissioner may require an
34 ~~individual~~ *an applicant in control of a licensee, licensee or a key*
35 *individual* to be fingerprinted and submit to a state and national criminal
36 history record check *in accordance with K.S.A. 2024 Supp. 22-4714, and*
37 *amendments thereto.* ~~The fingerprints shall be used to identify the~~
38 ~~individual and to determine whether such individual has a record of~~
39 ~~criminal history in this state or other jurisdictions. The office of the state~~
40 ~~bank commissioner is authorized to submit the fingerprints to the Kansas~~
41 ~~bureau of investigation and the federal bureau of investigation for a state~~
42 ~~and national criminal history record check. The office of the state bank~~
43 ~~commissioner may use the information obtained from fingerprinting and~~

1 ~~the criminal history for purposes of verifying the identification of the~~
2 ~~individual and in the official determination of the qualifications and fitness~~
3 ~~of the individual to be issued or to maintain a license;~~

4 ~~(B) Local and state law enforcement officers and agencies shall assist~~
5 ~~the office of the state bank commissioner in taking and processing of~~
6 ~~fingerprints of applicants for and holders of any license, registration,~~
7 ~~permit or certificate;~~

8 ~~(C) The Kansas bureau of investigation shall release all records of~~
9 ~~adult convictions and nonconvictions in Kansas and adult convictions,~~
10 ~~adjudications and nonconvictions of another state or country to the office~~
11 ~~of the state bank commissioner. Disclosure or use of any information~~
12 ~~received for any purpose other than provided in this section shall be a class~~
13 ~~A misdemeanor and shall constitute grounds for removal from office or~~
14 ~~termination of employment; and~~

15 ~~(D)~~(B) Any individual that currently resides and has continuously
16 resided outside of the United States for the past 10 years shall not be
17 required to comply with this subsection; and

18 (2) a description of the individual's personal history and experience
19 provided in a form and manner prescribed by the commissioner to obtain
20 the following:

21 (A) An independent credit report from a consumer reporting agency.
22 This requirement shall be waived if the individual does not have a social
23 security number;

24 (B) information related to any criminal convictions or pending
25 charges; and

26 (C) information related to any regulatory or administrative action and
27 any civil litigation involving claims of fraud, misrepresentation,
28 conversion, mismanagement of funds, breach of fiduciary duty or breach
29 of contract.

30 (b) (1) If the individual has resided outside of the United States at any
31 time during the 10-year period immediately preceding the individual's
32 application, the individual shall also provide an investigative background
33 report prepared by an independent search firm.

34 (2) At a minimum, the search firm shall:

35 (A) Demonstrate that it has sufficient knowledge and resources and
36 that such firm employs accepted and reasonable methodologies to conduct
37 the research of the background report; and

38 (B) not be affiliated with or have an interest with the individual it is
39 researching.

40 (3) The investigative background report shall be provided in English
41 and, at a minimum, shall contain the following:

42 (A) A comprehensive credit report or any equivalent information
43 obtained or generated by the independent search firm to accomplish such

1 report, including a search of the court data in the countries, provinces,
2 states, cities, towns and contiguous areas where the individual resided and
3 worked if such report is available in the individual's current jurisdiction of
4 residency;

5 (B) criminal records information for the 10-year period immediately
6 preceding the individual's application, including, but not limited to,
7 felonies, misdemeanors or similar convictions for violations of law in the
8 countries, provinces, states, cities, towns and contiguous areas where the
9 individual resided and worked;

10 (C) employment history;

11 (D) media history including an electronic search of national and local
12 publications, wire services and business applications; and

13 (E) financial services-related regulatory history, including, but not
14 limited to, money transmission, securities, banking, insurance and
15 mortgage-related industries.

16 (c) Any information required by this section may be used by the
17 commissioner in making an official determination of the qualifications and
18 fitness of the person in control or who seeks to gain control of the licensee.

19 (d) This section shall take effect on and after January 1, 2025.

20 Sec. 4. K.S.A. 2024 Supp. 9-2411 is hereby amended to read as
21 follows: 9-2411. (a) The commissioner shall administer the provisions of
22 this act. In addition to other powers granted by this act, the commissioner,
23 within the limitations provided by law, may exercise the following powers:

24 (1) Adopt, amend and revoke rules and regulations as necessary to
25 carry out the intent and purpose of this act;

26 (2) make any investigation and examination of the operations, books
27 and records of an earned wage access services provider as the
28 commissioner deems necessary to aid in the enforcement of this act;

29 (3) have free and reasonable access to the offices, places of business
30 and all records of the registrant that will enable the commissioner to
31 determine whether the registrant is complying with the provisions of this
32 act. The commissioner may designate persons, including comparable
33 officials of the state in which the records are located, to inspect the records
34 on the commissioner's behalf;

35 (4) establish, charge and collect fees from applicants or registrants for
36 reasonable costs of investigation, examination and administration of this
37 act, in such amounts as the commissioner may determine to be sufficient to
38 meet the budget requirements of the commissioner for each fiscal year.
39 The commissioner may maintain an action in any court to recover such
40 costs;

41 (5) order any registrant or person to cease any activity or practice that
42 the commissioner deems to be deceptive, dishonest, a violation of this act,
43 or of any other state or federal law, or unduly harmful to the interests of

1 the public;

2 (6) exchange any information regarding the administration of this act
3 with any agency of the United States or any state that regulates the
4 applicant or registrant or administers statutes, rules and regulations or
5 programs related to earned wage access services laws with any attorney
6 general or district attorney with jurisdiction to enforce criminal violations
7 of this act;

8 (7) disclose to any person or entity that an applicant's or registrant's
9 application or registration has been denied, suspended, revoked or refused
10 renewal;

11 (8) require or permit any person to file a written statement, under oath
12 or otherwise as the commissioner may direct, setting forth all the facts and
13 circumstances concerning any apparent violation of this act, any rule and
14 regulation adopted thereunder or any order issued pursuant to this act;

15 (9) receive, as a condition in settlement of any investigation or
16 examination, a payment designated for consumer education to be
17 expended for such purpose as directed by the commissioner;

18 (10) delegate the authority to sign any orders, official documents or
19 papers issued under or related to this act to the deputy of consumer and
20 mortgage lending division of the office of the state bank commissioner;

21 ~~(11)-(A) require fingerprinting of any officer, partner, member, owner,~~
22 ~~principal or director of an applicant or registrant. Such fingerprints may be~~
23 ~~submitted to the Kansas bureau of investigation and the federal bureau of~~
24 ~~investigation for a state and national criminal history record check to be~~
25 ~~submitted to the office of the state bank commissioner. The fingerprints~~
26 ~~shall be used to identify the person and to determine whether the person~~
27 ~~has a record of arrests and convictions in this state or other jurisdictions.~~
28 ~~The office of the state bank commissioner may use information obtained~~
29 ~~from fingerprinting and the criminal history for purposes of verifying the~~
30 ~~identification of the person and in the official determination of the~~
31 ~~qualifications and fitness of the persons associated with the applicant.~~
32 ~~Whenever the office of the state bank commissioner requires~~
33 ~~fingerprinting, any associated costs shall be paid by the applicant or the~~
34 ~~parties to the application.~~

35 ~~(B) The Kansas bureau of investigation shall release all records of~~
36 ~~adult convictions, adjudications, and juvenile adjudications in Kansas and~~
37 ~~of another state or country to the office of the state bank commissioner.~~
38 ~~The office of the state bank commissioner shall not disclose or use a state~~
39 ~~and national criminal history record check for any purpose except as~~
40 ~~provided for in this section. Unauthorized use of a state or national~~
41 ~~criminal history record check shall constitute a class A nonperson~~
42 ~~misdemeanor.~~

43 ~~(C) Each state and national criminal history record check shall be~~

1 ~~confidential, not subject to the open records act, K.S.A. 45-215 et seq., and~~
2 ~~amendments thereto, and not be disclosed to any applicant or registrant.~~
3 ~~The provisions of this subparagraph shall expire on July 1, 2029, unless~~
4 ~~the legislature reviews and acts to continue such provisions pursuant to~~
5 ~~K.S.A. 45-229, and amendments thereto, prior to July 1, 2029 to submit to~~
6 ~~a state and national criminal history record check in accordance with~~
7 ~~K.S.A. 2024 Supp. 22-4714, and amendments thereto;~~

8 (12) issue, amend and revoke written administrative guidance
9 documents in accordance with the applicable provisions of the Kansas
10 rules and regulations filing act;

11 (13) enter into any informal agreement with any person for a plan of
12 action to address violations of this act; and

13 (14) require use of a nationwide multi-state licensing system and
14 registry for processing applications, renewals, amendments, surrenders and
15 any other activity that the commissioner deems appropriate. The
16 commissioner may establish relationships or contracts with the nationwide
17 multi-state licensing system and registry or other entities to collect and
18 maintain records and process transaction fees or other fees related to
19 applicants and licensees, as may be reasonably necessary to participate in
20 the nationwide multi-state licensing system and registry. The
21 commissioner may report violations of the law, as well as enforcement
22 actions and other relevant information to the nationwide multi-state
23 licensing system and registry. The commissioner may require any
24 applicant or licensee to file reports with the nationwide multi-state
25 licensing system and registry in the form prescribed by the commissioner.

26 (b) Examination reports and correspondence regarding such reports
27 made by the commissioner or the commissioner's designees shall be
28 confidential and shall not be subject to the provisions of the open records
29 act, K.S.A. 45-215 et seq., and amendments thereto. The commissioner
30 may release examination reports and correspondence regarding the reports
31 in connection with a disciplinary proceeding conducted by the
32 commissioner, a liquidation proceeding or a criminal investigation or
33 proceeding. Additionally, the commissioner may furnish to federal or other
34 state regulatory agencies or any officer or examiner thereof, a copy of any
35 or all examination reports and correspondence regarding the reports made
36 by the commissioner or the commissioner's designees. The provisions of
37 this subsection shall expire on July 1, 2029, unless the legislature reviews
38 and acts to continue such provisions pursuant to K.S.A. 45-229, and
39 amendments thereto, prior to July 1, 2029.

40 (c) For the purpose of any examination, investigation or proceeding
41 under this act, the commissioner or the commissioner's designee may
42 administer oaths and affirmations, subpoena witnesses, compel such
43 witnesses' attendance, introduce evidence and require the production of

1 any matter that is relevant to the examination or investigation, including
2 the existence, description, nature, custody, condition and location of any
3 books, documents or other tangible things and the identity and location of
4 persons having knowledge of relevant facts or any other matter reasonably
5 calculated to lead to the discovery of relevant information or items.

6 (d) The adoption of an informal agreement authorized by this section
7 shall not be subject to the provisions of the Kansas administrative
8 procedure act or the Kansas judicial review act. Any informal agreement
9 authorized by this subsection shall not be considered an order or other
10 agency action and shall be considered confidential examination material.
11 All such examination material shall be confidential by law and privileged,
12 shall not be subject to the provisions of the open records act, K.S.A. 45-
13 215 et seq., and amendments thereto, shall not be subject to subpoena and
14 shall not be subject to discovery or admissible in evidence in any private
15 civil action. The provisions of this subsection shall expire on July 1, 2029,
16 unless the legislature reviews and acts to continue such provisions
17 pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

18 Sec. 5. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as
19 follows: 22-4714. (a) A governmental agency other than a criminal justice
20 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
21 in subsection (b) may require a person to be fingerprinted and shall submit
22 such fingerprints to the Kansas bureau of investigation and the federal
23 bureau of investigation for a search of the state and federal database.
24 Fingerprints provided pursuant to this section may be used to identify a
25 person and to determine whether such person has a record of criminal
26 history in this state or in another jurisdiction. An agency identified in
27 subsection (b) may use the information obtained from the criminal history
28 record check for the purposes of verifying the identification of a person
29 and in the official determination of the qualifications and fitness of such
30 person to be issued or maintain employment, licensure, registration,
31 certification or a permit, act as an agent of a licensee, hold ownership of a
32 licensee or serve as a director or officer of a licensee.

33 (b) (1) The Kansas bureau of investigation shall release criminal
34 history record information related to adult convictions, adult non-
35 convictions, adult diversions, adult expunged records, juvenile
36 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
37 expunged records to:

38 (A) The Kansas department for children and families or the Kansas
39 department for aging and disability services for initial or continuing
40 employment or participation in any program administered for the
41 placement, safety, protection or treatment of vulnerable children or adults
42 as described in K.S.A. 75-53,105, and amendments thereto;

43 (B) *the attorney general for applicants as defined in K.S.A. 75-7b01,*

1 *and amendments thereto, in connection with such application as described*
2 *in K.S.A. 75-7b04 and 75-7b17, and amendments thereto;*

3 (C) *the attorney general for applicants as defined in K.S.A. 75-7c02,*
4 *and amendments thereto, in connection with such application as described*
5 *in K.S.A. 75-7c05, and amendments thereto;*

6 (D) *the attorney general for applicants as defined in K.S.A. 75-7b01,*
7 *and amendments thereto, in connection with such application for*
8 *certification as described in K.S.A. 75-7b21, and amendments thereto; and*

9 (E) *the attorney general for applicants as defined in K.S.A. 75-7e01,*
10 *and amendments thereto, in connection with such application as described*
11 *in K.S.A. 75-7e03, and amendments thereto.*

12 (2) The Kansas bureau of investigation shall release criminal history
13 record information related to adult convictions, adult non-convictions,
14 adult diversions, adult expunged records and juvenile expunged records to:

15 (A) The state lottery for candidates for employees as defined in
16 K.S.A. 74-8702, and amendments thereto, in connection with such
17 employment as described in K.S.A. 74-8704, and amendments thereto; and

18 (B) the Kansas racing and gaming commission for candidates for
19 employees or licensees as defined in K.S.A. 74-8802, and amendments
20 thereto, in connection with such employment or license as described in
21 K.S.A. 74-8804, and amendments thereto, including an applicant for a
22 simulcasting license.

23 (3) The Kansas bureau of investigation shall release criminal history
24 record information related to adult convictions, adult non-convictions,
25 adult diversions, adult expunged records, juvenile adjudications, juvenile
26 non-adjudications and juvenile diversions to:

27 (A) The emergency medical services board for applicants as defined
28 in K.S.A. 65-6129, and amendments thereto, in connection with such
29 application as described in K.S.A. 65-6129, and amendments thereto;

30 ~~(B) the attorney general for applicants as defined in K.S.A. 75-7e01,~~
31 ~~and amendments thereto, in connection with such application as described~~
32 ~~in K.S.A. 75-7e05, and amendments thereto; and~~

33 ~~(C) the department of administration for candidates for sensitive~~
34 ~~employees as defined in K.S.A. 75-3707e, and amendments thereto, in~~
35 ~~connection with such employment as described in K.S.A. 75-3707e, and~~
36 ~~amendments thereto; and~~

37 (C) *the state gaming agency for candidates for employees and*
38 *licensees as defined in K.S.A. 74-9802, and amendments thereto, in*
39 *connection with such employment or license as described in K.S.A. 74-*
40 *9805, and amendments thereto.*

41 (4) The Kansas bureau of investigation shall release criminal history
42 record information related to adult convictions, adult non-convictions,
43 adult diversions and adult expunged records to:

1 (A) The supreme court and state board of law examiners for
2 applicants as defined in K.S.A. 7-127, and amendments thereto, in
3 connection with such application as described in K.S.A. 7-127, and
4 amendments thereto;

5 ~~(B) the state gaming agency for candidates for employees and~~
6 ~~licensees as defined in K.S.A. 74-9802, and amendments thereto, in~~
7 ~~connection with such employment or license as described in K.S.A. 74-~~
8 ~~9805, and amendments thereto;~~

9 ~~(C) the attorney general for applicants as defined in K.S.A. 75-7b01,~~
10 ~~and amendments thereto, in connection with such application as described~~
11 ~~in K.S.A. 75-7b04, and amendments thereto;~~

12 ~~(D) the attorney general for applicants as defined in K.S.A. 75-7b01,~~
13 ~~and amendments thereto, in connection with such application for~~
14 ~~certification as described in K.S.A. 75-7b21, and amendments thereto; and~~

15 ~~(E)~~(B) the commission on peace officers' standards and training for
16 applicants for certification under the Kansas law enforcement training act
17 as described in K.S.A. 74-5607, and amendments thereto.

18 (5) The Kansas bureau of investigation shall release criminal history
19 record information related to adult convictions, adult non-convictions,
20 adult diversions and juvenile adjudications to:

21 (A) The athletic commission within the Kansas department of
22 commerce for a candidate for boxing commission as defined in K.S.A. 74-
23 50,182, and amendments thereto, in connection with such appointment as
24 described in K.S.A. 74-50,184, and amendments thereto; ~~and~~

25 (B) the secretary of health and environment for employees at a child
26 care facility as defined in K.S.A. 65-503, and amendments thereto, in
27 connection with such employment as described in K.S.A. 65-516, and
28 amendments thereto; *and*

29 *(C) the state bank commissioner for any officer partner, member,*
30 *owner, principal or director of an applicant or registrant in connection*
31 *with such application or registration as described in K.S.A. 2024 Supp. 9-*
32 *2411, and amendments thereto.*

33 (6) The Kansas bureau of investigation shall release criminal history
34 record information related to adult convictions and juvenile adjudications
35 to:

36 (A) The secretary for aging and disability services for applicants as
37 defined in K.S.A. 39-970, and amendments thereto, in connection with
38 such application as described in K.S.A. 39-970, and amendments thereto;

39 (B) the Kansas department for aging and disability services for
40 applicants as defined in K.S.A. 39-2009, and amendments thereto, in
41 connection with such application as described in K.S.A. 39-2009, and
42 amendments thereto; and

43 (C) the secretary for aging and disability services for applicants as

1 defined in K.S.A. 65-5117, and amendments thereto, in connection with
2 such application as described in K.S.A. 65-5117, and amendments thereto.

3 (7) The Kansas bureau of investigation shall release criminal history
4 record information related to adult convictions and adult non-convictions
5 to:

6 (A) The division of motor vehicles within the department of revenue
7 for applicants for reinstatement of a license to drive a commercial motor
8 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

9 (B) the board of examiners in optometry for applicants or licensees as
10 defined in K.S.A. 65-1501, and amendments thereto, in connection with
11 such application or an investigation as described in K.S.A. 65-1505, and
12 amendments thereto;

13 (C) the board of pharmacy for fingerprint candidates as defined in
14 K.S.A. 65-1626, and amendments thereto, in connection with such
15 application or license as described in K.S.A. 65-1696, and amendments
16 thereto;

17 (D) the state board of healing arts for applicants or licensees as
18 defined in K.S.A. 65-2802, and amendments thereto, in connection with
19 such application or an investigation as described in K.S.A. 65-28,129, and
20 amendments thereto;

21 (E) the state board of healing arts for applicants or licensees as
22 defined in K.S.A. 65-2901, and amendments thereto, in connection with
23 such application or an investigation as described in K.S.A. 65-2924, and
24 amendments thereto;

25 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,
26 and amendments thereto, in connection with such application as described
27 in K.S.A. 74-1112, and amendments thereto;

28 (G) the behavioral sciences regulatory board for licensees as defined
29 in K.S.A. 74-7511, and amendments thereto, in connection with such
30 application or license as described in K.S.A. 74-7511, and amendments
31 thereto;

32 (H) the state lottery for a vendor to whom a major procurement
33 contract is to be awarded in connection with an investigation as described
34 in K.S.A. 74-8705, and amendments thereto;

35 (I) the attorney general for appointees of the governor to positions
36 subject to confirmation by the senate and judicial appointees as described
37 in K.S.A. 75-712, and amendments thereto;

38 (J) appointing authorities as defined in K.S.A. 75-4315d, and
39 amendments thereto, for nongubernatorial appointees as described in
40 K.S.A. 75-4315d, and amendments thereto;

41 (K) the Kansas real estate commission for applicants as defined in
42 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
43 K.S.A. 58-3035, and amendments thereto, in connection with an

1 investigation as described in K.S.A. 58-3039, and amendments thereto;

2 (L) the insurance commissioner for applicants for licensure as an
3 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
4 connection with such application as described in K.S.A. 40-4905, and
5 amendments thereto;~~and~~

6 (M) the insurance commissioner for applicants as defined in K.S.A.
7 40-5501, and amendments thereto, in connection with such application as
8 described in K.S.A. 40-5505, and amendments thereto; *and*

9 (N) *the state bank commissioner for applicants in control of a*
10 *licensee, licensees or key individuals as defined in K.S.A. 2024 Supp. 9-*
11 *555, and amendments thereto, in connection with such application as*
12 *described in K.S.A. 2024 Supp. 9-565, and amendments thereto.*

13 (8) The Kansas bureau of investigation shall release criminal history
14 record information related to adult convictions to:

15 (A) The department of agriculture for hemp employees as defined in
16 K.S.A. 2-3901, and amendments thereto, in connection with such
17 employment as described in K.S.A. 2-3902, and amendments thereto;

18 (B) ~~the department of agriculture~~ *state fire marshal* for applicants for
19 licensure as a hemp producer as defined in K.S.A. 2-3901, and
20 amendments thereto, in connection with such application as described in
21 K.S.A. 2-3906, and amendments thereto;

22 (C) the office of state fire marshal for applicants for registration as a
23 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in
24 connection with such application as described in K.S.A. 2-3907, and
25 amendments thereto;

26 (D) the department of agriculture for hemp destruction employees as
27 defined in K.S.A. 2-3901, and amendments thereto, in connection with
28 such employment as described in K.S.A. 2-3911, and amendments thereto;

29 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
30 508, and amendments thereto, in connection with such application as
31 described in K.S.A. 9-509, and amendments thereto;

32 (F) the bank commissioner for an applicant for employment as a new
33 executive officer or director with a money transmitter company as
34 described in K.S.A. 9-513e, and amendments thereto;

35 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
36 1719, and amendments thereto, in connection with such application as
37 described in K.S.A. 9-1722, and amendments thereto;

38 (H) the bank commissioner for an applicant, registrant or licensee as
39 defined in K.S.A. 9-2201, and amendments thereto, in connection with
40 such application, registration or license as described in K.S.A. 9-2209, and
41 amendments thereto;

42 (I) the state banking board for any officer, director or organizer of a
43 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and

1 amendments thereto, in connection with such role as described in K.S.A.
2 9-2302, and amendments thereto;

3 (J) municipalities for applicants for merchant or security police as
4 described in K.S.A. 12-1679, and amendments thereto;

5 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-
6 104, and amendments thereto, in connection with such application as
7 described in K.S.A. 16a-6-104, and amendments thereto;

8 (L) the state department of credit unions for every candidate as
9 defined in K.S.A. 17-2234, and amendments thereto, in connection with
10 such employment as described in K.S.A. 17-2234, and amendments
11 thereto;

12 (M) the division of alcoholic beverage control within the department
13 of revenue for applicants as defined in K.S.A. 41-102, and amendments
14 thereto, in connection with such application as described in K.S.A. 41-
15 311b, and amendments thereto;

16 (N) the division of post audit for employees as defined in K.S.A. 46-
17 1103, and amendments thereto, in connection with such employment as
18 described in K.S.A. 46-1103, and amendments thereto;

19 (O) the bank commissioner for licensees as defined in K.S.A. 50-
20 1126, and amendments thereto, in connection with such license as
21 described in K.S.A. 50-1128, and amendments thereto;

22 (P) the real estate appraisal board for licensees as defined in K.S.A.
23 58-4102, and amendments thereto, in connection with an application or
24 investigation as described in K.S.A. 58-4127, and amendments thereto;

25 (Q) the real estate appraisal board for applicants as defined in K.S.A.
26 58-4703, and amendments thereto, in connection with such application as
27 described in K.S.A. 58-4709, and amendments thereto;

28 (R) the department of health and environment for an employee as
29 defined in K.S.A. 65-2401, and amendments thereto, in connection with
30 such employment as described in K.S.A. 65-2402, and amendments
31 thereto;

32 (S) the ~~Kansas commission on veterans affairs~~ *office of veterans*
33 *services* for candidates as defined in K.S.A. 73-1210a, and amendments
34 thereto, in connection with an application as described in K.S.A. 73-1210a,
35 and amendments thereto;

36 (T) a senate standing committee for a member named, appointed or
37 elected to the public employee retirement systems board of trustee
38 membership as described in K.S.A. 74-4905, and amendments thereto;

39 (U) ~~the attorney general for applicants as defined in K.S.A. 75-7e01,~~
40 ~~and amendments thereto, in connection with such application as described~~
41 ~~in K.S.A. 75-7e03, and amendments thereto;~~

42 (V) ~~the department of revenue for employees as defined in K.S.A. 75-~~
43 ~~5133c, and amendments thereto, in connection with such employment as~~

1 described in K.S.A. 75-5133c, and amendments thereto;

2 ~~(W)~~(V) the ~~divison~~ *division* of motor vehicles within the department
3 of revenue for employees as defined in K.S.A. 75-5156, and amendments
4 thereto, in connection with such employment as described in K.S.A. 75-
5 5156, and amendments thereto;

6 ~~(X)~~(W) the Kansas commission for the deaf and hard of hearing for
7 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in
8 connection with such application as described in K.S.A. 75-5393a, and
9 amendments thereto;

10 ~~(Y)~~(X) the Kansas commission for the deaf and hard of hearing for
11 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
12 connection with such employment as described in K.S.A. 75-5393c, and
13 amendments thereto;

14 ~~(Z)~~(Y) the department of health and environment for employees as
15 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
16 such employment as described in K.S.A. 75-5609a, and amendments
17 thereto; and

18 ~~(AA)~~(Z) an executive branch agency head for employees as defined
19 in K.S.A. 75-7241, and amendments thereto, in connection with such
20 employment as described in K.S.A. 75-7241, and amendments thereto.

21 (c) State and local law enforcement agencies shall assist with taking
22 fingerprints of individuals as authorized by this section.

23 (d) Any board, commission, committee or other public body shall
24 recess into a closed executive session pursuant to K.S.A. 75-4319, and
25 amendments thereto, to receive and discuss criminal history record
26 information obtained pursuant to this section.

27 (e) The Kansas bureau of investigation may charge a reasonable fee
28 for conducting a criminal history record check.

29 (f) (1) Fingerprints and criminal history record information received
30 pursuant to this section shall be confidential and shall not be subject to the
31 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
32 amendments thereto. The provisions of this paragraph shall expire on July
33 1, 2029, unless the legislature reviews and reenacts this provision pursuant
34 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

35 (2) Disclosure or use of any information received pursuant to this
36 section for any purpose other than the purpose described in this section
37 shall be a class A nonperson misdemeanor and shall constitute grounds for
38 removal from office.

39 Sec. 6. K.S.A. 2024 Supp. 75-7b01 is hereby amended to read as
40 follows: 75-7b01. As used in this act:

41 (a) "Applicant" means a person who has submitted an application for
42 licensure as a private detective or private detective agency pursuant to this
43 act, *a person who has submitted an application for a firearm permit*

1 *pursuant to this act* or a person who has submitted an application to
2 become certified to train private detectives in the handling of firearms and
3 the lawful use of force.

4 (b) "Detective business" means the furnishing of, making of or
5 agreeing to make any investigation for the purpose of obtaining
6 information with reference to:

7 (1) Crime or wrongs done or threatened against the United States or
8 any state or territory of the United States, or any political subdivision
9 thereof when furnished or made by persons other than law enforcement
10 officers;

11 (2) the identity, habits, conduct, business, occupation, honesty,
12 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty,
13 activity, movement, whereabouts, affiliations, associations, transactions,
14 acts, reputation or character of any person;

15 (3) the location, disposition or recovery of lost or stolen property;

16 (4) the cause or responsibility for fires, libels, losses, frauds,
17 accidents or damage or injury to persons or to property; or

18 (5) securing evidence to be used before any court, board, officer or
19 investigating committee.

20 (c) "Private detective" means any person who, for any consideration
21 whatsoever, engages in detective business.

22 (d) "Private detective agency" means a person who regularly employs
23 any other person, other than an organization, to engage in detective
24 business.

25 (e) "Private patrol operator" means a person who, for any
26 consideration whatsoever, agrees to furnish or furnishes a watchman,
27 guard, patrolman or other person to protect persons or property or to
28 prevent the theft, unlawful taking, loss, embezzlement, misappropriation
29 or concealment of any goods, wares, merchandise, money, bonds, stocks,
30 notes, documents, papers or property of any kind, or performs the service
31 of such watchman, guard, patrolman or other person for any such
32 purposes.

33 (f) "Law enforcement officer" means a law enforcement officer as
34 defined in K.S.A. 21-5111, and amendments thereto.

35 (g) "Organization" means a corporation, trust, estate, partnership,
36 cooperative or association.

37 (h) "Person" means an individual or organization.

38 (i) "Firearm permit" means a permit for the limited authority to carry
39 a firearm concealed on or about the person by one licensed as a private
40 detective.

41 (j) "Firearm" means:

42 (1) A pistol or revolver which is designed to be fired by the use of a
43 single hand and which is designed to fire or capable of firing fixed

1 cartridge ammunition; or

2 (2) any other weapon which will or is designed to expel a projectile
3 by the action of an explosive and which is designed to be fired by the use
4 of a single hand.

5 (k) "Client" means any person who engages the services of a private
6 detective.

7 (l) "Dishonesty or fraud" means, in addition to other acts not
8 specifically enumerated herein:

9 (1) Knowingly making a false statement relating to evidence or
10 information obtained in the course of employment, or knowingly
11 publishing a slander or a libel in the course of business;

12 (2) using illegal means in the collection or attempted collection of a
13 debt or obligation;

14 (3) manufacturing or producing any false evidence; and

15 (4) acceptance of employment adverse to a client or former client
16 relating to a matter with respect to which the licensee has obtained
17 confidential information by reason of or in the course of the licensee's
18 employment by such client or former client.

19 Sec. 7. K.S.A. 2024 Supp. 2-3906, 9-555, 9-565, 9-2411, 22-4714
20 and 75-7b01 are hereby repealed.

21 Sec. 8. This act shall take effect and be in force from and after its
22 publication in the statute book.