

SENATE BILL No. 30

By Committee on Judiciary

1-16

1 AN ACT concerning criminal history record information; relating to state
2 and national criminal history record checks; requiring the secretary of
3 labor to conduct such checks on employees who have access to federal
4 tax information; amending K.S.A. 75-5702 and K.S.A. 2024 Supp. 22-
5 4714 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as
9 follows: 22-4714.(a) A governmental agency other than a criminal justice
10 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
11 in subsection (b) may require a person to be fingerprinted and shall submit
12 such fingerprints to the Kansas bureau of investigation and the federal
13 bureau of investigation for a search of the state and federal database.
14 Fingerprints provided pursuant to this section may be used to identify a
15 person and to determine whether such person has a record of criminal
16 history in this state or in another jurisdiction. An agency identified in
17 subsection (b) may use the information obtained from the criminal history
18 record check for the purposes of verifying the identification of a person
19 and in the official determination of the qualifications and fitness of such
20 person to be issued or maintain employment, licensure, registration,
21 certification or a permit, act as an agent of a licensee, hold ownership of a
22 licensee or serve as a director or officer of a licensee.

23 (b) (1) The Kansas bureau of investigation shall release criminal
24 history record information related to adult convictions, adult non-
25 convictions, adult diversions, adult expunged records, juvenile
26 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
27 expunged records to the Kansas department for children and families or
28 the Kansas department for aging and disability services for initial or
29 continuing employment or participation in any program administered for
30 the placement, safety, protection or treatment of vulnerable children or
31 adults as described in K.S.A. 75-53,105, and amendments thereto.

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

35 (A) The state lottery for candidates for employees as defined in
36 K.S.A. 74-8702, and amendments thereto, in connection with such

1 employment as described in K.S.A. 74-8704, and amendments thereto; and

2 (B) the Kansas racing and gaming commission for candidates for
3 employees or licensees as defined in K.S.A. 74-8802, and amendments
4 thereto, in connection with such employment or license as described in
5 K.S.A. 74-8804, and amendments thereto, including an applicant for a
6 simulcasting license.

7 (3) The Kansas bureau of investigation shall release criminal history
8 record information related to adult convictions, adult non-convictions,
9 adult diversions, adult expunged records, juvenile adjudications, juvenile
10 non-adjudications and juvenile diversions to:

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

14 (B) the attorney general for applicants as defined in K.S.A. 75-7c01,
15 and amendments thereto, in connection with such application as described
16 in K.S.A. 75-7c05, and amendments thereto; and

17 (C) the department of administration for candidates for sensitive
18 employees as defined in K.S.A. 75-3707e, and amendments thereto, in
19 connection with such employment as described in K.S.A. 75-3707e, and
20 amendments thereto.

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

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

28 (B) the state gaming agency for candidates for employees and
29 licensees as defined in K.S.A. 74-9802, and amendments thereto, in
30 connection with such employment or license as described in K.S.A. 74-
31 9805, and amendments thereto;

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

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

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

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

1 (A) The athletic commission within the Kansas department of
2 commerce for a candidate for boxing commission as defined in K.S.A. 74-
3 50,182, and amendments thereto, in connection with such appointment as
4 described in K.S.A. 74-50,184, and amendments thereto; ~~and~~

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

9 (C) *the secretary of labor for employees as defined in K.S.A. 75-
10 5702, and amendments thereto, in connection with such employment as
11 described in K.S.A. 75-5702, and amendments thereto.*

12 (6) The Kansas bureau of investigation shall release criminal history
13 record information related to adult convictions and juvenile adjudications
14 to:

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

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

22 (C) the secretary for aging and disability services for applicants as
23 defined in K.S.A. 65-5117, and amendments thereto, in connection with
24 such application as described in K.S.A. 65-5117, and amendments thereto.

25 (7) The Kansas bureau of investigation shall release criminal history
26 record information related to adult convictions and adult non-convictions
27 to:

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

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

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

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

43 (E) the state board of healing arts for applicants or licensees as

1 defined in K.S.A. 65-2901, and amendments thereto, in connection with
2 such application or an investigation as described in K.S.A. 65-2924, and
3 amendments thereto;

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

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

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

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

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

20 (K) the Kansas real estate commission for applicants as defined in
21 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
22 K.S.A. 58-3035, and amendments thereto, in connection with an
23 investigation as described in K.S.A. 58-3039, and amendments thereto;

24 (L) the insurance commissioner for applicants for licensure as an
25 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
26 connection with such application as described in K.S.A. 40-4905, and
27 amendments thereto; and

28 (M) the insurance commissioner for applicants as defined in K.S.A.
29 40-5501, and amendments thereto, in connection with such application as
30 described in K.S.A. 40-5505, and amendments thereto.

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

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

36 (B) the department of agriculture for applicants for licensure as a
37 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in
38 connection with such application as described in K.S.A. 2-3906, and
39 amendments thereto;

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

- 1 (D) the department of agriculture for hemp destruction employees as
2 defined in K.S.A. 2-3901, and amendments thereto, in connection with
3 such employment as described in K.S.A. 2-3911, and amendments thereto;
- 4 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
5 508, and amendments thereto, in connection with such application as
6 described in K.S.A. 9-509, and amendments thereto;
- 7 (F) the bank commissioner for an applicant for employment as a new
8 executive officer or director with a money transmitter company as
9 described in K.S.A. 9-513e, and amendments thereto;
- 10 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
11 1719, and amendments thereto, in connection with such application as
12 described in K.S.A. 9-1722, and amendments thereto;
- 13 (H) the bank commissioner for an applicant, registrant or licensee as
14 defined in K.S.A. 9-2201, and amendments thereto, in connection with
15 such application, registration or license as described in K.S.A. 9-2209, and
16 amendments thereto;
- 17 (I) the state banking board for any officer, director or organizer of a
18 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and
19 amendments thereto, in connection with such role as described in K.S.A.
20 9-2302, and amendments thereto;
- 21 (J) municipalities for applicants for merchant or security police as
22 described in K.S.A. 12-1679, and amendments thereto;
- 23 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-
24 104, and amendments thereto, in connection with such application as
25 described in K.S.A. 16a-6-104, and amendments thereto;
- 26 (L) the state department of credit unions for every candidate as
27 defined in K.S.A. 17-2234, and amendments thereto, in connection with
28 such employment as described in K.S.A. 17-2234, and amendments
29 thereto;
- 30 (M) the division of alcoholic beverage control within the department
31 of revenue for applicants as defined in K.S.A. 41-102, and amendments
32 thereto, in connection with such application as described in K.S.A. 41-
33 311b, and amendments thereto;
- 34 (N) the division of post audit for employees as defined in K.S.A. 46-
35 1103, and amendments thereto, in connection with such employment as
36 described in K.S.A. 46-1103, and amendments thereto;
- 37 (O) the bank commissioner for licensees as defined in K.S.A. 50-
38 1126, and amendments thereto, in connection with such license as
39 described in K.S.A. 50-1128, and amendments thereto;
- 40 (P) the real estate appraisal board for licensees as defined in K.S.A.
41 58-4102, and amendments thereto, in connection with an application or
42 investigation as described in K.S.A. 58-4127, and amendments thereto;
- 43 (Q) the real estate appraisal board for applicants as defined in K.S.A.

1 58-4703, and amendments thereto, in connection with such application as
2 described in K.S.A. 58-4709, and amendments thereto;

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

7 (S) the ~~Kansas commission on veterans affairs~~ office of veterans
8 services for candidates as defined in K.S.A. 73-1210a, and amendments
9 thereto, in connection with an application as described in K.S.A. 73-1210a,
10 and amendments thereto;

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

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

17 (V) the department of revenue for employees as defined in K.S.A. 75-
18 5133c, and amendments thereto, in connection with such employment as
19 described in K.S.A. 75-5133c, and amendments thereto;

20 (W) the division of motor vehicles within the department of revenue
21 for employees as defined in K.S.A. 75-5156, and amendments thereto, in
22 connection with such employment as described in K.S.A. 75-5156, and
23 amendments thereto;

24 (X) the Kansas commission for the deaf and hard of hearing for
25 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in
26 connection with such application as described in K.S.A. 75-5393a, and
27 amendments thereto;

28 (Y) the Kansas commission for the deaf and hard of hearing for
29 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
30 connection with such employment as described in K.S.A. 75-5393c, and
31 amendments thereto;

32 (Z) the department of health and environment for employees as
33 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
34 such employment as described in K.S.A. 75-5609a, and amendments
35 thereto; and

36 (AA) an executive branch agency head for employees as defined in
37 K.S.A. 75-7241, and amendments thereto, in connection with such
38 employment as described in K.S.A. 75-7241, and amendments thereto.

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

41 (d) Any board, commission, committee or other public body shall
42 recess into a closed executive session pursuant to K.S.A. 75-4319, and
43 amendments thereto, to receive and discuss criminal history record

1 information obtained pursuant to this section.

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

4 (f) (1) Fingerprints and criminal history record information received
5 pursuant to this section shall be confidential and shall not be subject to the
6 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
7 amendments thereto. The provisions of this paragraph shall expire on July
8 1, 2029, unless the legislature reviews and reenacts this provision pursuant
9 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

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

14 Sec. 2. K.S.A. 75-5702 is hereby amended to read as follows: 75-
15 5702. (a) The secretary of labor may appoint, with the consent of the
16 governor, one public information officer, one or more division directors,
17 one personal secretary and one special assistant, all of whom shall serve at
18 the pleasure of the secretary of labor, shall be in the unclassified service
19 under the Kansas civil service act and shall receive an annual salary fixed
20 by the secretary of labor with the approval of the governor.

21 (b) (1) The secretary may:

22 (A) Conduct public or private investigations within or outside of this
23 state which the secretary or the secretary's designee considers necessary or
24 appropriate to determine whether a person has violated, is violating, or is
25 about to violate the employment security law act or a rule and regulation
26 adopted or order issued under the employment security law, or to aid in the
27 enforcement of the employment security law;

28 (B) require or permit a person to testify, file a statement, or produce a
29 record, under oath or otherwise as the secretary or the secretary's designee
30 determines, as to all the facts and circumstances concerning a matter to be
31 investigated or about which an action or proceeding is to be instituted; and

32 (C) appoint one or more special investigators to aid in investigations
33 conducted pursuant to this act.

34 (2) Such special investigators shall have authority to make arrests,
35 serve subpoenas and all other process, conduct searches and seizures, store
36 evidence, and carry firearms, concealed or otherwise while investigating
37 violations of the employment security law act and to generally enforce all
38 the criminal laws of the state as violations of those laws are encountered
39 by such special investigators, except that no special investigator may carry
40 firearms while performing such duties without having first successfully
41 completed the training course prescribed for law enforcement officers
42 under the Kansas law enforcement training act, K.S.A. 74-5601 et seq.,
43 and amendments thereto.

1 (c) The secretary of labor also may appoint such other officers and
2 employees as are necessary to enable the secretary to carry out the duties
3 of the office of the secretary and the department of labor.

4 (d) (1) *The secretary of labor shall require an employee who has*
5 *access to federal tax information received directly from the internal*
6 *revenue service to be fingerprinted and submit to a state and national*
7 *criminal history record check in accordance with K.S.A. 2024 Supp. 22-*
8 *4714, and amendments thereto.*

9 (2) *As used in this subsection, "employee" means a person who has*
10 *applied for employment or is currently employed with the Kansas*
11 *department of labor and who has been or will be granted access to federal*
12 *tax information received directly from the internal revenue service.*

13 (e) Except as otherwise specifically provided by law, such officers
14 and employees shall be within the classified service under the Kansas civil
15 service act. All personnel of the department of labor shall perform the
16 duties and functions assigned to such personnel by the secretary or
17 prescribed for such personnel by law and shall act for and exercise the
18 powers of the secretary of labor to the extent authority to do so is
19 delegated by the secretary.

20 Sec. 3. K.S.A. 75-5702 and K.S.A. 2024 Supp. 22-4714 are hereby
21 repealed.

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