

HOUSE BILL No. 2041

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning criminal history record information; definition;
2 relating to municipal court reporting; district court reporting; amending
3 K.S.A. 2012 Supp. 12-4106, 22-4701 and 22-4704 and repealing the
4 existing sections.
5

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

7 Section 1. K.S.A. 2012 Supp. 12-4106 is hereby amended to read as
8 follows: 12-4106. (a) The municipal judge shall have the power to
9 administer the oaths and enforce all orders, rules and judgments made by
10 such municipal judge, and may fine or imprison for contempt in the same
11 manner and to the same extent as a judge of the district court.

12 (b) The municipal judge shall have the power to hear and determine
13 all cases properly brought before such municipal judge to: Grant
14 continuances; sentence those found guilty to a fine or confinement in jail,
15 or both; commit accused persons to jail in default of bond; determine
16 applications for parole; release on probation; grant time in which a fine
17 may be paid; correct a sentence; suspend imposition of a sentence; set
18 aside a judgment; permit time for post trial motions; and discharge accused
19 persons.

20 (c) The municipal judge shall maintain a docket in which every cause
21 commenced before such municipal judge shall be entered. Such docket
22 shall contain the names of the accused persons and complainant, the nature
23 or character of the offense, the date of trial, the names of all witnesses
24 sworn and examined, the finding of the court, the judgment and sentence,
25 the date of payment, the date of issuing commitment, if any, and every
26 other fact necessary to show the full proceedings in each case.

27 (d) The municipal judge shall promptly make such reports and
28 furnish the information requested by any departmental justice or the
29 judicial administrator, in the manner and form prescribed by the supreme
30 court.

31 (e) The municipal judge shall ensure that information concerning
32 dispositions of city ordinance violations that result in convictions
33 comparable to convictions for ~~class A and B misdemeanors~~ offenses under
34 Kansas criminal statutes is forwarded to the Kansas bureau of
35 investigation central repository. This information shall be transmitted, on a
36 form or in a format approved by the attorney general, within 30 days of

1 final disposition.

2 (f) In all cases alleging a violation of a city ordinance prohibiting the
3 acts prohibited by K.S.A. 8-2,144 ~~or~~ , 8-1567 *or 32-1131* or K.S.A. 2012
4 Supp. 8-1025, and amendments thereto, the municipal court judge shall
5 ensure that the municipal court reports the filing and disposition of such
6 case to the Kansas bureau of investigation central repository, and, on and
7 after July 1, ~~2013~~ 2014, reports the filing and disposition of such case
8 electronically to the Kansas bureau of investigation central repository.

9 (g) In all cases in which a fine is imposed for a violation of a city
10 ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 or
11 K.S.A. 2012 Supp. 8-1025, and amendments thereto, the municipal court
12 judge shall ensure that the municipal court remits the appropriate amount
13 of such fine to the state treasurer as provided in K.S.A. 2012 Supp. 12-
14 4120, and amendments thereto.

15 Sec. 2. K.S.A. 2012 Supp. 22-4701 is hereby amended to read as
16 follows: 22-4701. As used in this act, unless the context clearly requires
17 otherwise:

18 (a) "Central repository" means the criminal justice information
19 system central repository created by this act and the juvenile offender
20 information system created pursuant to K.S.A. 2012 Supp. 38-2326, and
21 amendments thereto.

22 (b) "Criminal history record information" means all data initiated or
23 collected by a criminal justice agency on a person pertaining to a
24 reportable event, and any supporting documentation. Criminal history
25 record information does not include:

26 (1) Data contained in intelligence or investigatory files or police
27 work-product records used solely for police investigation purposes;

28 (2) wanted posters, police blotter entries, court records of public
29 judicial proceedings or published court opinions;

30 (3) data pertaining to violations of the traffic laws of the state or any
31 other traffic law or ordinance, other than vehicular homicide; ~~or~~

32 (4) presentence investigation and other reports prepared for use by a
33 court in the exercise of criminal jurisdiction or by the governor in the
34 exercise of the power of pardon, reprieve or commutation; *or*

35 (5) *information regarding the release of defendants from confinement*
36 *by the department of corrections or a jail.*

37 (c) "Criminal justice agency" means any government agency or
38 subdivision of any such agency which is authorized by law to exercise the
39 power of arrest, detention, prosecution, adjudication, correctional
40 supervision, rehabilitation or release of persons suspected, charged or
41 convicted of a crime and which allocates a substantial portion of its annual
42 budget to any of these functions. The term includes, but is not limited to,
43 the following agencies, when exercising jurisdiction over criminal matters

1 or criminal history record information:

2 (1) State, county, municipal and railroad police departments, sheriffs'
3 offices and countywide law enforcement agencies, correctional facilities,
4 jails and detention centers;

5 (2) the offices of the attorney general, county or district attorneys and
6 any other office in which are located persons authorized by law to
7 prosecute persons accused of criminal offenses;

8 (3) the district courts, the court of appeals, the supreme court, the
9 municipal courts and the offices of the clerks of these courts;

10 (4) the Kansas sentencing commission;

11 (5) the prisoner review board; and

12 (6) the juvenile justice authority.

13 (d) "Criminal justice information system" means the equipment
14 (including computer hardware and software), facilities, procedures,
15 agreements and personnel used in the collection, processing, preservation
16 and dissemination of criminal history record information.

17 (e) "Director" means the director of the Kansas bureau of
18 investigation.

19 (f) "Disseminate" means to transmit criminal history record
20 information in any oral or written form. The term does not include:

21 (1) The transmittal of such information within a criminal justice
22 agency;

23 (2) the reporting of such information as required by this act; or

24 (3) the transmittal of such information between criminal justice
25 agencies in order to permit the initiation of subsequent criminal justice
26 proceedings against a person relating to the same offense.

27 (g) "Reportable event" means an event specified or provided for in
28 K.S.A. 22-4705, and amendments thereto.

29 Sec. 3. K.S.A. 2012 Supp. 22-4704 is hereby amended to read as
30 follows: 22-4704. (a) In accordance with the provisions of K.S.A. 77-415
31 et seq., and amendments thereto, the director shall adopt appropriate rules
32 and regulations for agencies in the executive branch of government and for
33 criminal justice agencies other than those that are part of the judicial
34 branch of government to implement the provisions of this act.

35 (b) The director shall develop procedures to permit and encourage the
36 transfer of criminal history record information among and between courts
37 and affected agencies in the executive branch, and especially between
38 courts and the central repository.

39 (c) The rules and regulations adopted by the director shall include
40 those: (1) Governing the collection, reporting, and dissemination of
41 criminal history record information by criminal justice agencies;

42 (2) necessary to insure the security of all criminal history record
43 information reported, collected and disseminated by and through the

1 criminal justice information system;

2 (3) necessary for the coordination of all criminal justice data and
3 information processing activities as they relate to criminal history record
4 information;

5 (4) governing the dissemination of criminal history record
6 information;

7 (5) governing the procedures for inspection and challenging of
8 criminal history record information;

9 (6) governing the auditing of criminal justice agencies to insure that
10 criminal history record information is accurate and complete and that it is
11 collected, reported, and disseminated in accordance with this act;

12 (7) governing the development and content of agreements between
13 the central repository and criminal justice and noncriminal justice
14 agencies; *and*

15 (8) governing the exercise of the rights of inspection and challenge
16 provided in this act.

17 (d) The rules and regulations adopted by the director shall not include
18 any provision that allows the charging of a fee for information requests for
19 the purpose of participating in a block parent program, including, but not
20 limited to, the McGruff house program.

21 (e) Rules and regulations adopted by the director may not be
22 inconsistent with the provisions of this act.

23 (f) (1) On or before July 1, ~~2012~~ 2013, the director shall adopt rules
24 and regulations requiring district courts to report the filing *and disposition*
25 of all cases alleging a violation of K.S.A. 8-1567 *or K.S.A. 2012 Supp. 8-*
26 *1025*, and amendments thereto, to the central repository.

27 (2) On or before July 1, ~~2013~~ 2014, the director shall adopt rules and
28 regulations requiring district courts to electronically report all case filings
29 *and dispositions* for violations of K.S.A. 8-1567 *or K.S.A. 2012 Supp. 8-*
30 *1025*, and amendments thereto, to the central repository.

31 Sec. 4. K.S.A. 2012 Supp. 12-4106, 22-4701 and 22-4704 are hereby
32 repealed.

33 Sec. 5. This act shall take effect and be in force from and after its
34 publication in the Kansas register.