

SESSION OF 2016

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 58**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 58 would amend the Kansas Law Enforcement Training Act (KLETA). Under current law, certification that an applicant meets the minimum requirements is required prior to admission at the Kansas Law Enforcement Training Center (KLETC), and one requirement is that the applicant has not been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence, or a misdemeanor offense that the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) determines reflects on the honesty, trustworthiness, integrity, or competence of the applicant as defined by rules and regulations of the KS-CPOST.

The bill would clarify for the purposes of that section "conviction" would include a diversion or deferred judgment agreement entered into for a misdemeanor offense the KS-CPOST determines reflects on the honesty, trustworthiness, integrity, or competence of the applicant as defined by KS-CPOST's rules and regulations. Further, the "conviction" definition would include deferred judgment agreements entered into for a misdemeanor crime of domestic violence and any deferred judgment entered into on or after July 1, 1995, for a felony.

The bill also would specify the following would not be subject to disclosure under the Kansas Open Records Act

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

(KORA): a central registry of all Kansas police officers and law enforcement officers; reports generated upon the termination of an officer explaining the circumstances under which the officer resigned or was terminated; and complaints or reports, records, or other information relating to a complaint received, obtained, created, or maintained by KS-CPOST. The bill would allow disclosure of any complaint or report, record, or other information relating to a complaint received, obtained, created, or maintained by KS-CPOST:

- In any proceeding conducted by KS-CPOST in accordance with the Kansas Administrative Procedures Act or in an appeal of an order of KS-CPOST entered in a proceeding, or to a party in such proceeding or that party's attorney;
- To a municipal, state, or federal licensing, regulatory, or enforcement agency with jurisdiction over acts or conduct similar to acts or conduct that would constitute grounds for action under the KLETA; and
- To the director of police training when such disclosure is relevant to the pretraining evaluation of applicants for admission to the course for law enforcement officers conducted by the KLETC or to any certified state or local law enforcement training school to assure that each applicant is qualified to serve as a law enforcement officer.

Any complaint or report, record, or other information disclosed by KS-CPOST under these circumstances would remain under seal in the record of the administrative proceeding in which disclosed and would not be redisclosed by the receiving party or agency, except as otherwise authorized by law.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas Attorney General. As introduced and passed by the Senate, the bill would have amended law related to venue for actions under the Kansas Judicial Review Act.

The House Committee on Judiciary recommended a substitute bill replacing the contents of SB 58 with language based on HB 2550, as amended by the House Committee, related to KLETA and KS-CPOST.

HB 2550 Background

In the House Committee on Judiciary hearing on HB 2550, representatives of KS-CPOST, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs' Association, Kansas Bureau of Investigation, and the St. John Police Department offered testimony in support of the bill. A representative of the Kansas Press Association appeared as an opponent.

The House Committee amended the bill to include the contents of HB 2555, concerning the definition of "conviction" for the purposes of meeting minimum requirements for admission to the KLETC.

The same proponents offered testimony in support of HB 2555 at the House Committee on Judiciary hearing on the bill. There was no neutral or opponent testimony.

According to the fiscal note prepared by the Division of the Budget, passage of HB 2550, as introduced, would reduce the number of KORA requests KS-CPOST receives. KS-CPOST has always been reimbursed for the cost of records received, so passage would have no fiscal effect.

According to the fiscal note prepared by the Division of the Budget, passage of HB 2555 would have no fiscal effect.