

Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

March 8, 2017

To: Sen. Jacob LaTurner, chairman of the Senate Federal and State Affairs Committee, and committee members

From: Doug Anstaett, executive director, Kansas Press Association

Re: Testimony in support of SB 200

Mr. Chairman and members of the Committee:

I am Doug Anstaett, executive director of the Kansas Press Association.

The Kansas Press Association gives its qualified support to the concept raised in Senate Bill 200, but we believe the proposed solution falls far short of the mark.

We've heard the horror stories of families waiting years, even decades, to find out about their missing loved ones. These stories, which some of our newspapers have chronicled through the years, are indeed heart-wrenching.

The impetus for this bill, the plight of the Leach family in Leavenworth who has waited decades to learn the fate of their missing son, Randy Leach, is one of those stories.

However, even with this change in the definition of what is open and what is closed under A(10), the roadblocks members of the press and public encounter in the law enforcement exception to the Kansas Open Records Act would still prevent disclosure in most — if not all — cases.

"Criminal investigation means ... records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law."

The change in definition in this bill would not achieve its stated purpose.

If law enforcement says their investigation is "ongoing" or that it is still following "leads," even if it is 10 years, 50 years or 100 years after the fact, the law now allows agencies to keep these records sealed. Only a court order would unseal them.

To us, this is cruel to families who seek to know, before they themselves are dead and buried, what happened to their loved one.

While this bill addresses a need, it requires much more work. Its passage would likely only create false hope in families that are desperately looking for answers.