



# Kansas Bureau of Investigation

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**Neutral Testimony on SB 136**  
Before the Senate Standing Committee on Judiciary  
Leslie Moore, Information Service Division Director  
Kansas Bureau of Investigation  
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Chairman Wilborn and Members of the Committee,

My name is Leslie Moore and I serve as the Director of the Information Services Division of the Kansas Bureau of Investigation. The KBI Information Services Division is statutorily responsible for the collection, maintenance, and dissemination of all adult and juvenile criminal history record information and for maintaining the central repository that houses this information.

SB 136 is a public policy decision on which the KBI has no position. The intent of us providing neutral testimony is strictly in the interest of sharing information which we believe to be important in your deliberations.

When a person is arrested, information related to that arrest is maintained in both the Computerized Criminal History (CCH) system and the Automated Fingerprint Identification System (AFIS). These systems ensure information regarding the arrest exists at both the state and federal levels.

SB 136 seeks to allow for arrests resulting from mistaken identity to be expunged. The legal effect of an expungement is that records related to the arrest are “sealed” and not ordinarily disclosed. As written, SB 136 would require the court that expunged the arrest to notify the KBI of the expungement. While the arrest will remain on the person’s record, it would be “flagged” as expunged. As such, the arrest will effectively remain in both the state and federal AFIS and CCH systems but be hidden from disclosure, with a few exceptions. Because some state agencies are statutorily authorized to receive expunged information, arrests expunged pursuant to new subsection (a)(2) will be released to those agencies which are authorized to receive the expunged information. (For reference, the applicable expungement statutes are K.S.A. 12-4516, K.S.A. 22-2410, K.S.A. 22-6614, and K.S.A. 38-2312.) Another important point is that there are states that receive Kansas criminal history record information but do not recognize Kansas expungements; this is because the federal record still contains information about the arrest incident.

There is already a process for addressing situations that involve arrests resulting from mistaken identity. That process ensures all information related to the incident is purged from all applicable state and federal systems. When an arresting agency discovers they have mistakenly arrested the wrong person, the Chief or Sheriff may write a letter to the central repository at KBI explaining the situation and request the arrest to be purged from both the Computerized Criminal History (CCH) system and the Automated Fingerprint Identification System (AFIS). Requests of this nature are very rare. Nonetheless, this procedure ensures the arrest transaction is permanently deleted from state and federal systems and prevents a situation where information regarding the arrest would be shared with agencies statutorily authorized to receive expunged information.

We would also like to call the Committee's attention to situations in which arrestees intentionally provide false information to law enforcement officials for the purpose of concealing their identity at the time of arrest. Individuals who do this do so intentionally and these situations should not be considered the result of mistaken identity. As written, the third scenario in SB 136's definition of "mistaken identity" could arguably allow these individuals to petition for an expungement.

Thank you for your consideration.

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