

SENATE BILL No. 121

By Committee on Judiciary

2-1

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to firearms, possession thereof; amending K.S.A. 2016 Supp. 21-6304
3 and 21-6614 and repealing the existing sections; also repealing K.S.A.
4 2016 Supp. 21-6614g and 21-6614h.

5
6 WHEREAS, The amendments made to the provisions of K.S.A. 2016
7 Supp. 21-6304 and 21-6614 by this act shall be known and may be cited as
8 the Kansas protection of firearms rights act;

9 Now, therefore:

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

11 Section 1. K.S.A. 2016 Supp. 21-6304 is hereby amended to read as
12 follows: 21-6304. (a) Criminal possession of a weapon by a convicted
13 felon is possession of any weapon by a person who:

14 (1) Has been convicted of a person felony or a violation of article 57
15 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
16 K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or
17 any violation of any provision of the uniform controlled substances act
18 prior to July 1, 2009, or a crime under a law of another jurisdiction which
19 is substantially the same as such felony or violation, or was adjudicated a
20 juvenile offender because of the commission of an act which if done by an
21 adult would constitute the commission of a person felony or a violation of
22 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
23 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
24 transfer, or any violation of any provision of the uniform controlled
25 substances act prior to July 1, 2009, and was found *by the convicting court*
26 to have been in possession of used a firearm at the time of in the
27 commission of the crime; or

28 (2) ~~within the preceding five years has been convicted of a felony,~~
29 ~~other than those specified in subsection (a)(3)(A), under the laws of~~
30 ~~Kansas or a crime under a law of another jurisdiction which is~~
31 ~~substantially the same as such felony, has been released from~~
32 ~~imprisonment for a felony or was adjudicated as a juvenile offender~~
33 ~~because of the commission of an act which if done by an adult would~~
34 ~~constitute the commission of a felony, and was not found to have been in~~
35 ~~possession of a firearm at the time of the commission of the crime; or~~

36 (3) ~~within the preceding 10 years, has been convicted of a:~~

1 (A)—felony under K.S.A. 2016 Supp. 21-5402, 21-5403, 21-5404, 21-
 2 5405, 21-5408, ~~subsection (b) or (d) of 21-5412(b) or (d), subsection (b) or~~
 3 ~~(d) of 21-5413(b) or (d), subsection (a) of 21-5415(a), subsection (b) of~~
 4 ~~21-5420(b), 21-5503, subsection (b) of 21-5504(b), subsection (b) of 21-~~
 5 ~~5505(b), and subsection (b) of 21-5807(b), and amendments thereto;~~
 6 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
 7 thereto; *K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their*
 8 *transfer*; K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411,
 9 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-
 10 3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through
 11 65-4165 or 65-7006, prior to their repeal; an attempt, conspiracy or
 12 criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303,
 13 prior to their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 or 21-5303,
 14 and amendments thereto, of any such felony; or a crime under a law of
 15 another jurisdiction which is substantially the same as such felony, has
 16 been released from imprisonment for such felony, or was adjudicated as a
 17 juvenile offender because of the commission of an act which if done by an
 18 adult would constitute the commission of such felony, ~~was not found to~~
 19 ~~have been in possession of a firearm at the time of the commission of the~~
 20 ~~crime, and has not had the conviction of such crime expunged or been~~
 21 ~~pardoned for such crime. The provisions of subsection (j)(2) of K.S.A.~~
 22 ~~2016 Supp. 21-6614, and amendments thereto, shall not apply to an~~
 23 ~~individual who has had a conviction under this paragraph expunged; or~~

24 (B) ~~nonperson felony under the laws of Kansas or a crime under the~~
 25 ~~laws of another jurisdiction which is substantially the same as such~~
 26 ~~nonperson felony, has been released from imprisonment for such~~
 27 ~~nonperson felony or was adjudicated as a juvenile offender because of the~~
 28 ~~commission of an act which if done by an adult would constitute the~~
 29 ~~commission of a nonperson felony, and was found to have been in~~
 30 ~~possession of a firearm at the time of the commission of the crime.~~

31 (b) Criminal possession of a weapon by a convicted felon is a
 32 severity level 8, nonperson felony.

33 (c) *This section shall not apply to a person who has been convicted of*
 34 *a crime and has had the conviction of such crime expunged or has been*
 35 *pardoned for such crime.*

36 (e) (d) As used in this section:

37 (1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged
 38 razor or any other dangerous or deadly cutting instrument of like character;
 39 and

40 (2) "weapon" means a firearm or a knife.

41 Sec. 2. K.S.A. 2016 Supp. 21-6614 is hereby amended to read as
 42 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
 43 and (f), any person convicted in this state of a traffic infraction, cigarette

1 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
2 committed on or after July 1, 1993, any nongrid felony or felony ranked in
3 severity levels 6 through 10 of the nondrug grid, or for crimes committed
4 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
5 severity level 4 of the drug grid, or for crimes committed on or after July
6 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
7 the convicting court for the expungement of such conviction or related
8 arrest records if three or more years have elapsed since the person: (A)
9 Satisfied the sentence imposed; or (B) was discharged from probation, a
10 community correctional services program, parole, postrelease supervision,
11 conditional release or a suspended sentence.

12 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
13 person who has fulfilled the terms of a diversion agreement may petition
14 the district court for the expungement of such diversion agreement and
15 related arrest records if three or more years have elapsed since the terms of
16 the diversion agreement were fulfilled.

17 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
18 3512, prior to its repeal, convicted of a violation of K.S.A. 2016 Supp. 21-
19 6419, and amendments thereto, or who entered into a diversion agreement
20 in lieu of further criminal proceedings for such violation, may petition the
21 convicting court for the expungement of such conviction or diversion
22 agreement and related arrest records if:

23 (1) One or more years have elapsed since the person satisfied the
24 sentence imposed or the terms of a diversion agreement or was discharged
25 from probation, a community correctional services program, parole,
26 postrelease supervision, conditional release or a suspended sentence; and

27 (2) such person can prove they were acting under coercion caused by
28 the act of another. For purposes of this subsection, "coercion" means:
29 Threats of harm or physical restraint against any person; a scheme, plan or
30 pattern intended to cause a person to believe that failure to perform an act
31 would result in bodily harm or physical restraint against any person; or the
32 abuse or threatened abuse of the legal process.

33 (c) Except as provided in subsections (e) and (f), no person may
34 petition for expungement until five or more years have elapsed since the
35 person satisfied the sentence imposed or the terms of a diversion
36 agreement or was discharged from probation, a community correctional
37 services program, parole, postrelease supervision, conditional release or a
38 suspended sentence, if such person was convicted of a class A, B or C
39 felony, or for crimes committed on or after July 1, 1993, if convicted of an
40 off-grid felony or any felony ranked in severity levels 1 through 5 of the
41 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
42 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
43 grid, or for crimes committed on or after July 1, 2012, any felony ranked

1 in severity levels 1 through 4 of the drug grid, or:

2 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
3 repeal, or K.S.A. 2016 Supp. 21-5406, and amendments thereto, or as
4 prohibited by any law of another state which is in substantial conformity
5 with that statute;

6 (2) driving while the privilege to operate a motor vehicle on the
7 public highways of this state has been canceled, suspended or revoked, as
8 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
9 any law of another state which is in substantial conformity with that
10 statute;

11 (3) perjury resulting from a violation of K.S.A. 8-261a, and
12 amendments thereto, or resulting from the violation of a law of another
13 state which is in substantial conformity with that statute;

14 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
15 thereto, relating to fraudulent applications or violating the provisions of a
16 law of another state which is in substantial conformity with that statute;

17 (5) any crime punishable as a felony wherein a motor vehicle was
18 used in the perpetration of such crime;

19 (6) failing to stop at the scene of an accident and perform the duties
20 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and
21 amendments thereto, or required by a law of another state which is in
22 substantial conformity with those statutes;

23 (7) violating the provisions of K.S.A. 40-3104, and amendments
24 thereto, relating to motor vehicle liability insurance coverage; or

25 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

26 (d) (1) No person may petition for expungement until five or more
27 years have elapsed since the person satisfied the sentence imposed or the
28 terms of a diversion agreement or was discharged from probation, a
29 community correctional services program, parole, postrelease supervision,
30 conditional release or a suspended sentence, if such person was convicted
31 of a first violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and
32 amendments thereto, including any diversion for such violation.

33 (2) No person may petition for expungement until 10 or more years
34 have elapsed since the person satisfied the sentence imposed or was
35 discharged from probation, a community correctional services program,
36 parole, postrelease supervision, conditional release or a suspended
37 sentence, if such person was convicted of a second or subsequent violation
38 of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto.

39 (e) There shall be no expungement of convictions for the following
40 offenses or of convictions for an attempt to commit any of the following
41 offenses:

42 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
43 2016 Supp. 21-5503, and amendments thereto;

1 (2) indecent liberties with a child or aggravated indecent liberties
2 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
3 or K.S.A. 2016 Supp. 21-5506, and amendments thereto;

4 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
5 prior to its repeal, or K.S.A. 2016 Supp. 21-5504(a)(3) or (a)(4), and
6 amendments thereto;

7 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
8 to its repeal, or K.S.A. 2016 Supp. 21-5504, and amendments thereto;

9 (5) indecent solicitation of a child or aggravated indecent solicitation
10 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
11 or K.S.A. 2016 Supp. 21-5508, and amendments thereto;

12 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
13 to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

14 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
15 repeal, or K.S.A. 2016 Supp. 21-5604, and amendments thereto;

16 (8) endangering a child or aggravated endangering a child, as defined
17 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2016 Supp.
18 21-5601, and amendments thereto;

19 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
20 or K.S.A. 2016 Supp. 21-5602, and amendments thereto;

21 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
22 or K.S.A. 2016 Supp. 21-5401, and amendments thereto;

23 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
24 its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;

25 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
26 to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments thereto;

27 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
28 its repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;

29 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
30 its repeal, or K.S.A. 2016 Supp. 21-5405, and amendments thereto;

31 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
32 or K.S.A. 2016 Supp. 21-5505, and amendments thereto, when the victim
33 was less than 18 years of age at the time the crime was committed;

34 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
35 its repeal, or K.S.A. 2016 Supp. 21-5505, and amendments thereto;

36 (17) a violation of K.S.A. 8-2,144, and amendments thereto,
37 including any diversion for such violation; or

38 (18) any conviction for any offense in effect at any time prior to July
39 1, 2011, that is comparable to any offense as provided in this subsection.

40 (f) Notwithstanding any other law to the contrary, for any offender
41 who is required to register as provided in the Kansas offender registration
42 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
43 expungement of any conviction or any part of the offender's criminal

1 record while the offender is required to register as provided in the Kansas
2 offender registration act.

3 (g) (1) When a petition for expungement is filed, the court shall set a
4 date for a hearing of such petition and shall cause notice of such hearing to
5 be given to the prosecutor and the arresting law enforcement agency. The
6 petition shall state the:

7 (A) Defendant's full name;

8 (B) full name of the defendant at the time of arrest, conviction or
9 diversion, if different than the defendant's current name;

10 (C) defendant's sex, race and date of birth;

11 (D) crime for which the defendant was arrested, convicted or
12 diverted;

13 (E) date of the defendant's arrest, conviction or diversion; and

14 (F) identity of the convicting court, arresting law enforcement
15 authority or diverting authority.

16 (2) Except as otherwise provided by law, a petition for expungement
17 shall be accompanied by a docket fee in the amount of \$176. On and after
18 July 1, 2015, through June 30, 2017, the supreme court may impose a
19 charge, not to exceed \$19 per case, to fund the costs of non-judicial
20 personnel. The charge established in this section shall be the only fee
21 collected or moneys in the nature of a fee collected for the case. Such
22 charge shall only be established by an act of the legislature and no other
23 authority is established by law or otherwise to collect a fee.

24 (3) All petitions for expungement shall be docketed in the original
25 criminal action. Any person who may have relevant information about the
26 petitioner may testify at the hearing. The court may inquire into the
27 background of the petitioner and shall have access to any reports or
28 records relating to the petitioner that are on file with the secretary of
29 corrections or the prisoner review board.

30 (h) At the hearing on the petition, the court shall order the petitioner's
31 arrest record, conviction or diversion expunged if the court finds that:

32 (1) The petitioner has not been convicted of a felony in the past two
33 years and no proceeding involving any such crime is presently pending or
34 being instituted against the petitioner;

35 (2) the circumstances and behavior of the petitioner warrant the
36 expungement; and

37 (3) the expungement is consistent with the public welfare.

38 (i) When the court has ordered an arrest record, conviction or
39 diversion expunged, the order of expungement shall state the information
40 required to be contained in the petition. The clerk of the court shall send a
41 certified copy of the order of expungement to the Kansas bureau of
42 investigation which shall notify the federal bureau of investigation, the
43 secretary of corrections and any other criminal justice agency which may

1 have a record of the arrest, conviction or diversion. *If the case was*
2 *appealed from municipal court, the clerk of the district court shall send a*
3 *certified copy of the order of expungement to the municipal court. The*
4 *municipal court shall order the case expunged once the certified copy of*
5 *the order of expungement is received.* After the order of expungement is
6 entered, the petitioner shall be treated as not having been arrested,
7 convicted or diverted of the crime, except that:

8 (1) Upon conviction for any subsequent crime, the conviction that
9 was expunged may be considered as a prior conviction in determining the
10 sentence to be imposed;

11 (2) the petitioner shall disclose that the arrest, conviction or diversion
12 occurred if asked about previous arrests, convictions or diversions:

13 (A) In any application for licensure as a private detective, private
14 detective agency, certification as a firearms trainer pursuant to K.S.A.
15 2016 Supp. 75-7b21, and amendments thereto, or employment as a
16 detective with a private detective agency, as defined by K.S.A. 75-7b01,
17 and amendments thereto; as security personnel with a private patrol
18 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
19 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
20 the Kansas department for aging and disability services;

21 (B) in any application for admission, or for an order of reinstatement,
22 to the practice of law in this state;

23 (C) to aid in determining the petitioner's qualifications for
24 employment with the Kansas lottery or for work in sensitive areas within
25 the Kansas lottery as deemed appropriate by the executive director of the
26 Kansas lottery;

27 (D) to aid in determining the petitioner's qualifications for executive
28 director of the Kansas racing and gaming commission, for employment
29 with the commission or for work in sensitive areas in parimutuel racing as
30 deemed appropriate by the executive director of the commission, or to aid
31 in determining qualifications for licensure or renewal of licensure by the
32 commission;

33 (E) to aid in determining the petitioner's qualifications for the
34 following under the Kansas expanded lottery act: (i) Lottery gaming
35 facility manager or prospective manager, racetrack gaming facility
36 manager or prospective manager, licensee or certificate holder; or (ii) an
37 officer, director, employee, owner, agent or contractor thereof;

38 (F) upon application for a commercial driver's license under K.S.A.
39 8-2,125 through 8-2,142, and amendments thereto;

40 (G) to aid in determining the petitioner's qualifications to be an
41 employee of the state gaming agency;

42 (H) to aid in determining the petitioner's qualifications to be an
43 employee of a tribal gaming commission or to hold a license issued

1 pursuant to a tribal-state gaming compact;

2 (I) in any application for registration as a broker-dealer, agent,
3 investment adviser or investment adviser representative all as defined in
4 K.S.A. 17-12a102, and amendments thereto;

5 (J) in any application for employment as a law enforcement officer as
6 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

7 ~~(K) for applications received on and after July 1, 2006, to aid in~~
8 ~~determining the petitioner's qualifications for a license to carry a concealed~~
9 ~~weapon pursuant to the personal and family protection act, K.S.A. 2016~~
10 ~~Supp. 75-7e01 et seq., and amendments thereto for applications received~~
11 ~~on and after July 1, 2016, to aid in determining the petitioner's~~
12 ~~qualifications for a license to act as a bail enforcement agent pursuant to~~
13 ~~K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-~~
14 ~~6,141, and amendments thereto;~~

15 (3) the court, in the order of expungement, may specify other
16 circumstances under which the conviction is to be disclosed;

17 (4) the conviction may be disclosed in a subsequent prosecution for
18 an offense which requires as an element of such offense a prior conviction
19 of the type expunged; and

20 (5) upon commitment to the custody of the secretary of corrections,
21 any previously expunged record in the possession of the secretary of
22 corrections may be reinstated and the expungement disregarded, and the
23 record continued for the purpose of the new commitment.

24 (j) Whenever a person is convicted of a crime, pleads guilty and pays
25 a fine for a crime, is placed on parole, postrelease supervision or
26 probation, is assigned to a community correctional services program, is
27 granted a suspended sentence or is released on conditional release, the
28 person shall be informed of the ability to expunge the arrest records or
29 conviction. Whenever a person enters into a diversion agreement, the
30 person shall be informed of the ability to expunge the diversion.

31 (k) (1) Subject to the disclosures required pursuant to subsection (i),
32 in any application for employment, license or other civil right or privilege,
33 or any appearance as a witness, a person whose arrest records, conviction
34 or diversion of a crime has been expunged under this statute may state that
35 such person has never been arrested, convicted or diverted of such crime.

36 (2) ~~Notwithstanding the provisions of subsection (k)(1), and except as~~
37 ~~provided in K.S.A. 2016 Supp. 21-6304(a)(3)(A), and amendments~~
38 ~~thereto, the expungement of a prior felony conviction does not relieve the~~
39 ~~individual of complying with any state or federal law relating to the use,~~
40 ~~shipment, transportation, receipt or possession of firearms by persons~~
41 ~~previously convicted of a felony. A person whose arrest record, conviction~~
42 ~~or diversion of a crime has been expunged under this statute shall be~~
43 ~~deemed to have had such person's right to keep and bear arms fully~~

1 *restored. This restoration of rights shall include, but is not limited to, the*
2 *right to use, transport, receive, purchase, transfer and possess firearms.*

3 (1) Whenever the record of any arrest, conviction or diversion has
4 been expunged under the provisions of this section or under the provisions
5 of any other existing or former statute, the custodian of the records of
6 arrest, conviction, diversion and incarceration relating to that crime shall
7 not disclose the existence of such records, except when requested by:

8 (1) The person whose record was expunged;

9 (2) a private detective agency or a private patrol operator, and the
10 request is accompanied by a statement that the request is being made in
11 conjunction with an application for employment with such agency or
12 operator by the person whose record has been expunged;

13 (3) a court, upon a showing of a subsequent conviction of the person
14 whose record has been expunged;

15 (4) the secretary for aging and disability services, or a designee of the
16 secretary, for the purpose of obtaining information relating to employment
17 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
18 of the Kansas department for aging and disability services of any person
19 whose record has been expunged;

20 (5) a person entitled to such information pursuant to the terms of the
21 expungement order;

22 (6) a prosecutor, and such request is accompanied by a statement that
23 the request is being made in conjunction with a prosecution of an offense
24 that requires a prior conviction as one of the elements of such offense;

25 (7) the supreme court, the clerk or disciplinary administrator thereof,
26 the state board for admission of attorneys or the state board for discipline
27 of attorneys, and the request is accompanied by a statement that the
28 request is being made in conjunction with an application for admission, or
29 for an order of reinstatement, to the practice of law in this state by the
30 person whose record has been expunged;

31 (8) the Kansas lottery, and the request is accompanied by a statement
32 that the request is being made to aid in determining qualifications for
33 employment with the Kansas lottery or for work in sensitive areas within
34 the Kansas lottery as deemed appropriate by the executive director of the
35 Kansas lottery;

36 (9) the governor or the Kansas racing and gaming commission, or a
37 designee of the commission, and the request is accompanied by a
38 statement that the request is being made to aid in determining
39 qualifications for executive director of the commission, for employment
40 with the commission, for work in sensitive areas in parimutuel racing as
41 deemed appropriate by the executive director of the commission or for
42 licensure, renewal of licensure or continued licensure by the commission;

43 (10) the Kansas racing and gaming commission, or a designee of the

1 commission, and the request is accompanied by a statement that the
2 request is being made to aid in determining qualifications of the following
3 under the Kansas expanded lottery act: (A) Lottery gaming facility
4 managers and prospective managers, racetrack gaming facility managers
5 and prospective managers, licensees and certificate holders; and (B) their
6 officers, directors, employees, owners, agents and contractors;

7 (11) the Kansas sentencing commission;

8 (12) the state gaming agency, and the request is accompanied by a
9 statement that the request is being made to aid in determining
10 qualifications: (A) To be an employee of the state gaming agency; or (B)
11 to be an employee of a tribal gaming commission or to hold a license
12 issued pursuant to a tribal-gaming compact;

13 (13) the Kansas securities commissioner or a designee of the
14 commissioner, and the request is accompanied by a statement that the
15 request is being made in conjunction with an application for registration as
16 a broker-dealer, agent, investment adviser or investment adviser
17 representative by such agency and the application was submitted by the
18 person whose record has been expunged;

19 (14) the Kansas commission on peace officers' standards and training
20 and the request is accompanied by a statement that the request is being
21 made to aid in determining certification eligibility as a law enforcement
22 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

23 (15) a law enforcement agency and the request is accompanied by a
24 statement that the request is being made to aid in determining eligibility
25 for employment as a law enforcement officer as defined by K.S.A. 22-
26 2202, and amendments thereto;

27 (16) the attorney general and the request is accompanied by a
28 statement that the request is being made to aid in determining
29 qualifications for a license to ~~carry a concealed weapon pursuant to the~~
30 ~~personal and family protection act~~ *act as a bail enforcement agent*
31 *pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016*
32 *Supp. 50-6,141, and amendments thereto;* or

33 (17) the Kansas bureau of investigation for the purposes of:

34 (A) ~~completing a person's criminal history record information within~~
35 ~~the central repository, in accordance with K.S.A. 22-4701 et seq., and~~
36 ~~amendments thereto;~~ or

37 (B) ~~providing information or documentation to the federal bureau of~~
38 ~~investigation, in connection with the national instant criminal background~~
39 ~~check system, to determine a person's qualification to possess a firearm.~~

40 (m) The provisions of subsection (l)(17) shall apply to records
41 created prior to, on and after July 1, 2011.

42 Sec. 3. K.S.A. 2016 Supp. 21-6304, 21-6614, 21-6614g and 21-6614h
43 are hereby repealed.

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