

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2070

As Further Amended by House Committee on
Judiciary

Brief*

HB 2070, as amended, would amend the section of the Kansas Law Enforcement Training Act related to the central registry of Kansas police officers and law enforcement officers to provide that the registry and termination reports to the registry shall be considered personnel records not required to be disclosed under the Kansas Open Records Act (KORA).

The bill would also amend the statute governing the powers and duties of the Kansas Commission on Peace Officers' Standards and Training (CPOST) to provide that any complaint or report, record, or other information relating to a complaint received, obtained, created, or maintained by CPOST shall be a record not required to be disclosed under KORA, pursuant to the criminal investigation records exception, except under the provisions of that exception.

The KORA exceptions created by the bill would expire on July 1, 2022, unless reviewed and reenacted by the Legislature.

Background

The bill was introduced by the House Committee on Judiciary at the request of CPOST. As introduced, the bill would have stated the registry and termination reports are confidential and not subject to disclosure under KORA, and

*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>

this provision would not be subject to expiration. The bill also contained a new section making complaints or information related to complaints received, obtained, created, or maintained by CPOST confidential, not subject to KORA, and not subject to disclosure except in limited circumstances.

In the House Committee hearing, Representative Whitmer, as chairperson of CPOST, testified in support of the bill. Counsel for CPOST also testified in support. The Director of the Kansas Bureau of Investigation and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association submitted written testimony supporting the bill. A representative of the Kansas Press Association testified in opposition to the bill.

On February 2, the House Committee adopted an amendment to replace the general exception from KORA for the registry and reports with language bringing the registry and reports within the existing KORA exception for personnel records.

Upon re-referral by the House Committee of the Whole on February 9, the House Committee adopted a further amendment striking the new section and adding a KORA exception regarding complaints to the statute governing the powers and duties of CPOST.

According to the fiscal note prepared by the Division of the Budget on the bill, CPOST indicates enactment of the bill, as introduced, would have no immediate fiscal effect, but it could reduce the need for additional staff to fulfill KORA requests and possibly prevent lawsuits regarding what information the agency can release.