

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 200

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 200 would exclude certain criminal investigation records from the exemption for criminal investigation records in the Kansas Open Records Act (KORA).

The bill would amend the definition of “criminal investigation records” to specify the term does not include those criminal investigation records for missing person investigations when the person has been missing for more than 25 years and the records were collected 15 or more years ago. This exclusion would not apply to the identity of any confidential source or undercover agent.

The bill would specify that the records described above would not be part of the criminal investigation records exception in current law. Any time a request for such records was made, the public agency receiving the request would be required to provide copies within 30 days of receiving the request. No fee could be charged for copies if the request for such records was made by a parent, child, sibling, or grandparent of the person whom the records concern.

The bill would be in effect upon publication in the *Kansas Register*.

*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>

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Holland. At the Senate Committee hearing, Senator Holland, a representative from the Kansas Press Association, and three private citizens appeared in support of the bill.

Written-only opponent testimony was provided by the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, Kansas Peace Officers Association, the Kansas Bureau of Investigation, and the Leavenworth County Sheriff's Office.

The Senate Committee amended the bill by requiring the records described in the bill be provided to immediate family members at no cost, requiring such records be provided within 30 days of the request, making the bill effective upon publication in the *Kansas Register*, and changing the term "criminal investigative records" to "criminal investigation records."

According to the fiscal note provided by the Division of the Budget, the Attorney General has indicated enactment of the bill, as introduced, could result in more requests to issue opinions on the Kansas Open Records Act and the number of complaints could increase. If the number of opinion requests or complaints increases, additional staff attorneys and investigators may be needed. Additionally, if a court case were to be brought over the bill's provisions, the agency would be involved. Without knowing the number of opinion requests or complaints, the agency cannot estimate a fiscal effect.

The Kansas Bureau of Investigation has indicated enactment of the bill could result in more staff time and resources being devoted to open records requests; however, without knowing the number of open records requests, the agency cannot estimate a fiscal effect. Any fiscal effect

associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.