

PROPOSED Senate Substitute for HOUSE BILL NO. 2495

By Committee on Judiciary

AN ACT concerning law enforcement; relating to criminal history record information; requiring the retention of fingerprint information; participation in the rap back program; limiting access to fingerprints and records relating to fingerprints; relating to privacy rights on real property; imposing restrictions on surveillance by employees of the Kansas department of wildlife and parks; expanding the jurisdiction and powers of law enforcement officers; relating to search and seizure; extending the time within which a search warrant may be executed; clarifying information exchange in investigations of child abuse between the Kansas department for children and families and law enforcement agencies; directing the department to release certain information to law enforcement agencies; amending K.S.A. 38-2210, 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and 22-2506 and repealing the existing sections; also repealing section 1 of 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299 and K.S.A. 38-2210, as amended by section 5 of 2022 House Bill No. 2299, 38-2211, as amended by section 6 of 2022 House Bill No. 2299, 38-2212, as amended by section 7 of 2022 House Bill No. 2299, and 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp. 22-2401a, as amended by section 3 of 2022 House Bill No. 2299, and 22-2506, as amended by section 4 of 2022 House Bill No. 2299.

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

New Section 1. (a) (1) An applicant, employee or volunteer who is subject to a criminal history record check shall provide to the requesting authorized entity written consent to obtain the applicant's, employee's or volunteer's fingerprints to conduct a criminal history record check and participate in the rap back program for the purpose of determining suitability or fitness for a permit, license, employment or volunteer service.

(2) An authorized entity shall notify each applicant, employee or volunteer subject to a criminal history record check:

(A) That fingerprints shall be retained by the Kansas bureau of investigation and the federal bureau of investigation for all current and future purposes and uses authorized for fingerprint submission; and

(B) when fingerprints will be enrolled in the rap back program.

(b) Fingerprints and records relating to fingerprints obtained by the Kansas bureau of investigation for a fingerprint-based criminal history record check shall be searched against:

- (1) Known criminal fingerprints to determine if a criminal history record exists; and
- (2) latent fingerprints entered into the unsolved latent fingerprint file.

(c) (1) A criminal history record check shall only be completed for the purpose for which such check was requested. Any additional record checks shall require the submission of a new set of fingerprints.

(2) An authorized entity enrolled in rap back shall immediately notify the Kansas bureau of investigation when such entity is no longer entitled to receive criminal history record information relating to a particular person enrolled in rap back. The Kansas bureau of investigation shall cancel the enrollment, and updates to criminal history record information shall no longer be provided to such entity.

(d) (1) Fingerprints and records relating to fingerprints acquired by the Kansas bureau of investigation shall be available only to authorized entities entitled to obtain the information. No employee of the Kansas bureau of investigation shall disclose any records of fingerprints or records relating to the fingerprints acquired in the performance of any of the employee's duties under this section to any person not authorized to receive the information pursuant to state or federal law. No person acquiring the records of fingerprints, records relating to fingerprints or any information concerning any individual shall disclose such information to any person who is not authorized to receive such information.

(2) Any intentional disclosure of such information in violation of this section is a class A nonperson misdemeanor.

(e) As used in this section:

(1) "Authorized entity" means an agency or entity with authorization under state or federal law to conduct a fingerprint-based criminal history record check;

(2) "criminal history record check" means the submission of fingerprints and demographic information by an authorized entity to the Kansas bureau of investigation for the purpose of receiving criminal history record results; and

(3) "rap back" means the state or federal system that enables an authorized entity to receive ongoing notifications of criminal history record updates for individuals whose fingerprints are enrolled.

New Sec. 2. (a) Except as provided in subsection (b), no employee of the Kansas department of wildlife and parks authorized to enforce the laws of the state of Kansas pursuant to K.S.A. 32-808, and amendments thereto, shall conduct surveillance on private property unless authorized pursuant to a lawfully issued warrant, court order or subpoena, the constitution of the United States or one of the following exceptions to the search warrant requirement:

- (1) Exigent circumstances;
- (2) consent searches; or
- (3) the plain view doctrine.

(b) The provisions of subsection (a) shall not apply to any activities of an employee of the Kansas department of wildlife and parks when the purpose of the surveillance is to locate and retrieve a missing person.

(c) As used in this section:

(1) "Surveillance" means the installation and use of electronic equipment or devices on private property, including, but not limited to, the installation and use of a tracking device, video camera or audio recording device, to monitor activity or collect information related to the

enforcement of the laws of the state of Kansas; and

(2) "tracking device" means the same as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 3. K.S.A. 2021 Supp. 22-2401a is hereby amended to read as follows: 22-2401a.

(a) (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise ~~their powers as~~ the powers and authority of law enforcement officers:

~~(a)~~ — anywhere within their county; ~~and~~

~~(b)~~ — ~~in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.~~

(2) Law enforcement officers employed by any city may exercise ~~their powers as~~ the powers and authority of law enforcement officers:

~~(a)~~ — anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city; ~~and~~

~~(b)~~ — ~~in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.~~

~~(3)~~ (a) (b) (1) Law enforcement officers employed by a Native American Indian Tribe may exercise the powers and authority of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:

~~(i)~~ (A) The provisions of ~~subsection (3)(a)~~ this paragraph shall be applicable only as long as such Native American Indian Tribe maintains in force a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages arising from the

acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section and waives its tribal immunity, as provided in ~~subsection (3)(b)~~ [paragraph \(2\)](#), for any liability for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall:

~~(A)(1)~~ [\(i\)\(a\)](#) Be in an amount not less than \$500,000 for any one person and \$2,000,000 for any one occurrence for personal injury and \$1,000,000 for any one occurrence for property damage;

~~(2)~~ [\(b\)](#) be in an amount not less than \$2,000,000 aggregate loss limit; and ~~(3)~~ [\(c\)](#) carry an endorsement to provide coverage for mutual aid assistance; and ~~(B)~~ [\(ii\)](#) include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein. Any insurance carrier providing to a tribe the liability insurance coverage described in this subsection shall certify to the attorney general that the tribe has in effect coverage which complies with the requirements of this subsection. Such carrier shall notify the attorney general immediately by first class mail if for any reason such coverage terminates or no longer complies with the requirements of this subsection.

~~(ii)(B)~~ The provisions of ~~subsection (3)(a)~~ [this paragraph](#) shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the tribe's reservation as defined in this section.

~~(b)(2)~~ If a claim is brought against any tribal law enforcement agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe's purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.

~~(e)~~(3) Nothing in this subsection~~(3)~~ shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.

~~(d)~~(4) Nothing in this subsection~~(3)~~ shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.

~~(e)~~(5) Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.

~~(4)~~(c) University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise ~~their powers as~~ the powers and authority of university police officers:

~~(a)~~(1) On property owned, occupied or operated by the state educational institution or municipal university, by a board of trustees of the state educational institution, an endowment association, an affiliated corporation, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university or at the site of a function or academic program sponsored by the state educational institution or municipal university;

~~(b)~~(2) on the streets, property and highways immediately adjacent to and coterminous with the property described in ~~subsection (4)(a)~~ paragraph (1);

~~(e)~~(3) within the city or county where ~~such property as described in this subsection~~ property described in paragraph (1) or (2) is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with

appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect;

~~(d)~~(4) additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in ~~subsection (4)(a) or~~ ~~(b)~~ paragraph (1) or (2), such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs; and

~~(e)~~(5) additionally, pursuant to a written agreement between the university of Kansas hospital authority and the university of Kansas medical center, university police officers employed by the university of Kansas medical center may exercise their powers as law enforcement officers on property owned, occupied or operated by the university of Kansas healthcare system or university of Kansas hospital authority as authorized by this section and K.S.A. 76-726 and 76-3314, and amendments thereto.

~~(5)(d)~~ (1) In addition to the areas where law enforcement officers may exercise ~~their powers~~ the powers and authority of law enforcement officers pursuant to subsection ~~(2)~~ (a)(2), law enforcement officers of any jurisdiction within Johnson or Sedgwick county may exercise ~~their powers as~~ the powers and authority of law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.

~~(6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.~~

~~(7)~~ (2) In addition to the areas where law enforcement officers may exercise ~~their powers~~ the powers and authority of law enforcement officers pursuant to subsection ~~(2)~~ (a)(2), law enforcement officers of any jurisdiction within Johnson county may exercise ~~their powers as~~ the powers and authority as law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection ~~(2)~~ (a)(2), when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

~~(8)~~ (e) Campus police officers employed by a community college or school district may exercise the ~~power~~ powers and authority of law enforcement officers anywhere:

~~(a)~~ (1) On property owned, occupied or operated by the school district or community

college or at the site of a function sponsored by the school district or community college;

~~(b)~~(2) on the streets, property and highways immediately adjacent to and coterminous with property described in ~~subsection (8)(a)~~ paragraph (1);

~~(e)~~(3) within the city or county where property described in ~~subsection (8)(a)~~ paragraph (1) or (2) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved; and

~~(d)~~(4) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in ~~subsection (8)(a) or (8)(b)~~ paragraph (1) or (2) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

~~(e) — when in fresh pursuit of a person; and~~

~~(f) — when transporting persons in custody to an appropriate facility, wherever it may be located.~~

~~(9)~~(f) TAG law enforcement officers employed by the adjutant general may exercise ~~their powers as police~~ the powers and authority of law enforcement officers anywhere:

~~(a)~~(1) On property owned or under the control of the Kansas national guard or any

component under the command of the adjutant general;

~~(b)~~(2) on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard;

(3) within the city or county where ~~such property as described in subsection (9)(a) or (b)~~ property described in paragraph (1) or (2) is located, as necessary to protect such property; or to protect the health, safety and welfare of members of the national guard, reserve or employees of the United States department of defense, the United States department of homeland security or any branch of the United States military, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect. ~~In addition; and~~

(4) additionally, when there is reason to believe that a violation of a state law, a county resolution or a city ordinance has occurred on property described in ~~subsection (9)(a) or (b)~~ paragraph (1) or (2), after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. ~~Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAG law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.~~

~~(10)~~(g) Horsethief reservoir benefit district law enforcement officers may exercise the

~~power~~ powers and authority of law enforcement officers anywhere:

~~(a)~~(1) On property owned, occupied or operated by the benefit district or at the site of a function sponsored by the benefit district;

~~(b)~~(2) on the streets, property and highways immediately adjacent to and coterminous with property described in ~~subsection (10)(a)~~ paragraph (1);

~~(e)~~(3) within the city or county where property described in ~~subsection (10)(a)~~ paragraph (1) or (2) is located, as necessary to protect the health, safety and welfare of benefit district employees, board members, volunteers and visitors, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the governing board of the horsethief reservoir benefit district; and

~~(d)~~(4) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in ~~subsection (10)(a) or (10)(b)~~ paragraph (1) or (2) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

~~(e) — when in fresh pursuit of a person; and~~

~~(f) — when transporting persons in custody to an appropriate facility, wherever it may be located.~~

~~(11)~~(h) All law enforcement officers not otherwise provided statewide jurisdiction may

exercise the powers and authority of law enforcement officers anywhere when:

(1) A request for assistance has been made by law enforcement officers from the area for which assistance is requested;

(2) in fresh pursuit of a person;

(3) transporting persons in custody to an appropriate facility, wherever such facility may be located; and

(4) investigating a crime that occurred within the law enforcement officer's jurisdiction, with appropriate notification to and coordination with a local law enforcement agency with jurisdiction where the investigation is to be conducted.

(i) In addition to the jurisdictional authority provided in this section and any other provision of law, all law enforcement officers may exercise the powers and authority of law enforcement officers when outside their described jurisdiction and when an activity is observed leading the officer to reasonably suspect a person is committing, has committed or is about to commit a crime and reasonably believe that a person is in imminent danger of death or bodily injury without immediate action, subject to the following:

(1) The officer is in an on-duty status, traveling in a law enforcement vehicle to or from work or traveling to a training or law enforcement function outside their jurisdiction;

(2) the officer reports the activity and their actions to a law enforcement agency with jurisdiction;

(3) the officer remains at the location of the activity and cooperates with officers responding from the jurisdiction of occurrence;

(4) the officer is in uniform or otherwise properly identified as a law enforcement officer; and

(5) the agency employing the officer may impose additional restrictions through written policies.

(j) As used in this section:

~~(a)~~(1) "Law enforcement officer" means:~~(i)~~ (A) Any law enforcement officer as defined in K.S.A. ~~22-2202~~ 74-5602, and amendments thereto, who is employed by a law enforcement agency described in this section; or ~~(ii)~~ (B) any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.

~~(b)~~(2) "University police officer" means a police officer employed by the chief executive officer of:~~(i)~~ (A) Any state educational institution under the control and supervision of the state board of regents; or ~~(ii)~~ (B) a municipal university.

~~(c)~~(3) "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-6146, and amendments thereto.

~~(d)~~(4) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

~~(e)~~(5) "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.

~~(f)~~(6) "Reservation" means:

~~(i)~~(A) With respect to the Iowa Tribe of Kansas and Nebraska, the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;

~~(ii)~~(B) with respect to the Kickapoo Nation, the reservation established by treaty with

the United States concluded June 28, 1862;

~~(iii)~~(C) with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

~~(iv)~~(D) with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska: ~~(A)~~(i) The reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208); and ~~(B)~~(ii) the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.

~~(g)~~(7) "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204, and amendments thereto.

~~(h)~~(8) "Horsethief reservoir benefit district law enforcement officer" means a police officer employed by the horsethief reservoir benefit district pursuant to K.S.A. 82a-2212, and amendments thereto.

Sec. 4. K.S.A. 2021 Supp. 22-2506 is hereby amended to read as follows: 22-2506. (a) A search warrant shall be executed within ~~96 hours~~ 240 hours from the time of issuance. If the warrant is executed the duplicate copy shall be left with any person from whom any things are seized or if no person is available the copy shall be left at the place from which the things were seized. Any warrant not executed within such time shall be void and shall be returned to the court of the magistrate issuing the same as "not executed."

(b) (1) A search warrant for a tracking device issued pursuant to ~~subsection (a)(2) of~~

K.S.A. 22-2502(a)(2), and amendments thereto, shall be sealed by the court and no copy left or served except as discovery in a criminal prosecution.

(2) The law enforcement officer executing a search warrant issued pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-2502(a)(2), and amendments thereto, shall complete the installation of the tracking device within 15 days from the date of issuance. Such officer shall record on such warrant the exact date and time such tracking device was installed and the entire period during which such tracking device was used.

(3) (A) A tracking device shall be deactivated and removed as soon as practicable after the search warrant has expired. If removal of such tracking device is not possible, such tracking device shall be deactivated and shall not be reactivated without an additional warrant or extension of the original warrant and the search warrant return shall state the reasons removal has not been completed.

(B) A tracking device which has been deactivated may be accessed after the authorized warrant has expired solely for the purpose of collecting or retrieving tracking data obtained during the period specified by the search warrant.

(c) As used in this section:

(1) "Deactivate" means to discontinue the ability of a tracking device to determine or track the position or movement of a person or object; and

(2) "tracking data" and "tracking device" ~~have the same meanings~~ mean the same as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 5. K.S.A. 38-2210 is hereby amended to read as follows: 38-2210. To facilitate investigation and ensure the provision of necessary services to children who may be in need of care and such children's families, the following persons and entities with responsibilities

concerning a child who is alleged or adjudicated to be in need of care shall freely exchange information:

- (a) The secretary.
- (b) The secretary of corrections.
- (c) ~~The~~ A law enforcement agency investigating or receiving such report. Such information shall include information and records disclosed pursuant to K.S.A. 38-2212(e), and amendments thereto.
- (d) Members of a court appointed multidisciplinary team.
- (e) An entity mandated by federal law or an agency of any state authorized to receive and investigate reports of a child known or suspected to be in need of care.
- (f) A military enclave or Indian tribal organization authorized to receive and investigate reports of a child known or suspected to be in need of care.
- (g) A county or district attorney with responsibility for filing a petition pursuant to K.S.A. 38-2214, and amendments thereto.
- (h) A court services officer who has taken a child into custody pursuant to K.S.A. 38-2231, and amendments thereto.
- (i) An intake and assessment worker.
- (j) Any community corrections program which has the child under court ordered supervision.
- (k) The department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(1) The interstate compact for juveniles compact administrator for the purpose of carrying out the responsibilities related to the interstate compact for juveniles.

Sec. 6. K.S.A. 38-2211 is hereby amended to read as follows: 38-2211. (a) *Access to the official file.* The following persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The parties to the proceedings and their attorneys.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by the secretary or court services officer.

(6) A citizen review board.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(10) The commission on judicial performance in the discharge of the commission's

duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(11) An investigating law enforcement agency.

(b) *Access to the social file.* The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.

(2) The attorney for a party to the proceeding or the person or persons designated by an Indian tribe that is a party.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties or interested parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(10) An investigating law enforcement agency.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under

the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(9) and (b)(9), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 7. K.S.A. 38-2212 is hereby amended to read as follows: 38-2212. (a) *Principle of appropriate access.* Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section and shall be disclosed as provided in subsection (e). Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) *Free exchange of information.* Pursuant to K.S.A. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Necessary access.* The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) A child named in the report or records, a guardian ad litem appointed for the child

and the child's attorney.

(2) A parent or other person responsible for the welfare of a child, or such person's legal representative.

(3) A court-appointed special advocate for a child, a citizen review board or other advocate that reports to the court.

(4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise:

(A) A child whom such service provider reasonably suspects may be in need of care;

(B) a member of the child's family; or

(C) a person who allegedly abused or neglected the child.

(5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary for children and families to care for, treat or supervise a child in need of care.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

(8) An attorney for a private party who files a petition pursuant to K.S.A. 38-2233(b), and amendments thereto.

(9) A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems that may occur during the child's placement, and to help the family

meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such persons as the information becomes available to the secretary:

- (A) Strengths, needs and general behavior of the child;
 - (B) circumstances that necessitated placement;
 - (C) information about the child's family and the child's relationship to the family that may affect the placement;
 - (D) important life experiences and relationships that may affect the child's feelings, behavior, attitudes or adjustment;
 - (E) medical history of the child, including third-party coverage that may be available to the child; and
 - (F) education history, to include present grade placement, special strengths and weaknesses.
- (10) The state protection and advocacy agency as provided by K.S.A. 65-5603(a)(10) or K.S.A. 74-5515(a)(2)(A) and (B), and amendments thereto.
- (11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.
- (12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils.
- (13) Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under the law to protect children from abuse and neglect.
- (d) *Specified access.* The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be disclosed pursuant to this

subsection shall not contain information that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) Information from confidential agency records of the Kansas department for children and families, a law enforcement agency or any juvenile intake and assessment worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The secretary for children and families shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The secretary for children and families may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition

alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

(e) Law enforcement access. The secretary shall disclose confidential agency records of a child alleged or adjudicated to be a child in need of care, as described in K.S.A. 38-2209, and amendments thereto, to the law enforcement agency investigating the alleged or substantiated report or investigation of abuse or neglect, regardless of the disposition of such report or investigation. Such records shall include, but not be limited to, any information regarding such report or investigation, records of past reports or investigations concerning such child and such child's siblings and the perpetrator or alleged perpetrator and the name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators or contracting agency employees assigned to or investigating such report. Such records shall only be used for the purposes of investigating the alleged or substantiated report or investigation of abuse or neglect.

~~(e)~~(f) *Court order.* Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court. The court shall specify the terms of disclosure and impose appropriate limitations.

~~(f)~~(g) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (6), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment worker shall

become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. Notice of the filing of such motion shall be provided to all parties requesting the records or reports, and such party or parties shall have a right to hearing, upon request, prior to the entry of any order on such motion. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child's siblings, parents or guardians, and the public's interest in the disclosure of such records or reports. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) Notwithstanding the provisions of paragraph (2), in the event that child abuse or neglect results in a child fatality, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

- (A) Age and sex of the child;
- (B) date of the fatality;

(C) a summary of any previous reports of abuse or neglect received by the secretary involving the child, along with the findings of such reports; and

(D) any department recommended services provided to the child.

(4) Notwithstanding the provisions of paragraph (2), in the event that a child fatality occurs while such child was in the custody of the secretary for children and families, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

(A) Age and sex of the child;

(B) date of the fatality; and

(C) a summary of the facts surrounding the death of the child.

(5) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, "near fatality" means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(6) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents that were created prior to such child's adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 8. K.S.A. 72-6146 is hereby amended to read as follows: 72-6146. (a) The board of education of any school district or the board of trustees of any community college may employ school security officers, and may designate any one or more of such school security officers as a

campus police officer, to aid and supplement law enforcement agencies of the state and of the city and county in which the school district or community college is located.

(b) The protective function of school security officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each school security officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college.

(c) The protective function of campus police officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each campus police officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college, provided that such officer does not violate the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 72-6143(i), and amendments thereto.

~~(d) Campus police officers shall have the power and authority of law enforcement officers:~~

~~(1) On property owned, occupied or operated by the school district or community~~

~~college or at the site of a function sponsored by the school district or community college;~~

~~(2) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (d)(1);~~

~~(3) within the city or county where property described in subsection (d)(1) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;~~

~~(4) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (d)(1) or (d)(2) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;~~

~~(5) when in fresh pursuit of a person; and~~

~~(6) when transporting persons in custody to an appropriate facility, wherever it may be located.~~

~~(e)~~ In addition to enforcement of state law, county resolutions and city ordinances, campus police officers shall enforce rules and regulations and rules and policies of the board of trustees or school board, whether or not violation thereof constitutes a criminal offense. While on

duty, campus police officers shall wear and display publicly a badge of office. No such badge shall be required to be worn by any plain clothes investigator or departmental administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this section, K.S.A. 22-2401a, and amendments thereto, or any other law, campus police officers shall have the same rights, protections and immunities afforded other law enforcement officers.

~~(e)~~(e) The board of education of each school district shall adopt a policy providing for notification of a student's parents or guardians whenever the student is taken into custody by a campus police officer.

Sec. 9. Section 1 of 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299 and K.S.A. 38-2210, 38-2210, as amended by section 5 of 2022 House Bill No. 2299, 38-2211, 38-2211, as amended by section 6 of 2022 House Bill No. 2299, 38-2212, 38-2212, as amended by section 7 of 2022 House Bill No. 2299, 72-6146 and 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp. 22-2401a, 22-2401a, as amended by section 3 of 2022 House Bill No. 2299, 22-2506 and 22-2506, as amended by section 4 of 2022 House Bill No. 2299, are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.