SENATE BILL No. 517

By Committee on Federal and State Affairs

2-16

1 AN ACT concerning public records; relating to disclosure thereof under
2 the open records act; requiring public agencies to allow certain persons
3 to listen to audio recordings or to view video recordings that were made
4 at a juvenile detention facility or juvenile intake and assessment
5 services facility and relate to an incident in which a juvenile was
6 seriously injured or died; amending K.S.A. 45-254 and repealing the
7 existing section.
8
9 *Be it enacted by the Legislature of the State of Kansas:*
10 Section 1. K.S.A. 45-254 is hereby amended to read as follows: 45-
11 254. (a) *(1)* Every audio or video recording made and retained by law
12 enforcement using a body camera or a vehicle camera shall be considered
13 a criminal investigation record as defined in K.S.A. 45-217, and
14 amendments thereto.
15 (b)*(2)* In addition to any disclosure authorized pursuant to the open
16 records act, K.S.A. 45-215 et seq., and amendments thereto, a person
17 described in subsection (c) may make a request in accordance with
18 procedures adopted under K.S.A. 45-220, and amendments thereto, to
19 listen to an audio recording or to view a video recording made by a body
20 camera or a vehicle camera. The law enforcement agency shall allow the
21 person to listen to the requested audio recording or to view the requested
22 video recording within 20 days after making the request, and may charge a
23 reasonable fee for such services provided by the law enforcement agency.
24 *(b) (1) In addition to any disclosure authorized pursuant to the open*
25 *records act, a person described in subsection (c) may make a request in*
26 *accordance with procedures adopted under K.S.A. 45-220, and*
27 *amendments thereto, to listen to an audio recording or to view a video*
28 *recording that:*
29 *(A) Was made at a juvenile detention facility or juvenile intake and*
30 *assessment services facility; and*
31 *(B) relates to an incident in which a juvenile was seriously injured or*
32 *died while in such facility.*
33 *(2) The public agency that owns, leases or contracts for the operation*
34 *of the facility where such injury or death occurred shall allow the person*
35 *to listen to the requested audio recording or to view the requested video*
36 *recording within 20 days after making the request and may charge a*

1 *reasonable fee for such services provided by such agency.*

2 (c) Any of the following may make a request under subsection *(a) or*
3 (b):
4 (1) A person who is a subject of the recording;
5 (2) any parent or legal guardian of a person under 18 years of age
6 who is a subject of the recording;
7 (3) an heir at law, when a decedent is a subject of the recording; and
8 (4) an attorney for a person described in this subsection.
9 (d) As used in this section:
10 (1) "Body camera" means a device that is worn by a law enforcement
11 officer that electronically records audio or video of such officer's
12 activities.*;*
13 (2) "heir at law" means:
14 (A) An executor or an administrator of the decedent;
15 (B) the spouse of the decedent, if living;
16 (C) if there is no living spouse of the decedent, an adult child of the
17 decedent, if living; or
18 (D) if there is no living spouse or adult child of the decedent, a parent
19 of the decedent, if living.*;*
20 *(3) "juvenile detention facility" means the same as defined in K.S.A.*
21 *38-2302, and amendments thereto;*
22 *(4) "juvenile intake and assessment services facility" means an office*
23 *or other facility that is part of the intake and assessment system*
24 *established pursuant to K.S.A. 75-7023, and amendments thereto; and*
25 (3)*(5)* "vehicle camera" means a device that is attached to a law
26 enforcement vehicle that electronically records audio or video of law
27 enforcement officers' activities.
28 *(e) This section shall be a part of and supplemental to the open*
29 *records act.*
30 Sec. 2. K.S.A. 45-254 is hereby repealed.
31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the Kansas register.