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Testimony on SB 13
to
The Senate Corrections and Juvenile Justice Committee

By Ray Roberts
Secretary
Kansas Department of Corrections
January 27, 2015

The Department of Corrections supports SB 13. However, the department recommends an amendment to SB 13 that would strike “; and” at page 2 line 10 and strike “the juvenile justice authority” at line 11; then inserting “and” after the semicolon in line 9. A balloon setting out the proposed amendment is attached.

The department recommends striking the reference to the juvenile justice authority as a criminal justice agency since that former agency has been consolidated with the Department of Corrections.

The department urges favorable consideration of SB 13 as it is proposed to be amended.

SENATE BILL No. 13

By Committee on Judiciary

1-13

1 AN ACT concerning criminal history record information; definitions;
2 amending K.S.A. 2014 Supp. 22-4701 and repealing the existing
3 section.
4

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

6 Section 1. K.S.A. 2014 Supp. 22-4701 is hereby amended to read as
7 follows: 22-4701. As used in this act, unless the context clearly requires
8 otherwise:

9 (a) "Central repository" means the criminal justice information
10 system central repository created by this act and the juvenile offender
11 information system created pursuant to K.S.A. 2014 Supp. 38-2326, and
12 amendments thereto.

13 (b) "Criminal history record information" means all data initiated or
14 collected by a criminal justice agency on a person pertaining to a
15 reportable event, and any supporting documentation. Criminal history
16 record information does not include:

17 (1) Data contained in intelligence or investigatory files or police
18 work-product records used solely for police investigation purposes;

19 (2) wanted posters, police blotter entries, court records of public
20 judicial proceedings or published court opinions;

21 (3) data pertaining to violations of the traffic laws of the state or any
22 other traffic law or ordinance, other than vehicular homicide;

23 (4) presentence investigation and other reports prepared for use by a
24 court in the exercise of criminal jurisdiction or by the governor in the
25 exercise of the power of pardon, reprieve or commutation; or

26 (5) information regarding the release ~~of defendants from~~
27 ~~confinement~~, *assignment to work release, or any other change in custody*
28 *status of a person confined* by the department of corrections or a jail.

29 (c) "Criminal justice agency" means any government agency or
30 subdivision of any such agency which is authorized by law to exercise the
31 power of arrest, detention, prosecution, adjudication, correctional
32 supervision, rehabilitation or release of persons suspected, charged or
33 convicted of a crime and which allocates a substantial portion of its annual
34 budget to any of these functions. The term includes, but is not limited to,
35 the following agencies, when exercising jurisdiction over criminal matters
36 or criminal history record information:

1 (1) State, county, municipal and railroad police departments, sheriffs'
2 offices and countywide law enforcement agencies, correctional facilities,
3 jails and detention centers;

4 (2) the offices of the attorney general, county or district attorneys and
5 any other office in which are located persons authorized by law to
6 prosecute persons accused of criminal offenses;

7 (3) the district courts, the court of appeals, the supreme court, the
8 municipal courts and the offices of the clerks of these courts;

9 (4) the Kansas sentencing commission;

10 (5) the prisoner review board; and

11 ~~(6) the juvenile justice authority.~~

12 (d) "Criminal justice information system" means the equipment—
13 including computer hardware and software), facilities, procedures,
14 agreements and personnel used in the collection, processing, preservation
15 and dissemination of criminal history record information.

16 (e) "Director" means the director of the Kansas bureau of
17 investigation.

18 (f) "Disseminate" means to transmit criminal history record
19 information in any oral or written form. The term does not include:

20 (1) The transmittal of such information within a criminal justice
21 agency;

22 (2) the reporting of such information as required by this act; or

23 (3) the transmittal of such information between criminal justice
24 agencies in order to permit the initiation of subsequent criminal justice
25 proceedings against a person relating to the same offense.

26 (g) "Reportable event" means an event specified or provided for in
27 K.S.A. 22-4705, and amendments thereto.

28 Sec. 2. K.S.A. 2014 Supp. 22-4701 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its
30 publication in the statute book.

INSERT "and"

STRIKE "; and (6) the juvenile justice authority"