

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 336** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 336, as follows:

On page 21, following line 17, by inserting:

"Sec. 8. K.S.A. 2017 Supp. 45-254 is hereby amended to read as follows: 45-254. (a) Every audio or video recording made and retained by law enforcement using a body camera or a vehicle camera shall be considered a criminal investigation record as defined in K.S.A. 45-217, and amendments thereto. The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.

(b) In addition to any disclosure authorized pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, a person described in subsection (c) may request make a request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The law enforcement agency shall allow the person to listen to the requested audio recording or to view the requested video recording within 20 days after making the request, and may charge a reasonable fee for such services provided by the law enforcement agency.

(c) Any of the following may make a request under subsection (b):

(1) A person who is a subject of the recording;

(2) a any parent or legal guardian of a person under 18 years of age who is a subject of the recording;

(3) ~~an attorney for a person described in subsection (e)(1) or (e)(2); and~~

~~(4) an heir at law, an executor or an administrator of a decedent, when the a decedent is a subject of the recording; and~~

(4) an attorney for a person described in this subsection.

(d) As used in this section:

(1) "Body camera" means a device that is worn by a law enforcement officer that electronically records audio or video of such officer's activities.

(2) "Heir at law" means: (A) An executor or an administrator of the decedent; (B) the spouse of the decedent, if living; (C) if there is no living spouse of the decedent, an adult child of the decedent, if living; or (D) if there is no living spouse or adult child of the decedent, a parent of the decedent, if living.

(3) "Vehicle camera" means a device that is attached to a law enforcement vehicle that electronically records audio or video of law enforcement officers' activities.

Sec. 9. K.S.A. 2017 Supp. 75-3520 is hereby amended to read as follows: 75-3520. (a)

(1) Unless required by federal law, no document available for public inspection or copying shall contain an individual's social security number if such document contains such individual's personal information. "Personal information" shall include, but not be limited to, name, address, phone number or e-mail address.

(2) The provisions of ~~paragraph paragraphs~~ (1) and (3) of this subsection shall not apply to documents recorded in the official records of any recorder of deeds of the county or to

any documents filed in the official records of the court and shall be included, but not limited to, such documents of any records that when filed constitutes:

~~(1)~~(A) A consensual or nonconsensual lien;

~~(2)~~(B) an eviction record;

~~(3)~~(C) a judgment;

~~(4)~~(D) a conviction or arrest;

~~(5)~~(E) a bankruptcy;

~~(6)~~(F) a secretary of state filing; or

~~(7)~~(G) a professional license.

(3) Any document or record that contains all or any portion of an individual's social security number shall have all portions of all social security numbers redacted before the document or record is made available for public inspection or copying.

(4) (A) An agency shall give notice as defined in K.S.A. 2017 Supp. 50-7a01, and amendments thereto, to any individual whose personal information was disclosed in violation of this subsection when it becomes aware of the unauthorized disclosure. Notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and any measures necessary to determine the scope of unauthorized disclosures.

(B) The agency shall offer to such individuals credit monitoring services at no cost for a period of one year. The agency shall provide all information necessary for such individual to enroll in such services and shall include information on how such individual can place a security freeze on such individual's consumer report.

(b) (1) No person, including an individual, firm, corporation, association, partnership, joint venture or other business entity, or any employee or agent therefor, shall solicit, require or use for commercial purposes an individual's social security number unless such number is necessary for such person's normal course of business and there is a specific use for such number for which no other identifying number may be used.

(2) Paragraph (1) of this subsection does not apply to documents or records that are recorded or required to be open to the public pursuant to state or federal law, or by court rule or order, and this paragraph does not limit access to these documents or records.

(3) Paragraph (1) of this subsection does not apply to the collection, use or release of social security numbers for the following purposes:

(A) Mailing of documents that include social security numbers sent as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the social security number;

(B) internal verification or administrative purposes;

(C) investigate or prevent fraud, conduct background checks, conduct social or scientific research, collect a debt, obtain a credit report from or furnish data to a consumer reporting agency pursuant to the fair credit reporting act, 15 U.S.C. § 1681 et seq., undertake a permissible purpose enumerated under the Gramm-Leach Bliley Act, 15 U.S.C. § 6802 (e), or locate an individual who is missing, a lost relative, or due a benefit, such as pension, insurance or unclaimed property benefit; or

(D) otherwise required by state or federal law or regulation.

(c) An individual who is aggrieved by a violation of this section may recover a civil

penalty of not more than \$1,000 for each violation.";

Also on page 21, in line 19, by striking "and" and inserting a comma; also in line 19, after "45-229" by inserting ", 45-254 and 75-3520";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public records; relating to"; also in line 1, by striking "relating to"; in line 3, after the second semicolon by inserting "disclosure of law enforcement recordings using a body camera or vehicle camera; disclosure of personal information; social security numbers; notice of unauthorized disclosure;"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "45-229" by inserting ", 45-254 and 75-3520";

And your committee on conference recommends the adoption of this report.

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Conferees on part of House

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Conferees on part of Senate