

## HOUSE BILL No. 2363

By Representatives V. Miller, Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Haswood, Highberger, Hougland, Hoye, Martínez, Meyer, D. Miller, S. Miller, Neighbor, Ohaebosim, Oropeza, Osman, Probst, Robinson, L. Ruiz, S. Ruiz, Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Vaughn, Winn, Woodard and Xu

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes involving controlled substances; marijuana; releasing persons  
3 convicted for offenses involving marijuana from the sentence;  
4 providing for the expungement of convictions, arrest records and  
5 associated biological samples.  
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7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) On and after July 1, 2023, any person who is serving a  
9 sentence for an offense described in article 57 of chapter 21 of the Kansas  
10 Statutes Annotated, and amendments thereto, or a violation of an  
11 ordinance of a city or resolution of a county that prohibits the acts  
12 prohibited by an offense described in article 57 of chapter 21 of the Kansas  
13 Statutes Annotated, and amendments thereto, when the only substance  
14 involved was marijuana shall be discharged from such person's sentence  
15 for such offense.

16 (b) Any person who is currently in the custody of the secretary of  
17 corrections serving a term of probation, assignment to a community  
18 correctional services program, suspension of sentence, nonprison sanction,  
19 parole or postrelease supervision, serving a sentence in county jail, or on  
20 supervision by any municipality solely for an offense described in  
21 subsection (a) shall be immediately released from custody or supervision.

22 (c) (1) Upon the discharge of the person's sentence pursuant to  
23 subsection (a), the court shall order the associated convictions and arrest  
24 records expunged and purged from all applicable state and federal systems  
25 pursuant to this subsection. The court shall enter the expungement order  
26 regardless of whether the person has prior criminal convictions.

27 (2) The order of expungement shall state:

28 (A) The person's full name;

29 (B) the person's full name at the time of arrest and conviction, if  
30 different than the person's current name;

31 (C) the person's sex, race and date of birth;

32 (D) the crime for which the person was arrested and convicted;

33 (E) the date of the person's arrest and conviction; and

1 (F) the identity of the arresting law enforcement authority and  
2 identity of the convicting court.

3 (3) The order of expungement shall direct the Kansas bureau of  
4 investigation to purge the conviction and arrest information from the  
5 criminal justice information system central repository and all applicable  
6 state and federal databases. The clerk of the court shall send a certified  
7 copy of the order to the Kansas bureau of investigation, which shall carry  
8 out the order and shall notify the federal bureau of investigation, the  
9 secretary of corrections and any other criminal justice agency that may  
10 have a record of conviction and arrest. The Kansas bureau of investigation  
11 shall provide confirmation of such action to the court. The person shall be  
12 treated as not having been arrested or convicted of the crime.

13 (4) The court shall order the expungement and destruction of the  
14 associated biological samples authorized by and given to the Kansas  
15 bureau of investigation in accordance with K.S.A. 21-2511, and  
16 amendments thereto. The order shall state the information required to be  
17 included in a petition to expunge and destroy the samples and profile  
18 record pursuant to K.S.A. 21-2511, and amendments thereto, and shall  
19 direct the Kansas bureau of investigation to expunge and destroy such  
20 samples and profile record. The clerk of the court shall send a certified  
21 copy of the order to the Kansas bureau of investigation, which shall carry  
22 out the order and provide confirmation of such action to the court. Nothing  
23 in this subsection shall require the Kansas bureau of investigation to  
24 expunge and destroy any samples or profile record associated with the  
25 person that was submitted pursuant to K.S.A. 21-2511(a), and amendments  
26 thereto, related to any offense other than the offense for which the court  
27 has discharged the person's sentence pursuant to subsection (a).

28 Sec. 2. This act shall take effect and be in force from and after its  
29 publication in the statute book.