

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 189

As Amended by House Committee on Judiciary

Brief*

SB 189, as amended, would amend law regarding file and information sharing by law enforcement agencies regarding applicants for employment.

The bill would require each applicant who has submitted an application for a law enforcement officer position to execute a written waiver that authorizes disclosure of an applicant's previous employment records to the hiring agency when such applicant has submitted an application for a law enforcement officer position with another state or local law enforcement agency or governmental agency. [*Note:* Current law requires the waiver to be executed only for actual employment at the agency.]

The bill would state that the agency that has employed the applicant in a law enforcement position, received an application for a law enforcement position from the applicant, or conducted a background investigation on the applicant would be authorized to disclose the applicant's files to the requesting agency. [*Note:* Current law authorizes disclosure of records only when an agency has employed such applicant.]

The definition of "files" as used in the section would be expanded to include the employment application, background investigations, polygraph or voice stress analysis examination results, and law enforcement-related psychological evaluation reports connected to the application process, regardless of whether the applicant was ultimately hired.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

In addition, the bill would add an exclusion to the definition of “files” as used in the section: psychological examination reports not directly related to the applicant’s suitability for law enforcement employment or certification.

The bill would also make technical amendments.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of the Kansas Peace Officers Association, Kansas Sheriffs Association, and Kansas Association of Chiefs of Police.

Senate Committee on Judiciary

In the Senate Committee hearing on February 14, 2023, **proponent** testimony was provided by a representative of the Kansas Peace Officers Association, Kansas Sheriffs Association, and Kansas Association of Chiefs of Police. He stated the bill would address the issue of a hiring law enforcement agency access to the personnel records from an agency where the applicant has previously worked or submitted an application but was not hired by the agency.

Written-only proponent testimony was received from representatives of the Kansas Commission on Peace Officers’ Standards and Training (KS-CPOST) and the League of Kansas Municipalities (LKM).

No other testimony was provided.

House Committee on Judiciary

In the House Committee hearing on March 7, 2023, proponent testimony was provided by a representative of the Kansas Peace Officers Association, Kansas Sheriffs Association, and Kansas Association of Chiefs of Police stating that the bill would address a gap in the law enforcement hiring process when considering an applicant who has applied at another law enforcement agency but was not hired, allowing information sharing across agencies and helping ensure quality applicants are hired.

Written-only proponent testimony was provided by representatives of the KS-CPOST and LKM.

No other testimony was provided.

The House Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Highway Patrol indicates enactment of the bill would have a minimal fiscal effect on the agency that could be absorbed within existing resources. KS-CPOST and the Kansas Bureau of Investigation indicate enactment of the bill would have no fiscal effect on those agencies. Any fiscal effect on state agencies associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill would have a negligible impact on counties. LKM indicates enactment of the bill may require cities to assist with providing additional records, but a precise fiscal effect cannot be determined.

Law enforcement agency; law enforcement officer; files; information sharing; applicants; employment