

## 2023 Kansas Statutes

**45-228. Investigation of alleged violations; powers.** (a) In investigating alleged violations of the open records act, the attorney general or county or district attorney may:

- (1) Subpoena witnesses, evidence, records, documents or other material;
- (2) take testimony under oath;
- (3) examine or cause to be examined any records or other documentary material of whatever nature relevant to such alleged violations;
- (4) require attendance during such examination of documentary material and take testimony under oath or acknowledgment in respect of any such documentary material;
- (5) serve interrogatories; and
- (6) administer oaths and affirmations.

(b) If a public agency claims in writing that any records or documents, or any portion thereof, obtained by the attorney general or a county or district attorney pursuant to subsection (a) are exempt from disclosure for any reason, the attorney general or a county or district attorney shall not further disclose that record or document, nor the contents thereof, unless ordered to do so by a district court enforcing the open records act in connection with such record or document. Such records and documents in the possession of the attorney general or a county or district attorney shall not be subject to a request for inspection and copying under the open records act and shall not be subject to discovery, subpoena or other process.

(c) Service by the attorney general or a county or district attorney of any interrogatories or subpoena upon any person shall be made:

- (1) By certified mail, return receipt requested, to the last known place of business, residence or abode within or without this state; or
- (2) in the manner provided in the code of civil procedure as if a petition had been filed.

(d) If any person willfully fails or refuses to file any response to a request for information, records or other materials required by this section, respond to interrogatories or obey any subpoena issued by the attorney general or a county or district attorney, the attorney general or a county or district attorney may, after notice, apply to the district court of the county where the request, interrogatories or subpoena was issued, or of any other county where venue is proper, and after a hearing thereon the district court may:

- (1) Issue an order requiring a response to the request for information, records or other materials, a response to the interrogatories or compliance with the subpoena; or
- (2) grant such other relief as may be required, until the person provides the requested response for information, records or other materials, responds to the interrogatories or obeys the subpoena.

**History:** L. 2000, ch. 156, § 6; L. 2015, ch. 68, § 13; July 1.