

SESSION OF 2011

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2329**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2329 would create a new section allowing a person who has been adjudicated mentally ill to petition for relief from state and federal firearm prohibitions and would govern the contents of the person's petition for such relief as well as a court's duties in considering and granting the petition. Pursuant to the bill, a court could grant relief only if it determined the petitioner would not be likely to act in a manner dangerous to public safety and if granting relief would not be contrary to the public interest. The court would be required to provide documentation of a granted petition to the Kansas Bureau of Investigation (KBI) and, immediately upon receiving such documentation, the KBI would be required to enter the order into the appropriate state and federal databases. The new section also would define some of its key terms.

Further, the bill would amend KSA 12-4516a and 22-2410 to require courts to make expunged records and related information available to the KBI to complete a person's criminal history record information within the central repository or to provide information or documentation to the Federal Bureau of Investigation (FBI) to determine a person's qualification to possess a firearm. It also would amend the definition of "criminal history record information" in KSA 22-4701 to include "any supporting documentation" and prohibit courts or criminal justice agencies from assessing fees and charges against the central repository for providing criminal history record information.

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\*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>

The bill also would amend KSA 38-2312 to require courts to send certified copies of juvenile expungement orders to the KBI, which would then be required to notify every juvenile or criminal justice agency that may possess records or files ordered to be expunged.

Finally, the bill would allow the custodians of records or files from an expunged juvenile adjudication or records of an arrest, conviction, diversion, and incarceration related to an expunged crime to disclose that information to the KBI to complete a person's criminal history record information within the central repository or to provide information or documentation to the FBI to determine a person's qualification to possess a firearm.

### **Background**

In the House Committee on Corrections and Juvenile Justice, a representative of the KBI appeared in support of HB 2329. No opponents offered testimony. The Committee made technical amendments to the bill.

The fiscal note indicates the precise impact of passage of HB 2329 on the Judicial Branch cannot be given as the number of petitions for relief that will be filed is unknown.

The KBI indicates passage would make the state eligible for future federal grants.