AN ACT concerning motor vehicles; relating to registration of vehicles; traffic infractions; amending K.S.A. 2013 Supp. 8-142, 8-285, 12-4516 and 21-6614 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6614d.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2013 Supp. 8-142 is hereby amended to read as follows: 8-142. It shall be unlawful for any person to commit any of the following acts and except as otherwise provided, violation is subject to penalties provided in K.S.A. 8-149, and amendments thereto:

First. (a) To operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to K.S.A. 8-134, and amendments thereto, subject to the exemptions allowed in K.S.A. 8-135, 8-198 and 8-1751a, and amendments thereto. A violation of this subsection by a person unlawfully claiming that a motor vehicle is exempt from registration as a self-propelled crane under subsection (b) of K.S.A. 8-128, and amendments thereto, shall constitute an unclassified misdemeanor punishable by a fine of not less than $500. Any other violation of this subsection shall constitute a traffic infraction punishable by a fine of not less than $75.

Second. (b) To display or cause or permit to be displayed, or to have in possession, any registration receipt, certificate of title, registration license plate, registration decal, accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this part of this section shall constitute an unclassified misdemeanor a traffic infraction punishable by a fine of not less than $100 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this part of this section. This part of this section shall not apply to the possession of: (a) (1) Model year license plates displayed on antique vehicles as allowed under K.S.A. 8-172, and amendments thereto; or (b)
(2) distinctive license plates allowed under K.S.A. 8-1,147, and amendments thereto.

Third: (c) To lend to or knowingly permit the use by one not entitled thereto any registration receipt, certificate of title, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

Fourth: (d) To fail or refuse to surrender to the division, upon demand, any registration receipt, certificate of title, registration license plate or registration decal which has been suspended, canceled or revoked.

Fifth: (e) To use a false or fictitious name or address in any application for a certificate of title, the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

Sixth: (f) For the owner of a motor vehicle to file application for the registration thereof, in any county other than the county in which the owner of the vehicle resides or has a bona fide place of business, which place is not an office or facility established or maintained solely for the purpose of obtaining registration. A violation of this subsection shall constitute a traffic infraction punishable by a fine of not less than $75.

Seventh: (g) To operate on the highways of this state a vehicle or combination of vehicles whose weight with cargo is in excess of the gross weight for which the truck or truck tractor propelling the same is registered, except as provided by K.S.A. 8-143, and amendments thereto, and subsections (a) to (f), inclusive, of K.S.A. 8-1911, and amendments thereto. Such gross weight shall not be required to be in excess of the limitations described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for such vehicle or combination of vehicles of which it is a part.
Any person or owner who operates a vehicle in this state with a registration in violation of subsection (b) of K.S.A. 8-143, and amendments thereto, shall be required to pay the additional fee equal to the fee required by the applicable registration fee schedule, less the amount of the fee required for the gross weight for which the vehicle is registered to obtain the proper registration therewith. A fine of $75 shall be assessed for all such gross weight registration violations.

Eighth: (h) To operate a local truck or truck tractor which is registered for a gross weight of more than 12,000 pounds as a common carrier outside a radius of three miles beyond the corporate limits of the city in which such vehicle was based when registered and licensed or to operate any other local truck or truck tractor licensed for a gross weight of more than 12,000 pounds outside a radius of 25 miles beyond the corporate limits of the city in which such vehicle was based when registered and licensed, except as provided in subsection (b) of K.S.A. 8-143 or 8-143i,
and amendments thereto.

Ninth: (i) To operate on the highways of this state a farm truck or farm
trailer other than to transport: (a) (1) Agricultural products produced by
such owner; (b) (2) commodities purchased by the owner for use on the
farm owned or rented by the owner of such vehicles; (c) (3) commodities
for religious or educational institutions being transported by the owner of
such vehicles for charity and without compensation of any kind, except as
provided in subsection (c) of K.S.A. 66-1,109, and amendments thereto; or
(d) (4) sand, gravel, slag stone, limestone, crushed stone, cinders, black
top, dirt or fill material to a township road maintenance or construction site
of the township in which the owner of such truck resides.

Tenth: (j) To operate a farm truck or truck tractor used in combination
with a trailer or semitrailer for a gross weight which does not include the
empty weight of the truck or truck tractor or of the combination of any
truck or truck tractor and any type of trailer or semitrailer, plus the
maximum weight of cargo which will be transported on or with the same;
and such farm truck or farm truck tractor used to transport a gross weight
of more than 54,000 pounds shall have durably lettered on the side of the
motor vehicle the words "farm vehicle—not for hire."

Eleventh: (k) To operate on the highways of this state any truck or
truck tractor without the current quarter of license fees being paid thereon.

Twelfth: (l) To operate on the highways of this state a truck or truck
tractor without carrying in the cab a copy of the registration receipt for
such vehicle or without having painted or otherwise durably marked on
said such vehicle on both sides thereof, the gross weight for which said
such vehicle is licensed and the name and address of the owner thereof,
except as provided in K.S.A. 8-143e, and amendments thereto.

Thirteenth: (m) To operate on the highways of this state a farm trailer
carrying more than 6,000 pounds without being registered and the
registration fees paid thereon.

Fourteenth: (n) To operate more than 6,000 miles in any calendar year
any truck or truck tractor which has been registered and licensed to operate
not more than 6,000 miles in such calendar year, as provided in subsection
(b) of K.S.A. 8-143, and amendments thereto, unless the additional fee
required by such subsection (b) has been paid.

Fifteenth: (o) For any owner who has registered a truck or truck
tractor on the basis of operating not more than 6,000 miles to fail to keep
the records required by the director of vehicles, or to fail to comply with
rules and regulations of the secretary of revenue relating to such
registration.

Sixteenth: (p) To operate a vehicle or combination of vehicles on the
national system of interstate and defense highways with a gross weight
greater than permitted by the laws of the United States congress.
Sec. 2. K.S.A. 2013 Supp. 8-285 is hereby amended to read as follows: 8-285. Except as otherwise provided in this section, as used in this act, the words and phrases defined in K.S.A. 8-234a, and amendments thereto, shall have the meanings ascribed to them therein. The term "habitual violator" means any resident or nonresident person who, within the immediately preceding five years, has been convicted in this or any other state:

(a) Three or more times of:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto, or as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with that statute;

(2) violating K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, or, as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with those statutes;

(4) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause subsection (e) of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications, or violating the provisions of a law of another state which is in substantial conformity with that statute;

(6) any crime punishable as a felony, if a motor vehicle was used in the perpetration of the crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602 through 8-1604, and amendments thereto, or required by any ordinance of any city in this state, any resolution of any county in this state or a law of another state which is in substantial conformity with those statutes;

(8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage, or an ordinance of any city in this state or a resolution of any county in this state which is in substantial conformity with such statute; or
violating K.S.A. 2013 Supp. 8-1025, and amendments thereto, or violating an ordinance of any city in this state, a resolution of any county in this state or any law of another state which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(b) Three or more times, either singly or in combination, of any of the offenses enumerated in subsection (a).

For the purpose of subsections (a)(2) and (a)(9), in addition to the definition of "conviction" otherwise provided by law, conviction includes, but is not limited to, a diversion agreement entered into in lieu of further criminal proceedings, or a plea of nolo contendere, on a complaint, indictment, information, citation or notice to appear alleging a violation of K.S.A. 8-1567 or K.S.A. 2013 Supp. 8-1025, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or law of another state, which ordinance or law prohibits the acts prohibited by those statutes.

Sec. 3. K.S.A. 2013 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d) and (e), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d) and (e), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the
abuse or threatened abuse of the legal process.

   (c) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

   (1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto;

   (2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

   (3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

   (4) a violation of the provisions of the fifth clause subsection (e) of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;

   (5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

   (6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;

   (7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

   (8) a violation of K.S.A. 21-3405b, prior to its repeal.

   (d) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.

   (e) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

   (f) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

   (A) Defendant's full name;

   (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

   (C) defendant's sex, race and date of birth;

   (D) crime for which the defendant was arrested, convicted or diverted;

   (E) date of the defendant's arrest, conviction or diversion; and
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(F) identity of the convicting court, arresting law enforcement
agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a
person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the
petitioner may testify at the hearing. The court may inquire into the
background of the petitioner and shall have access to any reports or
records relating to the petitioner that are on file with the secretary of
corrections or the prisoner review board.

(g) At the hearing on the petition, the court shall order the petitioner's
arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two
years and no proceeding involving any such crime is presently pending or
being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the
expungement; and

(3) the expungement is consistent with the public welfare.

(h) When the court has ordered an arrest record, conviction or
diversion expunged, the order of expungement shall state the information
required to be contained in the petition. The clerk of the court shall send a
certified copy of the order of expungement to the Kansas bureau of
investigation which shall notify the federal bureau of investigation, the
secretary of corrections and any other criminal justice agency which may
have a record of the arrest, conviction or diversion. After the order of
expungement is entered, the petitioner shall be treated as not having been
arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that
was expunged may be considered as a prior conviction in determining the
sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion
occurred if asked about previous arrests, convictions or diversions:

(A) in any application for employment as a detective with a private
detective agency, as defined by K.S.A. 75-7b01, and amendments thereto;
as security personnel with a private patrol operator, as defined by K.S.A.
75-7b01, and amendments thereto; or with an institution, as defined in
K.S.A. 76-12a01, and amendments thereto, of the department for children
and families;

(B) in any application for admission, or for an order of reinstatement,
to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;
(D) to aid in determining the petitioner's qualifications for executive
director of the Kansas racing and gaming commission, for employment
with the commission or for work in sensitive areas in parimutuel racing as
deemed appropriate by the executive director of the commission, or to aid
in determining qualifications for licensure or renewal of licensure by the
commission;
(E) to aid in determining the petitioner's qualifications for the
following under the Kansas expanded lottery act: (i) Lottery gaming
facility manager or prospective manager, racetrack gaming facility
manager or prospective manager, licensee or certificate holder; or (ii) an
officer, director, employee, owner, agent or contractor thereof;
(F) upon application for a commercial driver's license under K.S.A.
8-2,125 through 8-2,142, and amendments thereto;
(G) to aid in determining the petitioner's qualifications to be an
employee of the state gaming agency;
(H) to aid in determining the petitioner's qualifications to be an
employee of a tribal gaming commission or to hold a license issued
pursuant to a tribal-state gaming compact;
(I) in any application for registration as a broker-dealer, agent,
investment adviser or investment adviser representative all as defined in
K.S.A. 17-12a102, and amendments thereto;
(J) in any application for employment as a law enforcement officer, as
defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
(K) for applications received on and after July 1, 2006, to aid in
determining the petitioner's qualifications for a license to carry a concealed
weapon pursuant to the personal and family protection act, K.S.A. 2013
Supp. 75-7c01 et seq., and amendments thereto;
(3) the court, in the order of expungement, may specify other
circumstances under which the arrest, conviction or diversion is to be
disclosed; and
(4) the conviction may be disclosed in a subsequent prosecution for
an offense which requires as an element of such offense a prior conviction
of the type expunged.
(i) Whenever a person is convicted of an ordinance violation, pleads
guilty and pays a fine for such a violation, is placed on parole or probation
or is granted a suspended sentence for such a violation, the person shall be
informed of the ability to expunge the arrest records or conviction.
Whenever a person enters into a diversion agreement, the person shall be
informed of the ability to expunge the diversion.
(j) Subject to the disclosures required pursuant to subsection (g), in
any application for employment, license or other civil right or privilege, or
any appearance as a witness, a person whose arrest records, conviction or
diversion of an offense has been expunged under this statute may state that
such person has never been arrested, convicted or diverted of such offense.

(k) Whenever the record of any arrest, conviction or diversion has
been expunged under the provisions of this section or under the provisions
of any other existing or former statute, the custodian of the records of
arrest, conviction, diversion and incarceration relating to that crime shall
not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the
request is accompanied by a statement that the request is being made in
conjunction with an application for employment with such agency or
operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person
whose record has been expunged;

(4) the secretary of the department for children and families, or a
designee of the secretary, for the purpose of obtaining information relating
to employment in an institution, as defined in K.S.A. 76-12a01, and
amendments thereto, of the department for children and families of any
person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the
expungement order;

(6) a prosecuting attorney, and such request is accompanied by a
statement that the request is being made in conjunction with a prosecution
of an offense that requires a prior conviction as one of the elements of such
offense;

(7) the supreme court, the clerk or disciplinary administrator thereof,
the state board for admission of attorneys or the state board for discipline
of attorneys, and the request is accompanied by a statement that the
request is being made in conjunction with an application for admission, or
for an order of reinstatement, to the practice of law in this state by the
person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement
that the request is being made to aid in determining qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a
designee of the commission, and the request is accompanied by a
statement that the request is being made to aid in determining
qualifications for executive director of the commission, for employment
with the commission, for work in sensitive areas in parimutuel racing as
deemed appropriate by the executive director of the commission or for
licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the
commission, and the request is accompanied by a statement that the
request is being made to aid in determining qualifications of the following
under the Kansas expanded lottery act: (A) Lottery gaming facility
managers and prospective managers, racetrack gaming facility managers
and prospective managers, licensees and certificate holders; and (B) their
officers, directors, employees, owners, agents and contractors;
(11) the state gaming agency, and the request is accompanied by a
statement that the request is being made to aid in determining
qualifications: (A) To be an employee of the state gaming agency; or (B)
to be an employee of a tribal gaming commission or to hold a license
issued pursuant to a tribal-state gaming compact;
(12) the Kansas securities commissioner, or a designee of the
commissioner, and the request is accompanied by a statement that the
request is being made in conjunction with an application for registration as
a broker-dealer, agent, investment adviser or investment adviser
representative by such agency and the application was submitted by the
person whose record has been expunged;
(13) the attorney general, and the request is accompanied by a
statement that the request is being made to aid in determining
qualifications for a license to carry a concealed weapon pursuant to the
personal and family protection act;
(14) the Kansas sentencing commission;
(15) the Kansas commission on peace officers' standards and training
and the request is accompanied by a statement that the request is being
made to aid in determining certification eligibility as a law enforcement
officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or
(16) a law enforcement agency and the request is accompanied by a
statement that the request is being made to aid in determining eligibility
for employment as a law enforcement officer as defined by K.S.A. 22-
2202, and amendments thereto.
Sec. 4. K.S.A. 2013 Supp. 21-6614 is hereby amended to read as
follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
and (f), any person convicted in this state of a traffic infraction, cigarette
or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
committed on or after July 1, 1993, nondrug crimes ranked in severity
levels 6 through 10, or for crimes committed on or after July 1, 1993, but
prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,
or for crimes committed on or after July 1, 2012, any felony ranked in
severity level 5 of the drug grid may petition the convicting court for the
expungement of such conviction or related arrest records if three or more
years have elapsed since the person: (A) Satisfied the sentence imposed; or
(B) was discharged from probation, a community correctional services
program, parole, postrelease supervision, conditional release or a
suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;
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(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause subsection (e) of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2013 Supp. 21-5604, and amendments thereto;
(8) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2013 Supp. 21-5601, and amendments thereto;
(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2013 Supp. 21-5602, and amendments thereto;
(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments thereto;
(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto;
(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments thereto;
(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto;
(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2013 Supp. 21-5405, and amendments thereto;
(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;
(16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto;
(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or
(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:
   (A) Defendant's full name;
   (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
   (C) defendant's sex, race and date of birth;
   (D) crime for which the defendant was arrested, convicted or diverted;
   (E) date of the defendant's arrest, conviction or diversion; and
   (F) identity of the convicting court, arresting law enforcement authority or diverting authority.
(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100. On and after April 12, 2012, through June 30, 2013, July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed $19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2013 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
the Kansas department for children and families aging and disability
services;
(B) in any application for admission, or for an order of reinstatement,
to the practice of law in this state;
(C) to aid in determining the petitioner's qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;
(D) to aid in determining the petitioner's qualifications for executive
director of the Kansas racing and gaming commission, for employment
with the commission or for work in sensitive areas in parimutuel racing as
deemed appropriate by the executive director of the commission, or to aid
in determining qualifications for licensure or renewal of licensure by the
commission;
(E) to aid in determining the petitioner's qualifications for the
following under the Kansas expanded lottery act: (i) Lottery gaming
facility manager or prospective manager, racetrack gaming facility
manager or prospective manager, licensee or certificate holder; or (ii) an
officer, director, employee, owner, agent or contractor thereof;
(F) upon application for a commercial driver's license under K.S.A.
8-2,125 through 8-2,142, and amendments thereto;
(G) to aid in determining the petitioner's qualifications to be an
employee of the state gaming agency;
(H) to aid in determining the petitioner's qualifications to be an
employee of a tribal gaming commission or to hold a license issued
pursuant to a tribal-state gaming compact;
(I) in any application for registration as a broker-dealer, agent,
investment adviser or investment adviser representative all as defined in
K.S.A. 17-12a102, and amendments thereto;
(J) in any application for employment as a law enforcement officer as
defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
(K) for applications received on and after July 1, 2006, to aid in
determining the petitioner's qualifications for a license to carry a concealed
weapon pursuant to the personal and family protection act, K.S.A. 2013
Supp. 75-7c01 et seq., and amendments thereto;
(3) the court, in the order of expungement, may specify other
circumstances under which the conviction is to be disclosed;
(4) the conviction may be disclosed in a subsequent prosecution for
an offense which requires as an element of such offense a prior conviction
of the type expunged; and
(5) upon commitment to the custody of the secretary of corrections,
any previously expunged record in the possession of the secretary of
corrections may be reinstated and the expungement disregarded, and the
record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays
a fine for a crime, is placed on parole, postrelease supervision or
probation, is assigned to a community correctional services program, is
granted a suspended sentence or is released on conditional release, the
person shall be informed of the ability to expunge the arrest records or
conviction. Whenever a person enters into a diversion agreement, the
person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i),
in any application for employment, license or other civil right or privilege,
or any appearance as a witness, a person whose arrest records, conviction
or diversion of a crime has been expunged under this statute may state that
such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as
provided in subsection (a)(3)(A) of K.S.A. 2013 Supp. 21-6304, and
amendments thereto, the expungement of a prior felony conviction does
not relieve the individual of complying with any state or federal law
relating to the use, shipment, transportation, receipt or possession of
firearms by persons previously convicted of a felony.

(l) Whenever the record of any arrest, conviction or diversion has
been expunged under the provisions of this section or under the provisions
of any other existing or former statute, the custodian of the records of
arrest, conviction, diversion and incarceration relating to that crime shall
not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;
(2) a private detective agency or a private patrol operator, and the
request is accompanied by a statement that the request is being made in
conjunction with an application for employment with such agency or
operator by the person whose record has been expunged;
(3) a court, upon a showing of a subsequent conviction of the person
whose record has been expunged;
(4) the secretary of the department for children and families for aging
and disability services, or a designee of the secretary, for the purpose of
obtaining information relating to employment in an institution, as defined
in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
for children and families aging and disability services of any person whose
record has been expunged;
(5) a person entitled to such information pursuant to the terms of the
expungement order;
(6) a prosecutor, and such request is accompanied by a statement that
the request is being made in conjunction with a prosecution of an offense
that requires a prior conviction as one of the elements of such offense;
(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility
for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;
(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or
(17) the Kansas bureau of investigation for the purposes of:
(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

Sec. 5. K.S.A. 2013 Supp. 8-142, 8-285, 12-4516, 21-6614 and 21-6614d are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.