AN ACT concerning the Kansas law enforcement training act; relating to open records, exemptions; amending K.S.A. 2015 Supp. 74-5611a and repealing the existing section.

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

Section 1. K.S.A. 2015 Supp. 74-5611a is hereby amended to read as follows: 74-5611a. (a) The commission shall establish and maintain a central registry of all Kansas police officers or law enforcement officers. The purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers. The registry shall be made available only to those agencies who appoint or elect police or law enforcement officers.

(b) The director shall provide forms for registration and shall refuse any registration not submitted on such form in full detail.

(c) Within 30 days of appointment, election or termination, every city, county and state agency, every school district and every community college shall submit the name of any person appointed or elected to or terminated from the position of police officer or law enforcement officer within its jurisdiction.

(d) Upon termination, the agency head shall include a report explaining the circumstances under which the officer resigned or was terminated. Such termination report shall be available to the terminated officer and any law enforcement agency to which the terminated officer later applies for a position as a police officer or law enforcement officer. The terminated officer may submit a written statement in response to the termination and any such statement shall be included in the registry file concerning such officer. The director shall adopt a format for the termination report.

(e) The agency, agency head and any officer or employee of the agency shall be absolutely immune from civil liability:

(1) For the report made in accordance with subsection (d); and

(2) when responding in writing to a written request concerning a current or former officer from a prospective law enforcement agency of that officer for the report made in accordance with subsection (d) and for the disclosure of such report.
(f) The registry maintained in accordance with subsection (a) and the report submitted in accordance with subsection (d) shall be confidential and shall not be subject to disclosure under the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The confidentiality prescribed by this section is not subject to expiration pursuant to K.S.A. 45-229, and amendments thereto, or any other statute.

New Sec. 2. (a) Except as provided in subsection (b), any complaint or report, record or other information relating to a complaint which is received, obtained, created or maintained by the commission shall be confidential and shall not be subject to disclosure under the open records act, K.S.A. 45-215 et seq., and amendments thereto. The confidentiality prescribed by this section is not subject to expiration pursuant to K.S.A. 45-229, and amendments thereto, or any other statute.

(b) Any complaint, report, record, or other information relating to a complaint which is received, obtained, created or maintained by the commission may be disclosed:

(1) In any proceeding conducted by the commission in accordance with the Kansas administrative procedures act or in an appeal of an order of the commission entered in a proceeding, or to a party in such proceeding or that party's attorney;

(2) to a municipal, state or federal licensing, regulatory or enforcement agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act; and

(3) To the director of police training when such disclosure is relevant to the exercise of the authority granted in K.S.A. 74-5604a(b), and amendments thereto.

(c) Any complaint or report, record or other information disclosed by the commission as authorized by this section shall remain under seal in the record of the administrative proceeding in which disclosed and shall not be redisclosed by the receiving party or agency except as otherwise authorized by law.

(d) This section shall be part of an supplemental to the Kansas law enforcement training act.

Sec. 3. K.S.A. 2015 Supp. 74-5611a is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.