AN ACT concerning law enforcement; relating to audio and video
recordings using a body camera or a vehicle camera; criminal
investigation records exception under open records act; amending
K.S.A. 2015 Supp. 45-217 and repealing the existing section.

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

New Section 1. (a) Every audio or video recording made and retained
by law enforcement using a body camera or a vehicle camera shall be
considered a criminal investigation record as defined in K.S.A. 45-217,
and amendments thereto. The provisions of this subsection shall expire on
July 1, 2021, unless the legislature reviews and reenacts this provision
pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.
(b) In addition to any disclosure authorized pursuant to the open
records act, K.S.A. 45-215 et seq., and amendments thereto, a person
described in subsection (c) may request to listen to an audio recording or
to view a video recording made by a body camera or a vehicle camera. The
law enforcement agency shall allow the person to listen to the requested
audio recording or to view the requested video recording, and may charge
a reasonable fee for such services provided by the law enforcement
agency.
(c) Any of the following may make a request under subsection (b):
(1) A person who is a subject of the recording;
(2) a parent or legal guardian of a person under 18 years of age who
is a subject of the recording; and
(3) an attorney for a person described in subsection (c)(1) or (c)(2).
(d) As used in this section:
(1) "Body camera" means a device that is worn by a law enforcement
officer that electronically records audio or video of such officer's activities.
(2) "Vehicle camera" means a device that is attached to a law
enforcement vehicle that electronically records audio or video of law
enforcement officers' activities.

Sec. 2. K.S.A. 2015 Supp. 45-217 is hereby amended to read as
follows: 45-217. As used in the open records act, unless the context
otherwise requires:
(a) "Business day" means any day other than a Saturday, Sunday or
day designated as a holiday by the congress of the United States, by the
legislature or governor of this state or by the respective political
subdivision of this state.
(b) "Clearly unwarranted invasion of personal privacy" means
revealing information that would be highly offensive to a reasonable
person, including information that may pose a risk to a person or property
and is not of legitimate concern to the public.
(c) "Criminal investigation records" means: (1) Every audio or video
recording made and retained by law enforcement using a body camera or
a vehicle camera as defined in section 1, and amendments thereto; and (2)
records of an investigatory agency or criminal justice agency as defined by
K.S.A. 22-4701, and amendments thereto, compiled in the process of
preventing, detecting or investigating violations of criminal law, but does
not include police blotter entries, court records, rosters of inmates of jails
or other correctional or detention facilities or records pertaining to
violations of any traffic law other than vehicular homicide as defined by
K.S.A. 21-3405, prior to its repeal, or K.S.A. 2015 Supp. 21-5406, and
amendments thereto.
(d) "Custodian" means the official custodian or any person designated
by the official custodian to carry out the duties of custodian of this act.
(e) "Official custodian" means any officer or employee of a public
agency who is responsible for the maintenance of public records,
regardless of whether such records are in the officer's or employee's actual
personal custody and control.
(f) (1) "Public agency" means the state or any political or taxing
subdivision of the state or any office, officer, agency or instrumentality
thereof, or any other entity receiving or expending and supported in whole
or in part by the public funds appropriated by the state or by public funds
of any political or taxing subdivision of the state.
(2) "Public agency" shall not include:
(A) Any entity solely by reason of payment from public funds for
property, goods or services of such entity;
(B) any municipal judge, judge of the district court, judge of the court
of appeals or justice of the supreme court; or
(C) any officer or employee of the state or political or taxing
subdivision of the state if the state or political or taxing subdivision does
not provide the officer or employee with an office which is open to the
public at least 35 hours a week.
(g) (1) "Public record" means any recorded information, regardless of
form or characteristics, which is made, maintained or kept by or is in the
possession of any public agency including, but not limited to, an
agreement in settlement of litigation involving the Kansas public
employees retirement system and the investment of moneys of the fund.
(2) "Public record" shall not include records which are owned by a
private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

Sec. 3. K.S.A. 2015 Supp. 45-217 is hereby repealed.

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