

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE  
BILL NO. 18**

As Recommended by Senate Committee on  
Corrections and Juvenile Justice

**Brief\***

Sub. for SB 18 would add an exemption from the Kansas Open Records Act (KORA) for every audio and video record made and retained by law enforcement using a body camera or vehicle camera. The bill would establish these recordings would be confidential, and the exemption would expire on July 1, 2020, unless reviewed and reenacted by the Legislature prior to that date.

The bill also would allow a person who is a subject of such a recording, a parent or legal guardian of a person under 18 years of age who is a subject of such a recording, or an attorney for such persons, parents, or guardians to request to listen to or view the recording. The law enforcement agency would be required to provide the person with a viewing and would be allowed to charge a reasonable fee for this service.

The bill would define "body camera" and "vehicle camera."

**Background**

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Haley. As introduced, the bill would have required every state, county, and municipal law enforcement officer primarily assigned to patrol duties to

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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>

be equipped with a body camera. The bill would have set forth requirements for the operation of the body cameras and the review and retention of the recordings produced by the cameras. Finally, the bill would have exempted the recordings from KORA and would have established a presumption that would take effect upon a law enforcement agency's inability to produce a recording.

In the Senate Committee on Corrections and Juvenile Justice, Senator Haley, Representative Finney, and representatives of the Racial Profiling Advisory Board of Wichita, American Civil Liberties Union of Kansas, Sunflower Community Action, and NAACP of Kansas testified in support of the bill. Representative Victors, legislator members of the Kansas African-American Legislative Caucus, former Representative Melody McCray-Miller, and representatives of Kansas Justice Advocate, Occupy Wichita, Peace and Social Justice Center of South Central Kansas, the Kansas African American Affairs Commission, and the Racial Profiling Citizens Advisory Board submitted written testimony supporting the bill.

Representatives of the Lenexa Police Department, Kansas Highway Patrol, and Kansas League of Municipalities, as well as a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association, testified in opposition to the bill. The Johnson County Sheriff and Chief of Police of Arkansas City, as well as representatives of the cities of Shawnee, Wichita, Overland Park, and Concordia, submitted written testimony opposing the bill.

The Senate Committee adopted a substitute bill containing a modified version of the KORA provision from the original bill.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Kansas Highway Patrol estimates additional expenditures of \$1,435,000 in FY 2016 and \$871,000 in FY 2017 would be needed. These amounts

would be required for equipment, training, and salaries and wages for an additional 1.00 Administrative Specialist FTE position.

The League of Kansas Municipalities and the Kansas Association of Counties indicate the wide range of costs for equipment; storing, reviewing, and deleting tapes; and requests for copies to be made and sent out make it impossible to provide an accurate fiscal effect on local governments until they operate under the bill's provisions.

The Office of Judicial Administration indicates the bill's provisions would provide additional factors to consider within existing cases, which could increase the amount of time spent on cases in district and appellate courts. The bill would not affect Judicial Branch revenues unless it causes additional appeals to be filed. The Judicial Branch cannot provide an accurate estimate of the fiscal effect until it has operated under the bill's provisions. Any fiscal effect is not reflected in *The FY 2016 Governor's Budget Report*.

There is no fiscal note available for the substitute bill.