

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2070

By Committee on Judiciary

1-18

1 AN ACT concerning the Kansas law enforcement training act; relating to
2 open records, exemptions; amending K.S.A. 2016 Supp. 74-5611a and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 74-5611a is hereby amended to read as
7 follows: 74-5611a. (a) The commission shall establish and maintain a
8 central registry of all Kansas police officers or law enforcement officers.
9 The purpose of the registry is to be a resource for all agencies who appoint
10 or elect police or law enforcement officers to use when reviewing
11 employment applications of such officers. The registry shall be made
12 available only to those agencies who appoint or elect police or law
13 enforcement officers.

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

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

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

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

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

33 (2) when responding in writing to a written request concerning a
34 current or former officer from a prospective law enforcement agency of
35 that officer for the report made in accordance with subsection (d) and for
36 the disclosure of such report.

1 (f) *The registry maintained in accordance with subsection (a) and the*
2 *report submitted in accordance with subsection (d) shall be confidential*
3 *and shall not be subject to disclosure under the Kansas open records act,*
4 *K.S.A. 45-215 et seq., and amendments thereto. The confidentiality*
5 *prescribed by this section is not subject to expiration* **considered**
6 **personnel records that are not required to be disclosed under K.S.A.**
7 **45-221(a)(4), and amendments thereto. The provisions of this**
8 **subsection shall expire on July 1, 2022, unless the legislature reviews**
9 **and reenacts this provision pursuant to K.S.A. 45-229, and amendments**
10 **thereto, or any other statute.**

11 New Sec. 2. (a) Except as provided in subsection (b), any complaint
12 or report, record or other information relating to a complaint which is
13 received, obtained, created or maintained by the commission shall be
14 confidential and shall not be subject to disclosure under the open records
15 act, K.S.A. 45-215 et seq., and amendments thereto. The confidentiality
16 prescribed by this section is not subject to expiration pursuant to K.S.A.
17 45-229, and amendments thereto, or any other statute.

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

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

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

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

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

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

38 Sec. 3. K.S.A. 2016 Supp. 74-5611a is hereby repealed.

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