

HOUSE BILL No. 2361

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning courts; relating to specialty courts; authorizing the
2 supreme court to adopt rules related thereto; establishing the specialty
3 court funding advisory committee and the specialty court resources
4 fund; amending K.S.A. 2020 Supp. 21-6604 and 21-6614 and repealing
5 the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) The supreme court shall adopt rules for the
9 establishment and operation of one or more specialty court programs
10 within the state. The chief judge of a judicial district may establish a
11 specialty court program in accordance with the rules adopted by the
12 supreme court.

13 (b) (1) There is hereby established a specialty court funding advisory
14 committee within the judicial branch. The committee shall:

15 (A) Evaluate resources available for assessment and treatment of
16 people assigned to specialty courts or for the operation of specialty courts;

17 (B) secure grants, funds and other property and services necessary or
18 advantageous to facilitate the operation of specialty courts;

19 (C) recommend to the judicial administrator the allocation of
20 resources among the various specialty courts operating within the state;
21 and

22 (D) recommend legislation and rules to aid the development of
23 specialty courts.

24 (2) The committee shall consist of the following members:

25 (A) The chairperson of the standing committee on judiciary in the
26 house of representatives, or the chairperson's designee;

27 (B) the chairperson of the standing committee on judiciary in the
28 senate, or the chairperson's designee;

29 (C) the chairperson of the legislative budget committee created
30 pursuant to K.S.A. 46-1208, and amendments thereto, or the chairperson's
31 designee;

32 (D) one member of the legislature from the minority party appointed
33 jointly by the minority leader in the house of representatives and the
34 minority leader in the senate;

35 (E) five members appointed by the chief justice of the supreme court,
36 including one representative of the prosecutors throughout the state and

1 one representative of the criminal defense attorneys throughout the state;

2 (F) one member appointed by the secretary of corrections who shall
3 serve as an ex officio, nonvoting member;

4 (G) one member appointed by the secretary for aging and disability
5 services who shall serve as an ex officio, nonvoting member; and

6 (H) a drug and alcohol addiction treatment provider appointed by the
7 Kansas sentencing commission who shall serve as an ex officio, nonvoting
8 member.

9 (3) Three members appointed by the chief justice shall be appointed
10 for a term of three years. Two members appointed by the chief justice shall
11 be appointed for a term of two years. The ex officio, nonvoting members
12 shall be appointed for a term of two years. Members shall serve until a
13 qualified successor is appointed. Vacancies shall be filled in the same
14 manner as provided in this subsection. Members of the committee shall be
15 appointed prior to August 1, 2021.

16 (4) The chief justice of the supreme court shall designate the
17 chairperson of the committee.

18 (5) The office of judicial administration may provide technical
19 assistance to the committee.

20 (6) All members of the committee who are not judicial members shall
21 receive compensation, travel expenses and subsistence expenses or
22 allowances as provided in K.S.A. 75-3212, and amendments thereto.
23 Judicial members shall receive reimbursement for travel expenses and
24 subsistence expenses or allowances as provided in K.S.A. 75-3212, and
25 amendments thereto.

26 (7) Nothing in this section shall prohibit any judicial district, local
27 government or the judicial branch from directly applying for, receiving and
28 retaining funding to facilitate the operation of specialty courts. Funds
29 received by a judicial district or local government shall not be remitted to
30 the state treasurer in accordance with this section.

31 (c) (1) There is hereby established the specialty court resources fund
32 in the state treasury which shall be administered by the judicial
33 administrator. All expenditures from the specialty court resources fund
34 shall be for the purpose of operating specialty court programs established
35 pursuant to this section, including administrative costs related to such
36 programs. All expenditures from the fund shall be made in accordance
37 with appropriation acts upon warrants of the director of accounts and
38 reports issued pursuant to vouchers approved by the judicial administrator
39 or the judicial administrator's designee.

40 (2) Funds acquired through appropriations, grants, gifts, contributions
41 and other public or private sources that are designated for specialty court
42 operations shall be remitted to the state treasurer in accordance with the
43 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

1 each such remittance, the state treasurer shall deposit the entire amount
2 into the state treasury to the credit of the specialty court resources fund.

3 (d) (1) If a person is sentenced to participate in a specialty courts
4 program pursuant to K.S.A. 2020 Supp. 21-6604, and amendments thereto,
5 and the person successfully completes such program, the person's sentence
6 may be reduced or modified.

7 (2) Nothing in this subsection shall be construed to authorize a judge
8 to impose, modify or reduce a sentence below the minimum sentence
9 required by law.

10 (e) For the purposes of this section, "specialty court" means a district
11 court program that uses therapeutic or problem-solving procedures to
12 address underlying factors that may be contributing to a person's
13 involvement in the judicial system, including, but not limited to, mental
14 illness or drug, alcohol or other addictions. Procedures may include
15 treatment, mandatory periodic testing for prohibited drugs or other
16 substances, community supervision and appropriate sanctions and
17 incentives.

18 Sec. 2. K.S.A. 2020 Supp. 21-6604 is hereby amended to read as
19 follows: 21-6604. (a) Whenever any person has been found guilty of a
20 crime, the court may adjudge any of the following:

21 (1) Commit the defendant to the custody of the secretary of
22 corrections if the current crime of conviction is a felony and the sentence
23 presumes imprisonment, or the sentence imposed is a dispositional
24 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
25 for the term provided by law;

26 (2) impose the fine applicable to the offense and may impose the
27 provisions of subsection (q);

28 (3) release the defendant on probation if the current crime of
29 conviction and criminal history fall within a presumptive nonprison
30 category or through a departure for substantial and compelling reasons
31 subject to such conditions as the court may deem appropriate. In felony
32 cases except for violations of K.S.A. 8-1567 or 8-2,144, and amendments
33 thereto, the court may include confinement in a county jail not to exceed
34 60 days, which need not be served consecutively, as a condition of an
35 original probation sentence;

36 (4) assign the defendant to a community correctional services
37 program as provided in K.S.A. 75-5291, and amendments thereto, or
38 through a departure for substantial and compelling reasons subject to such
39 conditions as the court may deem appropriate, including orders requiring
40 full or partial restitution;

41 (5) assign the defendant to a conservation camp for a period not to
42 exceed six months as a condition of probation followed by a six-month
43 period of follow-up through adult intensive supervision by a community

1 correctional services program, if the offender successfully completes the
2 conservation camp program;

3 (6) assign the defendant to a house arrest program pursuant to K.S.A.
4 2020 Supp. 21-6609, and amendments thereto;

5 (7) order the defendant to attend and satisfactorily complete an
6 alcohol or drug education or training program as provided by K.S.A. 2020
7 Supp. 21-6602(c), and amendments thereto;

8 (8) order the defendant to repay the amount of any reward paid by
9 any crime stoppers chapter, individual, corporation or public entity that
10 materially aided in the apprehension or conviction of the defendant; repay
11 the amount of any costs and expenses incurred by any law enforcement
12 agency in the apprehension of the defendant, if one of the current crimes
13 of conviction of the defendant includes escape from custody or aggravated
14 escape from custody, as defined in K.S.A. 2020 Supp. 21-5911, and
15 amendments thereto; repay expenses incurred by a fire district, fire
16 department or fire company responding to a fire that has been determined
17 to be arson or aggravated arson as defined in K.S.A. 2020 Supp. 21-5812,
18 and amendments thereto, if the defendant is convicted of such crime; repay
19 the amount of any public funds utilized by a law enforcement agency to
20 purchase controlled substances from the defendant during the investigation
21 that leads to the defendant's conviction; or repay the amount of any
22 medical costs and expenses incurred by any law enforcement agency or
23 county. Such repayment of the amount of any such costs and expenses
24 incurred by a county, law enforcement agency, fire district, fire department
25 or fire company or any public funds utilized by a law enforcement agency
26 shall be deposited and credited to the same fund from which the public
27 funds were credited to prior to use by the county, law enforcement agency,
28 fire district, fire department or fire company;

29 (9) order the defendant to pay the administrative fee authorized by
30 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

31 (10) order the defendant to pay a domestic violence special program
32 fee authorized by K.S.A. 20-369, and amendments thereto;

33 (11) if the defendant is convicted of a misdemeanor or convicted of a
34 felony specified in K.S.A. 2020 Supp. 21-6804(i), and amendments
35 thereto, assign the defendant to work release program, other than a
36 program at a correctional institution under the control of the secretary of
37 corrections as defined in K.S.A. 75-5202, and amendments thereto,
38 provided such work release program requires such defendant to return to
39 confinement at the end of each day in the work release program. On a
40 second or subsequent conviction of K.S.A. 8-1567, and amendments
41 thereto, an offender placed into a work release program shall serve the
42 total number of hours of confinement mandated by that section;

43 (12) order the defendant to pay the full amount of unpaid costs

1 associated with the conditions of release of the appearance bond under
2 K.S.A. 22-2802, and amendments thereto;

3 (13) *order the defendant to participate in a specialty court program*
4 *pursuant to section 1, and amendments thereto;*

5 (14) impose any appropriate combination of (1), (2), (3), (4), (5), (6),
6 (7), (8), (9), (10), (11)~~and~~, (12) *and (13);* or

7 ~~(14)~~(15) suspend imposition of sentence in misdemeanor cases.

8 (b) (1) In addition to or in lieu of any of the above, the court shall
9 order the defendant to pay restitution, which shall include, but not be
10 limited to, damage or loss caused by the defendant's crime. Restitution
11 shall be due immediately unless: (A) The court orders that the defendant
12 be given a specified time to pay or be allowed to pay in specified
13 installments; or (B) the court finds compelling circumstances that would
14 render restitution unworkable, either in whole or in part. In regard to a
15 violation of K.S.A. 2020 Supp. 21-6107, and amendments thereto, such
16 damage or loss shall include, but not be limited to, attorney fees and costs
17 incurred to repair the credit history or rating of the person whose personal
18 identification documents were obtained and used in violation of such
19 section, and to satisfy a debt, lien or other obligation incurred by the
20 person whose personal identification documents were obtained and used in
21 violation of such section. In regard to a violation of K.S.A. 2020 Supp. 21-
22 5801, 21-5807 or 21-5813, and amendments thereto, such damage or loss
23 shall include the cost of repair or replacement of the property that was
24 damaged, the reasonable cost of any loss of production, crops and
25 livestock, reasonable labor costs of any kind, reasonable material costs of
26 any kind and any reasonable costs that are attributed to equipment that is
27 used to abate or repair the damage to the property. If the court finds
28 restitution unworkable, either in whole or in part, the court shall state on
29 the record in detail the reasons therefor.

30 (2) If the court orders restitution, the restitution shall be a judgment
31 against the defendant that may be collected by the court by garnishment or
32 other execution as on judgments in civil cases. If, after 60 days from the
33 date restitution is ordered by the court, a defendant is found to be in
34 noncompliance with the restitution order, and the victim to whom
35 restitution is ordered paid has not initiated proceedings in accordance with
36 K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an
37 agent procured by the judicial administrator pursuant to K.S.A. 20-169,
38 and amendments thereto, to collect the restitution on behalf of the victim.
39 The chief judge of each judicial district may assign such cases to an
40 appropriate division of the court for the conduct of civil collection
41 proceedings.

42 (3) If a restitution order entered prior to the effective date of this act
43 does not give the defendant a specified time to pay or set payment in

1 specified installments, the defendant may file a motion with the court prior
2 to December 31, 2020, proposing payment of restitution in specified
3 installments. The court may recall the restitution order from the agent
4 assigned pursuant to K.S.A. 20-169, and amendments thereto, until the
5 court rules on such motion. If the court does not order payment in
6 specified installments or if the defendant does not file a motion prior to
7 December 31, 2020, the restitution shall be due immediately.

8 (c) In addition to or in lieu of any of the above, the court shall order
9 the defendant to submit to and complete an alcohol and drug evaluation,
10 and pay a fee therefor, when required by K.S.A. 2020 Supp. 21-6602(d),
11 and amendments thereto.

12 (d) In addition to any of the above, the court shall order the defendant
13 to reimburse the county general fund for all or a part of the expenditures
14 by the county to provide counsel and other defense services to the
15 defendant. Any such reimbursement to the county shall be paid only after
16 any order for restitution has been paid in full. In determining the amount
17 and method of payment of such sum, the court shall take account of the
18 financial resources of the defendant and the nature of the burden that
19 payment of such sum will impose. A defendant who has been required to
20 pay such sum and who is not willfully in default in the payment thereof
21 may at any time petition the court that sentenced the defendant to waive
22 payment of such sum or any unpaid portion thereof. If it appears to the
23 satisfaction of the court that payment of the amount due will impose
24 manifest hardship on the defendant or the defendant's immediate family,
25 the court may waive payment of all or part of the amount due or modify
26 the method of payment.

27 (e) In releasing a defendant on probation, the court shall direct that
28 the defendant be under the supervision of a court services officer. If the
29 court commits the defendant to the custody of the secretary of corrections
30 or to jail, the court may specify in its order the amount of restitution to be
31 paid and the person to whom it shall be paid if restitution is later ordered
32 as a condition of parole, conditional release or postrelease supervision.

33 (f) (1) When a new felony is committed while the offender is
34 incarcerated and serving a sentence for a felony, or while the offender is on
35 probation, assignment to a community correctional services program,
36 parole, conditional release or postrelease supervision for a felony, a new
37 sentence shall be imposed consecutively pursuant to the provisions of
38 K.S.A. 2020 Supp. 21-6606, and amendments thereto, and the court may
39 sentence the offender to imprisonment for the new conviction, even when
40 the new crime of conviction otherwise presumes a nonprison sentence. In
41 this event, imposition of a prison sentence for the new crime does not
42 constitute a departure.

43 (2) When a new felony is committed during a period of time when the

1 defendant would have been on probation, assignment to a community
2 correctional services program, parole, conditional release or postrelease
3 supervision for a felony had the defendant not been granted release by the
4 court pursuant to K.S.A. 2020 Supp. 21-6608(d), and amendments thereto,
5 or the prisoner review board pursuant to K.S.A. 22-3717, and amendments
6 thereto, the court may sentence the offender to imprisonment for the new
7 conviction, even when the new crime of conviction otherwise presumes a
8 nonprison sentence. In this event, imposition of a prison sentence for the
9 new crime does not constitute a departure.

10 (3) When a new felony is committed while the offender is
11 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
12 prior to its repeal, or K.S.A. 2020 Supp. 38-2373, and amendments
13 thereto, for an offense, which if committed by an adult would constitute
14 the commission of a felony, upon conviction, the court shall sentence the
15 offender to imprisonment for the new conviction, even when the new
16 crime of conviction otherwise presumes a nonprison sentence. In this
17 event, imposition of a prison sentence for the new crime does not
18 constitute a departure. The conviction shall operate as a full and complete
19 discharge from any obligations, except for an order of restitution, imposed
20 on the offender arising from the offense for which the offender was
21 committed to a juvenile correctional facility.

22 (4) When a new felony is committed while the offender is on release
23 for a felony pursuant to the provisions of article 28 of chapter 22 of the
24 Kansas Statutes Annotated, and amendments thereto, or similar provisions
25 of the laws of another jurisdiction, a new sentence may be imposed
26 consecutively pursuant to the provisions of K.S.A. 2020 Supp. 21-6606,
27 and amendments thereto, and the court may sentence the offender to
28 imprisonment for the new conviction, even when the new crime of
29 conviction otherwise presumes a nonprison sentence. In this event,
30 imposition of a prison sentence for the new crime does not constitute a
31 departure.

32 (g) Prior to imposing a dispositional departure for a defendant whose
33 offense is classified in the presumptive nonprison grid block of either
34 sentencing guideline grid, prior to sentencing a defendant to incarceration
35 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
36 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
37 of the sentencing guidelines grid for drug crimes committed prior to July
38 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
39 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
40 sentencing a defendant to incarceration whose offense is classified in grid
41 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
42 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
43 the sentencing guidelines grid for drug crimes committed on or after July

1 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020
2 Supp. 21-6824, and amendments thereto, prior to revocation of a
3 nonprison sanction of a defendant whose offense is classified in grid
4 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
5 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
6 the sentencing guidelines grid for drug crimes committed on or after July
7 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020
8 Supp. 21-6824, and amendments thereto, or prior to revocation of a
9 nonprison sanction of a defendant whose offense is classified in the
10 presumptive nonprison grid block of either sentencing guideline grid or
11 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
12 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
13 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
14 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
15 crimes committed on or after July 1, 2012, the court shall consider
16 placement of the defendant in the Labette correctional conservation camp,
17 conservation camps established by the secretary of corrections pursuant to
18 K.S.A. 75-52,127, and amendments thereto, or a community intermediate
19 sanction center. Pursuant to this subsection the defendant shall not be
20 sentenced to imprisonment if space is available in a conservation camp or
21 community intermediate sanction center and the defendant meets all of the
22 conservation camp's or community intermediate sanction center's
23 placement criteria unless the court states on the record the reasons for not
24 placing the defendant in a conservation camp or community intermediate
25 sanction center.

26 (h) In committing a defendant to the custody of the secretary of
27 corrections, the court shall fix a term of confinement within the limits
28 provided by law. In those cases where the law does not fix a term of
29 confinement for the crime for which the defendant was convicted, the
30 court shall fix the term of such confinement.

31 (i) In addition to any of the above, the court shall order the defendant
32 to reimburse the state general fund for all or part of the expenditures by the
33 state board of indigents' defense services to provide counsel and other
34 defense services to the defendant. In determining the amount and method
35 of payment of such sum, the court shall take account of the financial
36 resources of the defendant and the nature of the burden that payment of
37 such sum will impose. A defendant who has been required to pay such sum
38 and who is not willfully in default in the payment thereof may at any time
39 petition the court that sentenced the defendant to waive payment of such
40 sum or any unpaid portion thereof. If it appears to the satisfaction of the
41 court that payment of the amount due will impose manifest hardship on the
42 defendant or the defendant's immediate family, the court may waive
43 payment of all or part of the amount due or modify the method of

1 payment. The amount of attorney fees to be included in the court order for
2 reimbursement shall be the amount claimed by appointed counsel on the
3 payment voucher for indigents' defense services or the amount prescribed
4 by the board of indigents' defense services reimbursement tables as
5 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

6 (j) This section shall not deprive the court of any authority conferred
7 by any other Kansas statute to decree a forfeiture of property, suspend or
8 cancel a license, remove a person from office or impose any other civil
9 penalty as a result of conviction of crime.

10 (k) An application for or acceptance of probation or assignment to a
11 community correctional services program shall not constitute an
12 acquiescence in the judgment for purpose of appeal, and any convicted
13 person may appeal from such conviction, as provided by law, without
14 regard to whether such person has applied for probation, suspended
15 sentence or assignment to a community correctional services program.

16 (l) The secretary of corrections is authorized to make direct
17 placement to the Labette correctional conservation camp or a conservation
18 camp established by the secretary pursuant to K.S.A. 75-52,127, and
19 amendments thereto, of an inmate sentenced to the secretary's custody if
20 the inmate:

21 (1) Has been sentenced to the secretary for a probation revocation, as
22 a departure from the presumptive nonimprisonment grid block of either
23 sentencing grid, for an offense that is classified in grid blocks 5-H, 5-I or
24 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-
25 E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
26 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of
27 the sentencing guidelines grid for drug crimes committed on or after July
28 1, 2012, or for an offense that is classified in grid blocks 4-E or 4-F of the
29 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,
30 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for
31 drug crimes committed on or after July 1, 2012, and such offense does not
32 meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments
33 thereto; and

34 (2) otherwise meets admission criteria of the camp.

35 If the inmate successfully completes a conservation camp program, the
36 secretary of corrections shall report such completion to the sentencing
37 court and the county or district attorney. The inmate shall then be assigned
38 by the court to six months of follow-up supervision conducted by the
39 appropriate community corrections services program. The court may also
40 order that supervision continue thereafter for the length of time authorized
41 by K.S.A. 2020 Supp. 21-6608, and amendments thereto.

42 (m) When it is provided by law that a person shall be sentenced
43 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions

1 of this section shall not apply.

2 (n) (1) Except as provided by K.S.A. 2020 Supp. 21-6630 and 21-
3 6805(f), and amendments thereto, in addition to any of the above, for
4 felony violations of K.S.A. 2020 Supp. 21-5706, and amendments thereto,
5 the court shall require the defendant who meets the requirements
6 established in K.S.A. 2020 Supp. 21-6824, and amendments thereto, to
7 participate in a certified drug abuse treatment program, as provided in
8 K.S.A. 75-52,144, and amendments thereto, including, but not limited to,
9 an approved after-care plan. The amount of time spent participating in
10 such program shall not be credited as service on the underlying prison
11 sentence.

12 (2) If the defendant fails to participate in or has a pattern of
13 intentional conduct that demonstrates the defendant's refusal to comply
14 with or participate in the treatment program, as established by judicial
15 finding, the defendant shall be subject to sanction or revocation pursuant
16 to the provisions of K.S.A. 22-3716, and amendments thereto. If the
17 defendant's probation is revoked, the defendant shall serve the underlying
18 prison sentence as established in K.S.A. 2020 Supp. 21-6805, and
19 amendments thereto.

20 (A) Except as provided in subsection (n)(2)(B), for those offenders
21 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon
22 completion of the underlying prison sentence, the offender shall not be
23 subject to a period of postrelease supervision.

24 (B) Offenders whose crime of conviction was committed on or after
25 July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-
26 3716(c), and amendments thereto, or whose underlying prison term expires
27 while serving a sanction pursuant to K.S.A. 22-3716(c)(1), and
28 amendments thereto, shall serve a period of postrelease supervision upon
29 the completion of the underlying prison term.

30 (o) (1) Except as provided in paragraph (3), in addition to any other
31 penalty or disposition imposed by law, upon a conviction for unlawful
32 possession of a controlled substance or controlled substance analog in
33 violation of K.S.A. 2020 Supp. 21-5706, and amendments thereto, in
34 which the trier of fact makes a finding that the unlawful possession
35 occurred while transporting the controlled substance or controlled
36 substance analog in any vehicle upon a highway or street, the offender's
37 driver's license or privilege to operate a motor vehicle on the streets and
38 highways of this state shall be suspended for one year.

39 (2) Upon suspension of a license pursuant to this subsection, the court
40 shall require the person to surrender the license to the court, which shall
41 transmit the license to the division of motor vehicles of the department of
42 revenue, to be retained until the period of suspension expires. At that time,
43 the licensee may apply to the division for return of the license. If the

1 license has expired, the person may apply for a new license, which shall be
2 issued promptly upon payment of the proper fee and satisfaction of other
3 conditions established by law for obtaining a license unless another
4 suspension or revocation of the person's privilege to operate a motor
5 vehicle is in effect.

6 (3) (A) In lieu of suspending the driver's license or privilege to
7 operate a motor vehicle on the highways of this state of any person as
8 provided in paragraph (1), the judge of the court in which such person was
9 convicted may enter an order that places conditions on such person's
10 privilege of operating a motor vehicle on the highways of this state, a
11 certified copy of which such person shall be required to carry any time
12 such person is operating a motor vehicle on the highways of this state. Any
13 such order shall prescribe the duration of the conditions imposed, which in
14 no event shall be for a period of more than one year.

15 (B) Upon entering an order restricting a person's license hereunder,
16 the judge shall require such person to surrender such person's driver's
17 license to the judge who shall cause it to be transmitted to the division of
18 vehicles, together with a copy of the order. Upon receipt thereof, the
19 division of vehicles shall issue without charge a driver's license, which
20 shall indicate on its face that conditions have been imposed on such
21 person's privilege of operating a motor vehicle and that a certified copy of
22 the order imposing such conditions is required to be carried by the person
23 for whom the license was issued any time such person is operating a motor
24 vehicle on the highways of this state. If the person convicted is a
25 nonresident, the judge shall cause a copy of the order to be transmitted to
26 the division and the division shall forward a copy of it to the motor vehicle
27 administrator of such person's state of residence. Such judge shall furnish
28 to any person whose driver's license has had conditions imposed on it
29 under this paragraph a copy of the order, which shall be recognized as a
30 valid Kansas driver's license until such time as the division shall issue the
31 restricted license provided for in this paragraph.

32 (C) Upon expiration of the period of time for which conditions are
33 imposed pursuant to this subsection, the licensee may apply to the division
34 for the return of the license previously surrendered by such licensee. In the
35 event such license has expired, such person may apply to the division for a
36 new license, which shall be issued immediately by the division upon
37 payment of the proper fee and satisfaction of the other conditions
38 established by law, unless such person's privilege to operate a motor
39 vehicle on the highways of this state has been suspended or revoked prior
40 thereto. If any person shall violate any of the conditions imposed under
41 this paragraph, such person's driver's license or privilege to operate a
42 motor vehicle on the highways of this state shall be revoked for a period of
43 not less than 60 days nor more than one year by the judge of the court in

1 which such person is convicted of violating such conditions.

2 (4) As used in this subsection, "highway" and "street" mean the same
3 as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

4 (p) In addition to any of the above, for any criminal offense that
5 includes the domestic violence designation pursuant to K.S.A. 2020 Supp.
6 22-4616, and amendments thereto, the court shall require the defendant to:
7 (1) Undergo a domestic violence offender assessment conducted by a
8 certified batterer intervention program; and (2) follow all
9 recommendations made by such program, unless otherwise ordered by the
10 court or the department of corrections. The court may order a domestic
11 violence offender assessment and any other evaluation prior to sentencing
12 if the assessment or evaluation would assist the court in determining an
13 appropriate sentence. The entity completing the assessment or evaluation
14 shall provide the assessment or evaluation and recommendations to the
15 court and the court shall provide the domestic violence offender
16 assessment to any entity responsible for supervising such defendant. A
17 defendant ordered to undergo a domestic violence offender assessment
18 shall be required to pay for the assessment and, unless otherwise ordered
19 by the court or the department of corrections, for completion of all
20 recommendations.

21 (q) In imposing a fine, the court may authorize the payment thereof in
22 installments. In lieu of payment of any fine imposed, the court may order
23 that the person perform community service specified by the court. The
24 person shall receive a credit on the fine imposed in an amount equal to \$5
25 for each full hour spent by the person in the specified community service.
26 The community service ordered by the court shall be required to be
27 performed by the later of one year after the fine is imposed or one year
28 after release from imprisonment or jail, or by an earlier date specified by
29 the court. If by the required date the person performs an insufficient
30 amount of community service to reduce to zero the portion of the fine
31 required to be paid by the person, the remaining balance shall become due
32 on that date. If conditional reduction of any fine is rescinded by the court
33 for any reason, then pursuant to the court's order the person may be
34 ordered to perform community service by one year after the date of such
35 rescission or by an earlier date specified by the court. If by the required
36 date the person performs an insufficient amount of community service to
37 reduce to zero the portion of the fine required to be paid by the person, the
38 remaining balance of the fine shall become due on that date. All credits for
39 community service shall be subject to review and approval by the court.

40 (r) In addition to any other penalty or disposition imposed by law, for
41 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
42 prior to its repeal, or K.S.A. 2020 Supp. 21-6627, and amendments
43 thereto, for crimes committed on or after July 1, 2006, the court shall order

1 that the defendant be electronically monitored upon release from
2 imprisonment for the duration of the defendant's natural life and that the
3 defendant shall reimburse the state for all or part of the cost of such
4 monitoring as determined by the prisoner review board.

5 (s) Whenever the court has released the defendant on probation
6 pursuant to subsection (a)(3), the defendant's supervising court services
7 officer, with the concurrence of the chief court services officer, may
8 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),
9 and amendments thereto, without further order of the court, unless the
10 defendant, after being apprised of the right to a revocation hearing before
11 the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses
12 to waive such right.

13 (t) Whenever the court has assigned the defendant to a community
14 correctional services program pursuant to subsection (a)(4), the defendant's
15 community corrections officer, with the concurrence of the community
16 corrections director, may impose the violation sanctions as provided in
17 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order
18 of the court unless the defendant, after being apprised of the right to a
19 revocation hearing before the court pursuant to K.S.A. 22-3716(b), and
20 amendments thereto, refuses to waive such right.

21 (u) In addition to any of the above, the court shall authorize an
22 additional 18 days of confinement in a county jail to be reserved for
23 sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and
24 amendments thereto.

25 (v) The amendments made to this section by ~~this act~~ *section 1 of*
26 *chapter 9 of the 2020 Session Laws of Kansas* are procedural in nature and
27 shall be construed and applied retroactively.

28 Sec. 3. K.S.A. 2020 Supp. 21-6614 is hereby amended to read as
29 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),
30 (e) and (f), any person convicted in this state of a traffic infraction,
31 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
32 for crimes committed on or after July 1, 1993, any nongrid felony or
33 felony ranked in severity levels 6 through 10 of the nondrug grid, or for
34 crimes committed on or after July 1, 1993, but prior to July 1, 2012, any
35 felony ranked in severity level 4 of the drug grid, or for crimes committed
36 on or after July 1, 2012, any felony ranked in severity level 5 of the drug
37 grid may petition the convicting court for the expungement of such
38 conviction or related arrest records if three or more years have elapsed
39 since the person: (A) Satisfied the sentence imposed; or (B) was
40 discharged from probation, a community correctional services program,
41 parole, postrelease supervision, conditional release or a suspended
42 sentence.

43 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any

1 person who has fulfilled the terms of a diversion agreement may petition
2 the district court for the expungement of such diversion agreement and
3 related arrest records if three or more years have elapsed since the terms of
4 the diversion agreement were fulfilled.

5 *(3) Notwithstanding the provisions of subsection (a)(1), and except as*
6 *provided in subsections (b), (c), (d), (e) and (f), any person who has*
7 *completed the requirements of a specialty court program established*
8 *pursuant to section 1, and amendments thereto, may petition the district*
9 *court for the expungement of the conviction and related arrest records.*
10 *The court may waive all or part of the docket fee imposed for filing a*
11 *petition pursuant to this subsection.*

12 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
13 3512, prior to its repeal, convicted of a violation of K.S.A. 2020 Supp. 21-
14 6419, and amendments thereto, or who entered into a diversion agreement
15 in lieu of further criminal proceedings for such violation, may petition the
16 convicting court for the expungement of such conviction or diversion
17 agreement and related arrest records if:

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

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

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

40 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
41 repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, or as
42 prohibited by any law of another state which is in substantial conformity
43 with that statute;

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

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

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

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

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

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

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

21 (d) (1) No person may petition for expungement until five or more
22 years have elapsed since the person satisfied the sentence imposed or the
23 terms of a diversion agreement or was discharged from probation, a
24 community correctional services program, parole, postrelease supervision,
25 conditional release or a suspended sentence, if such person was convicted
26 of a first violation of K.S.A. 8-1567, and amendments thereto, including
27 any diversion for such violation.

28 (2) No person may petition for expungement until 10 or more years
29 have elapsed since the person satisfied the sentence imposed or was
30 discharged from probation, a community correctional services program,
31 parole, postrelease supervision, conditional release or a suspended
32 sentence, if such person was convicted of a second or subsequent violation
33 of K.S.A. 8-1567, and amendments thereto.

34 (3) Except as provided further, the provisions of this subsection shall
35 apply to all violations committed on or after July 1, 2006. The provisions
36 of subsection (d)(2) shall not apply to violations committed on or after
37 July 1, 2014, but prior to July 1, 2015.

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

41 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
42 2020 Supp. 21-5503, and amendments thereto;

43 (2) indecent liberties with a child or aggravated indecent liberties

1 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
2 or K.S.A. 2020 Supp. 21-5506, and amendments thereto;

3 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
4 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
5 amendments thereto;

6 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
7 to its repeal, or K.S.A. 2020 Supp. 21-5504, and amendments thereto;

8 (5) indecent solicitation of a child or aggravated indecent solicitation
9 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
10 or K.S.A. 2020 Supp. 21-5508, and amendments thereto;

11 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
12 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;

13 (7) internet trading in child pornography or aggravated internet
14 trading in child pornography, as defined in K.S.A. 2020 Supp. 21-5514,
15 and amendments thereto;

16 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
17 repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto;

18 (9) endangering a child or aggravated endangering a child, as defined
19 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2020 Supp.
20 21-5601, and amendments thereto;

21 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
22 or K.S.A. 2020 Supp. 21-5602, and amendments thereto;

23 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
24 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

25 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
26 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

27 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
28 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

29 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
30 its repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

31 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
32 its repeal, or K.S.A. 2020 Supp. 21-5405, and amendments thereto;

33 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
34 or K.S.A. 2020 Supp. 21-5505, and amendments thereto, when the victim
35 was less than 18 years of age at the time the crime was committed;

36 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
37 its repeal, or K.S.A. 2020 Supp. 21-5505, and amendments thereto;

38 (18) a violation of K.S.A. 8-2,144, and amendments thereto,
39 including any diversion for such violation; or

40 (19) any conviction for any offense in effect at any time prior to July
41 1, 2011, that is comparable to any offense as provided in this subsection.

42 (f) Notwithstanding any other law to the contrary, for any offender
43 who is required to register as provided in the Kansas offender registration

1 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
 2 expungement of any conviction or any part of the offender's criminal
 3 record while the offender is required to register as provided in the Kansas
 4 offender registration act.

5 (g) (1) When a petition for expungement is filed, the court shall set a
 6 date for a hearing of such petition and shall cause notice of such hearing to
 7 be given to the prosecutor and the arresting law enforcement agency. The
 8 petition shall state the:

- 9 (A) Defendant's full name;
- 10 (B) full name of the defendant at the time of arrest, conviction or
 11 diversion, if different than the defendant's current name;
- 12 (C) defendant's sex, race and date of birth;
- 13 (D) crime for which the defendant was arrested, convicted or
 14 diverted;
- 15 (E) date of the defendant's arrest, conviction or diversion; and
- 16 (F) identity of the convicting court, arresting law enforcement
 17 authority or diverting authority.

18 (2) Except as otherwise provided by law, a petition for expungement
 19 shall be accompanied by a docket fee in the amount of \$176. On and after
 20 July 1, 2019, through June 30, 2025, the supreme court may impose a
 21 charge, not to exceed \$19 per case, to fund the costs of non-judicial
 22 personnel. The charge established in this section shall be the only fee
 23 collected or moneys in the nature of a fee collected for the case. Such
 24 charge shall only be established by an act of the legislature and no other
 25 authority is established by law or otherwise to collect a fee.

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

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

- 34 (1) (A) The petitioner has not been convicted of a felony in the past
 35 two years and no proceeding involving any such crime is presently
 36 pending or being instituted against the petitioner *if the petition is filed*
 37 *under subsection (a)(1) or (a)(2); or*
- 38 (B) *no proceeding involving a felony is presently pending or being*
 39 *instituted against the petitioner if the petition is filed under subsection (a)*
 40 *(3);*
- 41 (2) the circumstances and behavior of the petitioner warrant the
 42 expungement; and
- 43 (3) the expungement is consistent with the public welfare.

1 (i) When the court has ordered an arrest record, conviction or
2 diversion expunged, the order of expungement shall state the information
3 required to be contained in the petition. The clerk of the court shall send a
4 certified copy of the order of expungement to the Kansas bureau of
5 investigation which shall notify the federal bureau of investigation, the
6 secretary of corrections and any other criminal justice agency which may
7 have a record of the arrest, conviction or diversion. If the case was
8 appealed from municipal court, the clerk of the district court shall send a
9 certified copy of the order of expungement to the municipal court. The
10 municipal court shall order the case expunged once the certified copy of
11 the order of expungement is received. After the order of expungement is
12 entered, the petitioner shall be treated as not having been arrested,
13 convicted or diverted of the crime, except that:

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

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

19 (A) In any application for licensure as a private detective, private
20 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
21 7b21, and amendments thereto, or employment as a detective with a
22 private detective agency, as defined by K.S.A. 75-7b01, and amendments
23 thereto; as security personnel with a private patrol operator, as defined by
24 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
25 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
26 for aging and disability services;

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

29 (C) to aid in determining the petitioner's qualifications for
30 employment with the Kansas lottery or for work in sensitive areas within
31 the Kansas lottery as deemed appropriate by the executive director of the
32 Kansas lottery;

33 (D) to aid in determining the petitioner's qualifications for executive
34 director of the Kansas racing and gaming commission, for employment
35 with the commission or for work in sensitive areas in parimutuel racing as
36 deemed appropriate by the executive director of the commission, or to aid
37 in determining qualifications for licensure or renewal of licensure by the
38 commission;

39 (E) to aid in determining the petitioner's qualifications for the
40 following under the Kansas expanded lottery act: (i) Lottery gaming
41 facility manager or prospective manager, racetrack gaming facility
42 manager or prospective manager, licensee or certificate holder; or (ii) an
43 officer, director, employee, owner, agent or contractor thereof;

1 (F) upon application for a commercial driver's license under K.S.A.
2 8-2,125 through 8-2,142, and amendments thereto;

3 (G) to aid in determining the petitioner's qualifications to be an
4 employee of the state gaming agency;

5 (H) to aid in determining the petitioner's qualifications to be an
6 employee of a tribal gaming commission or to hold a license issued
7 pursuant to a tribal-state gaming compact;

8 (I) in any application for registration as a broker-dealer, agent,
9 investment adviser or investment adviser representative all as defined in
10 K.S.A. 17-12a102, and amendments thereto;

11 (J) in any application for employment as a law enforcement officer as
12 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

13 (K) to aid in determining the petitioner's qualifications for a license to
14 carry a concealed weapon pursuant to the personal and family protection
15 act, K.S.A. 75-7c01 et seq., and amendments thereto; or

16 (L) to aid in determining the petitioner's qualifications for a license to
17 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-
18 7e09 and K.S.A. 2020 Supp. 50-6,141, and amendments thereto;

19 (3) the court, in the order of expungement, may specify other
20 circumstances under which the conviction is to be disclosed;

21 (4) the conviction may be disclosed in a subsequent prosecution for
22 an offense which requires as an element of such offense a prior conviction
23 of the type expunged; and

24 (5) upon commitment to the custody of the secretary of corrections,
25 any previously expunged record in the possession of the secretary of
26 corrections may be reinstated and the expungement disregarded, and the
27 record continued for the purpose of the new commitment.

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

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

40 (2) Notwithstanding the provisions of subsection (k)(1), and except as
41 provided in K.S.A. 2020 Supp. 21-6304(a)(3)(A), and amendments
42 thereto, the expungement of a prior felony conviction does not relieve the
43 individual of complying with any state or federal law relating to the use,

1 shipment, transportation, receipt or possession of firearms by persons
2 previously convicted of a felony.

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

8 (1) The person whose record was expunged;

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

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

15 (4) the secretary for aging and disability services, or a designee of the
16 secretary, for the purpose of obtaining information relating to employment
17 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
18 of the Kansas department for aging and disability services of any person
19 whose record has been expunged;

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

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

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

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

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

43 (10) the Kansas racing and gaming commission, or a designee of the

1 commission, and the request is accompanied by a statement that the
2 request is being made to aid in determining qualifications of the following
3 under the Kansas expanded lottery act:

4 (A) Lottery gaming facility managers and prospective managers,
5 racetrack gaming facility managers and prospective managers, licensees
6 and certificate holders; and

7 (B) their officers, directors, employees, owners, agents and
8 contractors;

9 (11) the Kansas sentencing commission;

10 (12) the state gaming agency, and the request is accompanied by a
11 statement that the request is being made to aid in determining
12 qualifications:

13 (A) To be an employee of the state gaming agency; or

14 (B) to be an employee of a tribal gaming commission or to hold a
15 license issued pursuant to a tribal-gaming compact;

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

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

26 (15) a law enforcement agency and the request is accompanied by a
27 statement that the request is being made to aid in determining eligibility
28 for employment as a law enforcement officer as defined by K.S.A. 22-
29 2202, and amendments thereto;

30 (16) the attorney general and the request is accompanied by a
31 statement that the request is being made to aid in determining
32 qualifications for a license to:

33 (A) Carry a concealed weapon pursuant to the personal and family
34 protection act; or

35 (B) act as a bail enforcement agent pursuant to K.S.A. 75-7e01
36 through 75-7e09 and K.S.A. 2020 Supp. 50-6,141, and amendments
37 thereto; or

38 (17) the Kansas bureau of investigation for the purposes of:

39 (A) Completing a person's criminal history record information within
40 the central repository, in accordance with K.S.A. 22-4701 et seq., and
41 amendments thereto; or

42 (B) providing information or documentation to the federal bureau of
43 investigation, in connection with the national instant criminal background

1 check system, to determine a person's qualification to possess a firearm.

2 (m) The provisions of subsection (l)(17) shall apply to records
3 created prior to, on and after July 1, 2011.

4 Sec. 4. K.S.A. 2020 Supp. 21-6604 and 21-6614 are hereby repealed.

5 Sec. 5. This act shall take effect and be in force from and after its
6 publication in the statute book.