

HOUSE BILL No. 2043

By Committee on Health and Human Services

1-16

1 AN ACT concerning criminal history record information; amending
2 K.S.A. 2014 Supp. 75-53,105 and repealing the existing section.

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

5 Section 1. K.S.A. 2014 Supp. 75-53,105 is hereby amended to read as
6 follows: 75-53,105. (a) *As used in this section, "secretary" means the*
7 *secretary for children and families or the secretary for aging and*
8 *disability services.*

9 (~~b~~) The secretary ~~for children and families~~ shall upon request receive
10 from the Kansas bureau of investigation such criminal history record
11 information as necessary for the purpose of determining initial and
12 continuing qualification for employment or for participation in any
13 program administered by the secretary for the placement, safety, protection
14 or treatment of vulnerable children or adults.

15 (~~b~~) (~~c~~) The secretary shall have access to any court orders or
16 adjudications of any court of record, any records of such orders,
17 adjudications, arrests, nonconvictions, convictions, expungements,
18 juvenile records, juvenile expungements, diversions and any criminal
19 history record information in the possession of the Kansas bureau of
20 investigation concerning such employee or individual.

21 (~~e~~) (~~d~~) If a nationwide criminal records check of all records noted
22 above is necessary, as determined by the secretary, the secretary's request
23 will be based on the submission of fingerprints to the Kansas bureau of
24 investigation and the federal bureau of investigation for the identification
25 of the individual and to obtain criminal history record information,
26 including arrest and nonconviction data.

27 (~~d~~) (~~e~~) Fees for such records checks shall be assessed to the secretary.

28 (~~e~~) (~~f~~) Disclosure or use of any such information received by the
29 secretary or a designee of the secretary or of any record containing such
30 information, for any purpose other than that provided by this act is a class
31 A misdemeanor and shall constitute grounds for removal from office or
32 termination of employment. Nothing in this act shall be construed to make
33 unlawful or prohibit the disclosure of any such information in a hearing or
34 court proceeding involving programs administered by the secretary or
35 prohibit the disclosure of any such information to the post auditor in
36 accordance with and subject to the provisions of the legislative post audit

1 act.

2 Sec. 2. K.S.A. 2014 Supp. 75-53,105 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.