

Kansas Department of

Social and Rehabilitation Services

Gary Daniels, Acting Secretary

Senate Judiciary Committee

March 17, 2005

House Bill No. 2128 - Access to Criminal History Records

Legal Division

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Chairman Vratil and members of the Committee, I am John Badger, Chief Counsel with Social and Rehabilitation Services (SRS). Thank you for the opportunity to appear before you today in support of HB 2128, which was introduced at the request of SRS. The bill would allow SRS to have increased access to state and national criminal history information in order to help insure the safety of children and vulnerable adults being cared for or served by the agency.

Under current law, SRS is generally able to obtain criminal history information relating primarily to convictions occurring within the state of Kansas. This bill would clarify what we can get, and expand access to include information involving such things as arrests, expungements, juvenile offenses, diversions and other criminal history record information in the possession of the KBI. Additionally, this legislation would allow SRS, if the Secretary determines it necessary, to access many of these same records on a nationwide basis. Having authority to obtain this additional information would add an important tool in protecting children and vulnerable adults by more accurately determining the qualifications of individuals providing care and services to them.

In implementing subsection (c) of this bill involving a nationwide criminal records check, SRS intends to develop specific policy defining when this expanded access will be utilized. The primary need will occur when an employee or other individual has recently come to Kansas from another state and a thorough background check is needed to determine if he or she has committed a prohibited crime in another jurisdiction.

In developing this legislation, the agency worked closely with the KBI to make sure it met all requirements for accessing the intended information. Further, the language in the original bill was approved by the FBI for purposes of obtaining nationwide criminal records information. However, when the KBI reviewed the amendments made by the House Committee on Corrections and Juvenile Justice, a concern was raised about the new language in subsection (a) being inconsistent with language in subsection (b). In order to correct this inconsistency, I would like to offer the balloon attached to the written testimony for your consideration. The proposed amendment to subsection (a) deletes the inconsistent language by striking "relating to criminal convictions" on page 1, line 21.

The KBI further suggested adding “juvenile expungements” to the list of records to which the Secretary is given access in subsection (b). The balloon also contains this change.

For the reasons stated, it is respectfully requested the Committee adopt the suggested amendments and act favorably on HB 2128.

Thank you for your consideration.