

HOUSE BILL No. 2648

By Committee on Judiciary

2-7

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to expungement; conviction or adjudication of abuse of a child;
3 amending K.S.A. 2011 Supp. 21-6614 and 38-2312 and repealing the
4 existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-
5 6614b, 21-6614c, 38-2312a and 38-2312b.

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

8 Section 1. K.S.A. 2011 Supp. 21-6614 is hereby amended to read as
9 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c) ~~and~~ ,
10 (d) , (e) *and* (f), any person convicted in this state of a traffic infraction,
11 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
12 for crimes committed on or after July 1, 1993, nondrug crimes ranked in
13 severity levels 6 through 10 or any felony ranked in severity level 4 of the
14 drug grid, may petition the convicting court for the expungement of such
15 conviction or related arrest records if three or more years have elapsed
16 since the person: (A) Satisfied the sentence imposed; or (B) was
17 discharged from probation, a community correctional services program,
18 parole, postrelease supervision, conditional release or a suspended
19 sentence.

20 (2) Except as provided in subsections (b), (c) ~~and~~ , (d) , (e) *and* (f),
21 any person who has fulfilled the terms of a diversion agreement may
22 petition the district court for the expungement of such diversion agreement
23 and related arrest records if three or more years have elapsed since the
24 terms of the diversion agreement were fulfilled.

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

34 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
35 repeal, or K.S.A. 2011 Supp. 21-5406, and amendments thereto, or as
36 prohibited by any law of another state which is in substantial conformity

1 with that statute;

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

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

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

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

16 (6) failing to stop at the scene of an accident and perform the duties
17 required by *K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602, ~~8-1603~~ or*
18 *8-1604, and amendments thereto, or required by a law of another state*
19 *which is in substantial conformity with those statutes;*

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

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

23 (c) No person may petition for expungement until 10 or more years
24 have elapsed since the person satisfied the sentence imposed, the terms of
25 a diversion agreement or was discharged from probation, a community
26 correctional services program, parole, postrelease supervision, conditional
27 release or a suspended sentence, if such person was convicted of a
28 violation of K.S.A. 8-1567, and amendments thereto, including any
29 diversion for such violation.

30 (d) *No person may petition for expungement until 15 or more years*
31 *have elapsed since the person satisfied the sentence imposed, the terms of*
32 *a diversion agreement or was discharged from probation, a community*
33 *correctional services program, parole, postrelease supervision,*
34 *conditional release or a suspended sentence, if such person was convicted*
35 *of abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or*
36 *K.S.A. 2011 Supp. 21-5602, and amendments thereto, including any*
37 *diversion for such violation.*

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

41 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
42 2011 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. 2011 Supp. 21-5506, and amendments thereto;

3 (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
4 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
5 2011 Supp. 21-5504, and amendments thereto;

6 (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
7 to its repeal, or K.S.A. 2011 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, or
10 K.S.A. 2011 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. 2011 Supp. 21-5510, and amendments thereto;

13 (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,
14 or K.S.A. 2011 Supp. 21-5604, and amendments thereto;

15 (8) endangering a child or aggravated endangering a child as defined
16 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2011 Supp.
17 21-5601, and amendments thereto;

18 ~~(9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,~~
19 ~~or K.S.A. 2011 Supp. 21-5602, and amendments thereto;~~

20 ~~(+0) (9)~~ capital murder as defined in K.S.A. 21-3439, prior to its
21 repeal, or K.S.A. 2011 Supp. 21-5401, and amendments thereto;

22 ~~(+1) (10)~~ murder in the first degree as defined in K.S.A. 21-3401,
23 prior to its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments
24 thereto;

25 ~~(+2) (11)~~ murder in the second degree as defined in K.S.A. 21-3402,
26 prior to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments
27 thereto;

28 ~~(+3) (12)~~ voluntary manslaughter as defined in K.S.A. 21-3403, prior
29 to its repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;

30 ~~(+4) (13)~~ involuntary manslaughter as defined in K.S.A. 21-3404,
31 prior to its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments
32 thereto;

33 ~~(+5) (14)~~ sexual battery as defined in K.S.A. 21-3517, prior to its
34 repeal, or K.S.A. 2011 Supp. 21-5505, and amendments thereto, when the
35 victim was less than 18 years of age at the time the crime was committed;

36 ~~(+6) (15)~~ aggravated sexual battery as defined in K.S.A. 21-3518,
37 prior to its repeal, or K.S.A. 2011 Supp. 21-5505, and amendments
38 thereto;

39 ~~(+7) (16)~~ a violation of K.S.A. 8-2,144, and amendments thereto,
40 including any diversion for such violation; or

41 ~~(+8) (17)~~ any conviction for any offense in effect at any time prior to
42 July 1, 2011, that is comparable to any offense as provided in this
43 subsection.

1 (f) *Notwithstanding any other law to the contrary, for any offender*
2 *who is required to register as provided in the Kansas offender registration*
3 *act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no*
4 *expungement of any conviction or any part of the offender's criminal*
5 *record while the offender is required to register as provided in the Kansas*
6 *offender registration act.*

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

11 (A) Defendant's full name;

12 (B) full name of the defendant at the time of arrest, conviction or
13 diversion, if different than the defendant's current name;

14 (C) defendant's sex, race and date of birth;

15 (D) crime for which the defendant was arrested, convicted or
16 diverted;

17 (E) date of the defendant's arrest, conviction or diversion; and

18 (F) identity of the convicting court, arresting law enforcement
19 authority or diverting authority.

20 (2) Except as otherwise provided by law, a petition for expungement
21 shall be accompanied by a docket fee in the amount of \$100. On and after
22 ~~April 15, 2010 through June 30, 2011~~ *May 19, 2011, through June 30,*
23 *2012,* the supreme court may impose a charge, not to exceed ~~\$15~~ \$19 per
24 case, to fund the costs of non-judicial personnel. The charge established in
25 this section shall be the only fee collected or moneys in the nature of a fee
26 collected for the case. Such charge shall only be established by an act of
27 the legislature and no other authority is established by law or otherwise to
28 collect a fee.

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

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

38 (1) The petitioner has not been convicted of a felony in the past two
39 years and no proceeding involving any such crime is presently pending or
40 being instituted against the petitioner;

41 (2) the circumstances and behavior of the petitioner warrant the
42 expungement;

43 (3) the expungement is consistent with the public welfare.

1 ~~(g)~~ (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. After the order of
8 expungement is entered, the petitioner shall be treated as not having been
9 arrested, convicted or diverted of the crime, except that:

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

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

15 (A) In any application for licensure as a private detective, private
16 detective agency, certification as a firearms trainer pursuant to K.S.A.
17 2011 Supp. 75-7b21, and amendments thereto, or employment as a
18 detective with a private detective agency, as defined by K.S.A. 75-7b01,
19 and amendments thereto; as security personnel with a private patrol
20 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
21 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
22 the department of social and rehabilitation services;

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

25 (C) to aid in determining the petitioner's qualifications for
26 employment with the Kansas lottery or for work in sensitive areas within
27 the Kansas lottery as deemed appropriate by the executive director of the
28 Kansas lottery;

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

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

40 (F) upon application for a commercial driver's license under K.S.A.
41 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

9 (K) for applications received on and after July 1, 2006, to aid in
10 determining the petitioner's qualifications for a license to carry a concealed
11 weapon pursuant to the personal and family protection act, K.S.A. 2011
12 Supp. 75-7c01 *et seq.*, and amendments thereto;

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

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

18 (5) upon commitment to the custody of the secretary of corrections,
19 any previously expunged record in the possession of the secretary of
20 corrections may be reinstated and the expungement disregarded, and the
21 record continued for the purpose of the new commitment.

22 ~~(h)~~ (j) Whenever a person is convicted of a crime, pleads guilty and
23 pays a fine for a crime, is placed on parole, postrelease supervision or
24 probation, is assigned to a community correctional services program, is
25 granted a suspended sentence or is released on conditional release, the
26 person shall be informed of the ability to expunge the arrest records or
27 conviction. Whenever a person enters into a diversion agreement, the
28 person shall be informed of the ability to expunge the diversion.

29 ~~(i)~~ (k) Subject to the disclosures required pursuant to subsection ~~(f)~~
30 (i), in any application for employment, license or other civil right or
31 privilege, or any appearance as a witness, a person whose arrest records,
32 conviction or diversion of a crime has been expunged under this statute
33 may state that such person has never been arrested, convicted or diverted
34 of such crime, but the expungement of a felony conviction does not relieve
35 an individual of complying with any state or federal law relating to the use
36 or possession of firearms by persons convicted of a felony.

37 ~~(j)~~ (l) Whenever the record of any arrest, conviction or diversion has
38 been expunged under the provisions of this section or under the provisions
39 of any other existing or former statute, the custodian of the records of
40 arrest, conviction, diversion and incarceration relating to that crime shall
41 not disclose the existence of such records, except when requested by:

42 (1) The person whose record was expunged;

43 (2) a private detective agency or a private patrol operator, and the

1 request is accompanied by a statement that the request is being made in
2 conjunction with an application for employment with such agency or
3 operator by the person whose record has been expunged;

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

6 (4) the secretary of social and rehabilitation services, or a designee of
7 the secretary, for the purpose of obtaining information relating to
8 employment in an institution, as defined in K.S.A. 76-12a01, and
9 amendments thereto, of the department of social and rehabilitation services
10 of any person whose record has been expunged;

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

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

16 (7) the supreme court, the clerk or disciplinary administrator thereof,
17 the state board for admission of attorneys or the state board for discipline
18 of attorneys, and the request is accompanied by a statement that the
19 request is being made in conjunction with an application for admission, or
20 for an order of reinstatement, to the practice of law in this state by the
21 person whose record has been expunged;

22 (8) the Kansas lottery, and the request is accompanied by a statement
23 that the request is being made to aid in determining qualifications for
24 employment with the Kansas lottery or for work in sensitive areas within
25 the Kansas lottery as deemed appropriate by the executive director of the
26 Kansas lottery;

27 (9) the governor or the Kansas racing and gaming commission, or a
28 designee of the commission, and the request is accompanied by a
29 statement that the request is being made to aid in determining
30 qualifications for executive director of the commission, for employment
31 with the commission, for work in sensitive areas in parimutuel racing as
32 deemed appropriate by the executive director of the commission or for
33 licensure, renewal of licensure or continued licensure by the commission;

34 (10) the Kansas racing and gaming commission, or a designee of the
35 commission, and the request is accompanied by a statement that the
36 request is being made to aid in determining qualifications of the following
37 under the Kansas expanded lottery act: (A) Lottery gaming facility
38 managers and prospective managers, racetrack gaming facility managers
39 and prospective managers, licensees and certificate holders; and (B) their
40 officers, directors, employees, owners, agents and contractors;

41 (11) the Kansas sentencing commission;

42 (12) the state gaming agency, and the request is accompanied by a
43 statement that the request is being made to aid in determining

1 qualifications: (A) To be an employee of the state gaming agency; or (B)
2 to be an employee of a tribal gaming commission or to hold a license
3 issued pursuant to a tribal-gaming compact;

4 (13) the Kansas securities commissioner or a designee of the
5 commissioner, and the request is accompanied by a statement that the
6 request is being made in conjunction with an application for registration as
7 a broker-dealer, agent, investment adviser or investment adviser
8 representative by such agency and the application was submitted by the
9 person whose record has been expunged;

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

14 (15) a law enforcement agency and the request is accompanied by a
15 statement that the request is being made to aid in determining eligibility
16 for employment as a law enforcement officer as defined by K.S.A. 22-
17 2202, and amendments thereto; ~~or~~

18 (16) the attorney general and the request is accompanied by a
19 statement that the request is being made to aid in determining
20 qualifications for a license to carry a concealed weapon pursuant to the
21 personal and family protection act; ; *or*

22 (17) *the Kansas bureau of investigation for the purposes of:*

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

26 (B) *providing information or documentation to the federal bureau of*
27 *investigation, in connection with the national instant criminal background*
28 *check system, to determine a person's qualification to possess a firearm.*

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

31 Sec. 2. K.S.A. 2011 Supp. 38-2312 is hereby amended to read as
32 follows: 38-2312. (a) Except as provided in subsection (b) *and* (c), any
33 records or files specified in this code concerning a juvenile may be
34 expunged upon application to a judge of the court of the county in which
35 the records or files are maintained. The application for expungement may
36 be made by the juvenile, if 18 years of age or older or, if the juvenile is
37 less than 18 years of age, by the juvenile's parent or next friend.

38 (b) There shall be no expungement of records or files concerning acts
39 committed by a juvenile which, if committed by an adult, would constitute
40 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2011 Supp. 21-
41 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
42 prior to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto,
43 murder in the second degree; K.S.A. 21-3403, prior to its repeal, or K.S.A.

1 2011 Supp. 21-5404, and amendments thereto, voluntary manslaughter;
2 K.S.A. 21-3404, prior to its repeal, or K.S.A. 2011 Supp. 21-5405, and
3 amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to
4 its repeal, or K.S.A. 2011 Supp. 21-5401, and amendments thereto, capital
5 murder; K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A.
6 2011 Supp. 21-5405, and amendments thereto, involuntary manslaughter
7 while driving under the influence of alcohol or drugs; K.S.A. 21-3502,
8 prior to its repeal, or K.S.A. 2011 Supp. 21-5503, and amendments thereto,
9 rape; K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2011
10 Supp. 21-5506, and amendments thereto, indecent liberties with a child;
11 K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp.
12 21-5506, and amendments thereto, aggravated indecent liberties with a
13 child; K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2011
14 Supp. 21-5504, and amendments thereto, aggravated criminal sodomy;
15 K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2011 Supp.
16 21-5508, and amendments thereto, indecent solicitation of a child; K.S.A.
17 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
18 5508, and amendments thereto, aggravated indecent solicitation of a child;
19 K.S.A. 21-3516, prior to its repeal, or K.S.A. 2011 Supp. 21-5510, and
20 amendments thereto, sexual exploitation; K.S.A. 21-3603, prior to its
21 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments
22 thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or
23 subsection (a) of K.S.A. 2011 Supp. 21-5601, and amendments thereto,
24 endangering a child; ~~K.S.A. 21-3609, prior to its repeal, or K.S.A. 2011~~
25 ~~Supp. 21-5602, and amendments thereto, abuse of a child;~~ or which would
26 constitute an attempt to commit a violation of any of the offenses specified
27 in this subsection.

28 *(c) Notwithstanding any other law to the contrary, for any offender*
29 *who is required to register as provided in the Kansas offender registration*
30 *act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no*
31 *expungement of any conviction or any part of the offender's criminal*
32 *record while the offender is required to register as provided in the Kansas*
33 *offender registration act.*

34 ~~(e)~~ (d) When a petition for expungement is filed, the court shall set a
35 date for a hearing on the petition and shall give notice thereof to the
36 county or district attorney. The petition shall state: (1) The juvenile's full
37 name; (2) the full name of the juvenile as reflected in the court record, if
38 different than (1); (3) the juvenile's sex and date of birth; (4) the offense
39 for which the juvenile was adjudicated; (5) the date of the trial; and (6) the
40 identity of the trial court. Except as otherwise provided by law, a petition
41 for expungement shall be accompanied by a docket fee in the amount of
42 \$100. On and after the effective date of this act through June 30, 2012, the
43 supreme court may impose a charge, not to exceed \$19 per case, to fund

1 the costs of non-judicial personnel. All petitions for expungement shall be
2 docketed in the original action. Any person who may have relevant
3 information about the petitioner may testify at the hearing. The court may
4 inquire into the background of the petitioner.

5 ~~(d)~~ (e) (1) After hearing, the court shall order the expungement of the
6 records and files if the court finds that:

7 (A) The juvenile has reached 23 years of age or that two years have
8 elapsed since the final discharge;

9 (B) since the final discharge of the juvenile, the juvenile has not been
10 convicted of a felony or of a misdemeanor other than a traffic offense or
11 adjudicated as a juvenile offender under the revised Kansas juvenile justice
12 code and no proceedings are pending seeking such a conviction or
13 adjudication; and

14 (C) the circumstances and behavior of the petitioner warrant
15 expungement.

16 (2) The court may require that all court costs, fees and restitution
17 shall be paid.

18 ~~(e)~~ (f) Upon entry of an order expunging records or files, the offense
19 which the records or files concern shall be treated as if it never occurred,
20 except that upon conviction of a crime or adjudication in a subsequent
21 action under this code the offense may be considered in determining the
22 sentence to be imposed. The petitioner, the court and all law enforcement
23 officers and other public offices and agencies shall properly reply on
24 inquiry that no record or file exists with respect to the juvenile. Inspection
25 of the expunged files or records thereafter may be permitted by order of
26 the court upon petition by the person who is the subject thereof. The
27 inspection shall be limited to inspection by the person who is the subject of
28 the files or records and the person's designees.

29 ~~(f)~~ (g) ~~Copies~~ *A certified copy* of any order made pursuant to
30 subsection (a) or ~~(e)~~ (d) shall be sent to ~~each public officer and agency in~~
31 ~~the county having possession of any~~ *the Kansas bureau of investigation,*
32 *which shall notify every juvenile or criminal justice agency which may*
33 *possess records or files ordered to be expunged. If the officer or agency*
34 *fails to comply with the order within a reasonable time after its receipt, the*
35 *officer or such agency may be adjudged in contempt of court and punished*
36 *accordingly.*

37 ~~(g)~~ (h) The court shall inform any juvenile who has been adjudicated
38 a juvenile offender of the provisions of this section.

39 ~~(h)~~ (i) Nothing in this section shall be construed to prohibit the
40 maintenance of information relating to an offense after records or files
41 concerning the offense have been expunged if the information is kept in a
42 manner that does not enable identification of the juvenile.

43 ~~(i)~~ (j) Nothing in this section shall be construed to permit or require

1 expungement of files or records related to a child support order registered
2 pursuant to the revised Kansas juvenile justice code.

3 ~~(j)~~ (k) Whenever the records or files of any adjudication have been
4 expunged under the provisions of this section, the custodian of the records
5 or files of adjudication relating to that offense shall not disclose the
6 existence of such records or files, except when requested by:

7 (1) The person whose record was expunged;

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

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

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

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

21 (6) the Kansas lottery, and the request is accompanied by a statement
22 that the request is being made to aid in determining qualifications for
23 employment with the Kansas lottery or for work in sensitive areas within
24 the Kansas lottery as deemed appropriate by the executive director of the
25 Kansas lottery;

26 (7) the governor or the Kansas racing commission, or a designee of
27 the commission, and the request is accompanied by a statement that the
28 request is being made to aid in determining qualifications for executive
29 director of the commission, for employment with the commission, for
30 work in sensitive areas in parimutuel racing as deemed appropriate by the
31 executive director of the commission or for licensure, renewal of licensure
32 or continued licensure by the commission; ~~or~~

33 (8) the Kansas sentencing commission; ~~or~~

34 (9) *the Kansas bureau of investigation, for the purposes of:*

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

38 (B) *providing information or documentation to the federal bureau of*
39 *investigation, in connection with the national instant criminal background*
40 *check system, to determine a person's qualification to possess a firearm.*

41 (l) *The provisions of subsection (k)(9) shall apply to all records*
42 *created prior to, on and after July 1, 2011.*

43 Sec. 3. K.S.A. 2011 Supp. 21-6614, 21-6614a, 21-6614b, 21-6614c,

1 38-2312, 38-2312a and 38-2312b are hereby repealed.

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

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