

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Government, Technology and Security
From: Jenna Moyer, Assistant Revisor of Statutes
Date: March 6, 2017
Subject: HB2332 - Relating to disclosure of electronic communications and electronically stored data.

HB 2332 limits the disclosure of contents of stored communications and is an updated version of 2014 HB2677, introduced in judiciary committee.

Subsection (a) provides that a person or entity who provides electronic communications or remote computing services shall not knowingly disclose the contents of such communications or storage except to the customer or subscriber. Contents disclosed in violation of this provision would not be subject to discovery, subpoena, or admissible as evidence in legal proceedings.

Subsection (b)(2) contains provisions for contents of electronic communications or electronic storage are protected by attorney-client privilege, including that use of such electronic communications or services or inadvertent disclosure of such contents does not waive the attorney-client privilege.

Subsection (c) provides when a person or entity may disclose the contents of electronic communications or electronic storage, which include: to the intended recipient, authorized by a search warrant, with consent of the custodian, to persons whose facilities are used in forwarding the communication to its destination, and uses incidental to rendering or providing the service.

Subsection (d) specifies that this applies to any individual located within the state or accessing electronic communications or remote computing services within the state.

Subsection (e) provides definitions of relevant terms used in the bill.