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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 8, 2022
Subject: Bill Brief on SB 434

Senate Bill 434 creates exemptions in the open records act for records that contain captured license plate data or that pertain to the location of an automated license plate recognition system.

Section 1 amends K.S.A. 45-217, the definitions section for the open records act. Subsection (a) defines “automated license plate recognition system” as one or more high-speed cameras combined with computer algorithms used to convert images of license plates into computer readable data. Subsection (c) defines “captured license plate data” as the global positioning device coordinates, date and time, photograph, license plate number and any other data captured by or derived from an automated license plate recognition system.

Section 2 amends K.S.A. 45-220, the open records act statute concerning procedures for obtaining access to or copies of records. The bill adds a new subsection (j) to provide that a request for records that contain captured license plate data or that pertain to the location of an automated license plate recognition system submitted to a state or local law enforcement agency or governmental agency shall be directed to the state or local law enforcement agency or governmental agency that owns, leases or contracts for the automated license plate recognition system.

Finally, Section 3 amends K.S.A. 45-221, the open records act statute that provides a list of records a public agency is not required to disclose. The bill adds a new subsection (a)(55) to provide that a public agency is not required to disclose records that contain captured license plate data or that pertain to the location of an automated license plate recognition system.