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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 10, 2022
Subject: Bill Brief for HB 2508

House Bill 2508 requires retention of fingerprints by the Kansas bureau of investigation for participation in the federal rap back program.

The bill enacts a new section of law to require that an applicant, employee or volunteer who is subject to a criminal history record check shall provide the requesting authorized entity with consent to obtain the person’s fingerprints to conduct such record check and participate in the rap back program for the purpose of determining suitability or fitness for a permit, license, employment or volunteer service. An authorized entity shall notify each person subject to a record check that fingerprints shall be retained by the KBI and the FBI for all current and future purposes authorized for fingerprint submission and when fingerprints will be enrolled in the rap back program.

Fingerprints shall be searched against known criminal fingerprints to determine if a criminal history record exists and against latent fingerprints entered into the unsolved latent fingerprint file. A criminal history record check shall only be completed for the purpose for which the check was requested. Any additional record check would require the submission of a new set of fingerprints. An authorized entity enrolled in rap back shall immediately notify the KBI when such entity is no longer entitled to receive criminal history record information relating to a particular person enrolled in rap back. The KBI shall cancel the enrollment, and updates to criminal history record information shall no longer be provided to the entity.

Fingerprints and related records acquired by the KBI shall be available only to authorized entities entitled to obtain such information. No employee of the KBI shall disclose such records to any person not authorized by law to receive such records. The bill also provides definitions of “authorized entity”, “criminal history record check” and “rap back”.