

HOUSE BILL No. 2508

By Committee on Judiciary

1-20

1 AN ACT concerning criminal history record information; requiring the
2 retention of fingerprint information; participation in the rap back
3 program; limiting access to fingerprints and records relating to
4 fingerprints.

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

7 Section 1. (a) (1) An applicant, employee or volunteer who is subject
8 to a criminal history record check shall provide to the requesting
9 authorized entity written consent to obtain the applicant's, employee's or
10 volunteer's fingerprints to conduct a criminal history record check and
11 participate in the rap back program for the purpose of determining
12 suitability or fitness for a permit, license, employment or volunteer
13 service.

14 (2) An authorized entity shall notify each applicant, employee or
15 volunteer subject to a criminal history record check:

16 (A) That fingerprints shall be retained by the Kansas bureau of
17 investigation and the federal bureau of investigation for all current and
18 future purposes and uses authorized for fingerprint submission; and

19 (B) when fingerprints will be enrolled in the rap back program.

20 (b) Fingerprints and records relating to fingerprints obtained by the
21 Kansas bureau of investigation for a fingerprint-based criminal history
22 record check shall be searched against:

23 (1) Known criminal fingerprints to determine if a criminal history
24 record exists; and

25 (2) latent fingerprints entered into the unsolved latent fingerprint file.

26 (c) (1) A criminal history record check shall only be completed for
27 the purpose for which such check was requested. Any additional record
28 checks shall require the submission of a new set of fingerprints.

29 (2) An authorized entity enrolled in rap back shall immediately notify
30 the Kansas bureau of investigation when such entity is no longer entitled
31 to receive criminal history record information relating to a particular
32 person enrolled in rap back. The Kansas bureau of investigation shall
33 cancel the enrollment, and updates to criminal history record information
34 shall no longer be provided to such entity.

35 (d) ***(1)*** Fingerprints and records relating to fingerprints acquired by
36 the Kansas bureau of investigation shall be available only to authorized

1 entities entitled to obtain the information. No employee of the Kansas
2 bureau of investigation shall disclose any records of fingerprints or records
3 relating to the fingerprints acquired in the performance of any of the
4 employee's duties under this section to any person not authorized to
5 receive the information pursuant to state or federal law. No person
6 acquiring the records of fingerprints, records relating to fingerprints or any
7 information concerning any individual shall disclose such information to
8 any person who is not authorized to receive such information.

9 ***{(2) Any intentional disclosure of such information in violation of***
10 ***this section is a class A nonperson misdemeanor.}***

11 (e) As used in this section:

12 (1) "Authorized entity" means an agency or entity with authorization
13 under state or federal law to conduct a fingerprint-based criminal history
14 record check;

15 (2) "criminal history record check" means the submission of
16 fingerprints and demographic information by an authorized entity to the
17 Kansas bureau of investigation for the purpose of receiving criminal
18 history record results; and

19 (3) "rap back" means the state or federal system that enables an
20 authorized entity to receive ongoing notifications of criminal history
21 record updates for individuals whose fingerprints are enrolled.

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