

SENATE BILL No. 190

By Committee on Federal and State Affairs

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to firearms, possession thereof; reducing the underlying felonies for the
3 crime of criminal possession of a weapon by a convicted felon;
4 restoration of right to possess firearms upon expungement of
5 conviction; amending K.S.A. 2020 Supp. 21-6304 and 21-6614 and
6 repealing the existing sections.

7
8 WHEREAS, The amendments made to the provisions of K.S.A. 2020
9 Supp. 21-6304 and 21-6614 by this act shall be known and may be cited as
10 the Kansas protection of firearms rights act;

11 Now, therefore:

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

13 Section 1. K.S.A. 2020 Supp. 21-6304 is hereby amended to read as
14 follows: 21-6304. (a) Criminal possession of a weapon by a convicted
15 felon is possession of any weapon by a person who:

16 (1) Has been convicted of a person felony or a violation of article 57
17 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
18 K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or
19 any violation of any provision of the uniform controlled substances act
20 prior to July 1, 2009, or a crime under a law of another jurisdiction ~~which~~
21 *that* is substantially the same as such felony or violation, or was
22 adjudicated a juvenile offender because of the commission of an act which
23 if done by an adult would constitute the commission of a person felony or
24 a violation of article 57 of chapter 21 of the Kansas Statutes Annotated,
25 and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17,
26 prior to their transfer, or any violation of any provision of the uniform
27 controlled substances act prior to July 1, 2009, and was found *by the*
28 *convicting court* to have ~~been in possession of used~~ a firearm ~~at the time of~~
29 *in* the commission of the crime; *or*

30 (2) ~~within the preceding five years has been convicted of a felony,~~
31 ~~other than those specified in subsection (a)(3)(A), under the laws of~~
32 ~~Kansas or a crime under a law of another jurisdiction which is~~
33 ~~substantially the same as such felony, has been released from~~
34 ~~imprisonment for a felony or was adjudicated as a juvenile offender~~
35 ~~because of the commission of an act which if done by an adult would~~
36 ~~constitute the commission of a felony, and was not found to have been in~~

- 1 possession of a firearm at the time of the commission of the crime; or
 2 ~~(3)~~ within the preceding 10 years, has been:
- 3 (A) Convicted of a:
 4 ~~(A)~~—felony under:
- 5 (i) K.S.A. 2020 Supp. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408,
 6 ~~subsection (b) or (d) of 21-5412(b) or (d), subsection (b) or (d) of 21-~~
 7 ~~5413(b) or (d), subsection (a) of 21-5415(a), subsection (b) of 21-5420(b),~~
 8 ~~21-5503, subsection (b) of 21-5504(b), subsection (b) of 21-5505;(b) and~~
 9 ~~subsection (b) of 21-5807(b), and amendments thereto;~~
- 10 (ii) article 57 of chapter 21 of the Kansas Statutes Annotated, and
 11 amendments thereto;
- 12 (iii) *K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their*
 13 *transfer;*
- 14 (iv) K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411,
 15 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-
 16 3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through
 17 65-4165 or 65-7006, prior to their repeal;
- 18 (v) an attempt, conspiracy or criminal solicitation as defined in
 19 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
 20 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such
 21 felony; or
- 22 (vi) a crime under a law of another jurisdiction—~~which~~ *that is*
 23 *substantially the same as such felony; or*
- 24 (B) has been released from imprisonment for such felony, or was
 25 adjudicated as a juvenile offender because of the commission of an act
 26 which if done by an adult would constitute the commission of such felony;
 27 ~~was not found to have been in possession of a firearm at the time of the~~
 28 ~~commission of the crime, and has not had the conviction of such crime~~
 29 ~~expunged or been pardoned for such crime. The provisions of subsection~~
 30 ~~(j)(2) of K.S.A. 2020 Supp. 21-6614, and amendments thereto, shall not~~
 31 ~~apply to an individual who has had a conviction under this paragraph~~
 32 ~~expunged; or~~
- 33 ~~(B) nonperson felony under the laws of Kansas or a crime under the~~
 34 ~~laws of another jurisdiction which is substantially the same as such~~
 35 ~~nonperson felony, has been released from imprisonment for such~~
 36 ~~nonperson felony or was adjudicated as a juvenile offender because of the~~
 37 ~~commission of an act which if done by an adult would constitute the~~
 38 ~~commission of a nonperson felony, and was found to have been in~~
 39 ~~possession of a firearm at the time of the commission of the crime.~~
- 40 (b) Criminal possession of a weapon by a convicted felon is a
 41 severity level 8, nonperson felony.
- 42 (c) *This section shall not apply to a person who has been convicted of*
 43 *a crime and has had the conviction of such crime expunged or has been*

1 *pardoned for such crime.*

2 (d) As used in this section:

3 (1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged
4 razor or any other dangerous or deadly cutting instrument of like character;
5 and

6 (2) "weapon" means a firearm or a knife.

7 Sec. 2. K.S.A. 2020 Supp. 21-6614 is hereby amended to read as
8 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),
9 (e) and (f), any person convicted in this state of a traffic infraction,
10 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
11 for crimes committed on or after July 1, 1993, any nongrid felony or
12 felony ranked in severity levels 6 through 10 of the nondrug grid, or for
13 crimes committed on or after July 1, 1993, but prior to July 1, 2012, any
14 felony ranked in severity level 4 of the drug grid, or for crimes committed
15 on or after July 1, 2012, any felony ranked in severity level 5 of the drug
16 grid may petition the convicting court for the expungement of such
17 conviction or related arrest records if three or more years have elapsed
18 since the person: (A) Satisfied the sentence imposed; or (B) was
19 discharged from probation, a community correctional services program,
20 parole, postrelease supervision, conditional release or a suspended
21 sentence.

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

27 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
28 3512, prior to its repeal, convicted of a violation of K.S.A. 2020 Supp. 21-
29 6419, and amendments thereto, or who entered into a diversion agreement
30 in lieu of further criminal proceedings for such violation, may petition the
31 convicting court for the expungement of such conviction or diversion
32 agreement and related arrest records if:

33 (1) One or more years have elapsed since the person satisfied the
34 sentence imposed or the terms of a diversion agreement or was discharged
35 from probation, a community correctional services program, parole,
36 postrelease supervision, conditional release or a suspended sentence; and

37 (2) such person can prove they were acting under coercion caused by
38 the act of another. For purposes of this subsection, "coercion" means:
39 Threats of harm or physical restraint against any person; a scheme, plan or
40 pattern intended to cause a person to believe that failure to perform an act
41 would result in bodily harm or physical restraint against any person; or the
42 abuse or threatened abuse of the legal process.

43 (c) Except as provided in subsections (e) and (f), no person may

1 petition for expungement until five or more years have elapsed since the
2 person satisfied the sentence imposed or the terms of a diversion
3 agreement or was discharged from probation, a community correctional
4 services program, parole, postrelease supervision, conditional release or a
5 suspended sentence, if such person was convicted of a class A, B or C
6 felony, or for crimes committed on or after July 1, 1993, if convicted of an
7 off-grid felony or any felony ranked in severity levels 1 through 5 of the
8 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
9 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
10 grid, or for crimes committed on or after July 1, 2012, any felony ranked
11 in severity levels 1 through 4 of the drug grid, or:

12 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
13 repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, or as
14 prohibited by any law of another state ~~which~~ *that* is in substantial
15 conformity with that statute;

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

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

24 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
25 thereto, relating to fraudulent applications or violating the provisions of a
26 law of another state ~~which~~ *that* is in substantial conformity with that
27 statute;

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

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

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

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

37 (d) (1) No person may petition for expungement until five or more
38 years have elapsed since the person satisfied the sentence imposed or the
39 terms of a diversion agreement or was discharged from probation, a
40 community correctional services program, parole, postrelease supervision,
41 conditional release or a suspended sentence, if such person was convicted
42 of a first violation of K.S.A. 8-1567, and amendments thereto, including
43 any diversion for such violation.

1 (2) No person may petition for expungement until 10 or more years
2 have elapsed since the person satisfied the sentence imposed or was
3 discharged from probation, a community correctional services program,
4 parole, postrelease supervision, conditional release or a suspended
5 sentence, if such person was convicted of a second or subsequent violation
6 of K.S.A. 8-1567, and amendments thereto.

7 (3) Except as provided further, the provisions of this subsection shall
8 apply to all violations committed on or after July 1, 2006. The provisions
9 of subsection (d)(2) shall not apply to violations committed on or after
10 July 1, 2014, but prior to July 1, 2015.

11 (e) There shall be no expungement of convictions for the following
12 offenses or of convictions for an attempt to commit any of the following
13 offenses:

14 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
15 2020 Supp. 21-5503, and amendments thereto;

16 (2) indecent liberties with a child or aggravated indecent liberties
17 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
18 or K.S.A. 2020 Supp. 21-5506, and amendments thereto;

19 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
20 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
21 amendments thereto;

22 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
23 to its repeal, or K.S.A. 2020 Supp. 21-5504, and amendments thereto;

24 (5) indecent solicitation of a child or aggravated indecent solicitation
25 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
26 or K.S.A. 2020 Supp. 21-5508, and amendments thereto;

27 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
28 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;

29 (7) internet trading in child pornography or aggravated internet
30 trading in child pornography, as defined in K.S.A. 2020 Supp. 21-5514,
31 and amendments thereto;

32 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
33 repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto;

34 (9) endangering a child or aggravated endangering a child, as defined
35 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2020 Supp.
36 21-5601, and amendments thereto;

37 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
38 or K.S.A. 2020 Supp. 21-5602, and amendments thereto;

39 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
40 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

41 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
42 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

43 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior

1 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

2 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
3 its repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

4 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
5 its repeal, or K.S.A. 2020 Supp. 21-5405, and amendments thereto;

6 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
7 or K.S.A. 2020 Supp. 21-5505, and amendments thereto, when the victim
8 was less than 18 years of age at the time the crime was committed;

9 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
10 its repeal, or K.S.A. 2020 Supp. 21-5505, and amendments thereto;

11 (18) a violation of K.S.A. 8-2,144, and amendments thereto,
12 including any diversion for such violation; or

13 (19) any conviction for any offense in effect at any time prior to July
14 1, 2011, that is comparable to any offense as provided in this subsection.

15 (f) Notwithstanding any other law to the contrary, for any offender
16 who is required to register as provided in the Kansas offender registration
17 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
18 expungement of any conviction or any part of the offender's criminal
19 record while the offender is required to register as provided in the Kansas
20 offender registration act.

21 (g) (1) When a petition for expungement is filed, the court shall set a
22 date for a hearing of such petition and shall cause notice of such hearing to
23 be given to the prosecutor and the arresting law enforcement agency. The
24 petition shall state the:

25 (A) Defendant's full name;

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

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

29 (D) crime for which the defendant was arrested, convicted or
30 diverted;

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

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

34 (2) Except as otherwise provided by law, a petition for expungement
35 shall be accompanied by a docket fee in the amount of \$176. On and after
36 July 1, 2019, through June 30, 2025, the supreme court may impose a
37 charge, not to exceed \$19 per case, to fund the costs of non-judicial
38 personnel. The charge established in this section shall be the only fee
39 collected or moneys in the nature of a fee collected for the case. Such
40 charge shall only be established by an act of the legislature and no other
41 authority is established by law or otherwise to collect a fee.

42 (3) All petitions for expungement shall be docketed in the original
43 criminal action. Any person who may have relevant information about the

1 petitioner may testify at the hearing. The court may inquire into the
2 background of the petitioner and shall have access to any reports or
3 records relating to the petitioner that are on file with the secretary of
4 corrections or the prisoner review board.

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

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

10 (2) the circumstances and behavior of the petitioner warrant the
11 expungement; and

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

13 (i) When the court has ordered an arrest record, conviction or
14 diversion expunged, the order of expungement shall state the information
15 required to be contained in the petition. The clerk of the court shall send a
16 certified copy of the order of expungement to the Kansas bureau of
17 investigation ~~which~~ *that* shall notify the federal bureau of investigation,
18 the secretary of corrections and any other criminal justice agency ~~which~~
19 *that* may have a record of the arrest, conviction or diversion. If the case
20 was appealed from municipal court, the clerk of the district court shall
21 send a certified copy of the order of expungement to the municipal court.
22 The municipal court shall order the case expunged once the certified copy
23 of the order of expungement is received. After the order of expungement is
24 entered, the petitioner shall be treated as not having been arrested,
25 convicted or diverted of the crime, except that:

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

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

31 (A) In any application for licensure as a private detective, private
32 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
33 7b21, and amendments thereto, or employment as a detective with a
34 private detective agency, as defined by K.S.A. 75-7b01, and amendments
35 thereto; as security personnel with a private patrol operator, as defined by
36 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
37 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
38 for aging and disability services;

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

41 (C) to aid in determining the petitioner's qualifications for
42 employment with the Kansas lottery or for work in sensitive areas within
43 the Kansas lottery as deemed appropriate by the executive director of the

1 Kansas lottery;

2 (D) to aid in determining the petitioner's qualifications for executive
3 director of the Kansas racing and gaming commission, for employment
4 with the commission or for work in sensitive areas in parimutuel racing as
5 deemed appropriate by the executive director of the commission, or to aid
6 in determining qualifications for licensure or renewal of licensure by the
7 commission;

8 (E) to aid in determining the petitioner's qualifications for the
9 following under the Kansas expanded lottery act:

10 (i) Lottery gaming facility manager or prospective manager, racetrack
11 gaming facility manager or prospective manager, licensee or certificate
12 holder; or

13 (ii) an officer, director, employee, owner, agent or contractor thereof;

14 (F) upon application for a commercial driver's license under K.S.A.
15 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

26 (K) to aid in determining the petitioner's qualifications for a license to
27 carry a concealed weapon pursuant to the personal and family protection
28 act, K.S.A. 75-7c01 et seq., and amendments thereto; or

29 (L) to aid in determining the petitioner's qualifications for a license to
30 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-
31 7e09, *and amendments thereto*, and K.S.A. 2020 Supp. 50-6,141, and
32 amendments thereto;

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

35 (4) the conviction may be disclosed in a subsequent prosecution for
36 an offense ~~which~~ *that* requires as an element of such offense a prior
37 conviction of the type expunged; and

38 (5) upon commitment to the custody of the secretary of corrections,
39 any previously expunged record in the possession of the secretary of
40 corrections may be reinstated and the expungement disregarded, and the
41 record continued for the purpose of the new commitment.

42 (j) Whenever a person is convicted of a crime, pleads guilty and pays
43 a fine for a crime, is placed on parole, postrelease supervision or

1 probation, is assigned to a community correctional services program, is
2 granted a suspended sentence or is released on conditional release, the
3 person shall be informed of the ability to expunge the arrest records or
4 conviction. Whenever a person enters into a diversion agreement, the
5 person shall be informed of the ability to expunge the diversion.

6 (k) (1) Subject to the disclosures required pursuant to subsection (i),
7 in any application for employment, license or other civil right or privilege,
8 or any appearance as a witness, a person whose arrest records, conviction
9 or diversion of a crime has been expunged under this statute may state that
10 such person has never been arrested, convicted or diverted of such crime.

11 (2) ~~Notwithstanding the provisions of subsection (k)(1), and except as~~
12 ~~provided in K.S.A. 2020 Supp. 21-6304(a)(3)(A), and amendments~~
13 ~~thereto, the expungement of a prior felony conviction does not relieve the~~
14 ~~individual of complying with any state or federal law relating to the use,~~
15 ~~shipment, transportation, receipt or possession of firearms by persons~~
16 ~~previously convicted of a felony~~ *A person whose arrest record, conviction*
17 *or diversion of a crime has been expunged under this statute shall be*
18 *deemed to have had such person's right to keep and bear arms fully*
19 *restored. This restoration of rights shall include, but is not limited to, the*
20 *right to use, transport, receive, purchase, transfer and possess firearms.*

21 (l) Whenever the record of any arrest, conviction or diversion has
22 been expunged under the provisions of this section or under the provisions
23 of any other existing or former statute, the custodian of the records of
24 arrest, conviction, diversion and incarceration relating to that crime shall
25 not disclose the existence of such records, except when requested by:

26 (1) The person whose record was expunged;

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

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

33 (4) the secretary for aging and disability services, or a designee of the
34 secretary, for the purpose of obtaining information relating to employment
35 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
36 of the Kansas department for aging and disability services of any person
37 whose record has been expunged;

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

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

43 (7) the supreme court, the clerk or disciplinary administrator thereof,

1 the state board for admission of attorneys or the state board for discipline
2 of attorneys, and the request is accompanied by a statement that the
3 request is being made in conjunction with an application for admission, or
4 for an order of reinstatement, to the practice of law in this state by the
5 person whose record has been expunged;

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

11 (9) the governor or the Kansas racing and gaming commission, or a
12 designee of the commission, and the request is accompanied by a
13 statement that the request is being made to aid in determining
14 qualifications for executive director of the commission, for employment
15 with the commission, for work in sensitive areas in parimutuel racing as
16 deemed appropriate by the executive director of the commission or for
17 licensure, renewal of licensure or continued licensure by the commission;

18 (10) the Kansas racing and gaming commission, or a designee of the
19 commission, and the request is accompanied by a statement that the
20 request is being made to aid in determining qualifications of the following
21 under the Kansas expanded lottery act:

22 (A) Lottery gaming facility managers and prospective managers,
23 racetrack gaming facility managers and prospective managers, licensees
24 and certificate holders; and

25 (B) their officers, directors, employees, owners, agents and
26 contractors;

27 (11) the Kansas sentencing commission;

28 (12) the state gaming agency, and the request is accompanied by a
29 statement that the request is being made to aid in determining
30 qualifications:

31 (A) To be an employee of the state gaming agency; or

32 (B) to be an employee of a tribal gaming commission or to hold a
33 license issued pursuant to a tribal-gaming compact;

34 (13) the Kansas securities commissioner or a designee of the
35 commissioner, and the request is accompanied by a statement that the
36 request is being made in conjunction with an application for registration as
37 a broker-dealer, agent, investment adviser or investment adviser
38 representative by such agency and the application was submitted by the
39 person whose record has been expunged;

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

1 (15) a law enforcement agency and the request is accompanied by a
2 statement that the request is being made to aid in determining eligibility
3 for employment as a law enforcement officer as defined by K.S.A. 22-
4 2202, and amendments thereto;

5 (16) the attorney general and the request is accompanied by a
6 statement that the request is being made to aid in determining
7 qualifications for a license to:

8 ~~(A) Carry a concealed weapon pursuant to the personal and family
9 protection act; or~~

10 ~~(B) act as a bail enforcement agent pursuant to K.S.A. 75-7e01
11 through 75-7e09, and amendments thereto, and K.S.A. 2020 Supp. 50-
12 6,141, and amendments thereto; or~~

13 (17) the Kansas bureau of investigation for the purposes of:

14 ~~(A) completing a person's criminal history record information within
15 the central repository, in accordance with K.S.A. 22-4701 et seq., and
16 amendments thereto; or~~

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

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

22 Sec. 3. K.S.A. 2020 Supp. 21-6304 and 21-6614 are hereby repealed.

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