

SENATE BILL No. 558

By Committee on Federal and State Affairs

3-11

1 AN ACT concerning firearms; establishing a procedure for a petition for
2 restoration of a person's firearms rights; authorizing a person who was
3 convicted of a felony that has been expunged to file such petition;
4 amending K.S.A. 2021 Supp. 21-6614 and repealing the existing
5 section.

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

8 New Section 1. (a) It is the purpose of this section to establish a
9 procedure that allows a Kansas resident who was convicted of a specified
10 felony that has been expunged to petition the court to remove the
11 petitioner's disenfranchisement under K.S.A. 2021 Supp. 21-6304, and
12 amendments thereto, and to restore the person's firearms rights in this
13 state. Restoration of a person's firearms rights under this section means
14 that the person may purchase, own, possess or have in the person's
15 custody, care or control any firearm without being in violation of K.S.A.
16 2021 Supp. 21-6304, and amendments thereto, if otherwise qualified.

17 (b) A person who was convicted of a felony described in K.S.A. 2021
18 Supp. 21-6304(a)(2), (a)(3) or (a)(4), and amendments thereto, and who
19 has had such felony expunged under K.S.A. 2021 Supp. 21-6614, and
20 amendments thereto, may petition the district court in the district where
21 the person resides to restore the person's firearms rights pursuant to this
22 section. The court may grant a petition to restore a person's firearms rights
23 under this section if the petitioner satisfies all of the following criteria and
24 is not otherwise disqualified to have that right restored:

25 (1) The petitioner is a resident of Kansas and has been a resident of
26 the state for at least one year immediately preceding the filing of the
27 petition;

28 (2) the petitioner has a felony conviction described in K.S.A. 2021
29 Supp. 21-6304(a)(2), (a)(3) or (a)(4), and amendments thereto, that has
30 been expunged pursuant to K.S.A. 2021 Supp. 21-6614, and amendments
31 thereto;

32 (3) the petitioner submits to being fingerprinted by the sheriff of the
33 county where the petitioner resides and the sheriff shall provide such
34 fingerprints to the Kansas bureau of investigation for the purposes of a
35 national and state criminal history records check, the results of which shall
36 be submitted to the district court where the petition was filed and the

- 1 county or district attorney for the county where the petition is filed; and
- 2 (4) the petitioner is not disqualified under subsection (c).
- 3 (c) The court shall deny the petition to restore the firearms rights of
- 4 any petitioner if the court finds any of the following:
- 5 (1) The petitioner is ineligible to purchase, own, possess or have in
- 6 the person's custody, care or control a firearm under the provisions of any
- 7 state law except for K.S.A. 2021 Supp. 21-6304, and amendments thereto;
- 8 (2) the petitioner is under indictment for a felony offense or that a
- 9 finding of probable cause exists against the petitioner for a felony offense;
- 10 (3) the petitioner is a fugitive from justice, as such term is defined in
- 11 K.S.A. 2021 Supp. 21-6301, and amendments thereto;
- 12 (4) the petitioner is an unlawful user of, or addicted to, marijuana,
- 13 alcohol or any depressant, stimulant or narcotic drug or any other
- 14 controlled substance as defined in 21 U.S.C. § 802;
- 15 (5) the petitioner is or has been dishonorably discharged from any of
- 16 the armed forces of the United States;
- 17 (6) the petitioner is free on bond or personal recognizance pending
- 18 trial, appeal or sentencing for a crime that would prohibit the person from
- 19 having such petitioner's firearms rights restored under this section; or
- 20 (7) an emergency order, ex parte order or protective order has been
- 21 issued pursuant to K.S.A. 60-3101 et seq. or 60-31a01 et seq., and
- 22 amendments thereto, or a substantially similar order issued by a court in
- 23 another jurisdiction has been issued against the petitioner and such court
- 24 order is still in effect.
- 25 (d) The clerk of the district court shall provide notice of the hearing
- 26 to the county or district attorney for the county where the petition is filed
- 27 at least four weeks prior to the date of such hearing. The petitioner may
- 28 present evidence in support of the petition, and the county or district
- 29 attorney may present evidence in opposition to the requested restoration of
- 30 firearms rights or may otherwise demonstrate why the petition should be
- 31 denied. The petitioner shall have the burden to establish by a
- 32 preponderance of the evidence that the petitioner is qualified to receive the
- 33 restoration under subsection (b) and that the petitioner is not disqualified
- 34 under subsection (c).
- 35 (e) Except as otherwise provided by law, a petition for restoration of
- 36 firearms rights shall be accompanied by a docket fee in the amount of
- 37 \$176. On and after July 1, 2022, through June 30, 2025, the supreme court
- 38 may impose a charge, not to exceed \$19 per case, to fund the costs of non-
- 39 judicial personnel. The charge established in this section shall be the only
- 40 fee collected or moneys in the nature of a fee collected for the case. Such
- 41 charge shall only be established by an act of the legislature and no other
- 42 authority is established by law or otherwise to collect a fee.
- 43 (f) If the court denies the petition, the person may petition the court

1 for restoration of such person's firearms rights in accordance with this
2 section not earlier than one year from the date of the denial of the prior
3 petition, except that if the sole basis for the denial of the petition is the
4 grounds set forth in subsection (c)(7), then such person may file a new
5 petition upon the expiration of such order.

6 (g) If the court grants the petition, within 10 days after entry of the
7 order, the clerk of the district court shall send a certified copy of the order
8 to the sheriff of the county where the petitioner resides, the attorney
9 general and the Kansas bureau of investigation, and the Kansas bureau of
10 investigation shall submit such order to the national instant criminal
11 background check system denied transaction file.

12 (h) A restoration of firearms rights under this section shall not be
13 construed as an expungement or pardon of any conviction of the petitioner.

14 (i) If a person's firearms rights are restored under this section and
15 such person is convicted of a second or subsequent felony that disqualifies
16 such person from possessing a firearm under K.S.A. 2021 Supp. 21-6304,
17 and amendments thereto, then such person's firearms rights shall be
18 automatically revoked and shall not be eligible for restoration under this
19 section.

20 (j) A person who knowingly submits false information under this
21 section is guilty of a class A nonperson misdemeanor. Any person who is
22 convicted of an offense under this subsection shall be prohibited from
23 petitioning to restore such person's firearms rights under this section.

24 (k) As used in this section, the term "firearms rights" means the legal
25 right in this state to purchase, own, possess, or have in a person's custody,
26 care or control, any firearm.

27 Sec. 2. K.S.A. 2021 Supp. 21-6614 is hereby amended to read as
28 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
29 and (f), any person convicted in this state of a traffic infraction, cigarette
30 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
31 committed on or after July 1, 1993, any nongrid felony or felony ranked in
32 severity levels 6 through 10 of the nondrug grid, or for crimes committed
33 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
34 severity level 4 of the drug grid, or for crimes committed on or after July
35 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
36 the convicting court for the expungement of such conviction or related
37 arrest records if three or more years have elapsed since the person: (A)
38 Satisfied the sentence imposed; or (B) was discharged from probation, a
39 community correctional services program, parole, postrelease supervision,
40 conditional release or a suspended sentence.

41 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
42 person who has fulfilled the terms of a diversion agreement may petition
43 the district court for the expungement of such diversion agreement and

1 related arrest records if three or more years have elapsed since the terms of
2 the diversion agreement were fulfilled.

3 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
4 3512, prior to its repeal, convicted of a violation of K.S.A. 2021 Supp. 21-
5 6419, and amendments thereto, or who entered into a diversion agreement
6 in lieu of further criminal proceedings for such violation, may petition the
7 convicting court for the expungement of such conviction or diversion
8 agreement and related arrest records if:

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

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

19 (c) Except as provided in subsections (e) and (f), no person may
20 petition for expungement until five or more years have elapsed since the
21 person satisfied the sentence imposed or the terms of a diversion
22 agreement or was discharged from probation, a community correctional
23 services program, parole, postrelease supervision, conditional release or a
24 suspended sentence, if such person was convicted of a class A, B or C
25 felony, or for crimes committed on or after July 1, 1993, if convicted of an
26 off-grid felony or any felony ranked in severity levels 1 through 5 of the
27 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
28 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
29 grid, or for crimes committed on or after July 1, 2012, any felony ranked
30 in severity levels 1 through 4 of the drug grid, or:

31 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
32 repeal, or K.S.A. 2021 Supp. 21-5406, and amendments thereto, or as
33 prohibited by any law of another state that is in substantial conformity
34 with that statute;

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

39 (3) perjury resulting from a violation of K.S.A. 8-261a, and
40 amendments thereto, or resulting from the violation of a law of another
41 state that is in substantial conformity with that statute;

42 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
43 thereto, relating to fraudulent applications or violating the provisions of a

1 law of another state that is in substantial conformity with that statute;

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

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

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

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

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

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

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

28 (e) There shall be no expungement of convictions for the following
29 offenses or of convictions for an attempt to commit any of the following
30 offenses:

31 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
32 2021 Supp. 21-5503, and amendments thereto;

33 (2) indecent liberties with a child or aggravated indecent liberties
34 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
35 or K.S.A. 2021 Supp. 21-5506, and amendments thereto;

36 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
37 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and
38 amendments thereto;

39 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
40 to its repeal, or K.S.A. 2021 Supp. 21-5504, and amendments thereto;

41 (5) indecent solicitation of a child or aggravated indecent solicitation
42 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
43 or K.S.A. 2021 Supp. 21-5508, and amendments thereto;

1 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
2 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto;

3 (7) internet trading in child pornography or aggravated internet
4 trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514,
5 and amendments thereto;

6 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
7 repeal, or K.S.A. 2021 Supp. 21-5604, and amendments thereto;

8 (9) endangering a child or aggravated endangering a child, as defined
9 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2021 Supp.
10 21-5601, and amendments thereto;

11 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
12 or K.S.A. 2021 Supp. 21-5602, and amendments thereto;

13 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
14 or K.S.A. 2021 Supp. 21-5401, and amendments thereto;

15 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
16 its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;

17 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
18 to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments thereto;

19 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
20 its repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;

21 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
22 its repeal, or K.S.A. 2021 Supp. 21-5405, and amendments thereto;

23 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
24 or K.S.A. 2021 Supp. 21-5505, and amendments thereto, when the victim
25 was less than 18 years of age at the time the crime was committed;

26 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
27 its repeal, or K.S.A. 2021 Supp. 21-5505, and amendments thereto;

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

30 (19) any conviction for any offense in effect at any time prior to July
31 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

42 (A) Defendant's full name;

43 (B) full name of the defendant at the time of arrest, conviction or

- 1 diversion, if different than the defendant's current name;
2 (C) defendant's sex, race and date of birth;
3 (D) crime for which the defendant was arrested, convicted or
4 diverted;
5 (E) date of the defendant's arrest, conviction or diversion; and
6 (F) identity of the convicting court, arresting law enforcement
7 authority or diverting authority.

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

16 (3) All petitions for expungement shall be docketed in the original
17 criminal action. Any person who may have relevant information about the
18 petitioner may testify at the hearing. The court may inquire into the
19 background of the petitioner and shall have access to any reports or
20 records relating to the petitioner that are on file with the secretary of
21 corrections or the prisoner review board.

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

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

27 (2) the circumstances and behavior of the petitioner warrant the
28 expungement; *and*

29 (3) the expungement is consistent with the public welfare; ~~and~~

30 ~~(4) with respect to petitions seeking expungement of a felony~~
31 ~~conviction, possession of a firearm by the petitioner is not likely to pose a~~
32 ~~threat to the safety of the public.~~

33 (i) When the court has ordered an arrest record, conviction or
34 diversion expunged, the order of expungement shall state the information
35 required to be contained in the petition. The clerk of the court shall send a
36 certified copy of the order of expungement to the Kansas bureau of
37 investigation that shall notify the federal bureau of investigation, the
38 secretary of corrections and any other criminal justice agency that may
39 have a record of the arrest, conviction or diversion. If the case was
40 appealed from municipal court, the clerk of the district court shall send a
41 certified copy of the order of expungement to the municipal court. The
42 municipal court shall order the case expunged once the certified copy of
43 the order of expungement is received. After the order of expungement is

1 entered, the petitioner shall be treated as not having been arrested,
2 convicted or diverted of the crime, except that:

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

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

8 (A) In any application for licensure as a private detective, private
9 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
10 7b21, and amendments thereto, or employment as a detective with a
11 private detective agency, as defined by K.S.A. 75-7b01, and amendments
12 thereto; as security personnel with a private patrol operator, as defined by
13 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
14 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
15 for aging and disability services;

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

18 (C) to aid in determining the petitioner's qualifications for
19 employment with the Kansas lottery or for work in sensitive areas within
20 the Kansas lottery as deemed appropriate by the executive director of the
21 Kansas lottery;

22 (D) to aid in determining the petitioner's qualifications for executive
23 director of the Kansas racing and gaming commission, for employment
24 with the commission or for work in sensitive areas in parimutuel racing as
25 deemed appropriate by the executive director of the commission, or to aid
26 in determining qualifications for licensure or renewal of licensure by the
27 commission;

28 (E) to aid in determining the petitioner's qualifications for the
29 following under the Kansas expanded lottery act: (i) Lottery gaming
30 facility manager or prospective manager, racetrack gaming facility
31 manager or prospective manager, licensee or certificate holder; or (ii) an
32 officer, director, employee, owner, agent or contractor thereof;

33 (F) upon application for a commercial driver's license under K.S.A.
34 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

43 (J) in any application for employment as a law enforcement officer as

1 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; ~~or~~

2 (K) to aid in determining the petitioner's qualifications for a license to
3 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-
4 7e09, and amendments thereto, and K.S.A. 2021 Supp. 50-6,141, and
5 amendments thereto; *or*

6 (L) *to aid in determining the petitioner's qualifications for a license*
7 *to carry a concealed handgun pursuant to the personal and family*
8 *protection act, K.S.A. 75-7c01 et seq., and amendments thereto;*

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

11 (4) the conviction may be disclosed in a subsequent prosecution for
12 an offense that requires as an element of such offense a prior conviction of
13 the type expunged; and

14 (5) upon commitment to the custody of the secretary of corrections,
15 any previously expunged record in the possession of the secretary of
16 corrections may be reinstated and the expungement disregarded, and the
17 record continued for the purpose of the new commitment.

18 (j) Whenever a person is convicted of a crime, pleads guilty and pays
19 a fine for a crime, is placed on parole, postrelease supervision or
20 probation, is assigned to a community correctional services program, is
21 granted a suspended sentence or is released on conditional release, the
22 person shall be informed of the ability to expunge the arrest records or
23 conviction. Whenever a person enters into a diversion agreement, the
24 person shall be informed of the ability to expunge the diversion.

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

30 (2) A person whose arrest record, conviction or diversion of a crime
31 that resulted in such person being prohibited by state or federal law from
32 possessing a firearm has been expunged under this statute ~~shall be deemed~~
33 ~~to have had such person's right to keep and bear arms fully restored. This~~
34 ~~restoration of rights shall include, but not be limited to, the right to use,~~
35 ~~transport, receive, purchase, transfer and possess firearms~~ *may petition for*
36 *the restoration of such person's firearms rights pursuant to section 1, and*
37 *amendments thereto.* The provisions of this paragraph shall apply to all
38 orders of expungement, including any orders issued prior to July 1, ~~2021~~
39 ~~2022.~~

40 (l) Whenever the record of any arrest, conviction or diversion has
41 been expunged under the provisions of this section or under the provisions
42 of any other existing or former statute, the custodian of the records of
43 arrest, conviction, diversion and incarceration relating to that crime shall

1 not disclose the existence of such records, except when requested by:

2 (1) The person whose record was expunged;

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

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

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

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

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

19 (7) the supreme court, the clerk or disciplinary administrator thereof,
20 the state board for admission of attorneys or the state board for discipline
21 of attorneys, and the request is accompanied by a statement that the
22 request is being made in conjunction with an application for admission, or
23 for an order of reinstatement, to the practice of law in this state by the
24 person whose record has been expunged;

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

30 (9) the governor or the Kansas racing and gaming commission, or a
31 designee of the commission, and the request is accompanied by a
32 statement that the request is being made to aid in determining
33 qualifications for executive director of the commission, for employment
34 with the commission, for work in sensitive areas in parimutuel racing as
35 deemed appropriate by the executive director of the commission or for
36 licensure, renewal of licensure or continued licensure by the commission;

37 (10) the Kansas racing and gaming commission, or a designee of the
38 commission, and the request is accompanied by a statement that the
39 request is being made to aid in determining qualifications of the following
40 under the Kansas expanded lottery act: (A) Lottery gaming facility
41 managers and prospective managers, racetrack gaming facility managers
42 and prospective managers, licensees and certificate holders; and (B) their
43 officers, directors, employees, owners, agents and contractors;

1 (11) the Kansas sentencing commission;

2 (12) the state gaming agency, and the request is accompanied by a
3 statement that the request is being made to aid in determining
4 qualifications: (A) To be an employee of the state gaming agency; or (B)
5 to be an employee of a tribal gaming commission or to hold a license
6 issued pursuant to a tribal-gaming compact;

7 (13) the Kansas securities commissioner or a designee of the
8 commissioner, and the request is accompanied by a statement that the
9 request is being made in conjunction with an application for registration as
10 a broker-dealer, agent, investment adviser or investment adviser
11 representative by such agency and the application was submitted by the
12 person whose record has been expunged;

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

17 (15) a law enforcement agency and the request is accompanied by a
18 statement that the request is being made to aid in determining eligibility
19 for employment as a law enforcement officer as defined by K.S.A. 22-
20 2202, and amendments thereto;

21 (16) (A) the attorney general and the request is accompanied by a
22 statement that the request is being made to aid in determining
23 qualifications for a license to:

24 (1) Act as a bail enforcement agent pursuant to K.S.A. 75-7e01
25 through 75-7e09, and amendments thereto, and K.S.A. 2021 Supp. 50-
26 6,141, and amendments thereto; or

27 (2) *carry a concealed handgun pursuant to the personal and family*
28 *protection act, K.S.A. 75-7c01 et seq., and amendments thereto; or*

29 (B) the attorney general for any other purpose authorized by law,
30 ~~except that an expungement record shall not be the basis for denial of a~~
31 ~~license to carry a concealed handgun under the personal and family~~
32 ~~protection act; or~~

33 (17) the Kansas bureau of investigation, for the ~~purpose~~ *purposes* of:

34 (A) Completing a person's criminal history record information within
35 the central repository, in accordance with K.S.A. 22-4701 et seq., and
36 amendments thereto; or

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

40 (m)-(+) The provisions of subsection (l)(17) shall apply to records
41 created prior to, on and after July 1, 2011.

42 (2) ~~Upon the issuance of an order of expungement that resulted in the~~
43 ~~restoration of a person's right to keep and bear arms, the Kansas bureau of~~

1 ~~investigation shall report to the federal bureau of investigation that such~~
2 ~~expunged record be withdrawn from the national instant criminal~~
3 ~~background check system. The Kansas bureau of investigation shall~~
4 ~~include such order of expungement in the person's criminal history record~~
5 ~~for purposes of documenting the restoration of such person's right to keep~~
6 ~~and bear arms.~~

7 Sec. 3. K.S.A. 2021 Supp. 21-6614 is hereby repealed.

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