



## Kansas Bureau of Investigation

Kirk Thompson  
*Director*

Derek Schmidt  
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Testimony in Support of HB 2041  
Before the Senate Judiciary Committee  
Kyle Smith, Deputy Director  
Kansas Bureau of Investigation  
March 7, 2013

Chairman King and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation and Attorney General Derek Schmidt in support of HB 2041. The KBI not only conducts investigations and forensic examinations in support of the criminal justice system but also serves as the central repository of criminal records. HB 2041 makes some technical changes in those statutes dealing with records, mainly due to improvements in technology and other legislation.

Page 1, line 33, language limiting municipal courts to reporting only A and B misdemeanors is struck as being unnecessary since all misdemeanors as described in that section are considered criminal history information and should be tracked.

Page 2, deals with a slight expansion of the crimes tracked in the newly created DUI database, passed last year. Specifically, boating under the influence of drugs or alcohol, K.S.A. 32-1131, was omitted last year and is being added on line 3.

Language is being added on page 2, line 35-36 to exempt from the restrictions covering the release of criminal history information the fact that a defendant is being released from custody. Victims deserve to be protected and notified when their offender is released and this clarifies that such notification is authorized.

Page 4, dates for adoption of rules and regulations for the new DUI database are pushed back one year due to delays. It was determined by the CITO that a feasibility study was required before the database could proceed and then it was decided that the project would have to go through the public bid process, both protections are good use of the taxpayers' dollars, but they did result in almost a year's delay in the project.

The word 'disposition' is added on page 4, lines 24 and 29, to clarify that courts report not just on filings, but dispositions of covered offenses, and the new crime of refusing to submit to testing, created last year, is added to the covered offenses in lines 25-26.

I would be happy to stand for questions.