

22-4705. Establishment of criminal justice information system central repository; reportable events; reporting, sharing and authorization of information; fees. (a) The following events are reportable events under this act:

- (1) Issuance of an arrest warrant;
- (2) an arrest;
- (3) release of a person after arrest without the filing of a charge;
- (4) the filing of a charge;
- (5) dismissal or quashing of an indictment or criminal information;
- (6) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;
- (7) imposition of a sentence;
- (8) commitment to a correctional facility, whether state or locally operated;
- (9) release from detention or confinement;
- (10) an escape from confinement;
- (11) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
- (12) judgment of an appellate court that modifies or reverses the lower court decision;
- (13) order of a court in a collateral proceeding that affects a person's conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and
- (14) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information and any electronically stored information from a state agency or municipality. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.

(c) The Kansas bureau of investigation may enter into an agreement with any state agency or municipality to allow for the sharing and authentication of any electronically stored information held by the state agency or municipality, in whole or in part, to the central repository.

(d) Except as otherwise provided by this subsection, every criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.

(e) Reporting methods may include:

- (1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;
- (2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts;
- (3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies; or
- (4) any transfer of electronically stored information by a state agency or municipality to the central repository.

(f) Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.

(g) The director may determine, by rule and regulation, the reportable events to be reported by each criminal justice agency, in order to avoid duplication in reporting.

(h) Except as otherwise provided in this subsection, no court or criminal justice agency may assess fees or charges against the central repository for providing criminal history record information created prior to, on or after July 1, 2011. A court or criminal justice agency may assess a fee or charge against the central repository for providing criminal history record information if such court or criminal justice agency has previously provided such criminal history record information as required by law.

History: L. 1978, ch. 118, § 5; L. 1982, ch. 151, § 1; L. 2011, ch. 100, § 12; L. 2012, ch. 166, § 6; L. 2016, ch. 31, § 2; July 1.

Section was amended twice in the 2011 session, see also 22-4705a.