

KANSAS BUREAU OF INVESTIGATION

Chairman Jennings,

As you know, the KBI is statutorily responsible for the collection, maintenance, and dissemination of all adult and juvenile criminal history record information and for maintaining the central repository that houses this information. Because of this responsibility, we have some concerns with the proposed amendment that would prohibit fingerprinting of juveniles prior to adjudication. Below is a brief summary of those concerns, provided to me by our Information Services Division Director, Leslie Moore.

Balloon amendment 4 (attached) strikes the language for fingerprinting a juvenile upon custody or first appearance and replaces that with fingerprinting upon adjudication. This will cause the juvenile criminal history records to be less accurate because prosecutor and court actions other than adjudications will have to be matched based upon demographics instead of fingerprints. If a juvenile purposely uses the wrong name then the prosecutor and court action will be matched to the wrong record.

This exact language was passed in 2006 HB 261 that went into effect on January 1, 2007. The KBI central repository received 8 court orders covering 14 counties to fingerprint juveniles upon detention and first appearance. In 2007 most agencies still manually inked fingerprint cards. As juvenile fingerprint cards were received at the central repository we went through the list of counties and mailed back any fingerprint cards received not on the list covered under the court orders. This caused such a outcry throughout the state a bill was immediately passed in March 2007, HB 2074, to reverse the language back to fingerprinting juveniles upon custody or first appearance.

If something similar were to happen today there would be a different impact to the KBI. Today most fingerprints are received electronically. Fingerprints would have to be processed then researched later to determine what arrests would have to be removed from the criminal history record and Automated Fingerprint Identification System (AFIS). There is no way to research fingerprints before they are processed. Additionally, to do the research on what fingerprints would need to be removed, a program would have to be written to ensure a complete list could be obtained of all juvenile fingerprints processed. Due to the quick turnaround for this bill there is no time to study the cost to write a fiscal note for the KBI.

We would appreciate this information being shared with the Committee prior to final action. ISD Director Leslie Moore and I will be present at the hearing in case the Committee has questions.

Sincerely,

Katie Whisman
EXECUTIVE OFFICER
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