

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Judiciary

From: Kyle Hamilton, Assistant Revisor of Statutes  
Jason Thompson, Senior Assistant Revisor of Statutes

Date: March 14, 2019

Subject: Bill Brief on HB 2360

HB 2360 would create state statutory authority for qualified entities to request state and national background checks of employees and volunteers who have supervised or unsupervised access to children, the elderly or individuals with disabilities.

Subsection (a) contains definitions for terms used throughout the bill, which closely mirror the definitions in federal law. The term “provider” would cover employees, volunteers, and operators or potential operators of a qualified entity. “Qualified entity” would mean a business or organization that provides care to children, the elderly or individuals with disabilities. The term “qualified entity” would not include child care facilities, because child care providers are mandated to undergo background checks under federal and state law (K.S.A. 65-516). The House Committee on Children and Seniors added other business or organizations that are subject to background checks under federal and state law to this exclusion: Adult care homes (K.S.A. 39-970); providers of disability services (K.S.A. 39-2009); home health agencies (K.S.A. 65-5117); and programs administered by the Department for Children and Families or the Kansas Department for Aging and Disability Services for the placement, safety, protection or treatment of vulnerable children or adults (K.S.A. 75-53,105).

Subsection (b) would allow a qualified entity to request that the Kansas Bureau of Investigation (KBI) conduct a state and national criminal history record check on any provider or person seeking to become a provider.

Subsection (c) would authorize a qualified entity to require a person to undergo fingerprinting and for the qualified entity to use the information obtained from the fingerprints and a background check to determine whether that person has the qualifications and fitness to serve as a provider.

Subsection (d) would require law enforcement agencies to assist in the taking and processing of fingerprints.

Subsection (e) would require the KBI to release all records of a person's adult convictions and diversions to the qualified entity.

Subsection (f) would clarify that the KBI would not be responsible for determining a provider's eligibility to serve a qualified entity. That decision would be left to the qualified entity.

HB 2360 would become effective upon publication in the Kansas register.