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LEGISLATURE *of* THE STATE *of* KANSAS
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MEMORANDUM

To: House of Representatives Committee on Children and Seniors
From: Office of Revisor of Statutes
Date: March 17, 2021
Subject: Senate Bill 83

SB 83 creates certain exceptions to the confidentiality requirement of state child death review board documents. The bill amends K.S.A. Supp. 22a-243, which is the statute that establishes the state child death review board. Current law in subsection (j) requires that information and records of the state child death review board remain confidential, with the only exception allowing disclosure to any member of the legislature or legislative committee responsible for enabling or appropriating legislation.

The bill would strike that current exception and replace it with the following seven categories:

1. A member of legislature or legislative committee with enabling or appropriating responsibility, in a closed or executive meeting where appropriate steps to preserve privacy have been taken;
2. a person or entity contracting with the board, if disclosure is essential for completion of the contract;
3. any person or entity, if the disclosed material is statistical or conclusions of the board contained in its annual report;
4. a law enforcement agency investigating a child's death caused by abuse or neglect;
5. a county or district attorney prosecuting a child's death caused by abuse or neglect;
6. a licensing body, if the disclosed material is related to a disciplinary complaint against one of such body's licensees; and
7. a governmental agency or organization with a federalwide assurance for health or education research if personally identifiable information has been redacted.

SB 83 was amended in committee to include that a law enforcement agency and a county or district attorney may have access if the agency or attorney had knowledge of a law enforcement investigation involving the death of a child.

SB 83 was amended on the senate floor to include an extra category of "any entity established by a city or county for the express purpose of providing a local review of child deaths if the information and records being disclosed are related a child's death where either: (A) such death occurred in such city or county; or (B) such child was a resident of such city or county;"

The bill as amended passed the senate 39-0.