



Kansas Bureau of Investigation

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Testimony on House Bill 2226
Before the House Committee on Judiciary
Leslie Moore, Information Service Division Director
Kansas Bureau of Investigation
February 9, 2021

Representative Patton and Members of the Committee,

Please accept on behalf of the Kansas Bureau of Investigation (KBI) my neutral testimony regarding House Bill 2226. As the Information Division Director at KBI and current Chair of the National Crime Prevention and Privacy Compact Council, I wanted to make the Committee aware of issues with the bill.

The State of Kansas ratified the National Crime Prevention and Privacy Compact (Compact) with legislation in 2001 in Kansas Statutes Annotated (K.S.A.) 22-5001. The purpose of the Compact was to decentralize criminal history records and to eliminate the duplicate maintenance of those records by the states and the Federal Bureau of Investigation (FBI). The Compact gives Kansas the right to maintain our own records, provide the most complete and accurate version of those criminal history records to other states and federal agencies, and provided a cost savings to the State because we are no longer providing copies of documents to the FBI.

When the National Crime Prevention and Privacy Compact was passed by Congress in 1998 the intent of the Compact was included on the congressional record. The intent is included in *Resource Materials on the National Crime Prevention and Privacy Compact* published by the Bureau of Justice Statistics. It states automatic sealings (known as expungements in Kansas) do not satisfy the requirements of a sealing because they do not require individual petitions to be filed and the issuance of an individual sealing order. If this bill passes, then Kansas will be in violation of the Compact because it will provide automatic expungements to be conducted.

If this law were to pass, then the KBI will need to create a new classification for the automatic expungements so they can be easily identified during Compact audits. The new classification will require programming in the criminal history database and the rapsheet. The records receiving the automatic expungements would be expunged on the state level; however, to comply with the Compact, they would still be available on the national criminal history held by the FBI for non-criminal justice purposes.

Additionally, the published 2019 statistics from the Office of Judicial Administration show there were over 27,000 convictions and diversions for that one year. KBI currently receives approximately 3300 expungements a year, processed by one clerk. KBI would need to hire 7-8 additional clerks to process the additional expungements.

Thank you for your consideration.