

HOUSE BILL No. 2655

By Committee on Corrections and Juvenile Justice

Requested by Representative Maughan on behalf of Marilyn Harp

1-31

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; requiring automated expungement of certain records;
3 sealing such records from public view and limiting disclosure thereof;
4 amending K.S.A. 21-6614 and repealing the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) (1) (A) On and after July 1, 2025, notwithstanding
8 the provisions of K.S.A. 21-6614, and amendments thereto, and except as
9 provided in paragraph (3) and subsection (c)(3), if a court enters an order
10 of acquittal of criminal charges against a person or enters an order
11 dismissing, with or without prejudice, all criminal charges in a case against
12 a person, the court shall order the record of such charges and related arrest
13 records expunged 30 days after such order is entered unless the person
14 objects to the expungement, an appeal is filed or the prosecutor files a
15 written objection to the expungement.

16 (B) If an appeal is filed and the appellate court issues a mandate
17 affirming the district court's dismissal, the district court shall order the
18 records expunged 30 days after such mandate is filed.

19 (C) If the prosecutor files a written objection to the expungement, the
20 court shall promptly hold a hearing on such objection. If the court finds
21 expungement is appropriate, the court shall order the records expunged 30
22 days after such hearing. If the court finds expungement is not appropriate,
23 the court shall not order the records expunged.

24 (D) An order expunging records pursuant to this paragraph shall not
25 require any action by the person.

26 (2) Notwithstanding the provisions of K.S.A. 21-6614, and
27 amendments thereto, and except as provided in paragraph (3), a person
28 who has been charged with a criminal offense and who has been acquitted
29 of such charges or against whom charges have been dismissed, and whose
30 records have not been expunged pursuant to paragraph (1), may petition
31 the court in which the disposition of charges was made to expunge all
32 charges and related arrest records. A petition for expungement brought
33 under this paragraph shall be filed not sooner than 60 days after the order
34 of acquittal or dismissal, with or without prejudice, is entered by the court.

35 (3) The provisions of paragraphs (1) and (2) do not apply to diversion

1 agreements entered into in lieu of further criminal proceedings for a
2 violation of driving under the influence, K.S.A. 8-1567, and amendments
3 thereto.

4 (b) (1) After the filing of a petition pursuant to subsection (a)(2), the
5 court shall notify the prosecutor and provide such prosecutor with the
6 opportunity to respond to the petition. Such response shall be filed within
7 30 days after the filing of the petition. The prosecutor shall notify the
8 arresting law enforcement agency of such petition.

9 (2) (A) If a response objecting to the expungement is filed, the court
10 shall set the matter for hearing. The prosecutor shall notify any victim of
11 such hearing as required by K.S.A. 74-7335, and amendments thereto.

12 (B) If a response objecting to the expungement is not filed, the court
13 shall order the expungement of such records 30 days after the filing of the
14 petition pursuant to subparagraph (C).

15 (C) If the court finds that a petition filed pursuant to subsection (a)(2)
16 is properly filed, the court shall grant the petition and order the court
17 records and related arrest records expunged if such order is consistent with
18 the public welfare.

19 (c) (1) An order of expungement pursuant to this section shall
20 expunge all criminal records in the custody of the court and any criminal
21 records in the custody of any other agency or official, including law
22 enforcement records, related to the charges described in such order.

23 (2) When a court has issued an order of expungement pursuant to this
24 section, the clerk of the court shall send a certified copy of the order of
25 expungement to the Kansas bureau of investigation. The Kansas bureau of
26 investigation shall send a copy of such order to the federal bureau of
27 investigation, the secretary of corrections, the appellate courts and any
28 other criminal justice agency that may have a record of the arrest, charge,
29 conviction, acquittal, dismissal or diversion. If the case was appealed from
30 municipal court, the clerk of the district court shall send a certified copy of
31 the order of expungement to the municipal court. The municipal court shall
32 order the case expunged once the certified copy of the order of
33 expungement is received. After the order of expungement is entered, the
34 petitioner shall be treated as not having been arrested, charged, acquitted,
35 dismissed or diverted of the crime, except that:

36 (A) Upon conviction for any subsequent crime, the diversion that was
37 expunged may be considered as a prior conviction in determining the
38 sentence to be imposed;

39 (B) the petitioner shall disclose that the arrest, acquittal, dismissal or
40 diversion occurred if asked about previous arrests, convictions or
41 diversions:

42 (i) In any application for licensure as a private detective, private
43 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-

- 1 7b21, and amendments thereto, or employment as a detective with a
2 private detective agency, as defined by K.S.A. 75-7b01, and amendments
3 thereto; as security personnel with a private patrol operator, as defined by
4 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
5 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
6 for aging and disability services;
- 7 (ii) in any application for admission, or for an order of reinstatement,
8 to the practice of law in this state;
- 9 (iii) to aid in determining the petitioner's qualifications for
10 employment with the Kansas lottery or for work in sensitive areas within
11 the Kansas lottery as deemed appropriate by the executive director of the
12 Kansas lottery;
- 13 (iv) to aid in determining the petitioner's qualifications for executive
14 director of the Kansas racing and gaming commission, for employment
15 with the commission or for work in sensitive areas in parimutuel racing as
16 deemed appropriate by the executive director of the commission, or to aid
17 in determining qualifications for licensure or renewal of licensure by the
18 commission;
- 19 (v) to aid in determining the petitioner's qualifications for the
20 following under the Kansas expanded lottery act:
- 21 (a) Lottery gaming facility manager or prospective manager,
22 racetrack gaming facility manager or prospective manager, licensee or
23 certificate holder; or
- 24 (b) an officer, director, employee, owner, agent or contractor thereof;
- 25 (vi) upon application for a commercial driver's license under K.S.A.
26 8-2,125 through 8-2,142, and amendments thereto;
- 27 (vii) to aid in determining the petitioner's qualifications to be an
28 employee of the state gaming agency;
- 29 (viii) to aid in determining the petitioner's qualifications to be an
30 employee of a tribal gaming commission or to hold a license issued
31 pursuant to a tribal-state gaming compact;
- 32 (ix) in any application for registration as a broker-dealer, agent,
33 investment adviser or investment adviser representative, all as defined in
34 K.S.A. 17-12a102, and amendments thereto;
- 35 (x) in any application for employment as a law enforcement officer as
36 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
- 37 (xi) to aid in determining the petitioner's qualifications for a license to
38 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-
39 7e09, and amendments thereto, and K.S.A. 50-6,141, and amendments
40 thereto;
- 41 (C) the court, in the order of expungement, may specify other
42 circumstances under which the conviction is to be disclosed;
- 43 (D) the diversion may be disclosed in a subsequent prosecution for an

1 offense that requires as an element of such offense a prior conviction of
2 the type expunged; and

3 (E) upon commitment to the custody of the secretary of corrections,
4 any previously expunged record in the possession of the secretary of
5 corrections may be reinstated and the expungement disregarded, and the
6 record continued for the purpose of the new commitment.

7 (3) Upon a motion establishing good cause, the court may set aside
8 the order expunging a record pursuant to this section.

9 (d) (1) Subject to the disclosures required pursuant to subsection (c),
10 in any application for employment, license or other civil right or privilege,
11 or any appearance as a witness, a person whose records of arrest, acquittal,
12 dismissal or diversion related to a criminal charge have been expunged
13 under this statute may state that such person has never been arrested,
14 charged, acquitted, dismissed or diverted of the crime.

15 (2) A person whose arrest record, conviction or diversion of a crime
16 that resulted in such person being prohibited by state or federal law from
17 possessing a firearm has been expunged under this statute shall be deemed
18 to have had such person's right to keep and bear arms fully restored. This
19 restoration of rights shall include, but not be limited to, the right to use,
20 transport, receive, purchase, transfer and possess firearms. The provisions
21 of this paragraph shall apply to all orders of expungement pursuant to this
22 section.

23 (e) Whenever the records of arrest, acquittal, dismissal, conviction or
24 diversion related to a criminal charge have been expunged under the
25 provisions of this section or under the provisions of any other existing or
26 former statute, the custodian of the records of arrest, acquittal, dismissal,
27 conviction, diversion or incarceration relating to such criminal charge shall
28 not disclose the existence of such records, except when requested by:

29 (1) The person whose record was expunged;

30 (2) a private detective agency or a private patrol operator, and the
31 request is accompanied by a statement that the request is being made in
32 conjunction with an application for employment with such agency or
33 operator by the person whose record has been expunged;

34 (3) a court, upon a showing of a subsequent conviction of the person
35 whose record has been expunged;

36 (4) the secretary for aging and disability services, or a designee of the
37 secretary, for the purpose of obtaining information relating to employment
38 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
39 of the Kansas department for aging and disability services of any person
40 whose record has been expunged;

41 (5) a person entitled to such information pursuant to the terms of the
42 expungement order;

43 (6) a prosecutor, for the purpose of a potential prosecution;

1 (7) the supreme court, the clerk or disciplinary administrator thereof,
2 the state board for admission of attorneys or the state board for discipline
3 of attorneys, and the request is accompanied by a statement that the
4 request is being made in conjunction with an application for admission, or
5 for an order of reinstatement, to the practice of law in this state by the
6 person whose record has been expunged;

7 (8) the Kansas lottery, and the request is accompanied by a statement
8 that the request is being made to aid in determining qualifications for
9 employment with the Kansas lottery or for work in sensitive areas within
10 the Kansas lottery as deemed appropriate by the executive director of the
11 Kansas lottery;

12 (9) the governor or the Kansas racing and gaming commission, or a
13 designee of the commission, and the request is accompanied by a
14 statement that the request is being made to aid in determining
15 qualifications for executive director of the commission, for employment
16 with the commission, for work in sensitive areas in parimutuel racing as
17 deemed appropriate by the executive director of the commission or for
18 licensure, renewal of licensure or continued licensure by the commission;

19 (10) the Kansas racing and gaming commission, or a designee of the
20 commission, and the request is accompanied by a statement that the
21 request is being made to aid in determining qualifications of the following
22 under the Kansas expanded lottery act:

23 (A) Lottery gaming facility managers and prospective managers,
24 racetrack gaming facility managers and prospective managers, licensees
25 and certificate holders; and

26 (B) their officers, directors, employees, owners, agents and
27 contractors;

28 (11) the Kansas sentencing commission;

29 (12) the state gaming agency, and the request is accompanied by a
30 statement that the request is being made to aid in determining
31 qualifications:

32 (A) To be an employee of the state gaming agency; or

33 (B) to be an employee of a tribal gaming commission or to hold a
34 license issued pursuant to a tribal-gaming compact;

35 (13) the Kansas securities commissioner or a designee of the
36 commissioner, and the request is accompanied by a statement that the
37 request is being made in conjunction with an application for registration as
38 a broker-dealer, agent, investment adviser or investment adviser
39 representative by such agency and the application was submitted by the
40 person whose record has been expunged;

41 (14) the Kansas commission on peace officers' standards and training
42 and the request is accompanied by a statement that the request is being
43 made to aid in determining certification eligibility as a law enforcement

1 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
2 (15) a law enforcement agency for the purposes of a criminal
3 investigation;

4 (16) (A) the attorney general and the request is accompanied by a
5 statement that the request is being made to aid in determining
6 qualifications for a license to act as a bail enforcement agent pursuant to
7 K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A.
8 2022 Supp. 50-6,141, and amendments thereto; or

9 (B) the attorney general for any other purpose authorized by law,
10 except that an expungement record shall not be the basis for denial of a
11 license to carry a concealed handgun under the personal and family
12 protection act; or

13 (17) the Kansas bureau of investigation, for the purpose of
14 completing a person's criminal history record information within the
15 central repository, in accordance with K.S.A. 22-4701 et seq., and
16 amendments thereto.

17 (f) As used in this section, "criminal charges" does not include a
18 traffic infraction that is not classified as a misdemeanor.

19 (g) The provisions of this section, except for the provisions of
20 subsection (a)(1), shall be construed and applied retroactively.

21 Sec. 2. K.S.A. 21-6614 is hereby amended to read as follows: 21-
22 6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any
23 person convicted in this state of a traffic infraction, cigarette or tobacco
24 infraction, misdemeanor or a class D or E felony, or for crimes committed
25 on or after July 1, 1993, any nongrid felony or felony ranked in severity
26 levels 6 through 10 of the nondrug grid, or for crimes committed on or
27 after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity
28 level 4 of the drug grid, or for crimes committed on or after July 1, 2012,
29 any felony ranked in severity level 5 of the drug grid may petition the
30 convicting court for the expungement of such conviction or related arrest
31 records if three or more years have elapsed since the person:

32 (A) Satisfied the sentence imposed; or

33 (B) was discharged from probation, a community correctional
34 services program, parole, postrelease supervision, conditional release or a
35 suspended sentence.

36 ~~(2) Except as provided in subsections (b), (c), (d), (e) and (f), any~~
37 ~~person who has fulfilled the terms of a diversion agreement may petition~~
38 ~~the district court for the expungement of such diversion agreement and~~
39 ~~related arrest records if three or more years have elapsed since the terms of~~
40 ~~the diversion agreement were fulfilled.~~

41 ~~(3)~~ Notwithstanding the provisions of subsection (a)(1), and except as
42 provided in subsections (b), (c), (d), (e) and (f), any person who has
43 completed the requirements of a specialty court program established

1 pursuant to K.S.A. 20-173, and amendments thereto, may petition the
2 district court for the expungement of the conviction and related arrest
3 records. The court may waive all or part of the docket fee imposed for
4 filing a petition pursuant to this subsection.

5 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
6 3512, prior to its repeal, convicted of a violation of K.S.A. 21-6419, and
7 amendments thereto, ~~or who entered into a diversion agreement in lieu of~~
8 ~~further criminal proceedings for such violation,~~ may petition the
9 convicting court for the expungement of such conviction ~~or diversion~~
10 ~~agreement~~ and related arrest records if:

11 (1) One or more years have elapsed since the person satisfied the
12 sentence imposed ~~or the terms of a diversion agreement~~ or was discharged
13 from probation, a community correctional services program, parole,
14 postrelease supervision, conditional release or a suspended sentence; and

15 (2) such person can prove they were acting under coercion caused by
16 the act of another. For purposes of this subsection, "coercion" means:
17 Threats of harm or physical restraint against any person; a scheme, plan or
18 pattern intended to cause a person to believe that failure to perform an act
19 would result in bodily harm or physical restraint against any person; or the
20 abuse or threatened abuse of the legal process.

21 (c) Except as provided in subsections (e) and (f), no person may
22 petition for expungement until five or more years have elapsed since the
23 person satisfied the sentence imposed or the terms of a diversion
24 agreement or was discharged from probation, a community correctional
25 services program, parole, postrelease supervision, conditional release or a
26 suspended sentence, if such person was convicted of a class A, B or C
27 felony, or for crimes committed on or after July 1, 1993, if convicted of an
28 off-grid felony or any felony ranked in severity levels 1 through 5 of the
29 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
30 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
31 grid, or for crimes committed on or after July 1, 2012, any felony ranked
32 in severity levels 1 through 4 of the drug grid, or:

33 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
34 repeal, or K.S.A. 21-5406, and amendments thereto, or as prohibited by
35 any law of another state that is in substantial conformity with that statute;

36 (2) driving while the privilege to operate a motor vehicle on the
37 public highways of this state has been canceled, suspended or revoked, as
38 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
39 any law of another state that is in substantial conformity with that statute;

40 (3) perjury resulting from a violation of K.S.A. 8-261a, and
41 amendments thereto, or resulting from the violation of a law of another
42 state that is in substantial conformity with that statute;

43 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments

1 thereto, relating to fraudulent applications or violating the provisions of a
2 law of another state that is in substantial conformity with that statute;

3 (5) any crime punishable as a felony wherein a motor vehicle was
4 used in the perpetration of such crime;

5 (6) failing to stop at the scene of an accident and perform the duties
6 required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604,
7 and amendments thereto, or required by a law of another state that is in
8 substantial conformity with those statutes;

9 (7) violating the provisions of K.S.A. 40-3104, and amendments
10 thereto, relating to motor vehicle liability insurance coverage; or

11 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

12 (d) (1) No person may petition for expungement until five or more
13 years have elapsed since the person satisfied the sentence imposed or the
14 terms of a diversion agreement or was discharged from probation, a
15 community correctional services program, parole, postrelease supervision,
16 conditional release or a suspended sentence, if such person was convicted
17 of a first violation of K.S.A. 8-1567, and amendments thereto, including
18 any diversion for such violation.

19 (2) No person may petition for expungement until 10 or more years
20 have elapsed since the person satisfied the sentence imposed or was
21 discharged from probation, a community correctional services program,
22 parole, postrelease supervision, conditional release or a suspended
23 sentence, if such person was convicted of a second or subsequent violation
24 of K.S.A. 8-1567, and amendments thereto.

25 (3) Except as provided further, the provisions of this subsection shall
26 apply to all violations committed on or after July 1, 2006. The provisions
27 of subsection (d)(2) shall not apply to violations committed on or after
28 July 1, 2014, but prior to July 1, 2015.

29 (e) There shall be no expungement of convictions for the following
30 offenses or of convictions for an attempt to commit any of the following
31 offenses:

32 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
33 21-5503, and amendments thereto;

34 (2) indecent liberties with a child or aggravated indecent liberties
35 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
36 or K.S.A. 21-5506, and amendments thereto;

37 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
38 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments
39 thereto;

40 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
41 to its repeal, or K.S.A. 21-5504, and amendments thereto;

42 (5) indecent solicitation of a child or aggravated indecent solicitation
43 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,

- 1 or K.S.A. 21-5508, and amendments thereto;
- 2 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
3 to its repeal, or K.S.A. 21-5510, and amendments thereto;
- 4 (7) internet trading in child pornography or aggravated internet
5 trading in child pornography, as defined in K.S.A. 21-5514, and
6 amendments thereto;
- 7 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
8 repeal, or K.S.A. 21-5604, and amendments thereto;
- 9 (9) endangering a child or aggravated endangering a child, as defined
10 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 21-5601,
11 and amendments thereto;
- 12 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
13 or K.S.A. 21-5602, and amendments thereto;
- 14 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
15 or K.S.A. 21-5401, and amendments thereto;
- 16 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
17 its repeal, or K.S.A. 21-5402, and amendments thereto;
- 18 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
19 to its repeal, or K.S.A. 21-5403, and amendments thereto;
- 20 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
21 its repeal, or K.S.A. 21-5404, and amendments thereto;
- 22 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
23 its repeal, or K.S.A. 21-5405, and amendments thereto;
- 24 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
25 or K.S.A. 21-5505, and amendments thereto, when the victim was less
26 than 18 years of age at the time the crime was committed;
- 27 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
28 its repeal, or K.S.A. 21-5505, and amendments thereto;
- 29 (18) a violation of K.S.A. 8-2,144, and amendments thereto,
30 including any diversion for such violation; or
- 31 (19) any conviction for any offense in effect at any time prior to July
32 1, 2011, that is comparable to any offense as provided in this subsection.
- 33 (f) Except as provided in K.S.A. 22-4908, and amendments thereto,
34 for any offender who is required to register as provided in the Kansas
35 offender registration act, K.S.A. 22-4901 et seq., and amendments thereto,
36 there shall be no expungement of any conviction or any part of the
37 offender's criminal record while the offender is required to register as
38 provided in the Kansas offender registration act.
- 39 (g) (1) When a petition for expungement is filed, the court shall set a
40 date for a hearing of such petition and shall cause notice of such hearing to
41 be given to the prosecutor and the arresting law enforcement agency. The
42 petition shall state the:
- 43 (A) Defendant's full name;

1 (B) full name of the defendant at the time of arrest, conviction or
2 diversion, if different than the defendant's current name;

3 (C) defendant's sex, race and date of birth;

4 (D) crime for which the defendant was arrested, convicted or
5 diverted;

6 (E) date of the defendant's arrest, conviction or diversion; and

7 (F) identity of the convicting court, arresting law enforcement
8 authority or diverting authority.

9 (2) Except as otherwise provided by law, a petition for expungement
10 shall be accompanied by a docket fee in the amount of \$176. On and after
11 July 1, 2019, through June 30, 2025, the supreme court may impose a
12 charge, not to exceed \$19 per case, to fund the costs of non-judicial
13 personnel. The charge established in this section shall be the only fee
14 collected or moneys in the nature of a fee collected for the case. Such
15 charge shall only be established by an act of the legislature and no other
16 authority is established by law or otherwise to collect a fee.

17 (3) All petitions for expungement shall be docketed in the original
18 criminal action. Any person who may have relevant information about the
19 petitioner may testify at the hearing. The court may inquire into the
20 background of the petitioner and shall have access to any reports or
21 records relating to the petitioner that are on file with the secretary of
22 corrections or the prisoner review board.

23 (h) At the hearing on the petition, the court shall order the petitioner's
24 arrest record, conviction or diversion expunged if the court finds that:

25 (1) (A) The petitioner has not been convicted of a felony in the past
26 two years and no proceeding involving any such crime is presently
27 pending or being instituted against the petitioner if the petition is filed
28 under subsection (a)(1) ~~or (a)(2)~~; or

29 (B) no proceeding involving a felony is presently pending or being
30 instituted against the petitioner if the petition is filed under subsection ~~(a)~~
31 ~~(3)~~ (a)(2);

32 (2) the circumstances and behavior of the petitioner warrant the
33 expungement;

34 (3) the expungement is consistent with the public welfare; and

35 (4) with respect to petitions seeking expungement of a felony
36 conviction, possession of a firearm by the petitioner is not likely to pose a
37 threat to the safety of the public.

38 (i) When the court has ordered an arrest record, conviction or
39 diversion expunged, the order of expungement shall state the information
40 required to be contained in the petition. The clerk of the court shall send a
41 certified copy of the order of expungement to the Kansas bureau of
42 investigation that shall notify the federal bureau of investigation, the
43 secretary of corrections and any other criminal justice agency that may

1 have a record of the arrest, conviction or diversion. If the case was
2 appealed from municipal court, the clerk of the district court shall send a
3 certified copy of the order of expungement to the municipal court. The
4 municipal court shall order the case expunged once the certified copy of
5 the order of expungement is received. After the order of expungement is
6 entered, the petitioner shall be treated as not having been arrested,
7 convicted or diverted of the crime, except that:

8 (1) Upon conviction for any subsequent crime, the conviction that
9 was expunged may be considered as a prior conviction in determining the
10 sentence to be imposed;

11 (2) the petitioner shall disclose that the arrest, conviction or diversion
12 occurred if asked about previous arrests, convictions or diversions:

13 (A) In any application for licensure as a private detective, private
14 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
15 7b21, and amendments thereto, or employment as a detective with a
16 private detective agency, as defined by K.S.A. 75-7b01, and amendments
17 thereto; as security personnel with a private patrol operator, as defined by
18 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
19 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
20 for aging and disability services;

21 (B) in any application for admission, or for an order of reinstatement,
22 to the practice of law in this state;

23 (C) to aid in determining the petitioner's qualifications for
24 employment with the Kansas lottery or for work in sensitive areas within
25 the Kansas lottery as deemed appropriate by the executive director of the
26 Kansas lottery;

27 (D) to aid in determining the petitioner's qualifications for executive
28 director of the Kansas racing and gaming commission, for employment
29 with the commission or for work in sensitive areas in parimutuel racing as
30 deemed appropriate by the executive director of the commission, or to aid
31 in determining qualifications for licensure or renewal of licensure by the
32 commission;

33 (E) to aid in determining the petitioner's qualifications for the
34 following under the Kansas expanded lottery act: (i) Lottery gaming
35 facility manager or prospective manager, racetrack gaming facility
36 manager or prospective manager, licensee or certificate holder; or (ii) an
37 officer, director, employee, owner, agent or contractor thereof;

38 (F) upon application for a commercial driver's license under K.S.A.
39 8-2,125 through 8-2,142, and amendments thereto;

40 (G) to aid in determining the petitioner's qualifications to be an
41 employee of the state gaming agency;

42 (H) to aid in determining the petitioner's qualifications to be an
43 employee of a tribal gaming commission or to hold a license issued

1 pursuant to a tribal-state gaming compact;

2 (I) in any application for registration as a broker-dealer, agent,
3 investment adviser or investment adviser representative all as defined in
4 K.S.A. 17-12a102, and amendments thereto;

5 (J) in any application for employment as a law enforcement officer as
6 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

7 (K) to aid in determining the petitioner's qualifications for a license to
8 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-
9 7e09, and amendments thereto, and K.S.A. 2023 Supp. 50-6,141, and
10 amendments thereto;

11 (3) the court, in the order of expungement, may specify other
12 circumstances under which the conviction is to be disclosed;

13 (4) the conviction may be disclosed in a subsequent prosecution for
14 an offense that requires as an element of such offense a prior conviction of
15 the type expunged; and

16 (5) upon commitment to the custody of the secretary of corrections,
17 any previously expunged record in the possession of the secretary of
18 corrections may be reinstated and the expungement disregarded, and the
19 record continued for the purpose of the new commitment.

20 (j) Whenever a person is convicted of a crime, pleads guilty and pays
21 a fine for a crime, is placed on parole, postrelease supervision or
22 probation, is assigned to a community correctional services program, is
23 granted a suspended sentence or is released on conditional release, the
24 person shall be informed of the ability to expunge the arrest records or
25 conviction. Whenever a person enters into a diversion agreement, the
26 person shall be informed of the ability to expunge the diversion.

27 (k) (1) Subject to the disclosures required pursuant to subsection (i),
28 in any application for employment, license or other civil right or privilege,
29 or any appearance as a witness, a person whose arrest records, conviction
30 or diversion of a crime has been expunged under this statute may state that
31 such person has never been arrested, convicted or diverted of such crime.

32 (2) A person whose arrest record, conviction or diversion of a crime
33 that resulted in such person being prohibited by state or federal law from
34 possessing a firearm has been expunged under this statute shall be deemed
35 to have had such person's right to keep and bear arms fully restored. This
36 restoration of rights shall include, but not be limited to, the right to use,
37 transport, receive, purchase, transfer and possess firearms. The provisions
38 of this paragraph shall apply to all orders of expungement, including any
39 orders issued prior to July 1, 2021.

40 (l) Whenever the record of any arrest, conviction or diversion has
41 been expunged under the provisions of this section or under the provisions
42 of any other existing or former statute, the custodian of the records of
43 arrest, conviction, diversion and incarceration relating to that crime shall

1 not disclose the existence of such records, except when requested by:

2 (1) The person whose record was expunged;

3 (2) a private detective agency or a private patrol operator, and the
4 request is accompanied by a statement that the request is being made in
5 conjunction with an application for employment with such agency or
6 operator by the person whose record has been expunged;

7 (3) a court, upon a showing of a subsequent conviction of the person
8 whose record has been expunged;

9 (4) the secretary for aging and disability services, or a designee of the
10 secretary, for the purpose of obtaining information relating to employment
11 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
12 of the Kansas department for aging and disability services of any person
13 whose record has been expunged;

14 (5) a person entitled to such information pursuant to the terms of the
15 expungement order;

16 (6) a prosecutor, and such request is accompanied by a statement that
17 the request is being made in conjunction with a prosecution of an offense
18 that requires a prior conviction as one of the elements of such offense;

19 (7) the supreme court, the clerk or disciplinary administrator thereof,
20 the state board for admission of attorneys or the state board for discipline
21 of attorneys, and the request is accompanied by a statement that the
22 request is being made in conjunction with an application for admission, or
23 for an order of reinstatement, to the practice of law in this state by the
24 person whose record has been expunged;

25 (8) the Kansas lottery, and the request is accompanied by a statement
26 that the request is being made to aid in determining qualifications for
27 employment with the Kansas lottery or for work in sensitive areas within
28 the Kansas lottery as deemed appropriate by the executive director of the
29 Kansas lottery;

30 (9) the governor or the Kansas racing and gaming commission, or a
31 designee of the commission, and the request is accompanied by a
32 statement that the request is being made to aid in determining
33 qualifications for executive director of the commission, for employment
34 with the commission, for work in sensitive areas in parimutuel racing as
35 deemed appropriate by the executive director of the commission or for
36 licensure, renewal of licensure or continued licensure by the commission;

37 (10) the Kansas racing and gaming commission, or a designee of the
38 commission, and the request is accompanied by a statement that the
39 request is being made to aid in determining qualifications of the following
40 under the Kansas expanded lottery act: (A) Lottery gaming facility
41 managers and prospective managers, racetrack gaming facility managers
42 and prospective managers, licensees and certificate holders; and (B) their
43 officers, directors, employees, owners, agents and contractors;

1 (11) the Kansas sentencing commission;

2 (12) the state gaming agency, and the request is accompanied by a
3 statement that the request is being made to aid in determining
4 qualifications: (A) To be an employee of the state gaming agency; or (B)
5 to be an employee of a tribal gaming commission or to hold a license
6 issued pursuant to a tribal-gaming compact;

7 (13) the Kansas securities commissioner or a designee of the
8 commissioner, and the request is accompanied by a statement that the
9 request is being made in conjunction with an application for registration as
10 a broker-dealer, agent, investment adviser or investment adviser
11 representative by such agency and the application was submitted by the
12 person whose record has been expunged;

13 (14) the Kansas commission on peace officers' standards and training
14 and the request is accompanied by a statement that the request is being
15 made to aid in determining certification eligibility as a law enforcement
16 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

17 (15) a law enforcement agency and the request is accompanied by a
18 statement that the request is being made to aid in determining eligibility
19 for employment as a law enforcement officer as defined by K.S.A. 22-
20 2202, and amendments thereto;

21 (16) (A) the attorney general and the request is accompanied by a
22 statement that the request is being made to aid in determining
23 qualifications for a license to act as a bail enforcement agent pursuant to
24 K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A.
25 2023 Supp. 50-6,141, and amendments thereto; or

26 (B) the attorney general for any other purpose authorized by law,
27 except that an expungement record shall not be the basis for denial of a
28 license to carry a concealed handgun under the personal and family
29 protection act; or

30 (17) the Kansas bureau of investigation, for the purpose of
31 completing a person's criminal history record information within the
32 central repository, in accordance with K.S.A. 22-4701 et seq., and
33 amendments thereto.

34 (m) (1) The provisions of subsection (l)(17) shall apply to records
35 created prior to, on and after July 1, 2011.

36 (2) Upon the issuance of an order of expungement that resulted in the
37 restoration of a person's right to keep and bear arms, the Kansas bureau of
38 investigation shall report to the federal bureau of investigation that such
39 expunged record be withdrawn from the national instant criminal
40 background check system. The Kansas bureau of investigation shall
41 include such order of expungement in the person's criminal history record
42 for purposes of documenting the restoration of such person's right to keep
43 and bear arms.

1 Sec. 3. K.S.A. 21-6614 is hereby repealed.

2 Sec. 4. This act shall take effect and be in force from and after July 1,
3 2025, and its publication in the statute book.