

HOUSE BILL No. 2737

By Committee on Judiciary

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to expungement; acquittal at trial.

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

5 Section 1. (a)(1) If a person has been arrested in this state and later
6 acquitted at trial, or has had their conviction reversed or vacated and either
7 the charges were dismissed or on retrial the claimant was found to be not
8 guilty, the prosecuting attorney or other judicial officer who oversaw the
9 court proceedings shall:

10 (A) Provide notice to the court of such action; and

11 (B) petition the district court for the expungement of such arrest and
12 conviction records, and any records related to such arrest or conviction.

13 (2) Upon receiving a petition pursuant to this subsection, the court
14 shall order the arrest and conviction records, and any records related to
15 such arrest or conviction expunged and purged from all applicable state
16 and federal systems pursuant to subsection (c).

17 (b) (1) When a petition for expungement is filed pursuant to
18 subsection (a), the official court file shall be separated from the other
19 records of the court, and shall be disclosed only to a judge of the court and
20 members of the staff of the court designated by a judge of the district
21 court, the prosecuting attorney, the arresting law enforcement agency, or
22 any other person when authorized by a court order, subject to any
23 conditions imposed by the order.

24 (2) No surcharge or fee shall be imposed on any person filing a
25 petition pursuant to subsection (a).

26 (3) The petition filed pursuant to subsection (a) shall state:

27 (A) The petitioner's full name;

28 (B) the full name of the petitioner at the time of arrest or conviction,
29 if different than the petitioner's current name;

30 (C) the petitioner's sex, race and date of birth;

31 (D) the crime for which the petitioner was arrested or arrested and
32 convicted;

33 (E) the date of the petitioner's arrest or arrest and conviction; and

34 (F) the identity of the arresting law enforcement agency and identity
35 of the convicting court.

36 (c) When the court has ordered expungement of arrest or conviction

1 records on a petition for expungement pursuant to subsection (a), the order
2 shall state the information required to be stated in the petition and shall
3 state the grounds for expungement. The order shall also direct the Kansas
4 bureau of investigation to purge the arrest and conviction information from
5 the criminal justice information system central repository and all
6 applicable state and federal databases. The clerk of the court shall send a
7 certified copy of the order to the Kansas bureau of investigation, which
8 shall carry out the order and shall notify the federal bureau of
9 investigation, the secretary of corrections and any other criminal justice
10 agency that may have a record of the arrest or conviction. If an order of
11 expungement is entered, the person eligible for mandatory expungement
12 pursuant to subsection (a) shall be treated as not having been arrested or
13 convicted of the crime.

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.