

HOUSE BILL No. 2342

By Committee on Commerce, Labor and Economic Development

Requested by Rachel Willis on behalf of the Department of Commerce

2-7

1 AN ACT concerning the secretary of commerce; relating to employment
2 with the department of commerce; authorizing national criminal history
3 background checks for final applicants for certain sensitive positions
4 and employees in such positions; authorizing the secretary of
5 commerce to request the Kansas bureau of investigation to conduct the
6 background checks and provide the results to the secretary; amending
7 K.S.A. 2024 Supp. 22-4714 and repealing the existing section.
8

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

10 New Section 1. (a) The secretary may request the Kansas bureau of
11 investigations to conduct a state and national criminal history record check
12 on any final applicant for, or employee in, a sensitive position with the
13 department, in accordance with K.S.A. 2024 Supp. 22-4714, and
14 amendments thereto. The secretary may use the information obtained from
15 such state and national criminal history record check in the determination
16 of the qualifications and fitness of the final applicant for, or the employee
17 in, a sensitive position with the department. Such determination shall be in
18 the discretion of the secretary except for the minimum standard required
19 pursuant to subsection (b).

20 (b) As a minimum standard for a final applicant offered employment
21 with the department in a sensitive position or employment for an employee
22 in a sensitive position, a person shall have no misdemeanor conviction for
23 any crime involving theft, fraud, forgery or other financial crime or any
24 felony conviction under the laws of any state or of the United States, either
25 prior to or during such employment.

26 (d) For purposes of this section:

27 (1) "Final applicant" means an applicant for a sensitive position with
28 the department of commerce whom the secretary has determined is among
29 a select group of applicants that are the most qualified for the sensitive
30 position and to whom the secretary intends to give final consideration for
31 an offer of such employment.

32 (2) "Sensitive position" means an employee in:

33 (A) The positions of division director, assistant secretary, deputy
34 secretary, IT manager and chief counsel;

35 (B) grant or loan program manager positions directly involved with

1 accounting or disbursement of funds; and

2 (C) any position determined by the secretary to involve significant
3 financial management responsibilities, the collection or maintenance of, or
4 access to, confidential personal or business information or a significant
5 risk of fraud or financial liability to the department.

6 (e) The provisions of K.S.A. 75-7241, and amendments thereto, shall
7 supersede the provisions of this section.

8 Sec. 2. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as
9 follows: 22-4714. (a) A governmental agency other than a criminal justice
10 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
11 in subsection (b) may require a person to be fingerprinted and shall submit
12 such fingerprints to the Kansas bureau of investigation and the federal
13 bureau of investigation for a search of the state and federal database.
14 Fingerprints provided pursuant to this section may be used to identify a
15 person and to determine whether such person has a record of criminal
16 history in this state or in another jurisdiction. An agency identified in
17 subsection (b) may use the information obtained from the criminal history
18 record check for the purposes of verifying the identification of a person
19 and in the official determination of the qualifications and fitness of such
20 person to be issued or maintain employment, licensure, registration,
21 certification or a permit, act as an agent of a licensee, hold ownership of a
22 licensee or serve as a director or officer of a licensee.

23 (b) (1) The Kansas bureau of investigation shall release criminal
24 history record information related to adult convictions, adult non-
25 convictions, adult diversions, adult expunged records, juvenile
26 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
27 expunged records to the Kansas department for children and families or
28 the Kansas department for aging and disability services for initial or
29 continuing employment or participation in any program administered for
30 the placement, safety, protection or treatment of vulnerable children or
31 adults as described in K.S.A. 75-53,105, and amendments thereto.

32 (2) The Kansas bureau of investigation shall release criminal history
33 record information related to adult convictions, adult non-convictions,
34 adult diversions, adult expunged records and juvenile expunged records to:

35 (A) The state lottery for candidates for employees as defined in
36 K.S.A. 74-8702, and amendments thereto, in connection with such
37 employment as described in K.S.A. 74-8704, and amendments thereto; and

38 (B) the Kansas racing and gaming commission for candidates for
39 employees or licensees as defined in K.S.A. 74-8802, and amendments
40 thereto, in connection with such employment or license as described in
41 K.S.A. 74-8804, and amendments thereto, including an applicant for a
42 simulcasting license.

43 (3) The Kansas bureau of investigation shall release criminal history

1 record information related to adult convictions, adult non-convictions,
2 adult diversions, adult expunged records, juvenile adjudications, juvenile
3 non-adjudications and juvenile diversions to:

4 (A) The emergency medical services board for applicants as defined
5 in K.S.A. 65-6129, and amendments thereto, in connection with such
6 application as described in K.S.A. 65-6129, and amendments thereto;

7 (B) the attorney general for applicants as defined in K.S.A. 75-7c01,
8 and amendments thereto, in connection with such application as described
9 in K.S.A. 75-7c05, and amendments thereto; and

10 (C) the department of administration for candidates for sensitive
11 employees as defined in K.S.A. 75-3707e, and amendments thereto, in
12 connection with such employment as described in K.S.A. 75-3707e, and
13 amendments thereto.

14 (4) The Kansas bureau of investigation shall release criminal history
15 record information related to adult convictions, adult non-convictions,
16 adult diversions and adult expunged records to:

17 (A) The supreme court and state board of law examiners for
18 applicants as defined in K.S.A. 7-127, and amendments thereto, in
19 connection with such application as described in K.S.A. 7-127, and
20 amendments thereto;

21 (B) the state gaming agency for candidates for employees and
22 licensees as defined in K.S.A. 74-9802, and amendments thereto, in
23 connection with such employment or license as described in K.S.A. 74-
24 9805, and amendments thereto;

25 (C) the attorney general for applicants as defined in K.S.A. 75-7b01,
26 and amendments thereto, in connection with such application as described
27 in K.S.A. 75-7b04, and amendments thereto;

28 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,
29 and amendments thereto, in connection with such application for
30 certification as described in K.S.A. 75-7b21, and amendments thereto; and

31 (E) the commission on peace officers' standards and training for
32 applicants for certification under the Kansas law enforcement training act
33 as described in K.S.A. 74-5607, and amendments thereto.

34 (5) The Kansas bureau of investigation shall release criminal history
35 record information related to adult convictions, adult non-convictions,
36 adult diversions and juvenile adjudications to:

37 (A) The athletic commission within the Kansas department of
38 commerce for a candidate for boxing commission as defined in K.S.A. 74-
39 50,182, and amendments thereto, in connection with such appointment as
40 described in K.S.A. 74-50,184, and amendments thereto; ~~and~~

41 (B) the secretary of health and environment for employees at a child
42 care facility as defined in K.S.A. 65-503, and amendments thereto, in
43 connection with such employment as described in K.S.A. 65-516, and

1 amendments thereto, and

2 (C) the secretary of commerce for final applicants for a sensitive
3 position or employees in a sensitive position as defined in section 1, and
4 amendments thereto, in connection with such employment as described in
5 section 1, and amendments thereto.

6 (6) The Kansas bureau of investigation shall release criminal history
7 record information related to adult convictions and juvenile adjudications
8 to:

9 (A) The secretary for aging and disability services for applicants as
10 defined in K.S.A. 39-970, and amendments thereto, in connection with
11 such application as described in K.S.A. 39-970, and amendments thereto;

12 (B) the Kansas department for aging and disability services for
13 applicants as defined in K.S.A. 39-2009, and amendments thereto, in
14 connection with such application as described in K.S.A. 39-2009, and
15 amendments thereto; and

16 (C) the secretary for aging and disability services for applicants as
17 defined in K.S.A. 65-5117, and amendments thereto, in connection with
18 such application as described in K.S.A. 65-5117, and amendments thereto.

19 (7) The Kansas bureau of investigation shall release criminal history
20 record information related to adult convictions and adult non-convictions
21 to:

22 (A) The division of motor vehicles within the department of revenue
23 for applicants for reinstatement of a license to drive a commercial motor
24 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

25 (B) the board of examiners in optometry for applicants or licensees as
26 defined in K.S.A. 65-1501, and amendments thereto, in connection with
27 such application or an investigation as described in K.S.A. 65-1505, and
28 amendments thereto;

29 (C) the board of pharmacy for fingerprint candidates as defined in
30 K.S.A. 65-1626, and amendments thereto, in connection with such
31 application or license as described in K.S.A. 65-1696, and amendments
32 thereto;

33 (D) the state board of healing arts for applicants or licensees as
34 defined in K.S.A. 65-2802, and amendments thereto, in connection with
35 such application or an investigation as described in K.S.A. 65-28,129, and
36 amendments thereto;

37 (E) the state board of healing arts for applicants or licensees as
38 defined in K.S.A. 65-2901, and amendments thereto, in connection with
39 such application or an investigation as described in K.S.A. 65-2924, and
40 amendments thereto;

41 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,
42 and amendments thereto, in connection with such application as described
43 in K.S.A. 74-1112, and amendments thereto;

1 (G) the behavioral sciences regulatory board for licensees as defined
2 in K.S.A. 74-7511, and amendments thereto, in connection with such
3 application or license as described in K.S.A. 74-7511, and amendments
4 thereto;

5 (H) the state lottery for a vendor to whom a major procurement
6 contract is to be awarded in connection with an investigation as described
7 in K.S.A. 74-8705, and amendments thereto;

8 (I) the attorney general for appointees of the governor to positions
9 subject to confirmation by the senate and judicial appointees as described
10 in K.S.A. 75-712, and amendments thereto;

11 (J) appointing authorities as defined in K.S.A. 75-4315d, and
12 amendments thereto, for nongubernatorial appointees as described in
13 K.S.A. 75-4315d, and amendments thereto;

14 (K) the Kansas real estate commission for applicants as defined in
15 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
16 K.S.A. 58-3035, and amendments thereto, in connection with an
17 investigation as described in K.S.A. 58-3039, and amendments thereto;

18 (L) the insurance commissioner for applicants for licensure as an
19 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
20 connection with such application as described in K.S.A. 40-4905, and
21 amendments thereto; and

22 (M) the insurance commissioner for applicants as defined in K.S.A.
23 40-5501, and amendments thereto, in connection with such application as
24 described in K.S.A. 40-5505, and amendments thereto.

25 (8) The Kansas bureau of investigation shall release criminal history
26 record information related to adult convictions to:

27 (A) The department of agriculture for hemp employees as defined in
28 K.S.A. 2-3901, and amendments thereto, in connection with such
29 employment as described in K.S.A. 2-3902, and amendments thereto;

30 (B) the department of agriculture for applicants for licensure as a
31 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in
32 connection with such application as described in K.S.A. 2-3906, and
33 amendments thereto;

34 (C) the office of state fire marshal for applicants for registration as a
35 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in
36 connection with such application as described in K.S.A. 2-3907, and
37 amendments thereto;

38 (D) the department of agriculture for hemp destruction employees as
39 defined in K.S.A. 2-3901, and amendments thereto, in connection with
40 such employment as described in K.S.A. 2-3911, and amendments thereto;

41 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
42 508, and amendments thereto, in connection with such application as
43 described in K.S.A. 9-509, and amendments thereto;

- 1 (F) the bank commissioner for an applicant for employment as a new
2 executive officer or director with a money transmitter company as
3 described in K.S.A. 9-513e, and amendments thereto;
- 4 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
5 1719, and amendments thereto, in connection with such application as
6 described in K.S.A. 9-1722, and amendments thereto;
- 7 (H) the bank commissioner for an applicant, registrant or licensee as
8 defined in K.S.A. 9-2201, and amendments thereto, in connection with
9 such application, registration or license as described in K.S.A. 9-2209, and
10 amendments thereto;
- 11 (I) the state banking board for any officer, director or organizer of a
12 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and
13 amendments thereto, in connection with such role as described in K.S.A.
14 9-2302, and amendments thereto;
- 15 (J) municipalities for applicants for merchant or security police as
16 described in K.S.A. 12-1679, and amendments thereto;
- 17 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-
18 104, and amendments thereto, in connection with such application as
19 described in K.S.A. 16a-6-104, and amendments thereto;
- 20 (L) the state department of credit unions for every candidate as
21 defined in K.S.A. 17-2234, and amendments thereto, in connection with
22 such employment as described in K.S.A. 17-2234, and amendments
23 thereto;
- 24 (M) the division of alcoholic beverage control within the department
25 of revenue for applicants as defined in K.S.A. 41-102, and amendments
26 thereto, in connection with such application as described in K.S.A. 41-
27 311b, and amendments thereto;
- 28 (N) the division of post audit for employees as defined in K.S.A. 46-
29 1103, and amendments thereto, in connection with such employment as
30 described in K.S.A. 46-1103, and amendments thereto;
- 31 (O) the bank commissioner for licensees as defined in K.S.A. 50-
32 1126, and amendments thereto, in connection with such license as
33 described in K.S.A. 50-1128, and amendments thereto;
- 34 (P) the real estate appraisal board for licensees as defined in K.S.A.
35 58-4102, and amendments thereto, in connection with an application or
36 investigation as described in K.S.A. 58-4127, and amendments thereto;
- 37 (Q) the real estate appraisal board for applicants as defined in K.S.A.
38 58-4703, and amendments thereto, in connection with such application as
39 described in K.S.A. 58-4709, and amendments thereto;
- 40 (R) the department of health and environment for an employee as
41 defined in K.S.A. 65-2401, and amendments thereto, in connection with
42 such employment as described in K.S.A. 65-2402, and amendments
43 thereto;

1 (S) the Kansas commission on veterans affairs office for candidates
2 as defined in K.S.A. 73-1210a, and amendments thereto, in connection
3 with an application as described in K.S.A. 73-1210a, and amendments
4 thereto;

5 (T) a senate standing committee for a member named, appointed or
6 elected to the public employee retirement systems board of trustee
7 membership as described in K.S.A. 74-4905, and amendments thereto;

8 (U) the attorney general for applicants as defined in K.S.A. 75-7e01,
9 and amendments thereto, in connection with such application as described
10 in K.S.A. 75-7e03, and amendments thereto;

11 (V) the department of revenue for employees as defined in K.S.A. 75-
12 5133c, and amendments thereto, in connection with such employment as
13 described in K.S.A. 75-5133c, and amendments thereto;

14 (W) the division of motor vehicles within the department of revenue
15 for employees as defined in K.S.A. 75-5156, and amendments thereto, in
16 connection with such employment as described in K.S.A. 75-5156, and
17 amendments thereto;

18 (X) the Kansas commission for the deaf and hard of hearing for
19 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in
20 connection with such application as described in K.S.A. 75-5393a, and
21 amendments thereto;

22 (Y) the Kansas commission for the deaf and hard of hearing for
23 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
24 connection with such employment as described in K.S.A. 75-5393c, and
25 amendments thereto;

26 (Z) the department of health and environment for employees as
27 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
28 such employment as described in K.S.A. 75-5609a, and amendments
29 thereto; and

30 (AA) an executive branch agency head for employees as defined in
31 K.S.A. 75-7241, and amendments thereto, in connection with such
32 employment as described in K.S.A. 75-7241, and amendments thereto.

33 (c) State and local law enforcement agencies shall assist with taking
34 fingerprints of individuals as authorized by this section.

35 (d) Any board, commission, committee or other public body shall
36 recess into a closed executive session pursuant to K.S.A. 75-4319, and
37 amendments thereto, to receive and discuss criminal history record
38 information obtained pursuant to this section.

39 (e) The Kansas bureau of investigation may charge a reasonable fee
40 for conducting a criminal history record check.

41 (f) (1) Fingerprints and criminal history record information received
42 pursuant to this section shall be confidential and shall not be subject to the
43 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and

1 amendments thereto. The provisions of this paragraph shall expire on July
2 1, 2029, unless the legislature reviews and reenacts this provision pursuant
3 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

4 (2) Disclosure or use of any information received pursuant to this
5 section for any purpose other than the purpose described in this section
6 shall be a class A nonperson misdemeanor and shall constitute grounds for
7 removal from office.

8 Sec. 3. K.S.A. 2024 Supp. 22-4714 is hereby repealed.

9 Sec. 4. This act shall take effect and be in force from and after its
10 publication in the ~~statute book~~ ***Kansas register***.