On May 9, 2018, Representative Blaine Finch asked the Judicial Council to study 2018 H.B. 2571 and S.B. 360, as introduced. These bills proposed extensive changes to the disclosure of criminal investigation records, including body and vehicle camera recordings, under the Kansas Open Records Act. On June 1, 2018, the Judicial Council referred the study to the Criminal Law Advisory Committee with the addition of five ad hoc members to represent various stakeholders associated with the disclosure of criminal investigation records (the Committee).

**COMMITTEE MEMBERSHIP**

The members of the Judicial Council Criminal Law Advisory Committee are:

**Stephen E. Robison, Chair**, Member of Fleeson, Gooing, Coulson, & Kitch, LLC and Member of the Kansas Judicial Council; Wichita

**Natalie Chalmers**, Assistant Solicitor General; Topeka

**Sal Intagliata**, Member, Monnat & Spurrier, Chartered; Wichita

**Ed Klumpp**, Chief of Police-Retired, Topeka Police Department; Tecumseh

**Patrick M. Lewis**, Criminal Defense Attorney; Olathe

**Steven L. Opat**, Geary County Counselor; Junction City

**Hon. Cheryl A. Rios**, District Court Judge in the Third Judicial District; Topeka

**Ann Sagan**, Public Defender, State Board of Indigents’ Defense Services; Topeka

**Ann Swegle**, Sedgwick County Deputy District Attorney; Wichita

**Kirk Thompson**, Director of the Kansas Bureau of Investigation; Topeka

**Rep. John Wheeler**, Kansas House of Representatives, District 123; Garden City
Ronald Wurtz, Retired Public Defender (Federal and Kansas); Topeka

Prof. Corey Rayburn Yung, KU School of Law Professor; Lawrence

Ad Hoc Members:

Rep. John Alcala, Kansas House of Representatives, District 57; Topeka

Doug Anstaett, Former Executive Director of the Kansas Press Association; Topeka

Kent Cornish, President of the Kansas Association of Broadcasters; Topeka

Tammie Lord, Chief Legal Counsel, Kansas Highway Patrol; Topeka

Amanda Stanley, General Counsel, League of Kansas Municipalities; Topeka

METHOD OF STUDY

The Committee met three times in person and once via conference call between August and November 2018. In preparation for the discussion of H.B. 2571 and S.B. 360, the Committee reviewed the bills and the following materials:

- Written testimony from the House and Senate Judiciary Committee hearings held February 13, 2018.
- Kansas Rules of Professional Conduct 3.6 and 3.8.
- Input from the Kansas Attorney Disciplinary Administrator’s office regarding the ethical rules governing prosecutors and the release of information.
Feedback from various law enforcement agencies in Minnesota, North Carolina, and Pennsylvania regarding their use of the state’s statutes governing the disclosure of body camera records.

DISCUSSION

18 H.B. 2571 suggested extensive changes to how public agencies disclose criminal investigation records pursuant to the Kansas Open Records Act (KORA). The bill classified criminal investigation records as either active or inactive and proposed that, upon request, public agencies be required to disclose inactive criminal investigation records. H.B. 2571 and S.B. 360 also required the disclosure of certain body and vehicle camera records.

Currently under the KORA, the disclosure of criminal investigation records is a discretionary exemption. Unless the law otherwise requires disclosure, a public agency may choose whether to disclose criminal investigation records.¹ The definition of criminal investigation records includes every audio or video recording made by law enforcement using a body camera or vehicle camera.² Anyone may make a request for the disclosure of criminal investigation records. After evaluation of the request, the public agency (often a law enforcement agency) decides whether to disclose the requested records. If the agency denies the request for disclosure, the requestor may file an action in district court to have the court review the agency’s decision. The court may uphold the agency’s denial, order the disclosure of the records, or order disclosure subject to certain conditions. The statute sets out the standard for judicial review of the agency’s decision; however, because public agencies know that is the standard the court will follow, agencies look to it for guidance when making the decision whether to disclose criminal investigation records.³

First, the Committee discussed the disclosure of criminal investigation records in general. Second, it considered the disclosure of body and vehicle camera records and whether there should be different rules governing this subcategory of criminal investigation records.

¹ K.S.A. 2018 Supp. 45-221(a)(10)
² K.S.A. 2018 Supp. 45-217(c)
³ K.S.A. 2018 Supp. 45-221(a)(10)
Criminal Investigation Records

H.B. 2571 proposed to characterize all criminal investigations as “active” or “inactive.” Except as otherwise provided, the bill would prohibit public agencies from disclosing criminal investigation records while the investigation is active and require disclosure of the records when the investigation is inactive. The Committee agreed that public agencies should not be prohibited from disclosing criminal investigation records as needed, even if the investigation is active. The Committee had concerns about the bill’s proposed definition of inactive. While a case may become “cold” (i.e. inactive) due to a lack of leads or evidence, the case remains open. The mandatory disclosure of criminal investigation records pertaining to a case that is inactive but not yet closed could jeopardize future investigation or prosecution. Requiring the disclosure of records related to an inactive investigation also fails to adequately protect people’s privacy rights and account for the unique facts and circumstances of each case. A majority of the Committee recommends the agency continue to be given the discretion to decide whether to disclose a record based on the unique facts of each case.

The Kansas legislature demonstrated that it recognized both the importance of disclosing and protecting criminal investigation records by enacting the criminal investigation exemption to KORA in K.S.A. 2018 Supp. 45-221(a)(10). The legislature gave the public agency the right to disclose or withhold criminal investigation records as it sees fit. The Kansas Supreme Court summarized the legislative intent behind enacting the criminal investigation exemption as follows:

“Criminal investigation files are sensitive. Raw investigation files nearly always include the names of many innocent people. Where the files are open to public scrutiny, the potential for injury is great. In addition, if criminal investigation files are open, many people with information which might lead to a resolution of the investigation will refuse to disclose such information. Investigations will be badly
hampered. Thus, only under very restricted circumstances may the district court require disclosure.\textsuperscript{4}

The Committee acknowledges the importance of the public’s right to review government records and evaluate governmental performance. However, the public’s rights must be balanced against the need to protect the integrity of criminal investigations and people’s right to privacy. Since public agencies look to the standard for judicial review as a guide when determining whether to disclose criminal investigation records, a majority of the Committee agreed that the standard for judicial review should be amended to create a balancing test.

Currently, the district court may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure: (A) is in the public interest; (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution; (C) would not reveal the identity of any confidential source or undercover agent; (D) would not reveal confidential investigative techniques or procedures not known to the general public; (E) would not endanger the life or physical safety of any person; and (F) would not reveal information which identifies the victim of any sexual offense.\textsuperscript{5} In order for the court to order the disclosure of the records, the court must determine that all six factors are satisfied. The Committee recognized that this is a difficult standard for requestors to meet.

A majority of the Committee agreed that if the disclosure is in the public interest, the court should determine whether that interest is outweighed by the remaining five factors. For example, if a community is in crisis after an officer involved shooting, the court could find that though the disclosure of a certain record would interfere with the criminal investigation, the importance of the public’s interest outweighed the interference with the criminal investigation.

KORA does not include a definition for “public interest.” However, the Kansas Supreme Court in \textit{Harris Enterprises, Inc. v. Moore},\textsuperscript{6} held that “to be a matter involving public interest, it

\footnotesize{\textsuperscript{4} Harris Enterprises, Inc. v. Moore, 241 Kan. 59, 67, 734 P.2d 1083 (1987)}
\footnotesize{\textsuperscript{5} K.S.A. 2018 Supp. 45-221(a)(10)}
\footnotesize{\textsuperscript{6} 241 Kan. 59, 66, 734 P.2d 1083 (1987)}
must be a matter which affects a right or expectancy of the community at large and must derive
meaning within the legislative purpose embodied in the statute.” Additionally, the Kansas Court
of Appeals clarified that a “[m]ere curiosity about the circumstances surrounding an
investigation is not sufficient.”

The “legislative purpose” of KORA is to encourage government transparency. A
majority of the Committee agreed that the definition of public interest needs to go beyond just
encouraging government transparency and instead, focus on the common goal of obtaining the
disclosure of criminal investigation records – the evaluation of governmental performance. The
Committee recommends the following definition of “public interest”:

For the purposes of subsection (a)(10), public interest means more than mere public curiosity. To be a matter involving public interest, it must be a matter which affects a right or expectancy of the community at large and furthers public evaluation of governmental performance.

Therefore, in order to encourage the disclosure of more records and ease the burden on requestors, a majority of the Committee recommends against the amendments in 18 H.B. 2571 and instead recommends the following amendments to K.S.A. 2018 Supp. 45-221(a)(10).

K.S.A. 2018 Supp. 45-221(a)(10)

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

....

(10)(A) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure is in the public interest and is not outweighed by the harm caused by the following:

8 See K.S.A. 45-216
(A) Is in the public interest;

(iB) would not interfere *interference* with any prospective law enforcement action, criminal investigation or prosecution;

(iiC) would not reveal *the release of* the identity of any confidential source or undercover agent;

(iiiD) would not reveal *the release of* confidential investigative techniques or procedures not known to the general public;

(ivE) would not endanger *the endangerment of* the life or physical safety of any person; and or

(vF) would not reveal *the release of* the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(B) For the purposes of subsection (a)(10), public interest means more than mere public curiosity. To be a matter involving public interest, it must be a matter which affects a right or expectancy of the community at large and furthers public evaluation of governmental performance.

(C) If a public record is discretionarily closed by a public agency pursuant to this subsection *(a)(10)*, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

....

The Committee drafted and approved these amendments to KSA 45-221(a)(10) at its August meeting. Approval of the amendments was not unanimous. At the Committee’s November meeting, a motion was made to reopen the discussion about the amendments approved at the August Meeting. After a second to the motion and discussion, the motion failed.
A minority of the Committee thought that the amendments did not do enough to increase the disclosure of criminal investigation records. Other members of the Committee were concerned that the statute does not specifically allow third-parties, such as, defendants, witnesses, or other law enforcement agencies, to intervene in the process of judicial review of a request for disclosure. Those Committee members argued that all people whose rights could be impacted by the release of the record should have the opportunity to provide arguments and evidence for the court to consider in the balancing test.

**Body and Vehicle Camera Records**

Within KORA, criminal investigation records include every audio or video recording made by law enforcement using a body camera or vehicle camera. Both the general criminal investigation records provisions in K.S.A. 2018 Supp. 45-221(a)(10) and the specific body and vehicle camera provisions in K.S.A. 2018 Supp. 45-254 apply to body and vehicle camera records. If the statutes conflict, the more specific statute controls. Therefore, although K.S.A. 2018 Supp. 45-221(a)(10) says the public agency may decide whether to release a criminal investigation record, K.S.A. 2018 Supp. 45-254(b) and (c) requires the public agency to disclose a body or vehicle camera record to a specific list of people (the subject of the recording, his or her family or heir at law, or any of those individual’s attorney). In other words, K.S.A. 2018 Supp. 45-254(b) removes the discretion given to the agency in K.S.A. 2018 Supp. 45-221(a)(10).

Body and vehicle camera records are a powerful tool for both law enforcement and the public. While body camera records contain information about an officer’s actions, the records also contain very personal and private information about each member of the public recorded by the body camera. Both H.B. 2571 and S.B. 360 proposed amendments to require a public agency to disclose body or vehicle camera records if the record depicted or described a law enforcement officer discharging a firearm or when the use of force by an officer results in great bodily harm or death.

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9 K.S.A. 2018 Supp. 45-217(c) and 45-254(a)
The Committee agreed that the public has a heightened interest in reviewing the body or vehicle camera records of incidents involving the use of a firearm or use of force by an officer. Body and vehicle camera records can be a valuable tool in evaluating a law enforcement officer’s actions. However, a majority of the Committee disagreed with enacting a rule requiring the disclosure of an entire category of records without consideration of the individual facts and circumstances of the case.

Even if the statute were amended to require the disclosure of body or vehicle camera records depicting the use of a firearm or force by a law enforcement officer, the majority of the Committee agreed that the timeframe for disclosure in both bills (5 days and 30 days) is too short. The necessary redaction of the record by the agency could easily take more than 30 days. If the recorded incident had recently occurred, it could take weeks for the agency to do a careful investigation of the incident. The agency’s findings are then reviewed by the prosecutor to determine whether criminal charges will be filed. While everyone involved in the incident would like to know whether charges will be filed as soon as possible, it is likely that the process will still take multiple weeks or months. In some cases, if records are disclosed prematurely, the disclosure could taint witness testimony, taint the local jury pool, deprive an officer of his or her right to due process in a criminal or administrative proceeding, or release confidential information.

There is a need to balance the public’s need to see the record, law enforcement’s need to conduct an uncompromised investigation, and the need to protect the legal rights of all involved. A majority of the Committee agreed that the balance is best evaluated on a case-by-case basis. Under the current KORA statutory framework, the Committee’s proposed amendments to the standard for judicial review for all criminal investigation records would also apply to body and vehicle camera records. The Committee believes that the use of a firearm or use of force by an officer will often satisfy the proposed definition of public interest.

Under the current standard for judicial review, if the public agency could show that the disclosure would interfere with a prospective law enforcement action, criminal investigation, or prosecution, then the court could not order disclosure of the record. Under the new proposed
balancing test, the public agency would not only have to show that the disclosure would interfere with the prospective law enforcement action, criminal investigation, or prosecution, it would also have to show that such interference would cause such harm as to outweigh the public interest. Because agencies look to the standard for judicial review for guidance when making the decision whether to disclose criminal investigation records, a majority of the Committee believes the proposed changes to K.S.A. 2018 Supp. 45-211(a)(10) will increase access to body and vehicle camera records.

A minority of the Committee thinks that the balancing test and definition of public interest still present a formidable barrier to disclosure of body and vehicle camera records. The minority of the Committee would prefer more specific rules governing the disclosure of body and vehicle camera records in limited circumstances. A different minority of the Committee would not enact the balancing test because it could elevate the public interest to a point where it jeopardizes a defendant’s constitutional right to a fair trial or potentially undermine the criminal investigation.

RECOMMENDATION

A majority of the Committee recommends against the passage of H.B. 2571 and S.B. 360 because the bills’ amendments would establish rigid requirements for disclosure and non-disclosure without allowing for a review based on the unique facts and circumstances of each case. However, if changes are made, a majority of the Committee recommends amending K.S.A. 2018 Supp. 45-221(a)(10) to define public interest and make the standard for judicial review a balancing test. Establishing a balancing test will allow for greater disclosure of records by lowering the threshold for disclosure while continuing to require that the decision be made based on the unique facts of each case.
AN ACT concerning the open records act; relating to disclosure of criminal investigation records; disclosure of law enforcement recordings using a body camera or vehicle camera; amending K.S.A. 2017 Supp. 45-219, 45-221 and 45-254 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 45-219 is hereby amended to read as follows: 45-219. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of public records maintained on computer facilities, radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless if duplication equipment is available or if such items or devices were shown or played to a public meeting of the governing body thereof. A public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed
the actual cost of furnishing copies, including the cost of staff time
required to make the information available.

(2) In the case of fees for providing access to records maintained on
computer facilities, the fees shall include only the cost of any computer
services, including staff time required.

(3) Fees for access to or copies of public records of public agencies
within the legislative branch of the state government shall be established in
accordance with K.S.A. 46-1207a, and amendments thereto.

(4) Fees for access to or copies of public records of public agencies
within the judicial branch of the state government shall be established in
accordance with rules of the supreme court.

(5) Fees for access to or copies of public records of a public agency
within the executive branch of the state government shall be established by
the agency head. Any person requesting records may appeal the
reasonableness of the fees charged for providing access to or furnishing
copies of such records to the secretary of administration whose decision
shall be final. A fee for copies of public records which is equal to or less
than $.25 per page shall be deemed a reasonable fee.

(d) Except as otherwise authorized pursuant to K.S.A. 75-4215, and
amendments thereto, each public agency within the executive branch of
the state government shall remit all moneys received by or for it from fees
charged pursuant to this section to the state treasurer in accordance with
K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically
provided by law, the state treasurer shall deposit the entire amount thereof
in the state treasury and credit the same to the state general fund or an
appropriate fee fund as determined by the agency head.

(e) Each public agency of a political or taxing subdivision shall remit
all moneys received by or for it from fees charged pursuant to this act to
the treasurer of such political or taxing subdivision at least monthly. Upon
receipt of any such moneys, such treasurer shall deposit the entire amount
thereof in the treasury of the political or taxing subdivision and credit the
same to the general fund thereof, unless otherwise specifically provided by
law.

(f) Any person who is a certified shorthand reporter may charge fees
for transcripts of such person’s notes of judicial or administrative
proceedings in accordance with rates established pursuant to rules of the
Kansas supreme court.

(g) Nothing in the open records act shall require a public agency to
electronically make copies of public records by allowing a person to obtain
copies of a public record by inserting, connecting or otherwise attaching
an electronic device provided by such person to the computer or other
electronic device of the public agency.

Sec. 2. K.S.A. 2017 Supp. 45-221 is hereby amended to read as
follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2017 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2017 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which, that are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which, that would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which, that would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which, that show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein in subsection (h). The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that
disclosure:

(A) Is in the public interest;
(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
(C) would not reveal the identity of any confidential source or undercover agent;
(D) would not reveal confidential investigative techniques or procedures not known to the general public;
(E) would not endanger the life or physical safety of any person; and
(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.
(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.
(24) Records that are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records that represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:
   (A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;
   (B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;
   (C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and
   (D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or
industry where no previous public disclosure has been made of the
business' or industry's interest in locating in, relocating within or
expanding within the state. This exception shall not include those records
pertaining to application of agencies for permits or licenses necessary to
do business or to expand business operations within this state, except as
otherwise provided by law.

(32) Engineering and architectural estimates made by or for any
public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification
statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual
property rights that are expected to be, wholly or partially vested in or
owned by a state educational institution, as defined in K.S.A. 76-711, and
amendments thereto, or an assignee of the institution organized and
existing for the benefit of the institution.

(35) Any report or record which that is made pursuant to K.S.A. 65-
4922, 65-4923 or 65-4924, and amendments thereto, and which that is
privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments
thereto.

(36) Information which that would reveal the precise location of an
archaeological site.

(37) Any financial data or traffic information from a railroad
company, to a public agency, concerning the sale, lease or rehabilitation of
the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and
corrective orders including the working papers and the results of any
analysis filed with the commissioner of insurance in accordance with
K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support
the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and
amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance
under K.S.A. 40-2,156(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses
concerning insurance companies that are submitted to the commissioner by
the national association of insurance commissioners' insurance regulatory
information system.

(42) Any records the disclosure of which is restricted or prohibited by
a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and
conditions of managed care or other third-party contracts, developed or
entered into by the university of Kansas medical center in the operation
and management of the university hospital which that the chancellor of the
university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's email address, cell phone number and other contact information which has been given to the public agency for the
purpose of public agency notifications or communications which are
widely distributed to the public.

(50) Information provided by providers to the local collection point
administrator or to the 911 coordinating council pursuant to the Kansas
911 act, and amendments thereto, upon request of the party submitting
such records.

(51) Records of a public agency on a public website which that are
searchable by a keyword search and identify the home address or home
ownership of a law enforcement officer as defined in K.S.A. 2017 Supp.
21-5111, and amendments thereto, parole officer, probation officer, court
services officer or community correctional services officer. Such
individual officer shall file with the custodian of such record a request to
have such officer's identifying information restricted from public access on
such public website. Within 10 business days of receipt of such requests,
the public agency shall restrict such officer's identifying information from
such public access. Such restriction shall expire after five years and such
officer may file with the custodian of such record a new request for
restriction at any time.

(52) Records of a public agency on a public website which that are
searchable by a keyword search and identify the home address or home
ownership of a federal judge, a justice of the supreme court, a judge of the
court of appeals, a district judge, a district magistrate judge, a municipal
judge, the United States attorney for the district of Kansas, an assistant
United States attorney, a special assistant United States attorney, the
attorney general, an assistant attorney general, a special assistant attorney
general, a county attorney, an assistant county attorney, a special assistant
county attorney, a district attorney, an assistant district attorney, a special
assistant district attorney, a city attorney, an assistant city attorney or a
special assistant city attorney. Such person shall file with the custodian of
such record a request to have such person's identifying information
restricted from public access on such public website. Within 10 business
days of receipt of such requests, the public agency shall restrict such
person's identifying information from such public access. Such restriction
shall expire after five years and such person may file with the custodian of
such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home
address, zip code, email address, phone number or cell phone number or
other contact information for any person licensed to carry concealed
handguns or of any person who enrolled in or completed any weapons
training in order to be licensed or has made application for such license
under the personal and family protection act, K.S.A. 2017 Supp. 75-7c01
et seq., and amendments thereto, shall not be disclosed unless otherwise
required by law.
(54) Records of a utility concerning information about cyber-security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which that is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which that is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which that are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which that pertain to such individual or individuals.
(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(h) (1) Except as provided in K.S.A. 2017 Supp. 45-254, and amendments thereto, a public agency shall not disclose criminal investigation records while such investigation is active. An investigation becomes inactive upon the occurrence of any of the following events:

(A) A decision by the law enforcement agency not to pursue the case;

(B) expiration of the time to bring a charge or file a complaint under the applicable statute of limitations, or 30 years after the commission of the offense, whichever comes earliest; or

(C) exhaustion of or expiration of all rights of appeal by a person convicted on the basis of the criminal investigation records.

(2) Criminal investigation records related to an inactive investigation shall be disclosed, unless disclosure:

(A) would interfere with any prospective law enforcement action, criminal investigation or prosecution;

(B) reveal the identity of any confidential source or undercover agent;

(C) reveal confidential investigative techniques or procedures not known to the general public;

(D) endanger the life or physical safety of any person; or

(E) reveal the name, address, phone number or any other information that specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(3) If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of subsection (h)(2) that necessitate closure of that public record.

(4) Except as provided in K.S.A. 2017 Supp. 45-254, and amendments thereto, any audio or video recording made and retained by law
enforcement using a body camera or vehicle camera as defined by K.S.A. 2017 Supp. 45-254, and amendments thereto, that is part of an inactive investigative file and that constitutes a clearly unwarranted invasion of personal privacy as defined in K.S.A. 45-517(b), and amendments thereto, shall not be disclosed, except that the existence of the recording shall be disclosed to any person requesting access to the inactive investigative file.

(5) The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of any criminal investigation records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information that specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 45-254 is hereby amended to read as follows: 45-254. (a) Every audio or video recording made and retained by law enforcement using a body camera or a vehicle camera shall be considered a criminal investigation record as defined in K.S.A. 45-217, and amendments thereto. The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.

(b) In addition to any disclosure authorized pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, a person described in subsection (c) may request to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The law enforcement agency shall allow the person to listen to the requested audio recording or to view the requested video recording within 24 hours after making the request, and may charge a reasonable fee for such services provided by the law enforcement agency.

(c) Any of the following may make a request under subsection (b):

(1) A person who is a subject of the recording;

(2) a parent or legal guardian of a person under 18 years of age who is a subject of the recording;

(3) an attorney for a person described in subsection (c)(1) or (c)(2);
and

(4) an heir at law, an executor or an administrator of a decedent, or
an individual who has secured a written release from the next of kin of a
decedent, when the decedent is a subject of the recording.

(d) A law enforcement agency shall disclose any audio or video
recording made and retained by the agency using a body camera or a
vehicle camera within five business days after a request is made by any
person, if the recording depicts or describes:

(1) The discharge of a firearm by a law enforcement officer in the
course of duty, other than the discharge of a firearm for training purposes,
or the killing of an animal that is sick, injured or dangerous; or

(2) the use of force by a law enforcement officer that results in great
bodily harm or death.

(e) (1) A law enforcement agency shall redact or obscure specific
portions of any audio or video recording before disclosure that:

(A) Depicts the death of a person, a dead body, or clearly visible acts
of severe violence or great bodily harm against a person, unless the death
or act was caused by a law enforcement officer;

(B) depicts nudity or sexual conduct as defined in K.S.A. 2017 Supp.
21-6402, and amendments thereto;

(C) reveals the identity of any confidential source or undercover
agent;

(D) reveals confidential investigative techniques or procedures not
known to the general public;

(E) endangers the life or physical safety of any person;

(F) reveals the name, address, phone number or any other
information that specifically and individually identifies the victim of any
sexual offense in article 35 of chapter 21 of the Kansas Statutes
Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas
Statutes Annotated, and amendments thereto;

(G) identifies a minor under the age of 16 or undermines the
confidentiality requirements for juvenile records as provided in chapter 38
of the Kansas Statutes Annotated, and amendments thereto;

(H) includes confidential medical information or personal
information as defined in K.S.A. 2017 Supp. 50-7a01, and amendments
thereto; or

(I) reveals the name or license plate number of a person not arrested,
cited, charged or issued a written warning.

(2) This subsection shall not apply to requests made by a person
described in subsection (c).

(f) (1) A law enforcement agency may redact or obscure specific
portions of any audio or video recording before disclosure that reveals the
identify of a law enforcement officer who is subject to an internal
investigation as a result of an event depicted in the recording, except as provided in subsection (f)(2).

(2) (A) A law enforcement agency shall not redact the identity of a law enforcement officer after the agency has concluded the investigation or rendered a decision as to final disciplinary action, and the records previously withheld, redacted or obscured under this section shall be made available for public inspection and copying.

(B) If such investigation lasts for longer than 270 days, video and audio recordings not disclosed, redacted or obscured under this section shall be made available for public inspection and copying.

(g) As used in this section:

(1) "Body camera" means a device that is worn by a law enforcement officer that electronically records audio or video of such officer's activities.

(2) "Heir at law" means: (A) The spouse of the decedent, if living; (B) if there is no living spouse of the decedent, an adult child of the decedent, if living; or (C) if there is no living spouse or adult child, a parent of the decedent, if living. It shall be the responsibility of the heir at law to show proof of the familial relationship.

(3) "Vehicle camera" means a device that is attached to a law enforcement vehicle that electronically records audio or video of law enforcement officers' activities.

Sec. 4. K.S.A. 2017 Supp. 45-219, 45-221 and 45-254 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.
AN ACT concerning the open records act; relating to copies of records; disclosure of law enforcement recordings using a body camera or vehicle camera; amending K.S.A. 2017 Supp. 45-219 and 45-254 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 45-219 is hereby amended to read as follows: 45-219. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. Payment of copying fees may be required prior to the making of copies. A public agency shall not be required to provide copies of public records maintained on computer facilities, radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless duplication equipment is available or if such items or devices were shown or played to a public meeting of the governing body thereof, but the. A public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time
required to make the information available.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

(3) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. 46-1207a, and amendments thereto.

(4) Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.

(5) Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be established by the agency head. Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration whose decision shall be final. A fee for copies of public records which is equal to or less than $0.25 per page shall be deemed a reasonable fee.

(d) Except as otherwise authorized pursuant to K.S.A. 75-4215, and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund or an appropriate fee fund as determined by the agency head.

(e) Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.

(f) Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.

(g) Nothing in the open records act shall require a public agency to electronically make copies of public records by allowing a person to obtain copies of a public record by inserting, connecting or otherwise attaching an electronic device provided by such person to the computer or other electronic device of the public agency.

Sec. 2. K.S.A. 2017 Supp. 45-254 is hereby amended to read as follows: 45-254. (a) Every audio or video recording made and retained by
law enforcement using a body camera or a vehicle camera shall be
considered a criminal investigation record as defined in K.S.A. 45-217,
and amendments thereto. The provisions of this subsection shall expire on
July 1, 2021, unless the legislature reviews and reenacts this provision
pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.

(b) In addition to any disclosure authorized pursuant to the open
records act, K.S.A. 45-215 et seq., and amendments thereto, a person
described in subsection (c) may request to listen to an audio recording or
to view a video recording made by a body camera or a vehicle camera. The
law enforcement agency shall allow the person to listen to the requested
audio recording or to view the requested video recording within 24 hours
after making the request, and may charge a reasonable fee for such
services provided by the law enforcement agency.

(c) Any of the following may make a request under subsection (b):
(1) A person who is a subject of the recording;
(2) a parent or legal guardian of a person under 18 years of age who
is a subject of the recording;
(3) an attorney for a person described in subsection (c)(1) or (c)(2);
and
(4) an heir at law, an executor or an administrator of a decedent, or
an individual who has secured a written release from the next of kin of a
decedent, when the decedent is a subject of the recording.

(d) A law enforcement agency shall disclose any audio or video
recording made and retained by the agency using a body camera or a
vehicle camera within 30 days after a request is made by any person, if the
recording depicts or describes:
(1) The discharge of a firearm by a law enforcement officer in the
course of duty, other than the discharge of a firearm for training purposes,
or the killing of an animal that is sick, injured or dangerous; or
(2) the use of force by a law enforcement officer that results in great
bodily harm or death.

(e) (1) A law enforcement agency shall redact or obscure specific
portions of any audio or video recording before disclosure that:
(A) Depicts the death of a person, a dead body, or clearly visible acts
of severe violence or great bodily harm against a person, unless the death
or act was caused by a law enforcement officer;
(B) depicts nudity or sexual conduct as defined in K.S.A. 2017 Supp.
21-6402, and amendments thereto;
(C) reveals the identity of any confidential source or undercover
agent;
(D) reveals confidential investigative techniques or procedures not
known to the general public;
(E) endangers the life or physical safety of any person;
(F) reveals the name, address, phone number or any other
information that specifically and individually identifies the victim of any
sexual offense in article 35 of chapter 21 of the Kansas Statutes
Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas
Statutes Annotated, and amendments thereto;
(G) identifies a minor under the age of 16 or undermines the
confidentiality requirements for juvenile records as provided in chapter 38
of the Kansas Statutes Annotated, and amendments thereto;
(H) includes confidential medical information or personal
information as defined in K.S.A. 2017 Supp. 50-7a01, and amendments
thereto; or
(I) reveals the name or license plate number of a person not arrested,
cited, charged or issued a written warning.

(2) This subsection shall not apply to requests made by a person
described in subsection (c).

(f) (1) A law enforcement agency may redact or obscure specific
portions of any audio or video recording before disclosure that reveals the
identify of a law enforcement officer who is subject to an internal
investigation as a result of an event depicted in the recording, except as
provided in subsection (f)(2).

(2) (A) A law enforcement agency shall not redact the identity of a
law enforcement officer after the agency has concluded the investigation
or rendered a decision as to final disciplinary action, and the records
previously withheld, redacted or obscured under this section shall be made
available for public inspection and copying.

(B) If such investigation lasts for longer than 270 days, video and
audio recordings not disclosed, redacted or obscured under this section
shall be made available for public inspection and copying.

(g) As used in this section:
(1) "Body camera" means a device that is worn by a law enforcement
officer that electronically records audio or video of such officer's activities.

(2) "Great bodily harm" means bodily injury that creates a
substantial risk of death or causes serious, permanent disfigurement or
protracted loss or impairment of the function of any body part or organ.

(3) "Heir at law" means: (A) The spouse of the decedent, if living; (B)
if there is no living spouse of the decedent, an adult child of the decedent,
if living; or (C) if there is no living spouse or adult child, a parent of the
decedent, if living. It shall be the responsibility of the heir at law to show
proof of the familial relationship.

(4) "Vehicle camera" means a device that is attached to a law
enforcement vehicle that electronically records audio or video of law
enforcement officers' activities.

Sec. 3. K.S.A. 2017 Supp. 45-219 and 45-254 are hereby repealed.
Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.