

HOUSE BILL No. 2393

By Committee on Taxation

3-20

9 AN ACT concerning civil procedure; relating to civil court records;
10 expungement thereof.

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

13 Section 1. (a) Any person who contests an entry in a civil court record
14 concerning such person may petition the district court where the disputed
15 civil court record is maintained for the expungement of such record.

16 (b) When a petition for expungement is filed, the court shall set a
17 date for hearing on such petition and shall cause notice of such hearing
18 to be given to the clerk of the district court. When a petition for expunge-
19 ment is filed, the official court file shall be separated from the other
20 records of the court, and shall be disclosed only to a judge of the court
21 and members of the staff of the court designated by a judge of the district
22 court, subject to any conditions imposed by the order. Except as otherwise
23 provided by law, a petition for expungement shall be accompanied by a
24 docket fee in the amount of \$100. The petition shall state:

25 (1) The petitioner's full name;

26 (2) the full name of the petitioner at the time of the contested entry,
27 if different than the petitioner's current name;

28 (3) the petitioner's sex, race and date of birth; and

29 (4) the entry or entries for which the petitioner has petitioned for
30 expungement.

31 (c) No surcharge or fee shall be imposed to any person filing a peti-
32 tion pursuant to this section, who has a civil record entry as a result of
33 being a victim of identity theft under K.S.A. 21-4018, and amendments
34 thereto.

35 (d) Any person who may have relevant information about the peti-
36 tioner may testify at the hearing. The court may inquire into the back-
37 ground of the petitioner.

38 (e) At the hearing on a petition for expungement, the court shall
39 order the civil record expunged upon finding:

40 (1) The entry occurred because of mistaken identity;

41 (2) that the entry was erroneous;

42 (3) that the entry was duplicative; or

43 (4) that the case had been dismissed prior to trial.

1 (f) Data brokers shall delete all civil record entries that have been
2 sealed, deleted or expunged by court order within one month of any such
3 order. Data brokers shall correct all duplicative or erroneous errors found
4 by petitioners within three months of notification of the errors.

5 (g) As used in this section, "data broker" means a business entity
6 which for monetary fees, dues or on a cooperative nonprofit basis, reg-
7 ularly engages, in whole or in part, in the practice of collecting, trans-
8 mitting or otherwise providing personally identifiable information on a
9 nationwide basis on more than 5,000 individuals who are not the custom-
10 ers or employees of the business entity or affiliate.

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