

This document outlines the rules and procedures for obtaining criminal history record information (CHRI) and the provisions of Kansas statutes and federal public law.

On-line access to Kansas criminal history records is available on the Internet at:

www.kansas.gov/kbi/criminalhistory/

What is Criminal History Record Information (CHRI)?

CHRI is the summary of arrests and prosecutions for criminal charges. Each state has a single central repository that is responsible for maintaining that state's CHRI. These central repositories also provide portions of their records to the Federal Bureau of Investigation (FBI) for inclusion in the national criminal history record database.

The Kansas Bureau of Investigation (KBI) operates our state's Central Repository for CHRI. Kansas CHRI consists of summary information about:

- Violations of Kansas law that are felonies or class A or class B misdemeanors. Class C misdemeanor assaults are also part of the CHRI. Juvenile offender data for the same violations of Kansas law is also included in the CHRI.
- Court convictions for violations of municipal ordinances or county resolutions that are equivalent to a class A or B misdemeanor under state statute.
- Disposition of the violations as reported by the prosecuting attorney, municipal and district courts.
- Incarcerations by the Kansas Department of Corrections.

These records are filed individually so that all offenses committed by a person are organized chronologically within that individual's file. The CHRI is associated with the subject of the record based upon fingerprint identification. When CHRI is released, it is printed in an abstract of record commonly referred to as a "rap sheet."

Who is entitled to receive Kansas CHRI and what kinds of CHRI can be received?

Any individual or organization may obtain adult conviction CHRI upon request. That means that the CHRI released will be limited to data obtained from incidents in which the individual was found guilty in a Kansas court, is currently undergoing diversion or is pending court disposition. Types of CHRI that will NOT be released under these "general" requests are arrests that did not result in a court conviction, successfully completed diversions, expungements, and all juvenile offender data.

There are three other ways to access Kansas CHRI, based on the status of the requestor.

- **Criminal justice agencies**, such as law enforcement, prosecutors, courts and confinement facilities are entitled to CHRI for the administration of criminal justice.
- **Government agencies** with statutory entitlements may receive CHRI as defined in the Kansas statute enabling that access. The categories of CHRI that are released are defined in the entitling statute.
- **Persons reviewing their own record** are entitled to all adult and juvenile CHRI in their own files.

ON-LINE RECORD CHECKS

Record checks may be obtained from the Internet website www.kansas.gov/kbi/criminalhistory/. This service supports payment by credit card or billed user accounts. You may search the Central Repository database and obtain records at that site. You can also obtain full information on record services and download forms for those services.

OBTAINING YOUR OWN CHRI TO REVIEW FOR ACCURACY AND COMPLETENESS

You may obtain a copy of your own CHRI to review for accuracy and completeness. You will be given

ALL the record information on file, to include non-conviction and juvenile offender data, successful diversions and expungements.

Mail to the KBI Records Management Section a fully completed FBI Personal Identification Fingerprint Card (form FD 353) or Applicant Fingerprint Card (form FD 258) with a letter requesting your CHRI and explaining the purpose of the request and payment.

Can I get a copy of my CHRI for my employer?

You should NOT request your own CHRI in order to provide it to an employer or a prospective employer. That is because you will be given ALL of the CHRI in your record, including types of information (diversion, expungements and juvenile arrests) that the employer is not entitled to receive. Also, there is a state law (K.S.A. 22-4710) that prohibits your employer from requiring you to obtain your own CHRI. The employer should request your record directly from the Central Repository.

GETTING A CERTIFIED RECORD CHECK BY MAIL ON YOURSELF TO PROVIDE TO A GOVERNMENTAL AGENCY

If you are required to obtain a certified Kansas criminal history record check for a visa application, immigration application or other similar actions other than employment, you must mail a request form found on the KBI website. A fingerprint card may be included but is not necessary. Include payment.

If a record is found, only adult convictions will be included in the response.

CONDUCTING A RECORD CHECK BY MAIL ON ANOTHER PERSON

Complete a record check request form and mail it to the Central Repository with payment for the record check(s) and the fingerprints or identifying information on the person(s) you want searched. The form is available online at the KBI website or you may

obtain the form by contacting the KBI Records Management Section. The record check will be certified upon request.

How do I properly identify the person I want to check?

The best identification is based on fingerprint comparison. If you can obtain the person's fingerprints on a ten-print fingerprint card that is the preferred method. The fingerprint card should be the standard FBI Applicant Fingerprint Card (form FD 258). Do NOT use the FBI Arrest Fingerprint Card (FD 249). If it isn't practical to obtain fingerprints, you can search by using the name, date of birth, race, sex, social security number, and place of birth. The name and date of birth are always required; the other data is optional but strongly recommended for proper identification.

How quickly can I expect a response?

On-line record checks can usually be accomplished immediately while you are in the website at www.kansas.gov/kbi/criminalhistory/. Mailed name-based record checks are processed within 7 to 10 business days. Mailed fingerprint-based record checks are processed within 1-3 weeks after receipt. Processing times fluctuate based on the current volume of mailed requests and the complexity of the record.

How should I safeguard the record of criminal history?

The results of the record check, whether or not any criminal history is found, should be released only to persons with a "need-to-know" for actions directly associated with the purpose for the record check. The criminal history record and other documents from the KBI should be retained only as historical reference in support of the decision for which you requested the CHRI.

Must the subject of the record check consent to the record check?

Consent isn't required by state statute or regulation for the release of Kansas CHRI. However, record checks of the federal database do require consent of the subject.

Does the record check "expire"?

Yes, a record check has a very limited useful life. If you use the results of the record check, then find that a subsequent decision is to be made at a later time, then a new record check should be made to obtain current criminal history information. Criminal histories change over time; not only are new arrests recorded, but often there are court orders and appeals that remove an existing criminal event from a person's file.

How do I conduct a record check on someone else and get national CHRI?

The FBI maintains the national criminal history database for support of criminal justice agencies within the United States. Non-criminal justice access is not available to the general public.

Can I check my own Federal criminal record?

The FBI has procedures to release CHRI to the subject of the record for review and challenge. To find out how to obtain your own federal record go to the FBI website at:

www.fbi.gov/hq/cjisd/fprequest.htm

How do I correct my Kansas criminal record?

If you have documents that contradict the information recorded in your CHRI, instructions for submitting those documents are found on the website www.kansas.gov/kbi/criminalhistory/. Or you may contact the KBI Records Management Section.

How do I correct my Federal criminal record?

The FBI requires the criminal justice agency responsible for the data (for example, the police

department that made the arrest or the district court in which the case was tried) to provide proper documents through the KBI to the FBI. Instructions for correcting or completing the federal record come with the CHRI record that the FBI sends to the subject of the record.

THE COST FOR AN ON-LINE RECORD CHECK

The fee for name-base request conducted on the website www.kansas.gov/kbi/criminalhistory is \$17.50.

Agencies dealing with children, disabled or elderly clientele may be qualified for reduced fees as "caregivers" for \$12.50 per name search.

THE COST FOR MAILED RECORD CHECKS

Name-based record checks (whether your own or someone else's is \$20 per search. If the individual has a maiden or alias name, one additional search is included for that fee. A third name associated with the same person constitutes a new, billable record check.

Review and Challenge fee is \$29.75.

Fingerprint-based record checks are \$29.75 per person.

Caregivers are agencies dealing with children, disabled or elderly clientele. These agencies may qualify for the reduced fees of \$15 for name-based record checks and \$19.75 for fingerprint-based record checks.

Certification of any record check will be done for an additional \$10. You must specifically request this additional service.

Unless you have an "agency account" with the KBI complete payment must accompany mailed record check requests.

References:

- 28 CFR §20 et seq.
- 42 USC §5119c
- Kansas Statutes Annotated (K.S.A.) 22-4701 et seq.
- K.S.A. 38-1601 et. seq.
- Kansas Administrative Regulations (K.A.R.) 10-12-1 et.seq.

Notes:

For additional information or assistance, please contact the KBI Records Management Section:

Internet: www.kansas.gov/kbi/criminalhistory/

Mail: Kansas Bureau of Investigation
Attn: Records Management Section
1620 SW Tyler
Topeka, KS 66612-1837

Phone: (785) 296-2454 **Monday – Friday**
8am – midnight
Central Time

E-mail: record_check@kbi.state.ks.us



Criminal History Record Checks for Non-Criminal Justice Purposes

A Fact Sheet
Prepared by the
Kansas Bureau of Investigation

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