



Kansas Bureau of Investigation

Fact Sheet

Criminal History Record Checks For Non-Criminal Justice Purposes

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

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:

- Arrests for violations of Kansas law that are felonies or misdemeanors. Juvenile offender data for the same violations of Kansas law is also included.
- Court convictions for violations of municipal ordinances or county resolutions that are equivalent to state felony or misdemeanor statutes.
- Dispositions 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.

OBTAINING YOUR OWN CHRI

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.

To receive your full CHRI 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. If your letter does not explain the purpose of the request then you will only receive conviction information.

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 so they obtain only the information they are entitled to receive.

How can I get a copy of my CHRI to see what is available to the public?

You can request a copy of your record on-line at www.kansas.gov/kbi/criminalhistory. You will receive only adult conviction information.

OBTAINING A CERTIFIED RECORD CHECK 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 www.kansas.gov/kbi/criminalhistory. A fingerprint card may be included but is not necessary. Include the appropriate payment with your request.

If a record is found, only adult convictions, pending diversions, and arrests pending disposition will be included in the response.

CONDUCTING A RECORD CHECK ON ANOTHER PERSON

Name-based record checks may be obtained from the internet website www.kansas.gov/kbi/criminalhistory/.

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, and social security number. 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 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. Criminal history that is no longer needed should be shredded.

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 of records is not available to the general public; however, some non-criminal justice governmental agencies do have limited access to national records through legislation. Agencies believing to have limited access to national records should contact the KBI Criminal History Records Unit at (785) 296-2454 for more information.

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. Information on how to obtain your own federal record is available on the FBI website at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

How do I correct my Kansas criminal record?

If you have documents that contradict the information recorded in your CHRI, contact the KBI Criminal History Records Unit at (785) 296-2454.

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 national record are sent to the subject of the record along with the CHRI from the FBI.

Do you offer a discount for caregiver agencies?

There is no discount for caregiver agencies.

Do you offer a discount for non-profit organizations?

There is no discount for non-profit organizations.

How do I get an Apostile for a certified record check?

This service is provided by the Kansas Secretary of State Office. Please contact that office directly for instructions at (785) 296-4564.

THE COST FOR AN ON-LINE RECORD CHECK

The fee for name-base Kansas criminal history requests conducted on the website www.kansas.gov/kbi/criminalhistory is \$20.00.

THE COST FOR MAILED RECORD CHECKS

Name-based record checks are no longer available by mail or walk-ins. You must request this service through the website listed above.

Certified Name-based record checks for Kansas criminal history is \$30 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 record check.

Review and Challenge of your Kansas criminal history is \$35. The response can be notarized for an additional \$10. You must specially request the notarization service.

Fingerprint-based Kansas record checks are \$35 per person. The response can be notarized for an additional \$10. You must specially request the notarization service.

Fingerprint-based Kansas/national record checks are \$47 per person. National record checks are not available to the public. A Kansas governmental agency must have either a Kansas law or federal law that allows a national record check to be performed.

The complete payment must accompany mailed record check requests. Kansas governmental agencies may request to use an alternate payment source.

References:

28 CFR §20, et seq.

42 USC §5119c

Kansas Statutes Annotated (K.S.A.) 22-4701, et seq.

K.S.A. 38-2301, et seq.

Kansas Administrative Regulations (K.A.R.) 10-12-1, et seq.

For additional information or assistance, please contact the KBI Criminal History Records Unit:

**Mail: Kansas Bureau of Investigation
Attn: Criminal History Records Unit
1620 SW Tyler
Topeka, KS 66612-1837**

**Phone: (785) 296-2454
Monday – Friday
8am – 5pm
Central Time**

FAX: (785) 368-7162

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