

Kansas Administrative Regulations

Kansas Bureau of Investigation

Article 21.—Kansas Bureau of Investigation DNA Databank

10-21-4. Expungement.

(a) Any person whose DNA record or profile has been included in the DNA database and whose DNA sample is stored in the DNA databank may apply for expungement on any of the grounds specified in K.S.A. 21-2511, and amendments thereto.

(b) The person, either individually or through an attorney, may make application to the KBI for expungement of the DNA record. The written application for expungement shall be on a form approved by the KBI and shall include the following information about the person:

- (1) Name;
- (2) date of birth;
- (3) sex;
- (4) race;
- (5) place of birth, including city and state;
- (6) district court case number and county;
- (7) offense or offenses;
- (8) county of arrest, charge, or conviction; and
- (9) social security number.

(c) The application shall be submitted to the KBI along with a certified copy of the final order of reversal, dismissal, acquittal, or expungement of arrest, which shall be attached to the application for expungement.

(d) When an application for expungement is submitted, the record contained in the state's DNA databank and DNA database shall be reviewed by the KBI to confirm the existence of the DNA record and the identity of the person who submitted a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto. The DNA record and all other identifiable information shall be purged from the DNA database, and the DNA sample stored in the DNA databank shall be purged after the

person no longer meets the requirements to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(e) If the person has more than one offense that requires submission of a DNA sample to the DNA databank, then only the offense covered by the expungement shall be expunged. The samples submitted shall be retained if additional offenses require retention pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(f) If a person has a record expunged, that person shall be treated as not having had a DNA record in the DNA database, DNA databank, or CODIS for that offense.

(g) Upon receiving information regarding a person who submitted a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq. and amendments thereto, a DNA record may be expunged by the KBI on its own initiative according to this article of the KBI's regulations.

(Authorized by and implementing K.S.A. 2022 Supp. 21-2511 and K.S.A. 2022 Supp. 22-4904; effective Dec. 22, 1995; amended April 19, 2002; amended Dec. 8, 2023.)

***** Authenticated Kansas Administrative Regulation *****