



STATE OF KANSAS

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September 25, 1979

ATTORNEY GENERAL OPINION NO. 79- 209

Hans C. Hansen
Sedgwick County Sheriff's
Legal Advisor
County Courthouse
Wichita, Kansas 67203

Re: Counties and County Officers -- Jail Calendars -- Public
and Confidential Records

Synopsis: The general public should have access to information contained
in jail calendars which is not by law specifically declared
confidential.

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Dear Mr. Hansen:

We have received your opinion request of September 14, 1979, in which
you desire to "resolve the situation as quickly as possible." Because
we deem your request to be crucial to the effective administration
of justice we have given priority to your inquiry over other pending
requests.

In that your request in part concerns 1979 House Bill No. 2034 (L.1979,
ch. 95), which is the subject of current litigation in which this office
has an interest, it would be inappropriate to comment on matters which
are the subject of judicial interpretation. Therefore, we must limit
the scope of this opinion to a consideration of whether the current status
of the law precludes public access to a current roster of inmates incar-
cerated in the Sedgwick County Jail.

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The statutes relevant to the above include K.S.A. 19-1904 which states in pertinent part:

"The sheriff of each county must keep a true and exact calendar of all prisoners committed to the county jail, which calendar must contain the names of all persons who are committed, their place of abode, the time of their commitment, the time of their discharge, the cause of their commitment, the authority that committed them, and the description of their persons; and when any person is liberated, such calendar must state the time when and the authority by which such liberation took place; . . ."

And K.S.A. 1978 Supp. 45-201(a) which states:

"All official public records of the state, counties, municipalities, townships, school districts, commissions, agencies and legislative bodies, which records by law are required to be kept and maintained, except those of the district court concerning proceedings pursuant to the juvenile code which shall be open unless specifically closed by the judge or by law, adoption records, records of the birth of illegitimate children, and records specifically closed by law or by directive authorized by law, shall at all times be open for a personal inspection by any citizen, and those in charge of such records shall not refuse this privilege to any citizen."

And Subsection (b) of K.S.A. 1978 Supp. 38-805c which states in relevant part:

"Except as provided in subsection (c), all records of law enforcement officers or agencies, municipal courts and other governmental entities in this state concerning a public offense committed or alleged to have been committed by a child less than eighteen (18) years of age, shall be kept separate from criminal or other records, and shall not be disclosed to anyone, except:" [Hereinafter followed by specific enumerated exemptions not pertinent to your inquiry.]

And Section 1 of 1979 House Bill No. 2034 (L. 1979, ch. 95, §1) which states in relevant part:

"(1) Whenever any person has been arrested for the violation of any ordinance of any city, the resolution of any county in this state or any law of this state and the

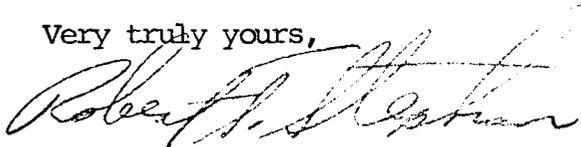
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charges have been dismissed or the person has been found not guilty by a court or jury or where the person arrested has been released pursuant to K.S.A. 22-2406, all records of such arrest, including fingerprints and photographs of the person shall be confidential information. Such information shall not be disclosed by any officer or employee of a criminal justice agency, as defined in K.S.A. 1978 Supp. 22-4701, to anyone other than another officer or employee of such a criminal justice agency, a prosecuting attorney or to the person arrested or his or her attorney."

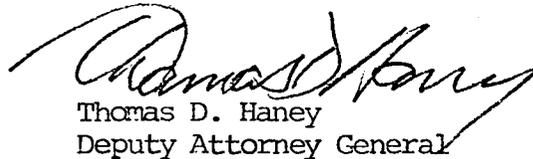
It is our opinion that the above as they relate to our narrowly drawn question may be read in harmony. Information relating to juveniles in contemplation of K.S.A. 1978 Supp. 38-805c and arrest records of persons not convicted pursuant to House Bill No. 2034 should not be subject to public inspection.

These statutes do not apply to adult inmates of the Sedgwick County jail under arrest or awaiting the determination of legal charges. Absent a court determination to the contrary, the public in general should be allowed access to jail calendar records relating to such.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Thomas D. Haney
Deputy Attorney General

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