

HOUSE BILL No. 2212

By Committee on Corrections and Juvenile Justice

1-30

1 AN ACT concerning the Kansas offender registration act; relating to
2 juvenile offenders; eliminating the registration requirements for certain
3 juvenile offenders; amending K.S.A. 2022 Supp. 22-4902, 22-4903, 22-
4 4904, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the
5 existing sections.
6

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

8 Section 1. K.S.A. 2022 Supp. 22-4902 is hereby amended to read as
9 follows: 22-4902. As used in the Kansas offender registration act, unless
10 the context otherwise requires:

11 (a) "Offender" means:

12 (1) A sex offender;

13 (2) a violent offender;

14 (3) a drug offender;

15 (4) any person who has been required to register under out-of-state
16 law or is otherwise required to be registered; and

17 (5) any person required by court order to register for an offense not
18 otherwise required as provided in the Kansas offender registration act.

19 (b) "Sex offender" includes any person who:

20 (1) On or after April 14, 1994, is convicted of any sexually violent
21 crime;

22 ~~(2) on or after July 1, 2002, is adjudicated as a juvenile offender for~~
23 ~~an act which, if committed by an adult, would constitute the commission~~
24 ~~of a sexually violent crime, unless the court, on the record, finds that the~~
25 ~~act involved non-foreible sexual conduct, the victim was at least 14 years~~
26 ~~of age and the offender was not more than four years older than the victim;~~

27 ~~(3)~~ has been determined to be a sexually violent predator;

28 ~~(4)~~(3) on or after July 1, 1997, is convicted of any of the following
29 crimes when one of the parties involved is less than 18 years of age:

30 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
31 K.S.A. 2022 Supp. 21-5511, and amendments thereto;

32 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
33 repeal, or K.S.A. 2022 Supp. 21-5504(a)(1) or (a)(2), and amendments
34 thereto;

35 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
36 repeal, or K.S.A. 2022 Supp. 21-6420, prior to its amendment by section

1 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

2 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
3 repeal, or K.S.A. 2022 Supp. 21-6421, prior to its amendment by section
4 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

5 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
6 to its repeal, or K.S.A. 2022 Supp. 21-5513, and amendments thereto;

7 ~~(5)~~(4) is convicted of sexual battery, as defined in K.S.A. 21-3517,
8 prior to its repeal, or K.S.A. 2022 Supp. 21-5505(a), and amendments
9 thereto;

10 ~~(6)~~(5) is convicted of sexual extortion, as defined in K.S.A. 2022
11 Supp. 21-5515, and amendments thereto;

12 ~~(7)~~(6) is convicted of breach of privacy, as defined in K.S.A. 2022
13 Supp. 21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto;

14 ~~(8)~~(7) is convicted of an attempt, conspiracy or criminal solicitation,
15 as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
16 K.S.A. 2022 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
17 of an offense defined in this subsection; or

18 ~~(9)~~(8) has been convicted of an offense that is comparable to any
19 crime defined in this subsection, or any out-of-state conviction for an
20 offense that under the laws of this state would be an offense defined in this
21 subsection.

22 (c) "Sexually violent crime" means:

23 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
24 2022 Supp. 21-5503, and amendments thereto;

25 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
26 to its repeal, or K.S.A. 2022 Supp. 21-5506(a), and amendments thereto;

27 (3) aggravated indecent liberties with a child, as defined in K.S.A.
28 21-3504, prior to its repeal, or K.S.A. 2022 Supp. 21-5506(b), and
29 amendments thereto;

30 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
31 prior to its repeal, or K.S.A. 2022 Supp. 21-5504(a)(3) or (a)(4), and
32 amendments thereto;

33 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
34 to its repeal, or K.S.A. 2022 Supp. 21-5504(b), and amendments thereto;

35 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
36 prior to its repeal, or K.S.A. 2022 Supp. 21-5508(a), and amendments
37 thereto;

38 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
39 21-3511, prior to its repeal, or K.S.A. 2022 Supp. 21-5508(b), and
40 amendments thereto;

41 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
42 to its repeal, or K.S.A. 2022 Supp. 21-5510, and amendments thereto;

43 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to

1 its repeal, or K.S.A. 2022 Supp. 21-5505(b), and amendments thereto;

2 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
3 repeal, or K.S.A. 2022 Supp. 21-5604(b), and amendments thereto;

4 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
5 repeal, and K.S.A. 2022 Supp. 21-5509, and amendments thereto;

6 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
7 its repeal, or K.S.A. 2022 Supp. 21-5512, and amendments thereto;

8 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
9 prior to its repeal, or K.S.A. 2022 Supp. 21-5426(b), and amendments
10 thereto, if committed in whole or in part for the purpose of the sexual
11 gratification of the defendant or another;

12 (14) commercial sexual exploitation of a child, as defined in K.S.A.
13 2022 Supp. 21-6422, and amendments thereto;

14 (15) promoting the sale of sexual relations, as defined in K.S.A. 2022
15 Supp. 21-6420, and amendments thereto;

16 (16) internet trading in child pornography or aggravated internet
17 trading in child pornography, as defined in K.S.A. 2022 Supp. 21-5514,
18 and amendments thereto;

19 (17) any conviction or adjudication for an offense that is comparable
20 to a sexually violent crime as defined in this subsection, or any out-of-state
21 conviction or adjudication for an offense that under the laws of this state
22 would be a sexually violent crime as defined in this subsection;

23 (18) *any out-of-state juvenile adjudication for an offense that*
24 *requires registration under the law of that state;*

25 (19) an attempt, conspiracy or criminal solicitation, as defined in
26 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2022
27 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
28 violent crime, as defined in this subsection; or

29 ~~(19)~~(20) any act that has been determined beyond a reasonable doubt
30 to have been sexually motivated, unless the court, on the record, finds that
31 the act involved non-forcible sexual conduct, the victim was at least 14
32 years of age and the offender was not more than four years older than the
33 victim. As used in this paragraph, "sexually motivated" means that one of
34 the purposes for which the defendant committed the crime was for the
35 purpose of the defendant's sexual gratification.

36 (d) "Sexually violent predator" means any person who, on or after
37 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
38 59-29a01 et seq., and amendments thereto.

39 (e) "Violent offender" includes any person who:

40 (1) On or after July 1, 1997, is convicted of any of the following
41 crimes:

42 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
43 or K.S.A. 2022 Supp. 21-5401, and amendments thereto;

1 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
2 its repeal, or K.S.A. 2022 Supp. 21-5402, and amendments thereto;

3 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
4 to its repeal, or K.S.A. 2022 Supp. 21-5403, and amendments thereto;

5 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
6 repeal, or K.S.A. 2022 Supp. 21-5404, and amendments thereto;

7 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
8 its repeal, or K.S.A. 2022 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
9 amendments thereto. The provisions of this paragraph shall not apply to
10 violations of K.S.A. 2022 Supp. 21-5405(a)(3), and amendments thereto,
11 that occurred on or after July 1, 2011, through July 1, 2013;

12 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
13 K.S.A. 2022 Supp. 21-5408(a), and amendments thereto;

14 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
15 repeal, or K.S.A. 2022 Supp. 21-5408(b), and amendments thereto;

16 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
17 repeal, or K.S.A. 2022 Supp. 21-5411, and amendments thereto, except by
18 a parent, and only when the victim is less than 18 years of age; or

19 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
20 to its repeal, or K.S.A. 2022 Supp. 21-5426(b), and amendments thereto, if
21 not committed in whole or in part for the purpose of the sexual
22 gratification of the defendant or another;

23 (2) on or after July 1, 2006, is convicted of any person felony and the
24 court makes a finding on the record that a deadly weapon was used in the
25 commission of such person felony;

26 (3) has been convicted of an offense that is comparable to any crime
27 defined in this subsection, any out-of-state conviction for an offense that
28 under the laws of this state would be an offense defined in this subsection;
29 or

30 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
31 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
32 K.S.A. 2022 Supp. 21-5301, 21-5302 and 21-5303, and amendments
33 thereto, of an offense defined in this subsection.

34 (f) "Drug offender" includes any person who, on or after July 1, 2007:

35 (1) Is convicted of any of the following crimes:

36 (A) Unlawful manufacture or attempting such of any controlled
37 substance or controlled substance analog, as defined in K.S.A. 65-4159,
38 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
39 K.S.A. 2022 Supp. 21-5703, and amendments thereto;

40 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
41 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
42 ammonia or phenylpropanolamine, or their salts, isomers or salts of
43 isomers with intent to use the product to manufacture a controlled

1 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
2 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2022 Supp. 21-5709(a),
3 and amendments thereto;

4 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
5 36a05(a)(1), prior to its transfer, or K.S.A. 2022 Supp. 21-5705(a)(1), and
6 amendments thereto. The provisions of this paragraph shall not apply to
7 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b) that
8 occurred on or after July 1, 2009, through April 15, 2010;

9 (2) has been convicted of an offense that is comparable to any crime
10 defined in this subsection, any out-of-state conviction for an offense that
11 under the laws of this state would be an offense defined in this subsection;
12 or

13 (3) is or has been convicted of an attempt, conspiracy or criminal
14 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
15 their repeal, or K.S.A. 2022 Supp. 21-5301, 21-5302 and 21-5303, and
16 amendments thereto, of an offense defined in this subsection.

17 (g) ~~Convictions or adjudications~~ that result from or are connected
18 with the same act, or result from crimes committed at the same time, shall
19 be counted for the purpose of this section as one conviction ~~or~~
20 ~~adjudication~~. Any conviction ~~or adjudication~~ set aside pursuant to law is
21 not a conviction ~~or adjudication~~ for purposes of this section. A conviction ~~or~~
22 ~~adjudication~~ from any out-of-state court shall constitute a conviction ~~or~~
23 ~~adjudication~~ for purposes of this section.

24 (h) "School" means any public or private educational institution,
25 including, but not limited to, postsecondary school, college, university,
26 community college, secondary school, high school, junior high school,
27 middle school, elementary school, trade school, vocational school or
28 professional school providing training or education to an offender for three
29 or more consecutive days or parts of days, or for 10 or more
30 nonconsecutive days in a period of 30 consecutive days.

31 (i) "Employment" means any full-time, part-time, transient, day-labor
32 employment or volunteer work, with or without compensation, for three or
33 more consecutive days or parts of days, or for 10 or more nonconsecutive
34 days in a period of 30 consecutive days.

35 (j) "Reside" means to stay, sleep or maintain with regularity or
36 temporarily one's person and property in a particular place other than a
37 location where the offender is incarcerated. It shall be presumed that an
38 offender resides at any and all locations where the offender stays, sleeps or
39 maintains the offender's person for three or more consecutive days or parts
40 of days, or for ten or more nonconsecutive days in a period of 30
41 consecutive days.

42 (k) "Residence" means a particular and definable place where an
43 individual resides. Nothing in the Kansas offender registration act shall be

1 construed to state that an offender may only have one residence for the
2 purpose of such act.

3 (l) "Transient" means having no fixed or identifiable residence.

4 (m) "Law enforcement agency having initial jurisdiction" means the
5 registering law enforcement agency of the county or location of
6 jurisdiction where the offender expects to most often reside upon the
7 offender's discharge, parole or release.

8 (n) "Registering law enforcement agency" means the sheriff's office
9 or tribal police department responsible for registering an offender.

10 (o) "Registering entity" means any person, agency or other
11 governmental unit, correctional facility or registering law enforcement
12 agency responsible for obtaining the required information from, and
13 explaining the required registration procedures to, any person required to
14 register pursuant to the Kansas offender registration act. "Registering
15 entity" includes, but is not limited to, sheriff's offices, tribal police
16 departments and correctional facilities.

17 (p) "Treatment facility" means any public or private facility or
18 institution providing inpatient mental health, drug or alcohol treatment or
19 counseling, but does not include a hospital, as defined in K.S.A. 65-425,
20 and amendments thereto.

21 (q) "Correctional facility" means any public or private correctional
22 facility, juvenile detention facility, prison or jail.

23 (r) "Out-of-state" means: the District of Columbia; any federal,
24 military or tribal jurisdiction, including those within this state; any foreign
25 jurisdiction; or any state or territory within the United States, other than
26 this state.

27 (s) "Duration of registration" means the length of time during which
28 an offender is required to register for a specified offense or violation.

29 (t) (1) Notwithstanding any other provision of this section, "offender"
30 shall not include any person who is:

31 (A) Convicted of unlawful transmission of a visual depiction of a
32 child, as defined in K.S.A. 2022 Supp. 21-5611(a), and amendments
33 thereto, aggravated unlawful transmission of a visual depiction of a child,
34 as defined in K.S.A. 2022 Supp. 21-5611(b), and amendments thereto, or
35 unlawful possession of a visual depiction of a child, as defined in K.S.A.
36 2022 Supp. 21-5610, and amendments thereto; *or*

37 (B) adjudicated as a juvenile offender *under the revised Kansas*
38 *juvenile justice code* for an act which, if committed by an adult, would
39 constitute the commission of a crime defined in subsection (t)(1)(A);

40 ~~(C) adjudicated as a juvenile offender for an act which, if committed~~
41 ~~by an adult, would constitute the commission of sexual extortion as~~
42 ~~defined in K.S.A. 2022 Supp. 21-5515, and amendments thereto; or~~

43 ~~(D) adjudicated as a juvenile offender for an act which, if committed~~

1 by an adult, would constitute a violation of K.S.A. 2022 Supp. 21-6101(a)
2 (6), (a)(7) or (a)(8), and amendments thereto.

3 (2) Notwithstanding any other provision of law, a court shall not
4 order any person to register under the Kansas offender registration act for
5 the offenses described in subsection (t)(1).

6 Sec. 2. K.S.A. 2022 Supp. 22-4903 is hereby amended to read as
7 follows: 22-4903. (a) Violation of the Kansas offender registration act is
8 the failure by an offender, as defined in K.S.A. 22-4902, and amendments
9 thereto, to comply with any and all provisions of such act, including any
10 and all duties set forth in K.S.A. 22-4905 through 22-4907, and
11 amendments thereto. Any violation of the Kansas offender registration act
12 which continues for more than 30 consecutive days shall, upon the 31st
13 consecutive day, constitute a new and separate offense, and shall continue
14 to constitute a new and separate offense every 30 days thereafter for as
15 long as the violation continues.

16 (b) Aggravated violation of the Kansas offender registration act is
17 violation of the Kansas offender registration act which continues for more
18 than 180 consecutive days. Any aggravated violation of the Kansas
19 offender registration act which continues for more than 180 consecutive
20 days shall, upon the 181st consecutive day, constitute a new and separate
21 offense, and shall continue to constitute a new and separate violation of the
22 Kansas offender registration act every 30 days thereafter, or a new and
23 separate aggravated violation of the Kansas offender registration act every
24 180 days thereafter, for as long as the violation continues.

25 (c) (1) Except as provided in subsection (c)(3), violation of the
26 Kansas offender registration act is:

27 (A) Upon a first conviction, a severity level 6 felony;

28 (B) upon a second conviction, a severity level 5 felony; and

29 (C) upon a third or subsequent conviction, a severity level 3 felony.

30 Such violation shall be designated as a person or nonperson crime in
31 accordance with the designation assigned to the underlying crime for
32 which the offender is required to be registered under the Kansas offender
33 registration act. If the offender is required to be registered under both a
34 person and nonperson underlying crime, the violation shall be designated
35 as a person crime.

36 (2) Except as provided in subsection (c)(3), aggravated violation of
37 the Kansas offender registration act is a severity level 3 felony.

38 Such violation shall be designated as a person or nonperson crime in
39 accordance with the designation assigned to the underlying crime for
40 which the offender is required to be registered under the Kansas offender
41 registration act. If the offender is required to be registered under both a
42 person and nonperson underlying crime, the violation shall be designated
43 as a person crime.

1 (3) Violation of the Kansas offender registration act or aggravated
2 violation of the Kansas offender registration act consisting only of failing
3 to remit payment to the sheriff's office as required in K.S.A. 22-4905(l),
4 and amendments thereto, is:

5 (A) Except as provided in subsection (c)(3)(B), a class A
6 misdemeanor if, within 15 days of registration, full payment is not
7 remitted to the sheriff's office;

8 (B) a severity level 9 felony if, within 15 days of the most recent
9 registration, two or more full payments have not been remitted to the
10 sheriff's office.

11 Such violation shall be designated as a person or nonperson crime in
12 accordance with the designation assigned to the underlying crime for
13 which the offender is required to be registered under the Kansas offender
14 registration act. If the offender is required to be registered under both a
15 person and nonperson underlying crime, the violation shall be designated
16 as a person crime.

17 (d) Prosecution of violations of this section may be held:

18 (1) In any county ~~in which~~ *where* the offender resides;

19 (2) in any county ~~in which~~ *where* the offender is required to be
20 registered under the Kansas offender registration act;

21 (3) in any county ~~in which~~ *where* the offender is located during which
22 time the offender is not in compliance with the Kansas offender
23 registration act; or

24 (4) in the county ~~in which~~ *where* any conviction ~~or adjudication~~
25 occurred for which the offender is required to be registered under the
26 Kansas offender registration act.

27 Sec. 3. K.S.A. 2022 Supp. 22-4904 is hereby amended to read as
28 follows: 22-4904. (a) (1) At the time of conviction ~~or adjudication~~ for an
29 offense requiring registration as provided in K.S.A. 22-4902, and
30 amendments thereto, the court shall:

31 (A) Inform any offender, on the record, of the procedure to register
32 and the requirements of K.S.A. 22-4905, and amendments thereto; and

33 (B) if the offender is released:

34 (i) Complete a notice of duty to register, ~~which and such notice~~ shall
35 include *the* title and statute number of conviction ~~or adjudication~~, date of
36 conviction ~~or adjudication~~, case number, county of conviction ~~or~~
37 ~~adjudication~~, and the following offender information: Name, address, date
38 of birth, social security number, race, ethnicity and gender;

39 (ii) require the offender to read and sign the notice of duty to register,
40 ~~which and such notice~~ shall include a statement that the requirements
41 provided in this subsection have been explained to the offender;

42 (iii) order the offender to report within three business days to the
43 registering law enforcement agency in the county or tribal land of

1 conviction ~~or adjudication~~ and to the registering law enforcement agency
2 in any place where the offender resides, maintains employment or attends
3 school, to complete the registration form with all information and any
4 updated information required for registration as provided in K.S.A. 22-
5 4907, and amendments thereto; and

6 (iv) provide one copy of the notice of duty to register to the offender
7 and, within three business days, send a copy of the form to the law
8 enforcement agency having initial jurisdiction and to the Kansas bureau of
9 investigation.

10 (2) At the time of sentencing or disposition for an offense requiring
11 registration as provided in K.S.A. 22-4902, and amendments thereto, the
12 court shall ensure the age of the victim is documented in the journal entry
13 of conviction ~~or adjudication~~.

14 (3) Upon commitment for control, care and treatment by the Kansas
15 department for aging and disability services pursuant to K.S.A. 59-29a07,
16 and amendments thereto, the court shall notify the registering law
17 enforcement agency of the county where the offender resides during
18 commitment of such offender's commitment. Such notice shall be prepared
19 by the office of the attorney general for transmittal by the court by
20 electronic means, including by fax or e-mail.

21 (b) The staff of any correctional facility or the registering law
22 enforcement agency's designee shall:

23 (1) At the time of initial custody, register any offender within three
24 business days:

25 (A) Inform the offender of the procedure for registration and of the
26 offender's registration requirements as provided in K.S.A. 22-4905, and
27 amendments thereto;

28 (B) complete the registration form with all information and updated
29 information required for registration as provided in K.S.A. 22-4907, and
30 amendments thereto;

31 (C) require the offender to read and sign the registration form, ~~which~~
32 *and such form* shall include a statement that the requirements provided in
33 this subsection have been explained to the offender;

34 (D) provide one copy of the form to the offender and, within three
35 business days, send a copy of the form to the Kansas bureau of
36 investigation; and

37 (E) enter all offender information required by the national crime
38 information center into the national sex offender registry system within
39 three business days of completing the registration or electronically submit
40 all information and updated information required for registration as
41 provided in K.S.A. 22-4907, and amendments thereto, within three
42 business days to the Kansas bureau of investigation;

43 (2) notify the Kansas bureau of investigation of the incarceration of

1 any offender and of the location or any change in location of the offender
2 while in custody;

3 (3) prior to any offender being discharged, paroled, furloughed or
4 released on work or school release that does not require the daily return to
5 a correctional facility:

6 (A) Inform the offender of the procedure for registration and of the
7 offender's registration requirements as provided in K.S.A. 22-4905, and
8 amendments thereto;

9 (B) complete the registration form with all information and updated
10 information required for registration as provided in K.S.A. 22-4907, and
11 amendments thereto;

12 (C) require the offender to read and sign the registration form, ~~which~~
13 *and such form* shall include a statement that the requirements provided in
14 this subsection have been explained to the offender;

15 (D) photograph the offender's face and any identifying marks;

16 (E) obtain fingerprint and palm prints of the offender; and

17 (F) provide one copy of the form to the offender and, within three
18 business days, send a copy of the form and of the photograph or
19 photographs to the law enforcement agency having initial jurisdiction and
20 to the Kansas bureau of investigation; and

21 (4) notify the law enforcement agency having initial jurisdiction and
22 the Kansas bureau of investigation seven business days prior to any
23 offender being discharged, paroled, furloughed or released on work or
24 school release.

25 (c) The staff of any treatment facility shall:

26 (1) Within three business days of an offender's arrival for inpatient
27 treatment, inform the registering law enforcement agency of the county or
28 location of jurisdiction ~~in which~~ *where* the treatment facility is located of
29 the offender's presence at the treatment facility and the expected duration
30 of the treatment, and immediately notify the registering law enforcement
31 agency of an unauthorized or unexpected absence of the offender during
32 the offender's treatment;

33 (2) inform the registering law enforcement agency of the county or
34 location of jurisdiction ~~in which~~ *where* the treatment facility is located
35 within three business days of an offender's discharge or release; and

36 (3) provide information upon request to any registering law
37 enforcement agency having jurisdiction relevant to determining the
38 presence of an offender within the treatment facility.

39 (d) The registering law enforcement agency, upon the reporting of
40 any offender, shall:

41 (1) Inform the offender of the duty to register as provided by the
42 Kansas offender registration act;

43 (2) (A) explain the procedure for registration and the offender's

- 1 registration requirements as provided in K.S.A. 22-4905, and amendments
2 thereto;
- 3 (B) obtain the information required for registration as provided in
4 K.S.A. 22-4907, and amendments thereto; and
- 5 (C) require the offender to read and sign the registration form, ~~which~~
6 *and such form* shall include a statement that the requirements provided in
7 this subsection have been explained to the offender;
- 8 (3) complete the registration form with all information and updated
9 information required for registration, as provided in K.S.A. 22-4907, and
10 amendments thereto, each time the offender reports to the registering law
11 enforcement agency. All information and updated information reported by
12 an offender shall be forwarded to the Kansas bureau of investigation
13 within three business days;
- 14 (4) maintain the original signed registration form, provide one copy
15 of the completed registration form to the offender and, within three
16 business days, send one copy of the completed form to the Kansas bureau
17 of investigation;
- 18 (5) forward a copy of any certified letter used for reporting pursuant
19 to K.S.A. 22-4905, and amendments thereto, when utilized, within three
20 business days to the Kansas bureau of investigation;
- 21 (6) obtain registration information from every offender required to
22 register regardless of whether or not the offender remits payment;
- 23 (7) upon every required reporting, update the photograph or
24 photographs of the offender's face and any new identifying marks and
25 immediately forward copies or electronic files of the photographs to the
26 Kansas bureau of investigation;
- 27 (8) enter all offender information required by the national crime
28 information center into the national sex offender registry system within
29 three business days of completing the registration or electronically submit
30 all information and updated information required for registration as
31 provided in K.S.A. 22-4907, and amendments thereto, within three
32 business days to the Kansas bureau of investigation;
- 33 (9) maintain a special fund for the deposit and maintenance of fees
34 paid by offenders. All funds retained by the registering law enforcement
35 agency pursuant to the provisions of this section shall be credited to a
36 special fund of the registering law enforcement agency ~~which~~ *that* shall be
37 used solely for law enforcement and criminal prosecution purposes and
38 ~~which~~ *that* shall not be used as a source of revenue to reduce the amount of
39 funding otherwise made available to the registering law enforcement
40 agency; and
- 41 (10) forward any initial registration and updated registration
42 information within three business days to any out-of-state jurisdiction
43 where the offender is expected to reside, maintain employment or attend

1 school.

2 (e) (1) The Kansas bureau of investigation shall:

3 (A) Forward all additions or changes in information to any registering
4 law enforcement agency, other than the agency that submitted the form,
5 where the offender expects to reside, maintain employment or attend
6 school;

7 (B) ensure that offender information is immediately entered in the
8 state registered offender database and the Kansas registered offender
9 website, as provided in K.S.A. 22-4909, and amendments thereto;

10 (C) transmit offender conviction or adjudication data, fingerprints and
11 palm prints to the federal bureau of investigation; and

12 (D) ensure all offender information required by the national crime
13 information center is transmitted into the national sex offender registry
14 system within three business days of such information being electronically
15 submitted to the Kansas bureau of investigation.

16 (2) The director of the Kansas bureau of investigation may adopt
17 rules and regulations necessary to implement the provisions of the Kansas
18 offender registration act.

19 (f) The attorney general shall, within 10 business days of an offender
20 being declared a sexually violent predator, forward to the Kansas bureau of
21 investigation all relevant court documentation declaring an offender a
22 sexually violent predator.

23 (g) The state department of education shall annually notify any school
24 of the Kansas bureau of investigation internet website, and any internet
25 website containing information on the Kansas offender registration act
26 sponsored or created by the registering law enforcement agency of the
27 county or location of jurisdiction ~~in which~~ where the school is located, for
28 the purpose of locating offenders who reside near such school. Such
29 notification shall include information that the registering law enforcement
30 agency of the county or location of jurisdiction where such school is
31 located is available to the school to assist in using the registry and
32 providing additional information on registered offenders.

33 (h) The secretary of health and environment shall annually notify any
34 licensed child care facility of the Kansas bureau of investigation internet
35 website, and any internet website containing information on the Kansas
36 offender registration sponsored or created by the registering law
37 enforcement agency of the county ~~in which~~ where the facility is located,
38 for the purpose of locating offenders who reside near such facility. Such
39 notification shall include information that the registering law enforcement
40 agency of the county or location of jurisdiction where such child care
41 facility is located is available to the child care facilities to assist in using
42 the registry and providing additional information on registered offenders.

43 (i) Upon request, the clerk of any court of record shall provide the

1 Kansas bureau of investigation copies of complaints, indictments,
2 information, journal entries, commitment orders or any other documents
3 necessary to the performance of the duties of the Kansas bureau of
4 investigation under the Kansas offender registration act. No fees or
5 charges for providing such documents may be assessed.

6 Sec. 4. K.S.A. 2022 Supp. 22-4906 is hereby amended to read as
7 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
8 of any of the following offenses, an offender's duration of registration shall
9 be, if confined, 15 years after the date of parole, discharge or release,
10 whichever date is most recent, or, if not confined, 15 years from the date of
11 conviction:

12 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
13 or K.S.A. 2022 Supp. 21-5505(a), and amendments thereto;

14 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
15 K.S.A. 2022 Supp. 21-5511, and amendments thereto, when one of the
16 parties involved is less than 18 years of age;

17 (C) promoting the sale of sexual relations, as defined in K.S.A. 2022
18 Supp. 21-6420, and amendments thereto;

19 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
20 repeal, or K.S.A. 2022 Supp. 21-6421, prior to its amendment by section 18
21 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, when
22 one of the parties involved is less than 18 years of age;

23 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
24 to its repeal, or K.S.A. 2022 Supp. 21-5513, and amendments thereto,
25 when one of the parties involved is less than 18 years of age;

26 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
27 or K.S.A. 2022 Supp. 21-5401, and amendments thereto;

28 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
29 its repeal, or K.S.A. 2022 Supp. 21-5402, and amendments thereto;

30 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
31 to its repeal, or K.S.A. 2022 Supp. 21-5403, and amendments thereto;

32 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
33 repeal, or K.S.A. 2022 Supp. 21-5404, and amendments thereto;

34 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
35 its repeal, or K.S.A. 2022 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
36 amendments thereto;

37 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
38 repeal, or K.S.A. 2022 Supp. 21-5411, and amendments thereto, except by
39 a parent, and only when the victim is less than 18 years of age;

40 (L) sexual extortion, as defined in K.S.A. 2022 Supp. 21-5515, and
41 amendments thereto, when one of the parties involved is less than 18 years
42 of age;

43 (M) breach of privacy, as defined in K.S.A. 2022 Supp. 21-6101(a)

1 (6), (a)(7) or (a)(8), and amendments thereto;

2 (N) any act that has been determined beyond a reasonable doubt to
3 have been sexually motivated, unless the court, on the record, finds that
4 the act involved non-forcible sexual conduct, the victim was at least 14
5 years of age and the offender was not more than four years older than the
6 victim;

7 (O) conviction of any person required by court order to register for an
8 offense not otherwise required as provided in the Kansas offender
9 registration act;

10 (P) conviction of any person felony and the court makes a finding on
11 the record that a deadly weapon was used in the commission of such
12 person felony;

13 (Q) unlawful manufacture or attempting such of any controlled
14 substance or controlled substance analog, as defined in K.S.A. 65-4159,
15 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
16 K.S.A. 2022 Supp. 21-5703, and amendments thereto;

17 (R) possession of ephedrine, pseudoephedrine, red phosphorus,
18 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
19 ammonia or phenylpropanolamine, or their salts, isomers or salts of
20 isomers with intent to use the product to manufacture a controlled
21 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
22 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2022 Supp. 21-
23 5709(a), and amendments thereto;

24 (S) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
25 36a05(a)(1), prior to its transfer, or K.S.A. 2022 Supp. 21-5705(a)(1), and
26 amendments thereto; or

27 (T) any attempt, conspiracy or criminal solicitation, as defined in
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2022
29 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
30 offense defined in this subsection.

31 (2) Except as otherwise provided by the Kansas offender registration
32 act, the duration of registration terminates, if not confined, at the
33 expiration of 15 years from the date of conviction. Any period of time
34 during which any offender is incarcerated in any jail or correctional
35 facility or during which the offender does not comply with any and all
36 requirements of the Kansas offender registration act shall not count toward
37 the duration of registration.

38 (b) (1) Except as provided in subsection (c), if convicted of any of the
39 following offenses, an offender's duration of registration shall be, if
40 confined, 25 years after the date of parole, discharge or release, whichever
41 date is most recent, or, if not confined, 25 years from the date of
42 conviction:

43 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its

1 repeal, or K.S.A. 2022 Supp. 21-5504(a)(1) or (a)(2), and amendments
2 thereto, when one of the parties involved is less than 18 years of age;

3 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
4 prior to its repeal, or K.S.A. 2022 Supp. 21-5508(a), and amendments
5 thereto;

6 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
7 repeal, or K.S.A. 2022 Supp. 21-5509, and amendments thereto;

8 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
9 repeal, or K.S.A. 2022 Supp. 21-5604(b), and amendments thereto;

10 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
11 to its repeal, or K.S.A. 2022 Supp. 21-5506(a), and amendments thereto;

12 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
13 its repeal, or K.S.A. 2022 Supp. 21-5512, and amendments thereto;

14 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
15 to its repeal, or K.S.A. 2022 Supp. 21-5510, and amendments thereto, if
16 the victim is 14 or more years of age but less than 18 years of age;

17 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
18 its repeal, or K.S.A. 2022 Supp. 21-5505(b), and amendments thereto;

19 (I) internet trading in child pornography, as defined in K.S.A. 2022
20 Supp. 21-5514, and amendments thereto;

21 (J) aggravated internet trading in child pornography, as defined in
22 K.S.A. 2022 Supp. 21-5514, and amendments thereto, if the victim is 14 or
23 more years of age but less than 18 years of age;

24 (K) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
25 repeal, or K.S.A. 2022 Supp. 21-6420, prior to its amendment by section
26 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
27 the person selling sexual relations is 14 or more years of age but less than
28 18 years of age; or

29 (L) any attempt, conspiracy or criminal solicitation, as defined in
30 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2022
31 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
32 offense defined in this subsection.

33 (2) Except as otherwise provided by the Kansas offender registration
34 act, the duration of registration terminates, if not confined, at the
35 expiration of 25 years from the date of conviction. Any period of time
36 during which any offender is incarcerated in any jail or correctional
37 facility or during which the offender does not comply with any and all
38 requirements of the Kansas offender registration act shall not count toward
39 the duration of registration.

40 (c) Upon a second or subsequent conviction of an offense requiring
41 registration, an offender's duration of registration shall be for such
42 offender's lifetime.

43 (d) The duration of registration for any offender who has been

1 convicted of any of the following offenses shall be for such offender's
2 lifetime:

3 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
4 2022 Supp. 21-5503, and amendments thereto;

5 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
6 21-3511, prior to its repeal, or K.S.A. 2022 Supp. 21-5508(b), and
7 amendments thereto;

8 (3) aggravated indecent liberties with a child, as defined in K.S.A.
9 21-3504, prior to its repeal, or K.S.A. 2022 Supp. 21-5506(b), and
10 amendments thereto;

11 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
12 prior to its repeal, or K.S.A. 2022 Supp. 21-5504(a)(3) or (a)(4), and
13 amendments thereto;

14 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
15 to its repeal, or K.S.A. 2022 Supp. 21-5504(b), and amendments thereto;

16 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
17 to its repeal, or K.S.A. 2022 Supp. 21-5426(b), and amendments thereto;

18 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
19 to its repeal, or K.S.A. 2022 Supp. 21-5510, and amendments thereto, if
20 the victim is less than 14 years of age;

21 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
22 repeal, or K.S.A. 2022 Supp. 21-6420, prior to its amendment by section
23 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
24 the person selling sexual relations is less than 14 years of age;

25 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
26 K.S.A. 2022 Supp. 21-5408(a), and amendments thereto;

27 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
28 repeal, or K.S.A. 2022 Supp. 21-5408(b), and amendments thereto;

29 (11) aggravated internet trading in child pornography, as defined in
30 K.S.A. 2022 Supp. 21-5514, and amendments thereto, if the victim is less
31 than 14 years of age;

32 (12) commercial sexual exploitation of a child, as defined in K.S.A.
33 2022 Supp. 21-6422, and amendments thereto; or

34 (13) any attempt, conspiracy or criminal solicitation, as defined in
35 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2022
36 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
37 offense defined in this subsection.

38 (e) Any person who has been declared a sexually violent predator
39 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall
40 register for such person's lifetime.

41 ~~(f) Notwithstanding any other provisions of this section, for an~~
42 ~~offender less than 14 years of age who is adjudicated as a juvenile offender~~
43 ~~for an act which, if committed by an adult, would constitute a sexually~~

1 violent crime set forth in K.S.A. 22-4902(e), and amendments thereto, the
2 court shall:

3 (1) Require registration until such offender reaches 18 years of age, at
4 the expiration of five years from the date of adjudication or, if confined,
5 from release from confinement, whichever date occurs later. Any period of
6 time during which the offender is incarcerated in any jail, juvenile facility
7 or correctional facility or during which the offender does not comply with
8 any and all requirements of the Kansas offender registration act shall not
9 count toward the duration of registration;

10 (2) not require registration if the court, on the record, finds substantial
11 and compelling reasons therefor; or

12 (3) require registration, but such registration information shall not be
13 open to inspection by the public or posted on any internet website, as
14 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
15 registration but such registration is not open to the public, such offender
16 shall provide a copy of such court order to the registering law enforcement
17 agency at the time of registration. The registering law enforcement agency
18 shall forward a copy of such court order to the Kansas bureau of
19 investigation.

20 If such offender violates a condition of release during the term of the
21 conditional release, the court may require such offender to register
22 pursuant to paragraph (1):

23 (g) Notwithstanding any other provisions of this section, for an
24 offender 14 years of age or more who is adjudicated as a juvenile offender
25 for an act which, if committed by an adult, would constitute a sexually
26 violent crime set forth in K.S.A. 22-4902(e), and amendments thereto, and
27 such crime is not an off-grid felony or a felony ranked in severity level 1
28 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
29 K.S.A. 2022 Supp. 21-6804, and amendments thereto, the court shall:

30 (1) Require registration until such offender reaches 18 years of age, at
31 the expiration of five years from the date of adjudication or, if confined,
32 from release from confinement, whichever date occurs later. Any period of
33 time during which the offender is incarcerated in any jail, juvenile facility
34 or correctional facility or during which the offender does not comply with
35 any and all requirements of the Kansas offender registration act shall not
36 count toward the duration of registration;

37 (2) not require registration if the court, on the record, finds substantial
38 and compelling reasons therefor; or

39 (3) require registration, but such registration information shall not be
40 open to inspection by the public or posted on any internet website, as
41 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
42 registration but such registration is not open to the public, such offender
43 shall provide a copy of such court order to the registering law enforcement

1 agency at the time of registration. The registering law enforcement agency
2 shall forward a copy of such court order to the Kansas bureau of
3 investigation.

4 If such offender violates a condition of release during the term of the
5 conditional release, the court may require such offender to register
6 pursuant to paragraph (1).

7 (h) Notwithstanding any other provisions of this section, an offender
8 14 years of age or more who is adjudicated as a juvenile offender for an
9 act which, if committed by an adult, would constitute a sexually violent
10 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
11 crime is an off-grid felony or a felony ranked in severity level 1 of the
12 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
13 2022 Supp. 21-6804, and amendments thereto, shall be required to register
14 for such offender's lifetime.

15 (†) Notwithstanding any other provision of law, if a diversionary
16 agreement or probation order, ~~either adult or juvenile, or a juvenile~~
17 ~~offender sentencing order~~, requires registration under the Kansas offender
18 registration act for an offense that would not otherwise require registration
19 as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all
20 provisions of the Kansas offender registration act shall apply, except that
21 the duration of registration shall be controlled by such diversionary
22 agreement; ~~or probation order or juvenile offender sentencing order.~~

23 (‡)(g) The duration of registration does not terminate if the convicted
24 ~~or adjudicated~~ offender again becomes liable to register as provided by the
25 Kansas offender registration act during the required period of registration.

26 (k)(h) For any person moving to Kansas who has been convicted ~~or~~
27 ~~adjudicated~~ in an out-of-state court, or who was required to register under
28 an out-of-state law, the duration of registration shall be the length of time
29 required by the out-of-state jurisdiction or by the Kansas offender
30 registration act, whichever length of time is longer. The provisions of this
31 subsection shall apply to convictions ~~or adjudications~~ prior to June 1,
32 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
33 convictions ~~or adjudications~~ on or after June 1, 2006, and to persons who
34 moved to Kansas on or after June 1, 2006.

35 (i) *For any person moving to Kansas who has been adjudicated as a*
36 *juvenile offender in an out-of-state court and who was required to register*
37 *under an out-of-state law, the duration of registration shall be the length*
38 *of time required by the out-of-state jurisdiction.*

39 (†)(j) For any person residing, maintaining employment or attending
40 school in this state who has been convicted ~~or adjudicated~~ by an out-of-
41 state court of an offense that is comparable to any crime requiring
42 registration pursuant to the Kansas offender registration act, but who was
43 not required to register in the jurisdiction of conviction ~~or adjudication~~, the

1 duration of registration shall be the duration required for the comparable
2 offense pursuant to the Kansas offender registration act.

3 Sec. 5. K.S.A. 2022 Supp. 22-4907 is hereby amended to read as
4 follows: 22-4907. (a) Registration as required by the Kansas offender
5 registration act shall consist of a form approved by the Kansas bureau of
6 investigation, ~~which and such form~~ shall include a statement that the
7 requirements provided in this section have been reviewed and explained to
8 the offender, and shall be signed by the offender and, except when such
9 reporting is conducted by certified letter as provided in ~~subsection (b) of~~
10 K.S.A. 22-4905(b), and amendments thereto, witnessed by the person
11 registering the offender. Such registration form shall include the following
12 offender information:

- 13 (1) Name and all alias names;
- 14 (2) date and city, state and country of birth, and any alias dates or
15 places of birth;
- 16 (3) title and statute number of each offense or offenses committed,
17 date of each conviction ~~or adjudication~~ and court case numbers for each
18 conviction ~~or adjudication~~;
- 19 (4) city, county, state or country of conviction ~~or adjudication~~;
- 20 (5) sex and date of birth or purported age of each victim of all
21 offenses requiring registration;
- 22 (6) current residential address, any anticipated future residence and
23 any temporary lodging information including, but not limited to, address,
24 telephone number and dates of travel for any place ~~in which~~ *where* the
25 offender is staying for seven or more days; and, if transient, the locations
26 where the offender has stayed and frequented since last reporting for
27 registration;
- 28 (7) all telephone numbers at which the offender may be contacted
29 including, but not limited to, all mobile telephone numbers;
- 30 (8) social security number, and all alias social security numbers;
- 31 (9) identifying characteristics such as race, ethnicity, skin tone, sex,
32 age, height, weight, hair and eye color, scars, tattoos and blood type;
- 33 (10) occupation and name, address or addresses and telephone
34 number of employer or employers, and name of any anticipated employer
35 and place of employment;
- 36 (11) all current driver's licenses or identification cards, including a
37 photocopy of all such driver's licenses or identification cards and their
38 numbers, states of issuance and expiration dates;
- 39 (12) all vehicle information, including the license plate number,
40 registration number and any other identifier and description of any vehicle
41 owned or operated by the offender, or any vehicle the offender regularly
42 drives, either for personal use or in the course of employment, and
43 information concerning the location or locations such vehicle or vehicles

1 are habitually parked or otherwise kept;

2 (13) license plate number, registration number or other identifier and
3 description of any aircraft or watercraft owned or operated by the offender;
4 and information concerning the location or locations such aircraft or
5 watercraft are habitually parked, docked or otherwise kept;

6 (14) all professional licenses, designations and certifications;

7 (15) documentation of any treatment received for a mental
8 abnormality or personality disorder of the offender; for purposes of
9 documenting the treatment received, registering law enforcement agencies,
10 correctional facility officials, treatment facility officials and courts may
11 rely on information that is readily available to them from existing records
12 and the offender;

13 (16) a photograph or photographs;

14 (17) fingerprints and palm prints;

15 (18) any and all schools and satellite schools attended or expected to
16 be attended and the locations of attendance and telephone number;

17 (19) any and all: E-mail addresses; online identities used by the
18 offender on the internet; information relating to membership in any and all
19 personal web pages or online social networks; and internet screen names;

20 (20) all travel and immigration documents; and

21 (21) name and telephone number of the offender's probation, parole
22 or community corrections officer.

23 (b) The offender shall provide biological samples for DNA analysis to
24 the registering law enforcement agency as required by K.S.A. 21-2511,
25 and amendments thereto. The biological samples shall be in the form using
26 a DNA databank kit authorized by the Kansas bureau of investigation. The
27 registering law enforcement agency shall forward such biological samples
28 to the Kansas bureau of investigation. Prior to taking such sample, the
29 registering law enforcement agency shall search the Kansas criminal
30 justice information system to determine if such person's DNA profile is
31 currently on file. If such person's DNA profile is on file with the Kansas
32 bureau of investigation, the registering law enforcement agency is not
33 required to take biological samples.

34 Sec. 6. K.S.A. 2022 Supp. 22-4908 is hereby amended to read as
35 follows: 22-4908. (a) Except as provided in subsection (b), a drug offender
36 who is required to register under the Kansas offender registration act may
37 file a verified petition for relief from registration requirements if the
38 offender has registered for a period of at least five years after the date of
39 parole, discharge or release, whichever date is most recent, or, if not
40 confined, five years from the date of conviction ~~or adjudication~~.

41 (b) An offender who is required to register pursuant to K.S.A. 22-
42 4906 ~~(k)(h)~~, and amendments thereto, because of an out-of-state conviction
43 ~~or adjudication~~ may *shall* not petition for relief from registration

1 requirements in this state if the offender would be required to register
2 under the law of the state or jurisdiction where the conviction ~~or~~
3 ~~adjudication~~ occurred. If the offender would no longer be required to
4 register under the law of the state or jurisdiction where the conviction ~~or~~
5 ~~adjudication~~ occurred, the offender may file a verified petition pursuant to
6 subsection (a).

7 (c) Any period of time during which an offender is incarcerated in
8 any jail or correctional facility or during which the offender does not
9 substantially comply with the requirements of the Kansas offender
10 registration act shall not count toward the duration of registration required
11 in subsection (a).

12 (d) (1) A verified petition for relief from registration requirements
13 shall be filed in the district court in the county where the offender was
14 convicted ~~or adjudicated~~ of the offense requiring registration. If the
15 offender was not convicted ~~or adjudicated~~ in this state of the offense
16 requiring registration, such petition shall be filed in the district court of
17 any county where the offender is currently required to register. The docket
18 fee shall be as provided in K.S.A. 60-2001, and amendments thereto.

19 (2) The petition shall include:

20 (A) The offender's full name;

21 (B) the offender's full name at the time of conviction ~~or adjudication~~
22 for the offense or offenses requiring registration, if different than the
23 offender's current name;

24 (C) the offender's sex, race and date of birth;

25 (D) the offense or offenses requiring registration;

26 (E) the date of conviction ~~or adjudication~~ for the offense or offenses
27 requiring registration;

28 (F) the court in which the offender was convicted ~~or adjudicated~~ of
29 the offense or offenses requiring registration;

30 (G) whether the offender has been arrested, convicted ~~or adjudicated~~ or
31 entered into a diversion agreement for any crime during the period the
32 offender is required to register; and

33 (H) the names of all treatment providers and agencies that have
34 treated the offender for mental health, substance abuse and offense-related
35 behavior since the date of the offense or offenses requiring registration.

36 (3) The judicial council shall develop a petition form for use under
37 this section.

38 (4) When a petition is filed, the court shall set a date for a hearing on
39 such petition and cause notice of the hearing to be given to the county or
40 district attorney in the county where the petition is filed. Any person who
41 may have relevant information about the offender may testify at the
42 hearing.

43 (5) The county or district attorney shall notify any victim of the

1 offense requiring registration who is alive and whose address is known or,
2 if the victim is deceased, the victim's family if the family's address is
3 known. The victim or victim's family shall not be compelled to testify or
4 provide any discovery to the offender.

5 (6) The county or district attorney shall have access to all applicable
6 records, including records that are otherwise confidential or privileged.

7 (e) (1) The court may require a drug offender who is petitioning for
8 relief under this section to undergo a risk assessment.

9 (2) Any risk assessment ordered under this subsection shall be
10 performed by a professional agreed upon by the parties or a professional
11 approved by the court. Such risk assessment shall be performed at the
12 offender's expense.

13 (f) The court shall order relief from registration requirements if the
14 offender shows by clear and convincing evidence that:

15 (1) The offender has not been convicted or adjudicated of a felony,
16 other than a felony violation or aggravated felony violation of K.S.A. 22-
17 4903, and amendments thereto, within the five years immediately
18 preceding the filing of the petition, and no proceedings involving any such
19 felony are presently pending or being instituted against the offender;

20 (2) the offender's circumstances, behavior and treatment history
21 demonstrate that the offender is sufficiently rehabilitated to warrant relief;
22 and

23 (3) registration of the offender is no longer necessary to promote
24 public safety.

25 (g) If the court denies an offender's petition for relief, the offender
26 shall not file another petition for relief until three years have elapsed,
27 unless a shorter time period is ordered by the court.

28 (h) If the court grants relief from registration requirements, the court
29 shall order that the offender be removed from the offender registry and that
30 the offender is no longer required to comply with registration
31 requirements. Within 14 days of any order, the court shall notify the
32 Kansas bureau of investigation and any local law enforcement agency that
33 registers the offender that the offender has been granted relief from
34 registration requirements. The Kansas bureau of investigation shall remove
35 such offender from any internet website maintained pursuant to K.S.A. 22-
36 4909, and amendments thereto.

37 (i) An offender may combine a petition for relief under this section
38 with a petition for expungement under K.S.A. 2022 Supp. 21-6614, and
39 amendments thereto, if the offense requiring registration is otherwise
40 eligible for expungement.

41 Sec. 7. K.S.A. 2022 Supp. 22-4909 is hereby amended to read as
42 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) and
43 (f) of this section and subsections (f) and (g) of K.S.A. 22-4906, and

1 ~~amendments thereto~~, the statements or any other information required by
2 the Kansas offender registration act shall be open to inspection by the
3 public at the registering law enforcement agency, at the headquarters of the
4 Kansas bureau of investigation and on any internet website sponsored or
5 created by a registering law enforcement agency or the Kansas bureau of
6 investigation that contains such statements or information, and specifically
7 are subject to the provisions of the Kansas open records act, K.S.A. 45-215
8 et seq., and amendments thereto.

9 (b) Any information posted on an internet website sponsored or
10 created by a registering law enforcement agency or the Kansas bureau of
11 investigation shall identify, in a prominent manner, whether an offender is
12 a sex offender, a violent offender or a drug offender. Such internet
13 websites shall include the following information for each offender:

14 (1) Name of the offender, including any aliases;

15 (2) address of each residence ~~at which~~ *where* the offender resides or
16 will reside and, if the offender does not have any present or expected
17 residence address, other information about where the offender has their
18 home or habitually lives. If current information of this type is not available
19 because the offender is in violation of the requirement to register or cannot
20 be located, the website must so note;

21 (3) temporary lodging information;

22 (4) address of any place where the offender is a student or will be a
23 student;

24 (5) license plate number and a description of any vehicle owned or
25 operated by the offender, including any aircraft or watercraft;

26 (6) physical description of the offender;

27 (7) the offense or offenses for which the offender is registered and
28 any other offense for which the offender has been convicted ~~or~~
29 ~~adjudicated~~;

30 (8) a current photograph of the offender; and

31 (9) all professional licenses, designations and certifications.

32 (c) Notwithstanding subsection (a), information posted on an internet
33 website sponsored or created by a registering law enforcement agency or
34 the Kansas bureau of investigation shall not contain the address of any
35 place where the offender is an employee or any other information about
36 where the offender works. Such internet website shall contain a statement
37 that employment information is publicly available and may be obtained by
38 contacting the appropriate registering law enforcement agency or by
39 signing up for community notification through the official website of the
40 Kansas bureau of investigation.

41 (d) Notwithstanding subsection (a), pursuant to a court finding
42 petitioned by the prosecutor, any offender who is required to register
43 pursuant to the Kansas offender registration act, but has been provided a

1 new identity and relocated under the federal witness security program or
2 who has worked as a confidential informant, or is otherwise a protected
3 witness, shall be required to register pursuant to the Kansas offender
4 registration act, but shall not be subject to public registration.

5 (e) Notwithstanding subsection (a), when a court orders expungement
6 of a conviction~~—or adjudication~~ that requires an offender to register
7 pursuant to the Kansas offender registration act, the registration
8 requirement for such conviction~~—or adjudication~~ does not terminate. Such
9 offender shall be required to continue registering pursuant to the Kansas
10 offender registration act, but shall not be subject to public registration. If a
11 court orders expungement of a conviction~~—or adjudication~~ that requires an
12 offender to register pursuant to the Kansas offender registration act, and
13 the offender has any other conviction~~—or adjudication~~ that requires
14 registration, such offender shall be required to register pursuant to the
15 Kansas offender registration act, and the registration for such other
16 conviction~~—or adjudication~~ shall be open to inspection by the public and
17 shall be subject to the provisions of subsection (a), ~~unless such registration~~
18 ~~has been ordered restricted pursuant to subsection (f) or (g) of K.S.A. 22-~~
19 ~~4906, and amendments thereto.~~

20 (f) Notwithstanding subsection (a), the following information shall
21 not be disclosed other than to law enforcement agencies:

22 (1) The name, address, telephone number or any other information
23 ~~which~~ *that* specifically and individually identifies the identity of any
24 victim of a registerable offense;

25 (2) the social security number of the offender;

26 (3) the offender's criminal history arrests that did not result in
27 convictions or adjudications;

28 (4) travel and immigration document numbers of the offender; and

29 (5) internet identifiers of the offender.

30 Sec. 8. K.S.A. 2022 Supp. 22-4902, 22-4903, 22-4904, 22-4906, 22-
31 4907, 22-4908 and 22-4909 are hereby repealed.

32 Sec. 9. This act shall take effect and be in force from and after its
33 publication in the statute book.