

## HOUSE BILL No. 2583

By Committee on Aging and Long-term Care

1-31

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1 AN ACT concerning the Kansas offender registration act; relating to  
2 offender registrant admittance to or residence within an adult care  
3 home; amending K.S.A. 2011 Supp. 22-4905 and 39-935 and repealing  
4 the existing sections.  
5

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

7 Section 1. K.S.A. 2011 Supp. 22-4905 is hereby amended to read as  
8 follows: 22-4905. Any offender required to register as provided in the  
9 Kansas offender registration act shall:

10 (a) Except as otherwise provided in this subsection, register in person  
11 with the registering law enforcement agency within three business days of  
12 coming into any county or location of jurisdiction in which the offender  
13 resides or intends to reside, maintains employment or intends to maintain  
14 employment, or attends school or intends to attend school. Any such  
15 offender who cannot physically register in person with the registering law  
16 enforcement agency for such reasons including, but not limited to,  
17 incapacitation or hospitalization, as determined by a person licensed to  
18 practice medicine or surgery, shall be subject to verification requirements  
19 other than in-person registration, as determined by the registering law  
20 enforcement agency having jurisdiction;

21 (b) except as provided further, for any: (1) Sex offender, including a  
22 violent offender or drug offender who is also a sex offender, report in  
23 person four times each year to the registering law enforcement agency in  
24 the county or location of jurisdiction in which the offender resides,  
25 maintains employment or is attending a school; and (2) violent offender or  
26 drug offender, report in person four times each year to the registering law  
27 enforcement agency in the county or location of jurisdiction in which the  
28 offender resides, maintains employment or is attending a school, except  
29 that, at the discretion of the registering law enforcement agency, one of the  
30 four required reports may be conducted by certified letter. When utilized,  
31 the certified letter for reporting shall be sent by the registering law  
32 enforcement agency to the reported residence of the offender and shall  
33 require the offender to respond by returning the letter to the registering law  
34 enforcement agency within 10 days, by certified mail, indicating any  
35 changes in information as required for reporting in person. The offender  
36 shall be required to report once during the month of the offender's birthday

1 and every third, sixth and ninth month occurring before and after the  
2 month of the offender's birthday. The registering law enforcement agency  
3 may determine the appropriate times and days for reporting by the  
4 offender, consistent with this subsection. Nothing contained in this  
5 subsection shall be construed to alleviate any offender from meeting the  
6 requirements prescribed in the Kansas offender registration act;

7 (c) provide the information required for registration as provided in  
8 K.S.A. 22-4907, and amendments thereto, and verify all information  
9 previously provided is accurate;

10 (d) if in the custody of a correctional facility or in the care or custody  
11 of any treatment facility, register with the correctional facility or treatment  
12 facility within three business days of initial care or custody and shall not  
13 be required to update such registration until released from care or custody,  
14 granted work release or otherwise allowed to leave the grounds of the  
15 correctional facility or treatment facility;

16 (e) notwithstanding subsections (a) and (b), if the offender is  
17 transient, report in person to the registering law enforcement agency of  
18 such county or location of jurisdiction in which the offender is physically  
19 present within three business days of arrival in the county or location of  
20 jurisdiction. Such offender shall be required to register in person with the  
21 registering law enforcement agency every 30 days, or more often at the  
22 discretion of the registering law enforcement agency. Such offender shall  
23 comply with the provisions of the Kansas offender registration act and, in  
24 addition, shall:

25 (1) Provide a list of places where the offender has slept and otherwise  
26 frequented during the period of time since the last date of registration; and

27 (2) provide a list of places where the offender may be contacted and  
28 where the offender intends to sleep and otherwise frequent during the  
29 period of time prior to the next required date of registration;

30 (f) if required by out of state law, register in any out of state  
31 jurisdiction, where the offender resides, maintains employment or attends  
32 school;

33 (g) register in person upon any commencement, change or  
34 termination of residence location, employment status, school attendance or  
35 other information as provided in K.S.A. 22-4907, and amendments thereto,  
36 within three days of such commencement, change or termination, to the  
37 registering law enforcement agency or agencies where last registered and  
38 provide written notice to the Kansas bureau of investigation;

39 (h) report in person to the registering law enforcement agency or  
40 agencies within three days of any change in name;

41 (i) if receiving inpatient treatment at any treatment facility, inform the  
42 treatment facility of the offender's status as an offender and inform the  
43 registering law enforcement agency of the county or location of

1 jurisdiction in which the treatment facility is located of the offender's  
2 presence at the treatment facility and the expected duration of the  
3 treatment;

4 (j) submit to the taking of an updated photograph by the registering  
5 law enforcement agency on each occasion when the offender registers with  
6 or reports to the registering law enforcement agency in the county or  
7 location of jurisdiction in which the offender resides, maintains  
8 employment or attends school. In addition, such offender shall submit to  
9 the taking of a photograph to document any changes in identifying  
10 characteristics, including, but not limited to, scars, marks and tattoos;

11 (k) remit payment to the sheriff's office in the amount of \$20 during  
12 the month of the offender's birthday and every third, sixth and ninth month  
13 occurring before and after the month of the offender's birthday in each  
14 county in which the offender resides, maintains employment or is  
15 attending school. Notwithstanding other provisions herein, payment of this  
16 fee is not required:

17 (1) When an offender provides updates or changes in information or  
18 during an initial registration unless such updates, changes or initial  
19 registration is during the month of such offender's birthday and every  
20 third, sixth and ninth month occurring before and after the month of the  
21 offender's birthday;

22 (2) when an offender is transient and is required to register every 30  
23 days, or more frequently as ordered by the registering law enforcement  
24 agency, except during the month of the offender's birthday and every third,  
25 sixth and ninth month occurring before and after the month of the  
26 offender's birthday; or

27 (3) if an offender has, prior to the required reporting and within the  
28 last three years, been determined to be indigent by a court of law, and the  
29 basis for that finding is recorded by the court;

30 (l) annually renew any driver's license pursuant to K.S.A. 8-247, and  
31 amendments thereto, and annually renew any identification card pursuant  
32 to K.S.A. 2011 Supp. 8-1325a, and amendments thereto;

33 (m) if maintaining primary residence in this state, surrender all  
34 driver's licenses and identification cards from other states, territories and  
35 the District of Columbia, except if the offender is presently serving and  
36 maintaining active duty in any branch of the United States military or the  
37 offender is an immediate family member of a person presently serving and  
38 maintaining active duty in any branch of the United States military;

39 (n) *if applying for admission to reside within any adult care home*  
40 *licensed under the provisions of article 9 of chapter 39 of the Kansas*  
41 *Statutes Annotated, and amendments thereto, inform the adult care home*  
42 *of the offender's status as an offender and inform the registering law*  
43 *enforcement agency of the county or location of jurisdiction in which the*

1 *adult care home is located of the offender's presence at the adult care*  
2 *home;*

3 ~~(n)~~ (o) read and sign the registration form noting whether the  
4 requirements provided in this section have been explained to the offender;  
5 and

6 ~~(n)~~ (p) notify the registering law enforcement agency in the  
7 jurisdiction of the offender's residence and the Kansas bureau of  
8 investigation 21 days prior to any travel outside of the United States, or if  
9 under emergency circumstances, within three days of making travel  
10 arrangements.

11 Sec. 2. K.S.A. 2011 Supp. 39-935 is hereby amended to read as  
12 follows: 39-935. (a) Inspections shall be made and reported in writing by  
13 the authorized agents and representatives of the licensing agency and state  
14 fire marshal, and of the county, city-county and multicounty health  
15 departments as often and in the manner and form prescribed by the rules  
16 and regulations promulgated under the provisions of this act. Access shall  
17 be given to the premises of any adult care home at any time upon  
18 presenting adequate identification to carry out the requirements of this  
19 section and the provisions and purposes of this act, and failure to provide  
20 such access shall constitute grounds for denial or revocation of license. A  
21 copy of any inspection reports required by this section shall be furnished  
22 to the applicant, except that a copy of the preliminary inspection report  
23 signed jointly by a representative of the adult care home and the inspector  
24 shall be left with the applicant when an inspection under this section is  
25 completed. This preliminary inspection report shall constitute the final  
26 record of deficiencies assessed against the adult care home during the  
27 inspection, all deficiencies shall be specifically listed and no additional  
28 deficiencies based upon the data developed at that time shall be assessed at  
29 a later time. An exit interview shall be conducted in conjunction with the  
30 joint signing of the preliminary inspection report.

31 (b) The authorized agents and representatives of the licensing agency  
32 shall conduct at least one unannounced inspection of each adult care home  
33 within 15 months of any previous inspection for the purpose of  
34 determining whether the adult care home is complying with applicable  
35 statutes and rules and regulations relating to the health and safety of the  
36 residents of the adult care home. The statewide average interval between  
37 inspections shall not exceed 12 months.

38 (c) Every adult care home shall post in a conspicuous place a notice  
39 indicating that the most recent inspection report and related documents  
40 may be examined in the office of the administrator of the adult care home.  
41 Upon request, every adult care home shall provide to any person a copy of  
42 the most recent inspection report and related documents, provided the  
43 person requesting such report agrees to pay a reasonable charge to cover

1 copying costs.

2 (d) Each nursing facility that provides skilled nursing care, nursing  
3 facility for mental health that provides skilled nursing care or assisted  
4 living facility may establish and maintain a risk management program  
5 which shall consist of: (1) A system for investigation and analysis of the  
6 frequency and causes of reportable incidents within the facility; (2)  
7 measures to minimize the occurrence of reportable incidents and the  
8 resulting injuries within the facility; and (3) a reporting system based upon  
9 the duty of all health care providers staffing the facility and all agents and  
10 employees of the facility directly involved in the delivery of health care  
11 services to report reportable incidents to the chief of the medical staff,  
12 chief administrative officer or risk manager of the facility. Any reports  
13 and records reviewed, obtained or prepared by the department on aging in  
14 connection with any reportable incidents referred for investigation under  
15 such risk management program, including any reports and records  
16 reflecting the results of an inspection or survey under this chapter or in  
17 accordance with the regulations, guidelines and procedures issued by the  
18 United States secretary of health and human services under titles XVIII  
19 and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301,  
20 as amended, shall not be admissible in any civil action under the laws of  
21 the state of Kansas unless the court determines on the record, following a  
22 hearing outside the presence of the jury, that the proffered evidence  
23 excerpted from any report, record, inspection or survey is relevant and  
24 substantially related to the plaintiff's allegations and otherwise admissible  
25 under the rules of evidence set forth in article 4, chapter 60 of the Kansas  
26 Statutes Annotated, and amendments thereto. This subsection shall not be  
27 construed to limit or impair a person's or entity's discovery of or access to  
28 any such report, record, inspection or survey under state or federal law;  
29 limit or impair the authority of the department on aging to investigate  
30 complaints or reportable incidents under state or federal law; or diminish  
31 or expand the department on aging's discovery of or access to quality  
32 assessment and assurance committee records under state or federal law.

33 (e) *On and after July 1, 2013, every adult care home shall provide to*  
34 *any prospective resident or legal guardian of a prospective resident,*  
35 *current resident or legal guardian of a current resident and adult care*  
36 *home employee a written notice of the residence or discharge of a person*  
37 *required to register as an offender pursuant to the Kansas offender*  
38 *registration act, K.S.A. 22-4901 et seq., and amendments thereto, within*  
39 *or from such adult care home. Such notice shall include all information*  
40 *regarding such offender contained on the Kansas bureau of investigation*  
41 *internet website and any internet website sponsored or created by the*  
42 *registering law enforcement agency of the county in which the adult care*  
43 *home is located, except that such notice shall not include protected health*

1 *information in violation of any of the provisions of the Kansas health*  
2 *information technology and exchange act, K.S.A. 2011 Supp. 65-6821 et*  
3 *seq., and amendments thereto.*

4 *(f) On and after July 1, 2013, every adult care home shall post in a*  
5 *conspicuous place a notice of the Kansas bureau of investigation internet*  
6 *website and any internet website sponsored or created by the registering*  
7 *law enforcement agency of the county in which the adult care home is*  
8 *located, for the purpose of locating persons required to register as an*  
9 *offender pursuant to the Kansas offender registration act, K.S.A. 22-4901*  
10 *et seq., and amendments thereto, who reside near such adult care home.*  
11 *Such notification shall include all information that the registering law*  
12 *enforcement agency of the county or location of jurisdiction where such*  
13 *adult care home is located publicizes to assist in using the national sex*  
14 *offender registry system and providing additional information on*  
15 *registered offenders.*

16 Sec. 3. K.S.A. 2011 Supp. 22-4905 and 39-935 are hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its  
18 publication in the statute book.

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