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Ray Roberts, Secretary

Sam Brownback, Governor

Testimony on HB 2209  
to  
The House Committee on Corrections and Juvenile Justice

By Ray Roberts  
Secretary  
Kansas Department of Corrections  
February 12, 2013

The Department of Corrections supports HB 2209 which governs the registration of offenders. The department, however, recommends an amendment regarding inmates participating in work or school release who return to a correctional facility each day. Under current law, whenever an inmate subject to offender registration is admitted into the custody of the department, the correctional facility enters that offender's data into the registration system. However, under current law if the inmate is participating in work release, that inmate must register into the system through the local sheriff even though the offender must still return to the correctional facility each day.

The department's proposed amendment provides for the correctional facility to continue to enter the necessary information into the registration system for work or school released inmates who must return daily to the correctional facility. The amendment would also require the facility to provide a copy of the registration to the sheriff where the inmate is incarcerated, maintains work release employment or attends school. This amendment would reduce the duplication of data entry into the registration system.

The department's proposed amendments would be at pages 7 and 11 of the bill. A copy of the balloon to those two pages is attached.

1 enforcement agency's designee shall:

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

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

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

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

13 (D) provide one copy of the form to the offender and, within three  
14 business days, send a copy of the form to the Kansas bureau of  
15 investigation; and

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

22 (2) notify the Kansas bureau of investigation of the incarceration of  
23 any offender and of the location or any change in location of the offender  
24 while in custody;

25 (3) prior to any offender being discharged, paroled, furloughed or  
26 released on work or school release ~~from a correctional facility, or~~  
27 ~~otherwise released from incarceration:~~

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

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

34 (C) require the offender to read and sign the registration form, which  
35 shall include a statement that the requirements provided in this subsection  
36 have been explained to the offender;

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

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

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

43 (4) notify the law enforcement agency having initial jurisdiction and

DELETE "from a" and INSERT  
"that does not require the daily  
return to a correctional facility"

1 (b) except as provided further, for any: (1) Sex offender, including a  
2 violent offender or drug offender who is also a sex offender, report in  
3 person four times each year to the registering law enforcement agency in  
4 the county or location of jurisdiction in which the offender resides,  
5 maintains employment or is attending a school; and (2) violent offender or  
6 drug offender, report in person four times each year to the registering law  
7 enforcement agency in the county or location of jurisdiction in which the  
8 offender resides, maintains employment or is attending a school, except  
9 that, at the discretion of the registering law enforcement agency, one of the  
10 four required reports may be conducted by certified letter. When utilized,  
11 the certified letter for reporting shall be sent by the registering law  
12 enforcement agency to the reported residence of the offender. The offender  
13 shall indicate any changes in information as required for reporting in  
14 person. The offender shall respond by returning the certified letter to the  
15 registering law enforcement agency within 10 business days by certified  
16 mail. The offender shall be required to report once during the month of the  
17 offender's birthday and every third, sixth and ninth month occurring before  
18 and after the month of the offender's birthday. The registering law  
19 enforcement agency may determine the appropriate times and days for  
20 reporting by the offender, consistent with this subsection. Nothing  
21 contained in this subsection shall be construed to alleviate any offender  
22 from meeting the requirements prescribed in the Kansas offender  
23 registration act;

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

27 (d) if in the custody of a correctional facility, register with the  
28 correctional facility within three business days of initial custody and shall  
29 not be required to update such registration until ~~released from custody,~~  
30 ~~granted work release or otherwise allowed to leave the grounds of the~~  
31 ~~discharged, paroled, furloughed or released on work or school release~~  
32 ~~from a correctional facility;~~

33 (e) notwithstanding subsections (a) and (b), if the offender is  
34 transient, report in person to the registering law enforcement agency of  
35 such county or location of jurisdiction in which the offender is physically  
36 present within three business days of arrival in the county or location of  
37 jurisdiction. Such offender shall be required to register in person with the  
38 registering law enforcement agency every 30 days, or more often at the  
39 discretion of the registering law enforcement agency. Such offender shall  
40 comply with the provisions of the Kansas offender registration act and, in  
41 addition, shall:

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

INSERT ". A copy of the registration form and any updated  
registrations for an offender released on work or school release shall  
be sent to the registering law enforcement agency where the  
offender is incarcerated, maintains employment or attends school"