

**House Corrections and Juvenile Justice Committee
February 6, 2018**

**House Bill 2565
Testimony of the Kansas Association of Criminal Defense Lawyers
Proponent**

Dear Chairman Jennings and Members of the Committee:

This organization has been raising concerns about the Kansas Offender Registration Act (hereinafter referred to as KORA) since at least 2006. We were one of the three conferees opposed to the addition of drug offenders in 2007 SB 204. It is time to do away with registering drug offenders. It is a drain on resources with no science, studies, or data to justify it. We (the State and the counties) are paying to keep track of people for 15 years who were convicted of possessing with intent to distribute small quantities of drugs or convicted of selling small quantities of drugs. Not only is the drug registry costly and not evidence-based, it dilutes the overall registry of any value it might have. Furthermore, to people under the registry, it is akin to having two sentences, with registration sometimes being harsher than the requirements of and/or the sentence for the underlying offense for which the person registers.

Background on the Kansas Offender Registration Act

The first offender registry act in Kansas was created on April 29, 1993. It was called the Habitual Sex Offender Registration Act. It required a person twice convicted of a sexually violent crime to register with the sheriff in the Kansas county where he/she lived. The information was open to law enforcement agencies only.

On April 14, 1994, the act was amended/expanded and renamed the Kansas Sex Offender Registration Act. The Act was expanded to allow public access to registrants' information at the sheriff's office. In 1997, violent offenders (murder and manslaughter) and offenders of certain crimes with victims under 18 were added. That year the Act was renamed and has since remained the Kansas Offender Registration Act. Since 1997, additional sex offenses have been added to the definition of offender. People found to be sexually violent predators in a civil proceeding were added in 2001. Juvenile sex offenders were added in 2002. In 2006, people "convicted of any person felony [where a finding was made that] a deadly weapon was used in the commission of such person felony" were added.

In 2007, SB 204 added drug offenders convicted of manufacturing, possession of precursors, and drug distribution or possession with intent to distribute (regardless of amount) (marijuana is not included). SB 204 also did away with the KBI sending out compliance letters and instead required in-person visits to the local sheriff's office(s) three times a year for all offenders. In 2011, attempts, conspiracies, and solicitations of the enumerated drug offenses were added as registerable offenses.

In 2011, SB 37 dramatically changed KORA. The idea was to bring Kansas into “substantial compliance” with SORNA in order to avoid the loss of Byrne Grant money. At that time, there were four states in substantial compliance. Today, there are only 18. <https://www.smart.gov/pdfs/SORNA-progress-check.pdf>. SORNA has absolutely nothing to do with drug or violent offenders, yet the sweeping changes in SB 37 were applied to all three types of offenders (sex, drug, and violent). Registrants are now required to report four times a year.

In 2012, HB 2568 added juvenile adjudications to some provisions. It also provided that even if a person gets his/her conviction expunged, he/she must continue to register for the now-non-existent conviction. That information would not be publicly available, but the person could be punished all the same for noncompliance. (However, the expungement statutes still say that a person cannot expunge their conviction – or any others, for that matter – as long as they are registering for it, so there is conflicting law.) At the request of a local businessman and the DOC, HB 2568 also restricted employment information from being on the offender registry website, but it is publicly available by contacting the appropriate registering law enforcement agency or by signing up for community notification through the KBI website. (To see what that screen looks like, as well as the geographical search screen, see Attachments A and B.)

In 2013, SB 20 made a few changes to KORA, including specifying that drug offenders affected by KORA were those convicted after July 1, 2007. For the six years prior to that, KORA was applied to drug offenders who were convicted before a drug offender registry even existed.

Additional background on inclusion of drug offenses in KORA

In 2007, what started as SB 14 would have added the crimes of manufacture and possession of precursors to the list of registrable offenses. One proponent conferee brought up that the odds of living next to a drug dealer were greater than next to a meth lab house, so he thought drug sale crimes should be included as well. This amendment was offered on the Senate floor and passed. Once on the House side, this idea was supported by some who thought that what had been added was distribution of methamphetamine within 1,000 feet of a school. But that was not the case – it was drafted and offered as the entire sale/possession with intent to sell statute. This was concerning to the KBI:

It is certainly true that drug trafficking, in any form and any drug, can be a very dangerous profession. And it is true that innocent bystanders are shot or injured when deals go bad or retribution is attempted. However, our first concern is resources – we estimated 100-200 meth cooks who would need to register, a number we could absorb. But there may be 1000 to 2000 convictions each year for sale, attempted sale and possession with intent to sell under K.S.A. 65-4161. . . . Obviously, additional personnel and resources will be necessary.

Our second concern would be the impact on the local sheriff offices. While the bill contemplates collecting a fee, that might be problematic with some offenders. Furthermore, even with a fee, the number of registrants might strain the support staff at many sheriff offices.

Third, there is a question about dilution – we need to keep the registry workable so that the public can readily find the registrants that concern them. Too many people on the list will make it unwieldy and less useful.

(Testimony from KBI to House Judiciary Committee, March 14, 2007.) The KBI suggested that the amendment be removed and a more thorough discussion held the following year. Nevertheless, the provisions ended up in SB 204. Because the statute had no triggering date, the drug offender provisions were applied to offenders who had been convicted months to years earlier, when no one envisioned this consequence. This remained the case for six years until 2013 SB 20.

Furthermore, KORA requires people with qualifying drug convictions from other states or federal courts to register, even though there is no registry requirement for federal drug crimes and no other state (except maybe California, but our research is ongoing) registers distribution offenses by requiring a person to take affirmative, ongoing steps to comply.

History of the penalties for failing to comply with KORA

From 1993 to mid-1999, failure to register was a Class A nonperson misdemeanor. In 1999, the Legislature made failure to register a severity level 10 nonperson felony. It remained that way until 2006, when failure to register got caught up in HB 2576 (commonly referred to as Jessica's Law). In HB 2576, failure to register for all underlying offenses (even non-sex offenses) was doubled to SL 5, elevated to a person felony, and provided that every thirty days of failure was a separate offense.

As of July 1, 2011, failing to register was a SL 6 person felony for a first offense, a SL 5 person felony for a second offense, a SL 3 person felony for a third or subsequent offense and a SL 3 person felony for an aggravated violation (i.e. violation that lasts over 180 consecutive days). To put this in context, here is one example: someone convicted of SL 4 possession with intent to distribute/distribution (which is the lowest level) is required to register. The sentencing range she faces for failing to comply with KORA (17-46 months) is almost the same as her underlying drug crime (14-51 months).

As of July 1, 2013, it is a Class A misdemeanor to not pay within 15 days the \$20 registration fee that is owed when an offender goes in for the quarterly registrations. It is a SL 9 person felony if, within 15 days of the recent registration, two or more \$20 payments have not been paid.

In 2016, HB 2463 made it a nonperson crime for failing to register when the underlying crime was a nonperson (ex.: it's a nonperson felony if the person registers for a nonperson drug felony). It remains a person felony for those who register for person crimes. It remains a SL 6, 5 or 3 for all offenders (unless it is failing to pay \$20 two or more times, in which case it is a SL 9).

Offenses covered under KORA and a registrant's duties

Attachment C is a brochure produced in September 2016 by the KBI. It is a list of registrable offenses, along with some FAQs. All drug offenses covered by KORA have a registration period of 15 years. If a person gets a second qualifying conviction, the period is for life. There is no way to be removed earlier than 15 years (or life, depending on the relevant period). Attachment C also explains that registered offenders must renew their driver's licenses yearly and it will say on their licenses that they are a registered offender.

Attachment D is from the KBI's website and lists out a registrant's duties. All of this includes drug offenders. This text is basically what is in the quarterly reports that registrants have to initial. It does not illustrate the amount of detail that exists in the form the registrants have to fill out (ex.: tattoos, e-mail and online accounts, cars/boats/planes/motorcycles makes and models, etc.). Offenders do not receive any sort of reminder when it is time to register (put another way, your dentist sends you a postcard or your doctor leaves you a voice message, but there are no reminders for KORA registrants). In addition to quarterly in-person visits, registrants must report in person whenever there is a change in their information, i.e. they get a new job, get a new e-mail address, buy a boat, get a new tattoo, want to take a trip out of the country, etc.

Failure to comply with any of these duties, even unintentionally, is prosecuted as a SL 6, 5, or 3 felony for all types of offenders (drug, violent, and sex). Failing to comply is a strict liability offense. In other words, there is no criminal intent required. The only other strict liability crimes specifically listed in our statutes are DUI, commercial DUI, and chemical test refusal. See K.S.A. 21-5203. In other words, a person is cut off from raising a defense to failing to comply. Here are some real-life examples:

- You forgot to register on time, get there two weeks (or less) late, but none of your information has changed since your previous registration. No defense - you are prosecuted for a SL 6 felony.
- Your apartment burned down, which law enforcement knows, but you failed to go tell them within three business days that you had to move. No defense - you are prosecuted for a SL 6 felony.
- You work in a county that is different from where you live and you failed to register in that other county (but are compliant - and therefore all of your information is on a public website - in your home county). No defense - you are prosecuted for a SL 6 felony.

- You are homeless and do not report as frequently as law enforcement tells you to (which can be more than quarterly if you are homeless). No defense - you are prosecuted for a SL 6 felony.
- You buy a new jet ski and forget to include it on your registration form. No defense - you are prosecuted for a SL 6 felony.
- You register while in jail and get out the next day. This happens during your registration month (of which you have four a year). You don't go in to register again during that month. No defense - you are prosecuted for a SL 6 felony.

Reasons for removing the bulk of drug offenders from KORA

To our knowledge, there is no research, study, data, or other evidence-based assessment on whether including thousands of people with convictions for distribution or possession with intent to distribute on a registry does anything to reduce recidivism or increase public safety. There was none in 2007 and none today. What we do know is that it takes massive amounts of resources to register these people, investigate allegations that they are not up-to-date, prosecute, and incarcerate them.

What at least one proponent (KBI) and the opponents said in 2007 would happen, has happened: 1) law enforcement resources have been strained to comply with KORA requirements; 2) the registry has been diluted; 3) having thousands of registrants who have been convicted of distribution-related offenses is expensive not only because you have to register them, but because they are prosecuted, supervised on probation, and/or incarcerated when they fail to comply; and 4) registrants have a hard time getting jobs (employment being the main predictor of success/not recidivating, according to the DOC and others), housing, participating in positive life activities, etc.

HB 2086 would eliminate drug offenders from the registry. That would free up law enforcement resources across the state, as well as resources at the KBI, to be put to use on things that have been shown to improve public safety and reduce crime. It will free up prison beds and other criminal justice system resources. It will make success more likely for the thousands of drug offenders who are essentially serving an additional sentence by being subject to excessive expectations and, if they don't meet them, excessive penalties for failing to comply in even the smallest of ways.

Alternative suggestions

We strongly and wholeheartedly call for the elimination of the drug offender registry. However, in the event the Legislature is dead set on keeping some parts of the drug offender registry, at least it could tailor KORA. For example, it could cover only manufacture (which was the original intent of 2007 SB 14) and the top tier of possession with intent to distribute/distribution. The rationale for this idea comes from the reasoning behind the five-level drug grid itself.

When the registry first began in 2007, Kansas had a four-level drug grid and possession with intent to sell/sale offenses were not done by weight - they were all severity level three drug offenses (unless within 1,000 feet of a school, in which case it was severity level 2). Since 2012, the severity level has depended on quantity. Through the work of the Recodification Commission and the Judicial Council, the thought emerged that not all people who distribute drugs or possess with intent to distribute should be treated the same. There are people who "distribute" drugs to their friends, there are people who sell drugs to support their own addictions and there are people who are drug dealers in the true sense.¹ The point of 2012 HB 2318/five-level drug grid was that it is time to stop treating alike all people who distribute/possess with intent to distribute drugs – they are not all the same.

Under the same reasoning, we suggested in both 2011 and 2012 that it was time to stop treating all people alike for registry purposes as well. Currently, we expend resources for 15 years to track people who possessed with intent to distribute/distributed under \$100 worth of meth (approx. value of 0.5 to 0.9 gram of methamphetamine is \$50 to \$90 - under 1 gram is a severity level 4) – which is not even enough to meet the definition of "dealer" for drug tax stamp purposes. We expend the same resources for 15 years on people who possessed with intent to distribute/distributed \$100-200 worth (approx. value of 1.0 to 3.49 grams of meth - that range is a severity level 3). We expend the same resources for 15 years on people who possessed with intent to distribute/distributed \$200 worth of meth (i.e. 3.5 grams, or an "8 ball") as someone with 99 grams (range of 3.5 grams to 99 grams is a severity level 2).

In fact, based on a quick look at some recent conviction data, we would guess that the bulk of people who are required to register do so because of possession with intent to distribute/distribution of drugs valued at \$200 or less. If the Legislature wants to retain some people on the registry, it could take off low-level possession with intent to distribute/distribution and keep manufacturing and severity level 1 distribution (i.e. 100 grams or more of methamphetamine), or do it by weight (at a more considerable amount than the low end of severity level 2). When the habitual sex offender registry started in 1993, it was open to law enforcement only. If the Legislature wants it to be a tool for law enforcement, and the data law enforcement uses or finds to be of value is not available from other sources (ex.: last year one sheriff talked about KASPER, which is a DOC source), then the Legislature could make registration accessible to law enforcement only.

¹ When reading through the minutes of the Recodification Committee, it is clear that members recognized a distinction between "small-time dealers" and "big-time dealers." (Sample comment: it is easier to catch small-time dealers than big-time dealers because they are often caught holding drugs, not selling them – see 9/26/07 meeting minutes). Even the KBI thought small-time dealers should be treated differently. (1/9/08 meeting minutes). That was the reason the Committee came up with amounts/severity levels. The minutes reflect that [one member, a prosecutor] commented that "everyone who habitually used drugs becomes a dealer at some point as a means to support their habit or help make drugs available to others." (12/3/08 meeting minutes, p. 3).

Another idea is to greatly decrease the penalty for failing to comply, and/or make different reporting requirements for drug offenders. We suggested this in 2011 during the SORNA-driven overhaul, but the KBI felt it was easier to treat all offenders the same. Keep in mind, however, that SORNA has absolutely nothing to do with drug offenders. Furthermore, no two offenders are the same anyway, in that they have different start and stop dates that can be affected by a number of factors.

Again, we urge this Committee to fully support the elimination of the drug offender portion of the registry.

Thank you for your consideration,



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The Community Notification system is available so you can be notified by e-mail when a registered offender registers a home, work, or school address that is near an address of interest to you.

When searching by specific address, make certain it is a correct address and the zip code is included. When indicating directions, use just the letters, e.g. "E" or "SW" not "E." or "Southwest".

Notifications will be sent from CommunityNotification.ALERTS@kbi.state.ks.us, so ensure that e-mails from this address are not blocked by your e-mail client.

Register for Community Notifications

Please fill out the following form and click *Register* to begin receiving community notifications.

E-Mail Address: _____

Location Name:

Street: _____

City: _____

State: _____

_____ ▼

Zip Code: _____

Search

Type:

- Distance from my address 1 ▼
- In my zip code

Agreement terms:

The community notification system endeavors to provide you with electronic mail ("e-mail") information notifying you of certain eligible incidents or events about registered offenders

I Agree

Register

Remove Community Notification Registration

If you no longer want to receive community notifications, please enter your e-mail address below and click *Remove*. An e-mail with removal instructions will be sent to your e-mail address.

E-Mail Address: _____

Remove

Attachment A

[Name Search](#) [Geographical Search](#) [Other Search](#) [Community Notifications](#) [FAQs](#) [Resources](#) [Contact Us](#)

Geographic Radius Search:

Search for registered offenders that live or attend school within a 1-, 2-, or 3-mile radius of a specific address or within a specific zip code. When searching by specific address, make certain it is a correct address and the zip code is included. When indicating directions, use just the letters, e.g. "E" or "SW" not "E." or "Southwest".

Street:

City:

County:

State:

Zip Code:

Reporting Compliance: Non-Compliant Only Compliant Only Both

Offender Type: Sex Violent Drug General

Search Type:

- Distance from this address(in Miles)
- In my zip code
- In my county

Attachment B

**Adult Registration:
Sex Offenses Requiring Registration:
15 year duration of registration**

Adultery (one party <18)
Lewd and Lascivious Behavior (one party <18)
Patronizing a Prostitute (one party <18)
Sexual Battery
Sexually Motivated Crimes

25 year duration of Registration

Criminal Sodomy or (one party 16> but <18)
Electronic Solicitation
Aggravated Incest
Indecent Liberties with a Child
Indecent Solicitation of a Child
Promoting Prostitution (person selling sexual relations 14> but <18)
Aggravated Sexual Battery
Sexual Exploitation of a Child (victim 14> but <18)
Unlawful Sexual Relations

Lifetime duration of registration

Commercial Sexual Exploitation of a Child
Criminal Sodomy (victim 14> but <16)
Aggravated Criminal Sodomy
Aggravated Human Trafficking (if committed in whole or in part for the purpose of the sexual gratification of the offender or another)
Aggravated Indecent Liberties with a Child
Aggravated Indecent Solicitation of a Child
Promoting Prostitution (person selling sexual relations <14)
Rape
Sexual Exploitation of a Child (victim <14)
Sexually Violent Predator

**Violent Offenses Requiring Registration
15 year duration of registration**

Capital Murder
Criminal Restraint (except by a parent and only when victim <18)
Deadly Weapon (Court finding on the record)
Involuntary Manslaughter (except DUI)
Murder in the First Degree
Murder in the Second Degree
Voluntary Manslaughter

Lifetime duration of registration

Aggravated Human Trafficking (if not committed in whole or in part for the purpose of the sexual gratification of the offender or another)
Kidnapping
Aggravated Kidnapping

**Drug Offenses Requiring Registration:
15 year duration of registration**

Possession of Precursor with Intent to Manufacture Controlled Substance
Unlawful Manufacture of Controlled Substance
Unlawful Sale or Distribution of a Controlled Substance

Other Circumstances Requiring Registration:

Any Attempt, Conspiracy or Solicitation of an offense that requires registration

Crimes not otherwise requiring registration, but ordered by the court

Second Conviction of a Registerable Offense requires lifetime registration

**Juvenile Registration:
Sex Offenses Requiring Registration:**

Aggravated Criminal Sodomy
Aggravated Human Trafficking
Aggravated Incest
Aggravated Indecent Liberties with a Child
Aggravated Indecent Solicitation of a Child
Aggravated Sexual Battery
Commercial Sexual Exploitation of a Child
Criminal Sodomy (victim 14-15 YOA)
Electronic Solicitation
Indecent Liberties with a Child
Indecent Solicitation of a Child
Rape
Sexual Exploitation of a Child
Sexually Motivated Crimes
Unlawful Sexual Relations

Juvenile Duration of Registration:

Juveniles are required to register until 18 YOA or 5 years from date of adjudication or date of release from incarceration, whichever date occurs later, if adjudicated of a sexually violent crime.

Juveniles 14 or more YOA are required to register for life if adjudicated of Rape (person does not consent or victim <14 yoa), Aggravated Criminal Sodomy and Aggravated Human Trafficking (if committed in whole or in part for the purpose of the sexual gratification of the offender or another), or Electronic Solicitation.

Kansas Offender Registration Act



**Kirk D. Thompson, Director
Kansas Bureau of Investigation**

The Kansas Offender Registration Act is intended to provide the public with information regarding convicted offenders who could pose a threat to the safety of our families.

KBI Offender Registration Website
www.kbi.ks.gov/registeredoffender/

Dru Sjodin National Sex Offender Public Website
www.nsopw.gov

KBI Offender Registration Unit Contact Info
E-mail: registeredoffender@kbi.state.ks.us
Telephone: (785) 296-2841

Updated September 2016

Attachment C

Duties of a Registered Offender

Register with the registering law enforcement agency within three days of entering into any county to reside, maintain employment, or attend school.

Register four times a year in person at the registering law enforcement agency in any county where they reside, maintain employment, or attend school. After initial registration, they report in the month of their birthday and every third, sixth, and ninth month thereafter. They must be photographed, pay a registration fee of \$20, and complete the registration form with all information.

They must register in person at the registering law enforcement agency within three days if beginning, changing or ending a residence, employment, or school. They must also provide written notice to the Kansas Bureau of Investigation.

If they are transient, they are required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency. They are to provide a list of places where they have slept and frequented during the period of time since they last registered. They are also to provide a list of places where they may be contacted and where they intend to sleep and frequent during the period of time prior to the next required registration date.

If convicted or adjudicated and required to register in another state, they are required to register for as long as that state would require or for the period of time required in the State of Kansas, whichever is longer.

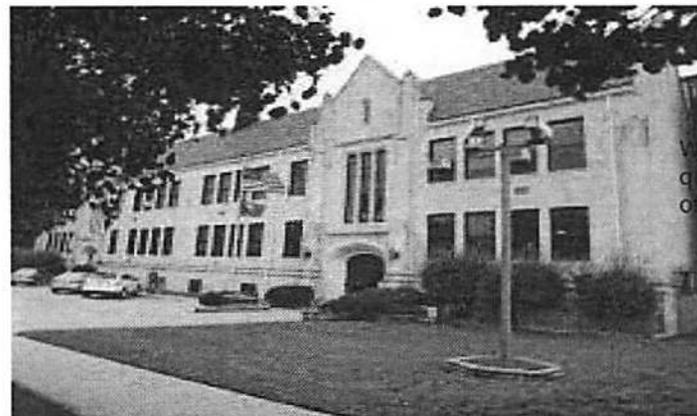
If receiving inpatient treatment at any treatment facility, inform the treatment facility of their status as an offender and inform the registering law enforcement agency of the county in which the treatment facility is located of their presence at the treatment facility and the expected duration of the treatment.

They are required to immediately renew any Kansas driver's license or state identification card, and they must annually renew such license or identification card. The driver's license and identification card shall indicate that they are a registered offender. If maintaining primary residence in Kansas, they must surrender all other driver's licenses and identification cards from other states, territories, and the District of Columbia.

They are required to report to the registering law enforcement agency any and all: email addresses; online identities; information relating to membership in any and all personal web pages or online social networks; and internet screen names.

If they travel outside of the United States, they shall report in person to the registering law enforcement agency and provide written notice to the Kansas Bureau of Investigation 21 days prior to any such travel.

An expungement for the crime that requires registration does not terminate the registration obligation.



FAQ's

Are there any laws that mandate how close an offender can live to a school, daycare or community center?

- A. Kansas does not have any laws that mandate where an offender can or cannot live, work, or go to school. However this may be a condition of their supervision. The KBI does not monitor these restrictions.

Are there any laws that mandate with whom an offender can or cannot associate?

- A. Kansas does not have any laws that mandate who an offender can be around. However this may be a condition of an offender's supervision. The KBI does not monitor these restrictions.

What causes the duration of registration to be extended?

- A. Duration of registration does not apply while the offender is incarcerated or any time period when the offender fails to comply with the registration requirement.

Who do I contact if I suspect a sex offender has an account on a social networking site?

- A. You can report that information to the KBI through the KBI's public website and we will forward it to the law enforcement agency having jurisdiction over the offender for further investigation or you can report it directly to the social networking site.

Who can I contact if I have information, questions or concerns regarding a registered offender?

- A. You may contact the Sheriff's Office where the offender registers or the KBI Offender Registration Unit by telephone at (785) 296-2841 or by e-mail at registeredoffender@kbi.state.ks.us.

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Frequently Asked Questions

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- [Who is required to register?](#)
- [Do all adult offenders, who are required to register pursuant to the Kansas Offender Registration Act, appear on the Offender Registration website?](#)
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- [If an offender moves out of the State of Kansas are they still shown on the public website?](#)
- [If the offender was convicted in another state, where can I find information about the nature of the offender's offense?](#)
- [What does the phrase "Registered Since" mean?](#)
- [How often is the KBI Offender Registration Web site updated?](#)
- [Does the KBI Offender Registration website show all criminal history for each offender?](#)
- [Can the KBI Offender Registration website be used to conduct a pre-employment or housing screening check?](#)
- [Who can I contact if I have information, questions or concerns regarding a Registered Offender?](#)

What are the duties of a registered offender?

- I have been convicted or adjudicated of a crime that requires registration under the Kansas Offender Registration Act, K.S.A. 22-4901 et seq., hereafter referred to as "the Act", and must honor all duties specified by the Act.
- At the time of conviction or adjudication, the court will complete a notice of duty to register if I am released prior to sentencing. Within three (3) business days, I will report to the registering law enforcement agency in the county or tribal land of conviction or adjudication and to the registering law enforcement agency in any place where I reside, maintain employment or attend school, to complete the registration form.
- If in the custody of a correctional facility, I will register with the correctional facility within three business days of initial custody and shall not be required to update such registration until discharged, paroled, furloughed or released on work or school release from a correctional facility.
- Within three (3) days of coming into any county or location of jurisdiction where I reside or intend to reside, maintain employment or intend to maintain employment, attend school or intend to attend school, I must register with each registering law enforcement agency in the county or location of jurisdiction. Each time I register, I must be photographed, pay a registration fee of \$20, and complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907. In addition to the Kansas Offender Registration Act, sex offenders who reside, work or attend school on tribal land shall register pursuant to tribal law. Tribes in the state of Kansas that require registration include the Prairie Band Potawatomi Nation, Iowa Tribe

of Kansas and Nebraska and the Kickapoo Tribe in Kansas. Sac and Fox Nation has delegated the registration responsibility to the state of Kansas through the local sheriff's offices, therefore compliance with the Kansas law is sufficient..

- I am required to report four times a year in person to the registering law enforcement agency in the county or location of jurisdiction where I reside, maintain employment, or attend school. After initial registration, I must report in the month of my birthday and every third, sixth, and ninth month occurring before and after my birth month.
 - If my birthday is in January, April, July, or October, I am required to report to the registering law enforcement agency in January, April, July, and October.
 - If my birthday is in February, May, August, or November, I am required to report to the registering law enforcement agency in February, May, August, and November.
 - If my birthday is in March, June, September, or December, I am required to report to the registering law enforcement agency in March, June, September, and December.
- If I am transient, I must report in person to the registering law enforcement agency of such county or location of jurisdiction in which I am physically present within three business days of arrival in the county or location of jurisdiction. I am required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency and provide a list of places where I have slept and otherwise frequented during the period of time since the last date of registration and provide a list of places where I may be contacted and where I intend to sleep and otherwise frequent during the period of time prior to the next required date of registration.
- I must register in person upon any commencement, change or termination of residence location, employment status, school attendance or other information within three days of such commencement, change or termination, to the registering law enforcement agency or agencies where last registered and provide written notice to the Kansas Bureau of Investigation.
- If required by out of state law, I will register in any out of state jurisdiction where I reside, maintain employment or attend school.
- I am required to immediately renew any Kansas driver's license or state identification card issued to me, and I must annually renew such license or identification card on or before my birthday. The driver's license and identification card shall indicate that I am a registered offender. If maintaining primary residence in Kansas, I must surrender all other driver's licenses and identification cards from other states, territories, and the District of Columbia, except if I am or an immediate family member is maintaining active duty in any branch of the United States military.
- If this is my first adult conviction, I must register for fifteen (15) years unless a longer term is specified or present term limits are amended by statute for any of the following: Sexual battery, Adultery if one party is less than 18 years of age, Patronizing a prostitute if one party is less than 18 years of age, Lewd and lascivious behavior if one party is less than 18 years of age, Capital murder, Murder in the first degree, Murder in the second degree, Voluntary manslaughter, Involuntary manslaughter, Criminal restraint if the victim is less than 18 years of age, Any act which has been determined beyond a reasonable doubt to have been sexually motivated, Conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony, Unlawful manufacture or attempting such of any controlled substance or controlled substance analog, Possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, Unlawful sale of or distribution of a controlled substance. This time period does not include any time incarcerated in any jail or correctional facility or any period of non-compliance with the requirements of the Act. If I am convicted as an adult of a second or subsequent offense(s) covered by the Act, I will be required to register for life. Any conviction for an attempt, conspiracy or solicitation requires registration for the same term as the underlying offense.

If this is my first adult conviction, I must register for twenty-five (25) years unless a longer term is specified or present term limits are amended by statute for any of the following: Criminal sodomy if victim is 16 or more years of age but less than 18 years of age and a member of the same sex or an animal, Indecent solicitation of a child, Electronic solicitation, Aggravated incest, Indecent liberties with a child, Unlawful sexual relations, Sexual exploitation of a child if the victim is 14 or more years of age but less than 18 years of age, Aggravated sexual

battery, Promoting prostitution if the prostitute is 14 or more years of age but less than 18 years of age. This time period does not include any time incarcerated in any jail or correctional facility or any period of non-compliance with the requirements of the Act. If I am convicted as an adult of a second or subsequent offense(s) covered by the Act, I will be required to register for life. Any conviction for an attempt, conspiracy or solicitation requires registration for the same term as the underlying offense.

I must register for life if I am convicted of any of the following crimes: Rape, Aggravated indecent solicitation of a child, Aggravated indecent liberties with a child, Criminal sodomy if the victim is 14 or more years of age but less than 16 years of age or animal, Aggravated criminal sodomy, Aggravated human trafficking, Sexual exploitation of a child if the victim is less than 14 years of age, Promoting prostitution if the prostitute is less than 14 years of age, Kidnapping, Aggravated kidnapping, Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq. Any conviction for an attempt, conspiracy or solicitation requires registration for the same term as the underlying offense.

- If adjudicated as a juvenile and required to register by law for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid or by court order, I must register until eighteen (18) years of age, or for five (5) years from the date of adjudication or release from confinement, whichever date occurs later. This time period does not include time incarcerated in any jail, juvenile facility or correctional facility or any period of non-compliance with the requirements of the Act. As a juvenile, the court may order that my registration not be an open record displayed on the public website. In such cases, it is my duty to provide a copy of the court order to the sheriff at the time of registration.
If I am 14 years of age or more and adjudicated as a juvenile of an offense that if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the non drug grid , I shall be required to register for life.
- If I reside, maintain employment, or attend school in the state of Kansas on a full-time, part-time, or temporary basis and I have been convicted or adjudicated in an out of state court, or where I was required to register by an out of state law, or if I have been convicted or adjudicated of an offense comparable to a Kansas law that requires registration, I shall register for the same length of time required either by that out of state jurisdiction or by Kansas Offender Registration Act, whichever term is longer. I must register in person with the registering law enforcement agency in the county or location of jurisdiction where I am residing, maintaining employment, or attending school within three (3) days to complete a registration form.
- If receiving inpatient treatment at any treatment facility, inform the treatment facility of my status as an offender and inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of my presence at the treatment facility and the expected duration of the treatment.
- If I travel outside of the United States, I will report in person to the registering law enforcement agency and provide written notice to the Kansas bureau of investigation 21 days prior to any such travel. I will provide an itinerary including, but not limited to, destination, means of transport and duration of travel.
- If I use the internet, I am required to report to the registering law enforcement agency any and all: email addresses; online identities; information relating to membership in any and all personal web pages or online social networks; and internet screen names.
- If I fail to register, fail to update my registration, provide any false information or otherwise violate any requirement of the Act, I have committed a violation of the Kansas offender registration Act. A first conviction of a violation of the Kansas offender registration act is a severity level 6, person felony; upon a second conviction, a severity level 5, person felony; and upon a third or subsequent conviction, a severity level 3, person felony. A new and separate offense of non-compliance will occur every 30 days that have elapsed until such time as I comply with the law. Aggravated violation of the Kansas offender registration Act is failing to register for more than 180 consecutive days and is a severity level 3, person felony. If I fail to remit payment to the sheriff's office as required in subsection (k) of K.S.A. 22-4905, I have committed a violation of the Kansas offender registration act. A first conviction of a violation of not remitting payment within 15 days of registration is a class A misdemeanor. If I do not remit payment within 15 days of the most recent registration and two or more full payments have not been remitted to the sheriff's office, I have committed a violation of the Kansas offender registration act which is a severity level 9, person felony.

- Pursuant to Title 18, United States Code, Section 2250, if a sex offender fails to register or fails to report a change in residence, employment, or student status, and travels in or moves across state lines, the offender can be charged with a federal crime and punished by up to ten (10) years imprisonment.
- I understand that if I receive an expungement for the crime that required registration, my registration obligation does not terminate.

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Who is required to register?

- Any adult convicted of a crime set forth in KSA 22-4902.
- Any person who has been convicted or adjudicated in a federal, military, foreign, tribal or in another state court of a comparable crime that requires registration.
- Any juvenile adjudicated of a sexually violent crime. However, the Court may relieve a juvenile from registration requirements if it finds substantial and compelling reasons for doing so.

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Do all adult offenders, who are required to register pursuant to the Kansas Offender Registration Act, appear on the Offender Registration website?

No, if an adult offender's date of offense is before April 14, 1994, that offender's record is restricted pursuant to the Kansas Supreme Court's decision in State v. Myers.

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Do all juvenile offenders, who are required to register pursuant to the Kansas Offender Registration Act, appear on the Offender Registration website?

No, because the Court has discretion, in certain circumstances, to order a juvenile offenders information be restricted from the public.

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Is every offender on the KBI Offender Registration website a sex offender?

No, in addition to sex offenders, Kansas requires registration for certain drug and violent offenders.

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How long is an offender required to register?

- Adults are required to register for 15 years, 25 years, or lifetime depending on their crime of conviction. If an adult is convicted of a second or subsequent offense that requires registration, the offender must register for life.
- Juveniles less than 14 years of age who are adjudicated of a sexually violent crime are required to register until 18 years of age, at the expiration of five years from the date of adjudication or, if confined, five years from release from confinement, whichever date occurs later.
- Juveniles 14 years of age or more who are adjudicated of a sexually violent crime and such crime is not an off-grid felony or a felony ranked in severity level 1, are required to register until 18 years of age, at the expiration of five years from the date of adjudication or, if confined, five years from release from confinement, whichever date occurs later.
- Juveniles 14 years of age or more who are adjudicated of a sexually violent crime and such crime is an off-grid felony or a felony ranked in severity level 1, the juveniles are required to register for life.

SENTENCING RANGE- DRUG OFFENSES

Categories→	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
V	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

Presumptive Probation
Border Box
Presumptive Imprisonment

•Fines not to exceed \$500,000 (SL1-SL2), \$300,000 (SL3-SL4), \$100,000 (SL5)

•Severity level of offense increases one level if controlled substance or analog is distributed or possessed w/ intent to distribute on or w/in 1000 ft of any school property.

Levels	Distribute or Possess w/ intent to Distribute			Manufacture (all)	Cultivate	Dosage Units	Postrelease	Probation	Good Time
	Cocaine	Meth & Heroin	Marijuana						
I	≥ 1 kg	≥ 100 g	≥ 30 kg	2nd or Meth	>100 plants	>1000	36	36	15%
II	100 g - 1 kg	3.5 g - 100 g	450 g - 30 kg	1st	50-99 plants	100-999	36	36	15%
III	3.5 g - 100 g	1 g - 3.5 g	25 g - 450 g		5-49 plants	10-99	36	36	**20%
IV	< 3.5 g	< 1 g	< 25 g			<10	24	≤ 18	20%
V	Possession	Possession	Possession-3rd offense				12	*≤12	20%

* ≤ 18 months for 2003 SB123 offenders

*** Retroactive application for offense committed on or after July 1, 2012