

HOUSE BILL No. 2475

By Committee on Corrections and Juvenile Justice

I-23

Proposed Amendments to HB 2475 - Owens
House Judiciary
Prepared by: Natalie Scott, Assistant Revisor
February 11, 2020

1 AN ACT concerning the Kansas offender registration act; relating to drug
2 offenses; law enforcement access; amending K.S.A. 2019 Supp. 22-
3 4906 and 22-4909 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
7 follows: 22-4906. (a) (1) Except as provided in subsection ~~(e)~~ (d), if
8 convicted of any of the following offenses, an offender's duration of
9 registration shall be, if confined, 15 years after the date of parole,
10 discharge or release, whichever date is most recent, or, if not confined, 15
11 years from the date of conviction:

12 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
13 or K.S.A. 2019 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. 2019 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. 2019
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. 2019 Supp. 21-6421, prior to its amendment by section
21 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
22 when 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. 2019 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. 2019 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. 2019 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. 2019 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. 2019 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. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
36 amendments thereto;

1 or adjudicated offender again becomes liable to register as provided by the
2 Kansas offender registration act during the required period of registration.

3 ~~(k)~~(l) For any person moving to Kansas who has been convicted or
4 adjudicated in an out-of-state court, or who was required to register under
5 an out-of-state law, the duration of registration shall be the length of time
6 required by the out-of-state jurisdiction or by the Kansas offender
7 registration act, whichever length of time is longer. The provisions of this
8 subsection shall apply to convictions or adjudications prior to June 1,
9 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
10 convictions or adjudications on or after June 1, 2006, and to persons who
11 moved to Kansas on or after June 1, 2006.

12 ~~(h)~~(m) For any person residing, maintaining employment or attending
13 school in this state who has been convicted or adjudicated by an out-of-
14 state court of an offense that is comparable to any crime requiring
15 registration pursuant to the Kansas offender registration act, but who was
16 not required to register in the jurisdiction of conviction or adjudication, the
17 duration of registration shall be the duration required for the comparable
18 offense pursuant to the Kansas offender registration act.

Notwithstanding any other provision of law,
the court may order that

19 ~~(n)~~ Registration information for a person required to register for an
20 offense described in subsection (c) shall be made available only to law
21 enforcement and shall not be open to inspection by the public or posted on
22 any website, as provided in K.S.A. 22-4909, and amendments thereto.

strike

23 Sec. 2. K.S.A. 2019 Supp. 22-4909 is hereby amended to read as
24 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) and,
25 ~~(f) of this section and subsections (f) and (g) of and (g) and~~ K.S.A. 22-
26 4906(g), (h) and (n), and amendments thereto, the statements or any other
27 information required by the Kansas offender registration act shall be open
28 to inspection by the public at the registering law enforcement agency, at
29 the headquarters of the Kansas bureau of investigation and on any internet
30 website sponsored or created by a registering law enforcement agency or
31 the Kansas bureau of investigation that contains such statements or
32 information, and specifically are subject to the provisions of the Kansas
33 open records act, K.S.A. 45-215 et seq., and amendments thereto.

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

- 39 (1) Name of the offender, including any aliases;
- 40 (2) address of each residence at which the offender resides or will
41 reside and, if the offender does not have any present or expected residence
42 address, other information about where the offender has their home or
43 habitually lives. If current information of this type is not available because