

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Corrections and Juvenile Justice** recommends **HB 2349** be amended on page 1, in line 29, by striking all before the period and inserting "one year";

On page 19, in line 29, before "has" by inserting "on or after July 1, 2002, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(3)";

On page 21, in line 13, before "for" by inserting "or adjudication"; in line 15, before "for" by inserting "or adjudication"; in line 17, by striking all after "(18)"; by striking all in line 18; in line 19, by striking "(19)";

On page 23, in line 13, before "that" by inserting "or adjudications"; in line 16, before the period by inserting "or adjudication"; also in line 16, before "set" by inserting "or adjudication"; in line 17, before "for" by inserting "or adjudication"; in line 18, before "from" by inserting "or adjudication"; in line 19, before "for" by inserting "or adjudication";

On page 24, in line 34, by striking all after "offender"; in line 35, by striking all before "for"; in line 36, before the period by inserting "defined in subsection (t)(1)(A)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 25, in line 7, after "is" by inserting ":

(1) A";

Also on page 25, in line 15, by striking "that:"; by striking all in lines 16 and 17; in line 18, by striking all before the period and inserting "that continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act that continues for more than 180 consecutive days shall, upon the 181st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues;

(2) providing a false address or an address where the offender does not reside or providing false information about the offender's employer; or

(3) failure to register if, within the immediately preceding 120 days, the offender has not registered and is not residing at the residence listed in the last registration or is not employed at the place of employment listed in the last registration";

Also on page 25, in line 21, after "(A)" by inserting "If the crime for which the offender is required to be registered under the Kansas offender registration act is a felony:

(i)";

Also on page 25, in line 21, by striking "B" and inserting "A"; in line 22, by striking "and"; in line 23, by striking "(B)" and inserting "(ii)"; also in line 23, by striking "class A"; in line 24 by striking all before the period and inserting "severity level 8, nonperson felony; and

(iii) upon a third or subsequent conviction, a severity level 5, nonperson felony; and

(B) if the crime for which the offender is required to be registered under the Kansas offender registration act is a misdemeanor:

(i) Upon a first or second conviction, a class A nonperson misdemeanor; and

(ii) upon a third or subsequent conviction, a severity level 8, nonperson felony";

Also on page 25, in line 33, by striking "severity"; in line 34, by striking all before the

period and inserting ":

(A) Severity level 7, nonperson felony, except as provided in subparagraph (B); and

(B) severity level 5, nonperson felony if the person being sentenced has a prior conviction for a violation of subsection (b)(2) or (b)(3)";

On page 26, in line 25, before "occurred" by inserting "or adjudication";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 26, in line 29, before "for" by inserting "or adjudication"; in line 36, before the comma by inserting "or adjudication"; in line 37, before the first comma by inserting "or adjudication"; in line 38, before the first comma by inserting "or adjudication";

On page 27, in line 2, before "and" by inserting "or adjudication"; in line 14, before the period by inserting "or adjudication";

On page 30, in line 11, before "data" by inserting "or adjudication";

On page 40, following line 23, by inserting:

"(h) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the court shall:

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

(2) not require registration if the court, on the record, finds substantial and compelling

reasons therefor; or

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

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

(i) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2020 Supp. 21-6804, and amendments thereto, the court shall:

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

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

(3) require registration, but such registration information shall not be open to inspection

by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

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

(j) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2020 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.";

Also on page 40, in line 34, before "offender" by inserting "or adjudicated"; in line 37, before "in" by inserting "or adjudicated"; in line 41, before "prior" by inserting "or adjudications"; in line 43, before "on" by inserting "or adjudications";

On page 41, by striking all in lines 2 through 5; in line 7, before "by" by inserting "or adjudicated"; in line 10, before the comma by inserting "or adjudication";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 41, in line 32, before "and" by inserting "or adjudication"; in line 33, before the semicolon by inserting "or adjudication"; in line 34, before the semicolon by inserting "or adjudication";

On page 43, in line 23, after "conviction" by inserting "or adjudication"; in line 27, after "conviction" by inserting "or adjudication"; in line 31, after "conviction" by inserting "or

adjudication"; in line 37, after "conviction" by inserting "or adjudication"; in line 38, after "convicted" by inserting "or adjudicated"; in line 39, after "conviction" by inserting "or adjudication";

On page 44, in line 6, after "conviction" by inserting "or adjudication"; in line 9, after "conviction" by inserting "or adjudication"; in line 11, after "conviction" by inserting "or adjudication"; in line 24, after "convicted" by inserting "or adjudicated"; in line 25, after "convicted" by inserting "or adjudicated"; in line 31, after "conviction" by inserting "or adjudication"; in line 36, after "conviction" by inserting "or adjudication"; in line 38, after "convicted" by inserting "or adjudicated"; in line 40, after "convicted" by inserting ", adjudicated";

On page 45, in line 29, after "convicted" by inserting "or adjudicated";

On page 46, in line 15, by striking "(m)" and inserting "(h), (i) and (o)"; in line 43, before the semicolon by inserting "or adjudicated";

On page 47, in line 20, before "that" by inserting "or adjudication"; in line 22, before "does" by inserting "or adjudication"; in line 25, before "that" by inserting "or adjudication"; in line 27, before "that" by inserting "or adjudication"; in line 30, before "shall" by inserting "or adjudication";

On page 1, in the title, in line 5, by striking all after the semicolon; in line 6, by striking "offenders;"; and the bill be passed as amended.

Chairperson