

HOUSE BILL No. 2779

By Committee on Corrections and Juvenile Justice

2-10

AN ACT concerning offender registration; concerning lewd and lascivious behavior; amending K.S.A. 2003 Supp. 22-4902 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in this act, unless the context otherwise requires:

- (a) "Offender" means: (1) A sex offender as defined in subsection (b);
- (2) a violent offender as defined in subsection (d);
- (3) a sexually violent predator as defined in subsection (f);
- (4) any person who, on and after the effective date of this act, is convicted of any of the following crimes when the victim is less than 18 years of age:
 - (A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;
 - (B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or
 - (C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;
 - (5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:
 - (A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;
 - (B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;
 - (C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;
 - (D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto; or
 - (E) ~~lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto; or~~
 - (F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;
 - (6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;

1 (7) any person who has been convicted of an offense in effect at any
2 time prior to the effective date of this act, that is comparable to any crime
3 defined in subsection (4) or (5), or any federal, military or other state
4 conviction for an offense that under the laws of this state would be an
5 offense defined in subsection (4) or (5); or

6 (8) any person who has been convicted of an attempt, conspiracy or
7 criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303
8 and amendments thereto, of an offense defined in subsection (4) or (5).

9 Convictions which result from or are connected with the same act, or
10 result from crimes committed at the same time, shall be counted for the
11 purpose of this section as one conviction. Any conviction set aside pur-
12 suant to law is not a conviction for purposes of this section. A conviction
13 from another state shall constitute a conviction for purposes of this
14 section.

15 (b) "Sex offender" includes any person who, after the effective date
16 of this act, is convicted of any sexually violent crime set forth in subsection
17 (c) or is adjudicated as a juvenile offender for an act which if committed
18 by an adult would constitute the commission of a sexually violent crime
19 set forth in subsection (c).

20 (c) "Sexually violent crime" means:

21 (1) Rape as defined in K.S.A. 21-3502 and amendments thereto;

22 (2) indecent liberties with a child as defined in K.S.A. 21-3503 and
23 amendments thereto;

24 (3) aggravated indecent liberties with a child as defined in K.S.A. 21-
25 3504 and amendments thereto;

26 (4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of
27 K.S.A. 21-3505 and amendments thereto;

28 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and
29 amendments thereto;

30 (6) indecent solicitation of a child as defined by K.S.A. 21-3510 and
31 amendments thereto;

32 (7) aggravated indecent solicitation of a child as defined by K.S.A.
33 21-3511 and amendments thereto;

34 (8) sexual exploitation of a child as defined by K.S.A. 21-3516 and
35 amendments thereto;

36 (9) sexual battery as defined by K.S.A. 21-3517 and amendments
37 thereto;

38 (10) aggravated sexual battery as defined by K.S.A. 21-3518 and
39 amendments thereto;

40 (11) aggravated incest as defined by K.S.A. 21-3603 and amendments
41 thereto; ~~or~~

42 (12) *lewd and lascivious behavior as defined by K.S.A. 21-3508, and*
43 *amendments thereto;*

1 (13) any conviction for an offense in effect at any time prior to the
2 effective date of this act, that is comparable to a sexually violent crime as
3 defined in subparagraphs (1) through (11), or any federal, military or
4 other state conviction for an offense that under the laws of this state would
5 be a sexually violent crime as defined in this section;

6 ~~(13)~~ (14) an attempt, conspiracy or criminal solicitation, as defined in
7 K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sex-
8 ually violent crime, as defined in this section; or

9 ~~(14)~~ (15) any act which at the time of sentencing for the offense has
10 been determined beyond a reasonable doubt to have been sexually moti-
11 vated. As used in this subparagraph, “sexually motivated” means that
12 one of the purposes for which the defendant committed the crime was
13 for the purpose of the defendant’s sexual gratification.

14 (d) “Violent offender” includes any person who, after the effective
15 date of this act, is convicted of any of the following crimes:

16 (1) Capital murder as defined by K.S.A. 21-3439 and amendments
17 thereto;

18 (2) murder in the first degree as defined by K.S.A. 21-3401 and
19 amendments thereto;

20 (3) murder in the second degree as defined by K.S.A. 21-3402 and
21 amendments thereto;

22 (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amend-
23 ments thereto;

24 (5) involuntary manslaughter as defined by K.S.A. 21-3404 and
25 amendments thereto; or

26 (6) any conviction for an offense in effect at any time prior to the
27 effective date of this act, that is comparable to any crime defined in this
28 subsection, or any federal, military or other state conviction for an offense
29 that under the laws of this state would be an offense defined in this
30 subsection; or

31 (7) an attempt, conspiracy or criminal solicitation, as defined in
32 K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an of-
33 fense defined in this subsection.

34 (e) “Law enforcement agency having jurisdiction” means the sheriff
35 of the county in which the offender expects to reside upon the offender’s
36 discharge, parole or release.

37 (f) “Sexually violent predator” means any person who, on or after July
38 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-
39 29a01 *et seq.* and amendments thereto.

40 (g) “Nonresident student or worker” includes any offender who
41 crosses into the state or county for more than 14 days, or for an aggregate
42 period exceeding 30 days in a calendar year, for the purposes of employ-
43 ment, with or without compensation, or to attend school as a student.

1 (h) “Aggravated offenses” means engaging in sexual acts involving
2 penetration with victims of any age through the use of force or the threat
3 of serious violence, or engaging in sexual acts involving penetration with
4 victims less than 14 years of age, and includes the following offenses:

5 (1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of
6 K.S.A. 21-3502, and amendments thereto;

7 (2) aggravated criminal sodomy as defined in subsection (a)(1) and
8 subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

9 (3) any attempt, conspiracy or criminal solicitation, as defined in
10 K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an of-
11 fense defined in this subsection.

12 (i) “Institution of higher education” means any post-secondary school
13 under the supervision of the Kansas board of regents.

14 Sec. 2. K.S.A. 2003 Supp. 22-4902 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.

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