

[As Further Amended by Senate Committee of the Whole]

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Session of 2005

SENATE BILL No. 117

By Senator Brownlee

1-26

16 AN ACT concerning ~~criminal procedure, relating to~~ offender registra-
17 tion; amending K.S.A. 2004 Supp. 22-4902, ~~22-4906 and~~ 22-4909 ~~and~~
18 ~~22-4912~~ and repealing the existing sections.

19

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

21 ~~Section. 1. K.S.A. 2004 Supp. 22-4902 is hereby amended to read as~~
22 ~~follows: 22-4902. As used in this act, unless the context otherwise~~
23 ~~requires:~~

24 ~~—(a) “Offender” means any person who has been convicted of any of~~
25 ~~the following acts, no matter the date of occurrence of the crime or the~~
26 ~~date of conviction **on or after January 1, 1980.** (1) A sex offender as~~
27 ~~defined in subsection (b);~~

28 ~~—(2) a violent offender as defined in subsection (d);~~

29 ~~—(3) a sexually violent predator as defined in subsection (f);~~

30 ~~—(4) any person who, on and after the effective date of this act, is~~
31 ~~convicted of any of the following crimes when the victim is less than 18~~
32 ~~years of age:~~

33 ~~—(A) Kidnapping as defined in K.S.A. 21-3420 and amendments~~
34 ~~thereto, except by a parent;~~

35 ~~—(B) aggravated kidnapping as defined in K.S.A. 21-3421 and amend-~~
36 ~~ments thereto, or~~

37 ~~—(C) criminal restraint as defined in K.S.A. 21-3424 and amendments~~
38 ~~thereto, except by a parent;~~

39 ~~—(5) any person convicted of any of the following criminal sexual con-~~
40 ~~duct if one of the parties involved is less than 18 years of age:~~

41 ~~—(A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;~~

42 ~~—(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-~~
43 ~~3505, and amendments thereto;~~

- 1 ~~—(C) promoting prostitution as defined by K.S.A. 21-3513, and amend-~~
2 ~~ments thereto;~~
- 3 ~~—(D) patronizing a prostitute as defined by K.S.A. 21-3515, and~~
4 ~~amendments thereto;~~
- 5 ~~—(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and~~
6 ~~amendments thereto; or~~
- 7 ~~—(F) unlawful sexual relations as defined by K.S.A. 21-3520, and~~
8 ~~amendments thereto;~~
- 9 ~~—(6) any person who has been required to register under any federal,~~
10 ~~military or other state's law or is otherwise required to be registered;~~
- 11 ~~—(7) any person who has been convicted of an offense in effect at any~~
12 ~~time prior to the effective date of this act, that is comparable to any crime~~
13 ~~defined in subsection (4) or (5), or any federal, military or other state~~
14 ~~conviction for an offense that under the laws of this state would be an~~
15 ~~offense defined in subsection (4) or (5); or~~
- 16 ~~—(8) any person who has been convicted of an attempt, conspiracy or~~
17 ~~criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303~~
18 ~~and amendments thereto, of an offense defined in subsection (4) or (5).~~
- 19 ~~—Convictions which result from or are connected with the same act, or~~
20 ~~result from crimes committed at the same time, shall be counted for the~~
21 ~~purpose of this section as one conviction. Any conviction set aside pur-~~
22 ~~suant to law is not a conviction for purposes of this section. A conviction~~
23 ~~from another state shall constitute a conviction for purposes of this~~
24 ~~section.~~
- 25 ~~—(b) "Sex offender" includes any person who, after the effective date~~
26 ~~of this act, is convicted of any sexually violent crime set forth in subsection~~
27 ~~(c) or is adjudicated as a juvenile offender for an act which if committed~~
28 ~~by an adult would constitute the commission of a sexually violent crime~~
29 ~~set forth in subsection (c).~~
- 30 ~~—(c) "Sexually violent crime" means:~~
- 31 ~~—(1) Rape as defined in K.S.A. 21-3502 and amendments thereto;~~
- 32 ~~—(2) indecent liberties with a child as defined in K.S.A. 21-3503 and~~
33 ~~amendments thereto;~~
- 34 ~~—(3) aggravated indecent liberties with a child as defined in K.S.A. 21-~~
35 ~~3504 and amendments thereto;~~
- 36 ~~—(4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of~~
37 ~~K.S.A. 21-3505 and amendments thereto;~~
- 38 ~~—(5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and~~
39 ~~amendments thereto;~~
- 40 ~~—(6) indecent solicitation of a child as defined by K.S.A. 21-3510 and~~
41 ~~amendments thereto;~~
- 42 ~~—(7) aggravated indecent solicitation of a child as defined by K.S.A.~~
43 ~~21-3511 and amendments thereto;~~

- 1 ~~—(8) sexual exploitation of a child as defined by K.S.A. 21-3516 and~~
2 ~~amendments thereto;~~
3 ~~—(9) sexual battery as defined by K.S.A. 21-3517 and amendments~~
4 ~~thereto;~~
5 ~~—(10) aggravated sexual battery as defined by K.S.A. 21-3518 and~~
6 ~~amendments thereto;~~
7 ~~—(11) aggravated incest as defined by K.S.A. 21-3603 and amendments~~
8 ~~thereto; or~~
9 ~~—(12) any conviction for an offense in effect at any time prior to the~~
10 ~~effective date of this act, that is comparable to a sexually violent crime as~~
11 ~~defined in subparagraphs (1) through (11), or any federal, military or~~
12 ~~other state conviction for an offense that under the laws of this state would~~
13 ~~be a sexually violent crime as defined in this section;~~
14 ~~—(13) an attempt, conspiracy or criminal solicitation, as defined in~~
15 ~~K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sex-~~
16 ~~ually violent crime, as defined in this section; or~~
17 ~~—(14) any act which at the time of sentencing for the offense has been~~
18 ~~determined beyond a reasonable doubt to have been sexually motivated.~~
19 ~~As used in this subparagraph, “sexually motivated” means that one of the~~
20 ~~purposes for which the defendant committed the crime was for the pur-~~
21 ~~pose of the defendant’s sexual gratification.~~
22 ~~—(d) “Violent offender” includes any person who, after the effective~~
23 ~~date of this act, is convicted of any of the following crimes:~~
24 ~~—(1) Capital murder as defined by K.S.A. 21-3439 and amendments~~
25 ~~thereto;~~
26 ~~—(2) murder in the first degree as defined by K.S.A. 21-3401 and~~
27 ~~amendments thereto;~~
28 ~~—(3) murder in the second degree as defined by K.S.A. 21-3402 and~~
29 ~~amendments thereto;~~
30 ~~—(4) voluntary manslaughter as defined by K.S.A. 21-3403 and amend-~~
31 ~~ments thereto;~~
32 ~~—(5) involuntary manslaughter as defined by K.S.A. 21-3404 and~~
33 ~~amendments thereto; or~~
34 ~~—(6) any conviction for an offense in effect at any time prior to the~~
35 ~~effective date of this act, that is comparable to any crime defined in this~~
36 ~~subsection, or any federal, military or other state conviction for an offense~~
37 ~~that under the laws of this state would be an offense defined in this~~
38 ~~subsection; or~~
39 ~~—(7) an attempt, conspiracy or criminal solicitation, as defined in~~
40 ~~K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an of-~~
41 ~~fense defined in this subsection.~~
42 ~~—(e) “Law enforcement agency having jurisdiction” means the sheriff~~
43 ~~of the county in which the offender expects to reside upon the offender’s~~

1 discharge, parole or release.
2 —(f) “Sexually violent predator” means any person who, on or after July
3 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-
4 29a01 *et seq.* and amendments thereto.
5 —(g) “Nonresident student or worker” includes any offender who
6 crosses into the state or county for more than 14 days, or for an aggregate
7 period exceeding 30 days in a calendar year, for the purposes of employ-
8 ment, with or without compensation, or to attend school as a student.
9 —(h) “Aggravated offenses” means engaging in sexual acts involving
10 penetration with victims of any age through the use of force or the threat
11 of serious violence, or engaging in sexual acts involving penetration with
12 victims less than 14 years of age, and includes the following offenses:
13 —(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of
14 K.S.A. 21-3502, and amendments thereto;
15 —(2) aggravated criminal sodomy as defined in subsection (a)(1) and
16 subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and
17 —(3) any attempt, conspiracy or criminal solicitation, as defined in
18 K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an of-
19 fense defined in this subsection.
20 —(i) “Institution of higher education” means any post-secondary school
21 under the supervision of the Kansas board of regents.
22 —Sec. 2. K.S.A. 2004 Supp. 22-4909 is hereby amended to read as
23 follows: 22-4909. (a) The statements or any other information required
24 by this *the Kansas offender registration* act shall be open to inspection by
25 the public at the sheriff’s office, at the headquarters of the Kansas bureau
26 of investigation and on any internet website sponsored or created by a
27 sheriff’s department or the Kansas bureau of investigation that contains
28 such statements or information, and specifically are subject to the pro-
29 visions of the Kansas open records act, K.S.A. 45-215 *et seq.*, and amend-
30 ments thereto, except that the name, address, telephone number, or any
31 other information which specifically and individually identifies the victim
32 of any offender required to register as provided in this act shall not be
33 disclosed other than to law enforcement agencies.
34 —(b) (1) *If an offender resides within 1,000 feet of any licensed child*
35 *care facility or any school property upon which is located a structure used*
36 *by a unified school district or an accredited nonpublic school for student*
37 *instruction or attendance or extracurricular activities of pupils enrolled*
38 *in kindergarten or any of the grades one through 12, the sheriff of the*
39 *county in which the facility or school is located shall communicate in*
40 *writing to the administrator of such facility or school the following infor-*
41 *mation concerning such offender: Name; date of birth; offense or offenses*
42 *committed, date of conviction or convictions obtained; city or county of*
43 *conviction or convictions obtained; sex and age of victim; current address;*

1 ~~identifying characteristics such as race, skin tone, sex, age, hair and eye~~
2 ~~color, scars, tattoos and blood type, occupation, name of employer and~~
3 ~~place of employment, drivers license and vehicle information, and a~~
4 ~~photograph.~~

5 ~~—(2)—The sheriff shall **may** collect a fee not to exceed \$50 from the~~
6 ~~offender **who meets the requirements of paragraph (1)** to cover the~~
7 ~~costs of implementing this subsection. The fee shall be set by the board of~~
8 ~~county commissioners by resolution. Such fee shall be deposited in the~~
9 ~~county general fund.~~

10 ~~—(3)—The sheriff and any employee of the sheriff shall be immune from~~
11 ~~liability in any civil action based upon the failure to notify so long as the~~
12 ~~failure to notify was done without malice.~~

13 ~~—Sec. 3.—K.S.A. 2004 Supp. 22-4912 is hereby amended to read as~~
14 ~~follows: 22-4912. (a) Any offender who was required to be registered~~
15 ~~pursuant to the Kansas offender registration act K.S.A. 22-4901 et seq.~~
16 ~~and amendments thereto, prior to July 1, 1999, and who would not have~~
17 ~~been required to be registered pursuant to the Kansas offender registra-~~
18 ~~tion act on and after July 1, 1999, as a result of the enactment of this act~~
19 ~~K.S.A. 2004 Supp. 21-3520, and amendments thereto, shall be entitled to~~
20 ~~be relieved of the requirement to be registered. Such offender may apply~~
21 ~~to the sentencing court for an order relieving the offender of the duty of~~
22 ~~registration. The court shall hold a hearing on the application at which~~
23 ~~the applicant shall present evidence verifying that such applicant no~~
24 ~~longer satisfies the definition of offender pursuant to K.S.A. 22-4902 and~~
25 ~~amendments thereto. If the court finds that the person no longer satisfies~~
26 ~~the definition of offender pursuant to K.S.A. 22-4902 and amendments~~
27 ~~thereto, the court shall grant an order relieving the offender's duty to~~
28 ~~register if the offender no longer fulfills the definition of offender pur-~~
29 ~~suant to K.S.A. 22-4902 and amendments thereto. Such court granting~~
30 ~~such an order shall forward a copy of such order to the sheriff of the~~
31 ~~county in which such person has registered and to the Kansas bureau of~~
32 ~~investigation. Upon receipt of such copy of the order, such sheriff and~~
33 ~~the Kansas bureau of investigation shall remove such person's name from~~
34 ~~the registry.~~

35 ~~—(b)—This section shall be part of an *and* supplemental to the Kansas~~
36 ~~offender registration act.~~

37 ~~—[Sec. 4.—The Kansas bureau of investigation shall establish a~~
38 ~~procedure, through rules and regulations, to notify offenders who~~
39 ~~prior to July 1, 2005 were not required to register as offenders pur-~~
40 ~~suant to Kansas offender registration act, K.S.A. 22-4901 et seq.,~~
41 ~~and amendments thereto, but pursuant to K.S.A. 22-4902, and~~
42 ~~amendments thereto, are currently required to be registered.]~~

43 ~~Section 1. K.S.A. 2004 Supp. 22-4902 is hereby amended to~~

- 1 **read as follows: 22-4902. As used in this act, unless the context oth-**
2 **erwise requires:**
- 3 (a) **“Offender” means any person who has been convicted of any of**
4 **the following acts on or after January 1, 1985: (1) A sex offender as**
5 **defined in subsection (b);**
6 (2) **a violent offender as defined in subsection (d);**
7 (3) **a sexually violent predator as defined in subsection (f);**
8 (4) **any person who, on and after the effective date of this act, is**
9 **convicted of any of the following crimes when the victim is less than**
10 **18 years of age:**
11 (A) **Kidnapping as defined in K.S.A. 21-3420, and amendments**
12 **thereto, except by a parent;**
13 (B) **aggravated kidnapping as defined in K.S.A. 21-3421, and**
14 **amendments thereto; or**
15 (C) **criminal restraint as defined in K.S.A. 21-3424, and amend-**
16 **ments thereto, except by a parent;**
17 (5) **any person convicted of any of the following criminal sexual**
18 **conduct if one of the parties involved is less than 18 years of age:**
19 (A) **Adultery as defined by K.S.A. 21-3507, and amendments**
20 **thereto;**
21 (B) **criminal sodomy as defined by subsection (a)(1) of K.S.A.**
22 **21-3505, and amendments thereto;**
23 (C) **promoting prostitution as defined by K.S.A. 21-3513, and**
24 **amendments thereto;**
25 (D) **patronizing a prostitute as defined by K.S.A. 21-3515, and**
26 **amendments thereto;**
27 (E) **lewd and lascivious behavior as defined by K.S.A. 21-3508,**
28 **and amendments thereto; or**
29 (F) **unlawful sexual relations as defined by K.S.A. 21-3520, and**
30 **amendments thereto;**
31 (6) **any person who has been required to register under any fed-**
32 **eral, military or other state’s law or is otherwise required to be**
33 **registered;**
34 (7) **any person who has been convicted of an offense in effect at**
35 **any time prior to the effective date of this act, that is comparable to**
36 **any crime defined in subsection (4) or (5), or any federal, military**
37 **or other state conviction for an offense that under the laws of this**
38 **state would be an offense defined in subsection (4) or (5); or**
39 (8) **any person who has been convicted of an attempt, conspir-**
40 **acy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302**
41 **or 21-3303, and amendments thereto, of an offense defined in sub-**
42 **section (4) or (5).**
43 **Convictions which result from or are connected with the same**

- 1 *act, or result from crimes committed at the same time, shall be*
2 *counted for the purpose of this section as one conviction. Any con-*
3 *viction set aside pursuant to law is not a conviction for purposes of*
4 *this section. A conviction from another state shall constitute a con-*
5 *viction for purposes of this section.*
- 6 (b) *“Sex offender” includes any person who, after the effective*
7 *date of this act;*
- 8 (1) *Is convicted of any sexually violent crime set forth in sub-*
9 *section (c) or;*
- 10 (2) *is adjudicated as a juvenile offender for an act which if com-*
11 *mitted by an adult would constitute the commission of a sexually*
12 *violent crime set forth in subsection (c); or*
- 13 (3) *has been convicted of any sexually violent crime and is currently*
14 *in the custody of the secretary of corrections and will be released on*
15 *probation, parole, conditional release or postrelease supervision.*
- 16 (c) *“Sexually violent crime” means:*
- 17 (1) *Rape as defined in K.S.A. 21-3502, and amendments thereto;*
18 (2) *indecent liberties with a child as defined in K.S.A. 21-3503,*
19 *and amendments thereto;*
20 (3) *aggravated indecent liberties with a child as defined in*
21 *K.S.A. 21-3504, and amendments thereto;*
22 (4) *criminal sodomy as defined in subsection (a)(2) and (a)(3)*
23 *of K.S.A. 21-3505, and amendments thereto;*
24 (5) *aggravated criminal sodomy as defined in K.S.A. 21-3506,*
25 *and amendments thereto;*
26 (6) *indecent solicitation of a child as defined by K.S.A. 21-3510,*
27 *and amendments thereto;*
28 (7) *aggravated indecent solicitation of a child as defined by*
29 *K.S.A. 21-3511, and amendments thereto;*
30 (8) *sexual exploitation of a child as defined by K.S.A. 21-3516,*
31 *and amendments thereto;*
32 (9) *sexual battery as defined by K.S.A. 21-3517, and amend-*
33 *ments thereto;*
34 (10) *aggravated sexual battery as defined by K.S.A. 21-3518,*
35 *and amendments thereto;*
36 (11) *aggravated incest as defined by K.S.A. 21-3603, and*
37 *amendments thereto; or*
38 (12) *any conviction for an offense in effect at any time prior to the*
39 *effective date of this act, that is comparable to a sexually violent crime*
40 *as defined in subparagraphs (1) through (11), or any federal, mili-*
41 *tary or other state conviction for an offense that under the laws of*
42 *this state would be a sexually violent crime as defined in this section;*
43 (13) *an attempt, conspiracy or criminal solicitation, as defined*

- 1 *in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of*
2 *a sexually violent crime, as defined in this section; or*
- 3 *(14) any act which at the time of sentencing for the offense has*
4 *been determined beyond a reasonable doubt to have been sexually*
5 *motivated. As used in this subparagraph, “sexually motivated”*
6 *means that one of the purposes for which the defendant committed*
7 *the crime was for the purpose of the defendant’s sexual gratification.*
- 8 *(d) “Violent offender” includes any person who, after the effec-*
9 *tive date of this act, is convicted of any of the following crimes:*
- 10 *(1) Capital murder as defined by K.S.A. 21-3439, and amend-*
11 *ments thereto;*
- 12 *(2) murder in the first degree as defined by K.S.A. 21-3401, and*
13 *amendments thereto;*
- 14 *(3) murder in the second degree as defined by K.S.A. 21-3402,*
15 *and amendments thereto;*
- 16 *(4) voluntary manslaughter as defined by K.S.A. 21-3403, and*
17 *amendments thereto;*
- 18 *(5) involuntary manslaughter as defined by K.S.A. 21-3404, and*
19 *amendments thereto; or*
- 20 *(6) any conviction for an offense in effect at any time prior to the*
21 *effective date of this act, that is comparable to any crime defined in*
22 *this subsection, or any federal, military or other state conviction*
23 *for an offense that under the laws of this state would be an offense*
24 *defined in this subsection; or*
- 25 *(7) an attempt, conspiracy or criminal solicitation, as defined*
26 *in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of*
27 *an offense defined in this subsection.*
- 28 *(e) “Law enforcement agency having jurisdiction” means the*
29 *sheriff of the county in which the offender expects to reside upon*
30 *the offender’s discharge, parole or release.*
- 31 *(f) “Sexually violent predator” means any person who, on or*
32 *after July 1, 2001, is found to be a sexually violent predator pur-*
33 *suant to K.S.A. 59-29a01 et seq., and amendments thereto.*
- 34 *(g) “Nonresident student or worker” includes any offender who*
35 *crosses into the state or county for more than 14 days, or for an*
36 *aggregate period exceeding 30 days in a calendar year, for the pur-*
37 *poses of employment, with or without compensation, or to attend*
38 *school as a student.*
- 39 *(h) “Aggravated offenses” means engaging in sexual acts involv-*
40 *ing penetration with victims of any age through the use of force or*
41 *the threat of serious violence, or engaging in sexual acts involving*
42 *penetration with victims less than 14 years of age, and includes the*
43 *following offenses:*

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

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

6 **(3) any attempt, conspiracy or criminal solicitation, as defined**
7 **in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of**
8 **an offense defined in this subsection.**

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

11 **Sec. 2. K.S.A. 2004 Supp. 22-4906 is hereby amended to read**
12 **as follows: 22-4906. (a) Any person required to register as provided**
13 **in this act shall be required to register: (1) Upon the first conviction**
14 **of a sexually violent crime as defined in subsection (c) of K.S.A. 22-**
15 **4902, and amendments thereto, any offense as defined in subsection**
16 **(a) of K.S.A. 22-4902, and amendments thereto, or any offense as**
17 **defined in subsection (d) of K.S.A. 22-4902, and amendments**
18 **thereto, if not confined, for a period of 10 years after conviction,**
19 **or, if confined, for a period of 10 years after paroled, discharged or**
20 **released, whichever date is most recent. The ten-year period shall not**
21 **apply to any person while the person is incarcerated in any jail or cor-**
22 **rectional facility. The ten-year registration requirement does not include**
23 **any time period when any person who is required to register under this**
24 **act knowingly or willfully fails to comply with the registration require-**
25 **ment; or (2) upon a second or subsequent conviction for such per-**
26 **son’s lifetime.**

27 **(b) Upon the first conviction, liability for registration termi-**
28 **nates, if not confined, at the expiration of 10 years from the date of**
29 **conviction, or, if confined, at the expiration of 10 years from the**
30 **date of parole, discharge or release, whichever date is most recent. The**
31 **ten-year period shall not apply to any person while the person is incar-**
32 **cerated in any jail or correctional facility. The ten-year registration re-**
33 **quirement does not include any time period when any person who is**
34 **required to register under this act knowingly or willfully fails to comply**
35 **with the registration requirement. Liability for registration does not ter-**
36 **minate if the convicted offender does not again become becomes liable**
37 **to register as provided by this act during that period.**

38 **(c) Any person who has been convicted of an aggravated offense**
39 **shall be required to register for such person’s lifetime. The provi-**
40 **sions of this subsection shall expire on June 30, 2009.**

41 **(d) Any person who has been declared a sexually violent pred-**
42 **ator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto,**
43 **shall register for such person’s lifetime.**

1 ***(e) Any nonresident worker shall register for the duration of***
2 ***such person's employment. The provisions of this subsection are in***
3 ***addition to subsections (a) and (b).***

4 ***(f) Any nonresident student shall register for the duration of***
5 ***such person's attendance at a school or educational institution as***
6 ***provided in this act. The provisions of this subsection are in addi-***
7 ***tion to subsections (a) and (b).***

8 ***(g) Notwithstanding any other provisions of this section, a per-***
9 ***son who is adjudicated as a juvenile offender for an act which if***
10 ***committed by an adult would constitute the commission of a sexu-***
11 ***ally violent crime set forth in subsection (c) of K.S.A. 22-4902, and***
12 ***amendments thereto, shall be required to register until such person***
13 ***reaches 18 years of age or, at the expiration of five years from the***
14 ***date of adjudication or, if confined, from release from confinement,***
15 ***whichever date occurs later. The five-year period shall not apply to***
16 ***any person while that person is incarcerated in any jail, juvenile facility***
17 ***or correctional facility. The five-year registration requirement does not***
18 ***include any time period when any person who is required to register***
19 ***under this act knowingly or willfully fails to comply with the registration***
20 ***requirement. Liability for registration does not terminate if the adjudi-***
21 ***cated offender again becomes liable to register as provided by this act***
22 ***during the required period.***

23 ***Sec. 3. K.S.A. 2004 Supp. 22-4909 is hereby amended to read***
24 ***as follows: 22-4909. (a) The statements or any other information***
25 ***required by this act shall be open to inspection by the public at the***
26 ***sheriff's office, at the headquarters of the Kansas bureau of inves-***
27 ***tigation and on any internet website sponsored or created by a sher-***
28 ***iff's department or the Kansas bureau of investigation that contains***
29 ***such statements or information, and specifically are subject to the***
30 ***provisions of the Kansas open records act, K.S.A. 45-215 et seq., and***
31 ***amendments thereto, except that the name, address, telephone num-***
32 ***ber, or any other information which specifically and individually***
33 ***identifies the victim of any offender required to register as provided***
34 ***in this act shall not be disclosed other than to law enforcement***
35 ***agencies.***

36 ***[(b) Any information posted on an internet website sponsored***
37 ***or created by a sheriff's office or the Kansas bureau of investigation***
38 ***shall be separated by the type of crime committed that requires the***
39 ***offender to register. Such website report shall clearly categorize***
40 ***and state whether the offender has committed a crime against per-***
41 ***sons, a sex offense, a crime affecting family relationships and chil-***
42 ***dren or any other type of crime.]***

43 ***~~(b)~~[(c)] The state department of education shall annually notify any***

1 school upon which is located a structure used by a unified school district
2 or an accredited nonpublic school for student instruction or attendance
3 or extracurricular activities of pupils enrolled in kindergarten or any
4 grades one through 12 of the Kansas bureau of investigation internet
5 website and any internet website containing information on the Kansas
6 offender registration sponsored or created by the sheriff of the county in
7 which the school is located for the purposes of locating offenders who
8 reside near such school.

9 ~~(e)~~ [(d)] The secretary of health and environment shall annually no-
10 tify any licensed child care facility of the Kansas bureau of investigation
11 internet website and any internet website containing information on the
12 Kansas offender registration sponsored or created by the sheriff of the
13 county in which the facility is located for the purposes of locating offend-
14 ers who reside near such facility.

15 ~~(d)~~ [(e)] Such notification required in subsections (b) and (c) shall
16 include information that the sheriff of the county where such school or
17 child care facility is located is available to the school and child care fa-
18 cilities to assist in using the registry and providing additional information
19 on the registered offenders.

20 Sec. ~~4~~ ~~5~~ **4**. K.S.A. 2004 Supp. 22-4902, **22-4906 and** 22-4909 ~~and~~
21 ~~22-4912~~ are hereby repealed.

22 Sec. ~~5~~ ~~6~~ **5**. This act shall take effect and be in force from and after
23 its publication in the statute book.