

## HOUSE BILL No. 2279

By Representative Morrison, Judy

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9 AN ACT concerning persons required to register pursuant to the Kansas  
10 offender registration act; amending K.S.A. 2006 Supp. 22-4902 and  
11 repealing the existing section.

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

14 Section 1. K.S.A. 2006 Supp. 22-4902 is hereby amended to read as  
15 follows: 22-4902. As used in this act, unless the context otherwise  
16 requires:

17 (a) "Offender" means: (1) A sex offender as defined in subsection (b);

18 (2) a violent offender as defined in subsection (d);

19 (3) a sexually violent predator as defined in subsection (f);

20 (4) any person who, on and after the effective date of this act, is  
21 convicted of any of the following crimes when the victim is less than 18  
22 years of age:

23 (A) Kidnapping as defined in K.S.A. 21-3420 and amendments  
24 thereto, except by a parent;

25 (B) aggravated kidnapping as defined in K.S.A. 21-3421 and amend-  
26 ments thereto; or

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

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

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

32 (B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-  
33 3505, and amendments thereto;

34 (C) promoting prostitution as defined by K.S.A. 21-3513, and amend-  
35 ments thereto;

36 (D) patronizing a prostitute as defined by K.S.A. 21-3515, and  
37 amendments thereto;

38 (E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and  
39 amendments thereto; or

40 (F) unlawful sexual relations as defined by K.S.A. 21-3520, and  
41 amendments thereto;

42 (6) any person who has been required to register under any federal,  
43 military or other state's law or is otherwise required to be registered;

- 1 (7) any person who, on or after July 1, 2006, is convicted of any person  
2 felony and the court makes a finding on the record that a deadly weapon  
3 was used in the commission of such person felony;
- 4 (8) any person who has been convicted of an offense in effect at any  
5 time prior to the effective date of this act, that is comparable to any crime  
6 defined in subsection (4), (5) ~~or~~, (7) *or* (10), or any federal, military or  
7 other state conviction for an offense that under the laws of this state would  
8 be an offense defined in subsection (4), (5) ~~or~~, (7) *or* (10); ~~or~~
- 9 (9) any person who has been convicted of an attempt, conspiracy or  
10 criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303  
11 and amendments thereto, of an offense defined in subsection (4), (5) or  
12 7; *or*
- 13 (10) *any person who has been convicted of: (A) Unlawful manufacture*  
14 *or attempting such of any controlled substance as defined by K.S.A. 65-*  
15 *4159, and amendments thereto; or*
- 16 (B) *possession of ephedrine, pseudoephedrine, red phosphorus, lith-*  
17 *ium metal, sodium metal, iodine, anhydrous ammonia, pressurized am-*  
18 *monia or phenylpropanolamine, or their salts, isomers or salts of isomers*  
19 *with intent to use the product to manufacture a controlled substance as*  
20 *defined by K.S.A. 65-7006, and amendments thereto.*
- 21 Convictions which result from or are connected with the same act, or  
22 result from crimes committed at the same time, shall be counted for the  
23 purpose of this section as one conviction. Any conviction set aside pur-  
24 suant to law is not a conviction for purposes of this section. A conviction  
25 from another state shall constitute a conviction for purposes of this  
26 section.
- 27 (b) “Sex offender” includes any person who, after the effective date  
28 of this act, is convicted of any sexually violent crime set forth in subsection  
29 (c) or is adjudicated as a juvenile offender for an act which if committed  
30 by an adult would constitute the commission of a sexually violent crime  
31 set forth in subsection (c).
- 32 (c) “Sexually violent crime” means:
- 33 (1) Rape as defined in K.S.A. 21-3502 and amendments thereto;
- 34 (2) indecent liberties with a child as defined in K.S.A. 21-3503 and  
35 amendments thereto;
- 36 (3) aggravated indecent liberties with a child as defined in K.S.A. 21-  
37 3504 and amendments thereto;
- 38 (4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of  
39 K.S.A. 21-3505 and amendments thereto;
- 40 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and  
41 amendments thereto;
- 42 (6) indecent solicitation of a child as defined by K.S.A. 21-3510 and  
43 amendments thereto;

- 1 (7) aggravated indecent solicitation of a child as defined by K.S.A.  
2 21-3511 and amendments thereto;
- 3 (8) sexual exploitation of a child as defined by K.S.A. 21-3516 and  
4 amendments thereto;
- 5 (9) sexual battery as defined by K.S.A. 21-3517 and amendments  
6 thereto;
- 7 (10) aggravated sexual battery as defined by K.S.A. 21-3518 and  
8 amendments thereto;
- 9 (11) aggravated incest as defined by K.S.A. 21-3603 and amendments  
10 thereto; or
- 11 (12) any conviction for an offense in effect at any time prior to the  
12 effective date of this act, that is comparable to a sexually violent crime as  
13 defined in subparagraphs (1) through (11), or any federal, military or  
14 other state conviction for an offense that under the laws of this state would  
15 be a sexually violent crime as defined in this section;
- 16 (13) an attempt, conspiracy or criminal solicitation, as defined in  
17 K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sex-  
18 ually violent crime, as defined in this section; or
- 19 (14) any act which at the time of sentencing for the offense has been  
20 determined beyond a reasonable doubt to have been sexually motivated.  
21 As used in this subparagraph, “sexually motivated” means that one of the  
22 purposes for which the defendant committed the crime was for the pur-  
23 pose of the defendant’s sexual gratification.
- 24 (d) “Violent offender” includes any person who, after the effective  
25 date of this act, is convicted of any of the following crimes:
- 26 (1) Capital murder as defined by K.S.A. 21-3439 and amendments  
27 thereto;
- 28 (2) murder in the first degree as defined by K.S.A. 21-3401 and  
29 amendments thereto;
- 30 (3) murder in the second degree as defined by K.S.A. 21-3402 and  
31 amendments thereto;
- 32 (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amend-  
33 ments thereto;
- 34 (5) involuntary manslaughter as defined by K.S.A. 21-3404 and  
35 amendments thereto; or
- 36 (6) any conviction for an offense in effect at any time prior to the  
37 effective date of this act, that is comparable to any crime defined in this  
38 subsection, or any federal, military or other state conviction for an offense  
39 that under the laws of this state would be an offense defined in this  
40 subsection; or
- 41 (7) an attempt, conspiracy or criminal solicitation, as defined in  
42 K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an of-  
43 fense defined in this subsection.

- 1 (e) “Law enforcement agency having jurisdiction” means the sheriff  
2 of the county in which the offender expects to reside upon the offender’s  
3 discharge, parole or release.
- 4 (f) “Sexually violent predator” means any person who, on or after July  
5 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-  
6 29a01 et seq. and amendments thereto.
- 7 (g) “Nonresident student or worker” includes any offender who  
8 crosses into the state or county for more than 14 days, or for an aggregate  
9 period exceeding 30 days in a calendar year, for the purposes of employ-  
10 ment, with or without compensation, or to attend school as a student.
- 11 (h) “Aggravated offenses” means engaging in sexual acts involving  
12 penetration with victims of any age through the use of force or the threat  
13 of serious violence, or engaging in sexual acts involving penetration with  
14 victims less than 14 years of age, and includes the following offenses:
- 15 (1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of  
16 K.S.A. 21-3502, and amendments thereto;
- 17 (2) aggravated criminal sodomy as defined in subsection (a)(1) and  
18 subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and
- 19 (3) any attempt, conspiracy or criminal solicitation, as defined in  
20 K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an of-  
21 fense defined in this subsection.
- 22 (i) “Institution of higher education” means any post-secondary school  
23 under the supervision of the Kansas board of regents.
- 24 Sec. 2. K.S.A. 2006 Supp. 22-4902 is hereby repealed.
- 25 Sec. 3. This act shall take effect and be in force from and after its  
26 publication in the statute book.