

SESSION OF 2005

**SECOND
CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2314**

As Agreed to April 29, 2005

Brief *

HB 2314 would change the Offender Registration Act, as follows:

- Clarification is made that the ten-year required registration period for a conviction of a sexually violent crime does not apply while the person is incarcerated. The ten-year registration requirement does not include any time in which the person who is required to register knowingly or wilfully fails to comply with the registration requirement.
- Liability for registration does not terminate if the convicted offender again becomes liable to register during that period.
- A juvenile offender adjudicated of a sexually violent offense is required to register under the Offender Registration Act until the offender reaches 18 years of age or after five years, if confined, from release of confinement. The five-year period also would not apply while the juvenile is incarcerated. The five-year period does not include any time period when the person required to register knowingly or wilfully fails to register. Liability for registration does not terminate if the adjudicated offender again becomes liable to register during the required period.
- The State Department of Education would be required to annually notify schools of the Kansas Bureau of Investigation's internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the school is located for the purposes of locating offenders who reside near the school.

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

- The Secretary of Health and Environment also would be required to annually notify any licensed child care facility of the Kansas Bureau of Investigation internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the facility is located for the purposes of locating offenders who reside near the facility.
- The notification requirement would include information that the sheriff of the county where the school or child care facility is located is available to the school and child care facilities to assist in using the registry and providing additional information on the registered offenders.
- The offender registration websites would be modified to clearly distinguish sex offenders from non sex offenders.

Conference Committee Action

The Conference Committee agreed to insert certain provisions of SB 117 into the bill. These provisions deal with the notice to schools and day care centers and the clear identification of the person who is required to register as either a sex offender or a non sex offender.

Background

HB 2314 as it passed the House dealt only with the issue of when the registration period would begin to run *i.e.*, after the offender was released from custody.

The Senate Committee amended the bill by adding provisions of SB 117 (with further modifications) dealing with the retroactive application of the registration requirement and the notice to schools and day care centers.

A conferee representing the Kansas Bureau of Investigation spoke in favor of the bill in the House Committee on Corrections and Juvenile Justice.

The Registration Act first applied to sex offenders on April 14, 1994 and to violent crime offenders on July 1, 1997.

The United States Supreme Court in *Smith et al v Doe et al*, 538 U.S. 84 (2003) upheld a retroactive application of the Alaska Sex Offenders Registration Act.

SB 117 was amended by the Senate Committee of the Whole to add a requirement that internet websites of sheriffs and the Kansas Bureau of Investigation separate sex offenders from offenders who have committed other crimes.

The fiscal note on the bill was not available.