

*CORRECTED*  
*SESSION OF 2006*

**SECOND CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 506**

As Agreed to May 4, 2006

**Brief\***

SB 506 would amend the law dealing with sex offenders and sex offenders registration as follows:

Restrictions on Location of Sex Predator Release Facilities

The bill would prohibit the location of transitional release or conditional release facilities for sexually violent predators within 2,000 feet of facilities where children are located.

Transitional facilities and conditional release facilities for violent sex predators would be required to comply with local zoning, building code and subdivision regulations.

Prohibition of Local Restrictions on Sex Offender Residence

The bill would prohibit cities and counties from adopting residential restrictions on sex offenders (e.g. no sex offender may reside within 2,000 feet of a school). This provision would expire on June 30, 2008.

Sex Offender Annual ID Cards

The bill would require the Division of Vehicles of the Kansas Department of Revenue to issue "readily distinguishable" drivers' licenses and identification cards to registered sex offenders on an annual basis.

The bill would require sheriffs, prison staff and others including the court to inform sex offenders of their responsibility to obtain an annual identification card or drivers' license.

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\*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>

### Periodic Reporting of Sex Offenders to Sheriff

The offender also would be required to report in person during the month of his or her birthday, and during the six months following, to the sheriff's office in the county where the offender resides for the purpose of updating information, including a photograph. On these occasions, the offender would be required to pay \$20 to the sheriff.

### Lifetime Registration

The bill would add the following crimes where the victim is less than 14 years of age requiring lifetime registration for the offender:

- Aggravated trafficking;
- Rape;
- Aggravated indecent liberties with a child;
- Aggravated criminal sodomy;
- Promoting prostitution; and
- Sexual exploitation of a child.

### Juvenile Sex Offender Registration

A juvenile offender adjudicated for sexually violent crimes and the crime is not an off grid felony or a severity level 1 felony, may be:

- Required to register by the court;
- Not be required to register by the court; or
- Be required to register with the sheriff but the registration information would not be subject to inspection by the public or posted on the Internet.

The juvenile subject to registration would be required to provide a copy of the court order making the registration non-public to the sheriff's office at registration. A copy of the judge's order would then be sent by the sheriff to the Kansas Bureau of Investigation.

### Registration Requirements For Crimes Committed with a Deadly Weapon-Miki's Law

The bill would add a new registration requirement for persons who commit person felonies when a court makes a finding that a deadly weapon was used enacted the so-called "Miki's Law".

### Registration Length—Offenders Who Move to Kansas

The bill would require a person convicted of a crime and required to register from another state who moves to Kansas to register according to that other state or Kansas, whichever registration length of time is longer.

### Sex Offender Policy Board-Studies Required

The Kansas Criminal Justice Coordinating Council would be required to establish a Sex Offender Policy Board. The Board would be charged to study public notification issues related to sex offenders, restrictions or residences, electronic monitoring and management of juvenile sex offenders.

The Board would be required to submit a report the first day of the 2007 Legislative Session. The Board would be required to study and submit a second report on the first day of the 2008 Legislative Session regarding treatment and supervision standards for sex offenders, suitability of lifetime release supervision and safety and education and prevention strategies.

The Board would consist of the following: Secretary of Corrections, the Commissioner of Juvenile Justice, the Secretary of Social and Rehabilitation Services, the Director of the Kansas Bureau of Investigation and the Chief Justice of the Supreme Court or the Chief Justice's designee and two persons appointed by the Criminal Justice Coordinating Council, one shall be a mental health service provider and the other shall be engaged in the provision of services involving child welfare or crime victims. The provision regarding the Board would expire on June 30, 2008.

### Conflicts Resolution

The bill would make a conflicts resolution to KSA 8-247.

### **Conference Committee Action**

The Conference Committee agreed to the House amendments to SB 506 with the following changes:

- A clarification regarding the procedure for registration of juvenile offenders when a judge determines the registration should not be made public;

- Resolve certain statutory conflicts; and
- Add registration requirements for offenders who commit a person felony while using a deadly weapon *i.e.* Miki's Law, which was contained in HB 2754.

## **Background**

SB 506 was supported by the Kansas Attorney General. Testimony also was offered by the Secretary of Corrections and a representative of the Kansas Department of Social and Rehabilitation Services.

The Senate Committee amended the bill to delete a provision prohibiting sex offenders from residing within 2,000 of facilities where children are located, added a prohibition against cities and counties imposing local restrictions on the residence of sex offenders and added the requirement that the Kansas Criminal Justice Coordinating Council appoint a Board to study sex offenders.

The Senate Committee of the Whole added the expiration provision (June 30, 2008) and the amendment permitting local regulations of sex offenders residency already in effect to continue.

The House Committee amended the bill as follows:

- Deleted the provision whereby local units of government could continue with residential restrictions on sex offenders that are already in effect;
- Added the requirement for sex offenders to report to the sheriff's office for updating purposes;
- Permitted the options regarding registration for juvenile offenders;
- Listed and defined the crimes that constitute the requirements for lifetime registration; and
- Added the provision regarding registration for sex offenders from another state.

The House Committee of the Whole amendments were technical and clarifying in nature.

The fiscal note on the original bill states that between \$75,000 and \$125,000 would be needed by the Department of Revenue to implement the annual driver's license and identification card provisions. Other fiscal effects of the bill cannot be determined.

HB 2754 was introduced by the House Committee on Federal and State Affairs. "Miki's law" is named for 19 year old Mikiala "Miki" Martinez who was found strangled and fatally shot after being abducted at gunpoint by two men in Great Bend, Kansas.

The proponent of the bill who testified at the hearing is Ms. Martinez's father. He brought a petition, signed by 3,000 individuals, supporting the passage of this bill. The opponent of the bill who testified at the hearing is a criminal defense attorney.