

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 506

As Amended by House Committee of the Whole

Brief*

SB 506 would do the following:

- 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;
- 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 offender also would be required to report in person during the month of their 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 pay \$20 to the sheriff;
- Define the specific crimes that would require registration for the offender's lifetime;
- Prohibit the location of transitional release or conditional release facilities for sexually violent predators to be located within 2,000 feet of facilities where children are located;
- Require the issue of restricting the location of residences of sex offenders and other issues related to sex offenders be studied by a group appointed by the Kansas Criminal Justice Coordinating Council;
- Permit a judge to have options regarding the registration of a juvenile offender under the Kansas Offender Registration Act for substantiated and compelling reasons;
- A juvenile offender adjudicated for sexually violent crimes and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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 such registration information would not be subject to inspection by the public or posted on the Internet.
- Require a person convicted and required to register from another state who moves to Kansas to register according to that other state or Kansas, whichever length of time is longer.

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 driver's license.

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

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. Of the 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.

Background

The bill 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.