

Testimony to the House Judiciary Committee

In Support of HB 2173

February 6, 2025

To: Rep. Susan Humphries, Chair of House Judiciary Committee

And Committee Members

From: Jana Burnside, Concerned Kansas Citizen

My husband, Joe Burnside, and I write to you today strongly advocating for, and offering support of, the passage of HB 2173. In our opinion, it is essential for this Committee to understand the detrimental effects the 2011 Amendments to the Kansas Offender Registration Act has had on certain individuals who were working diligently to rectify their past wrongs and who have demonstrated that they pose no additional risks to society.

After being convicted, yet completing their attainable sentencing guidelines, it is likely many were penalized further, as a result of additional retroactive years for offender registration being required by the K.S.A. 22-4901.

The Kansas Bureau of Investigation "Notice" that was sent to all Registered Offenders clearly states that the Kansas Offender Registration Act is a regulatory scheme that is civil and non-punitive, and therefore all provisions are retroactive and apply to offenders, regardless of when their underlying offense(s) occurred. However, it is difficult to understand how it is labeled as "non-punitive," considering its retroactive application of registration requirements, adding additional years that affect all offenders, regardless of the severity of their offenses or the likelihood of such persons committing future, similar crimes.

Please consider the negative ramifications that compliant offenders have had to face, (and still continue to face) as a result of implementing these long-lasting restrictions on their lives.

The following is a specific example:

A 22-year-old male is arrested of electronic solicitation in November 2007 and subsequently convicted a year later in November 2008. Following his conviction and sentencing, such individual fully complied with all applicable registration requirements and guidelines, without deviation. One of the requirements was to register as an offender three times per year for a 10 year period. Without the enactment of K.S.A. 22-4901, this individual would have completed all registration requirements in 2018, at the age of 33.

However, near the middle of the period during which such individual was required to register as an offender, the K.B.I., through the State of Kansas Offender Registration Act, notified him of

numerous backward-looking changes that would now apply to offenders required to register. The primary concern with these retroactive requirements was the additional length of time required for all offenders (even single instance ones) to register.

In this particular case, the young man's registration obligations were extended from 2018 to 2033. By the time he will have finished paying for a one-time crime he committed years earlier, he will have lost a generation due to the narrowed opportunities. Under these circumstances, and perhaps in many others throughout this state as well, these punitive registration requirements, universally applied, simply do not fit the crime.

Please also be aware of the real world and practical consequences that prolonged and disproportionate registration requirements have on individuals who otherwise are trying to lead improved lives. Referring to our example in particular, this individual was recently offered a new job with the company at which he is currently employed and has been with for over 11 years. This promotion, however, involved a move to a different city in Kansas. Following a three-month diligent search for a place to rent, with many family members and friends offering their assistance and "connections," he ultimately had to decline the advancement opportunity, due to his inability to secure a place to live. Housing application after application were denied due only to his "Registered Offender" status!

As concerned Kansans, we fully recognize the Committee's desire to protect society from offenders who would repeatedly put our State's citizens at risk, but it is simply a fallacy to believe that all persons required to register as offenders are alike and for some to warrant 25 years of registration requirements. We should all want to give a second chance to those who have demonstrated compliance and proven track records and who deserve an opportunity to file a verified petition for release from registration.

- We urge you again to support and vote in favor of HB 2173.
- If passed, please encourage the passage of this Bill in the Senate.
- Please discuss with other legislators the importance of HB 2173 becoming law.

We appreciate your time and sincere interest in improving our current laws!

Thank you,

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