

Session of 2025

HOUSE BILL No. 2173

By Committee on Judiciary

Requested by Representative Schreiber

1-30

1 AN ACT concerning the Kansas offender registration act; relating to relief
2 from registration requirements; authorizing certain offenders to petition
3 for such relief; amending K.S.A. 22-4908 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 22-4908 is hereby amended to read as follows: 22-
8 4908. (a) (1) Except as provided in subsection (b), a drug offender who is
9 required to register under the Kansas offender registration act may file a
10 verified petition for relief from registration requirements if the offender
11 has registered for a period of at least five years after the date of parole,
12 discharge or release, whichever date is most recent, or, if not confined, five
13 years from the date of conviction or adjudication.

14 (2) *Except as provided in subsection (b), an offender described in this*
15 *paragraph who is required to register under the Kansas offender*
16 *registration act may file a verified petition for relief from registration*
17 *requirements if the offender has registered for a period of at least 10 years*
18 *after the date of parole, discharge or release, whichever date is most*
19 *recent, or, if not confined, 10 years from the date of conviction or*
20 *adjudication:*

21 (A) *An offender who was convicted or adjudicated of an offense prior*
22 *to July 1, 2011, that, at the time of conviction or adjudication, did not*
23 *require such offender to register under the Kansas offender registration*
24 *act, but is required to register because of the retroactive application of*
25 *section 6 of chapter 95 of the 2011 Session Laws of Kansas; and*

26 (B) *an offender who was originally required to register under the*
27 *Kansas offender registration act for 10 years for an offense committed*
28 *prior to July 1, 2011, but is required to register for a longer period*
29 *because of the retroactive application of section 6 of chapter 95 of the*
30 *2011 Session Laws of Kansas.*

31 (b) An offender who is required to register pursuant to K.S.A. 22-
32 4906(k), and amendments thereto, because of an out-of-state conviction or
33 adjudication may not petition for relief from registration requirements in
34 this state if the offender would be required to register under the law of the
35 state or jurisdiction where the conviction or adjudication occurred. If the

(1) An offender who is required to register for a sexually violent crime as defined in K.S.A. 22-4902, and amendments thereto, may not petition for relief from registration requirements.

(2)

1 offender would no longer be required to register under the law of the state
2 or jurisdiction where the conviction or adjudication occurred, the offender
3 may file a verified petition pursuant to subsection (a).

4 (c) Any period of time during which an offender is incarcerated in
5 any jail or correctional facility or during which the offender does not
6 substantially comply with the requirements of the Kansas offender
7 registration act shall not count toward the duration of registration required
8 in subsection (a).

9 (d) (1) A verified petition for relief from registration requirements
10 shall be filed in the district court in the county where the offender was
11 convicted or adjudicated of the offense requiring registration. If the
12 offender was not convicted or adjudicated in this state of the offense
13 requiring registration, such petition shall be filed in the district court of
14 any county where the offender is currently required to register. The docket
15 fee shall be as provided in K.S.A. 60-2001, and amendments thereto.

16 (2) The petition shall include:

17 (A) The offender's full name;

18 (B) the offender's full name at the time of conviction or adjudication
19 for the offense or offenses requiring registration, if different than the
20 offender's current name;

21 (C) the offender's sex, race and date of birth;

22 (D) the offense or offenses requiring registration;

23 (E) the date of conviction or adjudication for the offense or offenses
24 requiring registration;

25 (F) the court in which the offender was convicted or adjudicated of
26 the offense or offenses requiring registration;

27 (G) whether the offender has been arrested, convicted, adjudicated or
28 entered into a diversion agreement for any crime during the period the
29 offender is required to register; and

30 (H) the names of all treatment providers and agencies that have
31 treated the offender for mental health, substance abuse and offense-related
32 behavior since the date of the offense or offenses requiring registration.

33 (3) The judicial council shall develop a petition form for use under
34 this section.

35 (4) When a petition is filed, the court shall set a date for a hearing on
36 such petition and cause notice of the hearing to be given to the county or
37 district attorney in the county where the petition is filed. Any person who
38 may have relevant information about the offender may testify at the
39 hearing.

40 (5) The county or district attorney shall notify any victim of the
41 offense requiring registration who is alive and whose address is known or,
42 if the victim is deceased, the victim's family if the family's address is
43 known. The victim or victim's family shall not be compelled to testify or

- 1 provide any discovery to the offender.
- 2 (6) The county or district attorney shall have access to all applicable
3 records, including records that are otherwise confidential or privileged.
- 4 (e) (1) The court may require a drug offender who is petitioning for
5 relief under this section to undergo a risk assessment.
- 6 (2) Any risk assessment ordered under this subsection shall be
7 performed by a professional agreed upon by the parties or a professional
8 approved by the court. Such risk assessment shall be performed at the
9 offender's expense.
- 10 (f) The court shall order relief from registration requirements if the
11 offender shows by clear and convincing evidence that:
- 12 (1) The offender has not been convicted or adjudicated of a felony,
13 other than a felony violation or aggravated felony violation of K.S.A. 22-
14 4903, and amendments thereto, within the five years immediately
15 preceding the filing of the petition, and no proceedings involving any such
16 felony are presently pending or being instituted against the offender;
- 17 (2) the offender's circumstances, behavior and treatment history
18 demonstrate that the offender is sufficiently rehabilitated to warrant relief;
19 and
- 20 (3) registration of the offender is no longer necessary to promote
21 public safety.
- 22 (g) If the court denies an offender's petition for relief, the offender
23 shall not file another petition for relief until three years have elapsed,
24 unless a shorter time period is ordered by the court.
- 25 (h) If the court grants relief from registration requirements, the court
26 shall order that the offender be removed from the offender registry and that
27 the offender is no longer required to comply with registration
28 requirements. Within 14 days of any order, the court shall notify the
29 Kansas bureau of investigation and any local law enforcement agency that
30 registers the offender that the offender has been granted relief from
31 registration requirements. The Kansas bureau of investigation shall remove
32 such offender from any internet website maintained pursuant to K.S.A. 22-
33 4909, and amendments thereto.
- 34 (i) An offender may combine a petition for relief under this section
35 with a petition for expungement under K.S.A. 21-6614, and amendments
36 thereto, if the offense requiring registration is otherwise eligible for
37 expungement.
- 38 Sec. 2. K.S.A. 22-4908 is hereby repealed.
- 39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the Kansas register.

22-4902. Definitions. As used in the Kansas offender registration act, unless the context otherwise requires:

(a) "Offender" means:

- (1) A sex offender;
- (2) a violent offender;
- (3) a drug offender;

(4) any person who has been required to register under out-of-state law or is otherwise required to be registered; and

(5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.

(b) "Sex offender" includes any person who:

(1) On or after April 14, 1994, is convicted of any sexually violent crime;

(2) on or after July 1, 2002, is adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(3) has been determined to be a sexually violent predator;

(4) on or after July 1, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:

(A) Adultery, as defined in K.S.A. [21-3507](#), prior to its repeal, or K.S.A. [21-5511](#), and amendments thereto;

(B) criminal sodomy, as defined in K.S.A. [21-3505](#)(a)(1), prior to its repeal, or K.S.A. [21-5504](#)(a)(1) or (a)(2), and amendments thereto;

(C) promoting prostitution, as defined in K.S.A. [21-3513](#), prior to its repeal, or K.S.A. [21-6420](#), prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

(D) patronizing a prostitute, as defined in K.S.A. [21-3515](#), prior to its repeal, or K.S.A. [21-6421](#), prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

(E) lewd and lascivious behavior, as defined in K.S.A. [21-3508](#), prior to its repeal, or K.S.A. [21-5513](#), and amendments thereto;

(5) is convicted of sexual battery, as defined in K.S.A. [21-3517](#), prior to its repeal, or K.S.A. [21-5505](#)(a), and amendments thereto;

(6) is convicted of sexual extortion, as defined in K.S.A. [21-5515](#), and amendments thereto;

(7) is convicted of breach of privacy, as defined in K.S.A. [21-6101](#)(a)(6), (a)(7) or (a)(8), and amendments thereto;

(8) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. [21-3301](#), [21-3302](#) or [21-3303](#), prior to their repeal, or K.S.A. [21-5301](#), [21-5302](#), [21-5303](#), and amendments thereto, of an offense defined in this subsection; or

(9) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out-of-state conviction for an offense that under the laws of this state would be an offense defined in this subsection.

(c) "Sexually violent crime" means:

(1) Rape, as defined in K.S.A. [21-3502](#), prior to its repeal, or K.S.A. [21-5503](#), and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. [21-3503](#), prior to its repeal, or K.S.A. [21-5506](#)(a), and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. [21-3504](#), prior to its repeal, or K.S.A. [21-5506](#)(b), and amendments thereto;

(4) criminal sodomy, as defined in K.S.A. [21-3505](#)(a)(2) or (a)(3), prior to its repeal, or K.S.A. [21-5504](#)(a)(3) or (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. [21-3506](#), prior to its repeal, or K.S.A. [21-5504](#)(b), and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. [21-3510](#), prior to its repeal, or K.S.A. [21-5508](#)(a), and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. [21-3511](#), prior to its repeal, or K.S.A. [21-5508](#)(b), and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. [21-3516](#), prior to its repeal, or K.S.A. [21-5510](#), and

amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. [21-3518](#), prior to its repeal, or K.S.A. [21-5505\(b\)](#), and amendments thereto;

(10) aggravated incest, as defined in K.S.A. [21-3603](#), prior to its repeal, or K.S.A. [21-5604\(b\)](#), and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. [21-3523](#), prior to its repeal, and K.S.A. [21-5509](#), and amendments thereto;

(12) unlawful sexual relations, as defined in K.S.A. [21-3520](#), prior to its repeal, or K.S.A. [21-5512](#), and amendments thereto;

(13) aggravated human trafficking, as defined in K.S.A. [21-3447](#), prior to its repeal, or K.S.A. [21-5426\(b\)](#), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(14) commercial sexual exploitation of a child, as defined in K.S.A. [21-6422](#), and amendments thereto;

(15) promoting the sale of sexual relations, as defined in K.S.A. [21-6420](#), and amendments thereto;

(16) internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. [21-5514](#), and amendments thereto;

(17) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out-of-state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

(18) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. [21-3301](#), [21-3302](#) or [21-3303](#), prior to their repeal, or K.S.A. [21-5301](#), [21-5302](#), [21-5303](#), and amendments thereto, of a sexually violent crime, as defined in this subsection; or

(19) any act that has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this paragraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. [59-29a01](#) et seq., and amendments thereto.

(e) "Violent offender" includes any person who:

(1) On or after July 1, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined in K.S.A. [21-3439](#), prior to its repeal, or K.S.A. [21-5401](#), and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. [21-3401](#), prior to its repeal, or K.S.A. [21-5402](#), and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. [21-3402](#), prior to its repeal, or K.S.A. [21-5403](#), and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. [21-3403](#), prior to its repeal, or K.S.A. [21-5404](#), and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. [21-3404](#), prior to its repeal, or K.S.A. [21-5405\(a\)\(1\)](#), (a)(2) or (a)(4), and amendments thereto. The provisions of this paragraph shall not apply to violations of K.S.A. [21-5405\(a\)\(3\)](#), and amendments thereto, that occurred on or after July 1, 2011, through July 1, 2013;

(F) kidnapping, as defined in K.S.A. [21-3420](#), prior to its repeal, or K.S.A. [21-5408\(a\)](#), and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. [21-3421](#), prior to its repeal, or K.S.A. [21-5408\(b\)](#), and amendments thereto;

(H) criminal restraint, as defined in K.S.A. [21-3424](#), prior to its repeal, or K.S.A. [21-5411](#), and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or

(I) aggravated human trafficking, as defined in K.S.A. [21-3447](#), prior to its repeal, or K.S.A. [21-5426\(b\)](#), and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;