

**HOUSE BILL No. 2272**

By Representatives Schreiber, Ballard, Carmichael, Osman, Sutton and Wasinger

2-5

1 AN ACT concerning crimes, punishment and criminal procedure;  
2 providing that no person shall be sentenced to death for crimes  
3 committed after July 1, 2025; creating the crime of aggravated murder;  
4 requiring a sentence of imprisonment for life without the possibility of  
5 parole therefor; clarifying laws related to sentences of imprisonment for  
6 life without the possibility of parole; amending K.S.A. 21-5301, 21-  
7 5402, 21-5419, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-  
8 6629, 21-6806, 22-2512, 22-4902, 22-4906, 23-3222, 38-2271, 38-  
9 2303, 38-2312, 38-2365, 72-2165 and 75-52,148 and K.S.A. 2024  
10 Supp. 21-6328, 22-3717, 38-2255, 39-970, 39-2009 and 65-5117 and  
11 repealing the existing sections; also repealing K.S.A. 21-5401, 21-6617  
12 and 21-6619; also repealing K.S.A. 2024 Supp. 39-2009a.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. (a) No person shall be sentenced to death for a crime  
16 committed on or after July 1, 2025.

17 (b) Any person who is sentenced to death for a crime committed prior  
18 to July 1, 2025, may be put to death pursuant to the provisions of article 40  
19 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

20 (c) This section shall be a part of and supplemental to the Kansas  
21 criminal code.

22 New Sec. 2. (a) Aggravated murder is the:

23 (1) Intentional and premeditated killing of any person in the  
24 commission of kidnapping, as defined in K.S.A. 21-5408, and  
25 amendments thereto, or aggravating kidnapping, as defined in K.S.A. 21-  
26 5408(b), and amendments thereto, when the kidnapping or aggravated  
27 kidnapping was committed with the intent to hold such person for ransom;

28 (2) intentional and premeditated killing of any person pursuant to a  
29 contract or agreement to kill such person or being a party to the contract or  
30 agreement pursuant to which such person is killed;

31 (3) intentional and premeditated killing of any person by an inmate or  
32 prisoner confined in a state correctional institution, community  
33 correctional institution or jail or while in the custody of an officer or  
34 employee of a state correctional institution, community correctional  
35 institution or jail;

36 (4) intentional and premeditated killing of the victim of one of the

1 following crimes in the commission of, or subsequent to, such crime:  
2 Rape, as defined in K.S.A. 21-5503, and amendments thereto, criminal  
3 sodomy, as defined in K.S.A. 21-5504(a)(3) or (a)(4), and amendments  
4 thereto, or aggravated criminal sodomy, as defined in K.S.A. 21-5504(b),  
5 and amendments thereto, or any attempt thereof, as defined in K.S.A. 21-  
6 5301, and amendments thereto;

7 (5) intentional and premeditated killing of a law enforcement officer;

8 (6) intentional and premeditated killing of more than one person as a  
9 part of the same act or transaction or in two or more acts or transactions  
10 connected together or constituting parts of a common scheme or course of  
11 conduct; or

12 (7) intentional and premeditated killing of a child under the age of 14  
13 in the commission of kidnapping, as defined in K.S.A. 21-5408(a), and  
14 amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-  
15 5408(b), and amendments thereto, when the kidnapping or aggravated  
16 kidnapping was committed with intent to commit a sex offense upon or  
17 with the child or with intent that the child commit or submit to a sex  
18 offense.

19 (b) For purposes of this section, "sex offense" means rape, as defined  
20 in K.S.A. 21-5503, and amendments thereto, aggravated indecent liberties  
21 with a child, as defined in K.S.A. 21-5506(b), and amendments thereto,  
22 aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and  
23 amendments thereto, selling sexual relations, as defined in K.S.A. 21-  
24 6419, and amendments thereto, promoting the sale of sexual relations, as  
25 defined in K.S.A. 21-6420, and amendments thereto, or sexual exploitation  
26 of a child, as defined in K.S.A. 21-5510, and amendments thereto.

27 (c) Notwithstanding K.S.A. 21-5109(b)(1) or (b)(2), and amendments  
28 thereto, when the same conduct of a defendant may establish the  
29 commission of aggravated murder and the commission of another crime  
30 under the laws of this state, the defendant may be prosecuted and  
31 sentenced for each of such crimes.

32 (d) Aggravated murder or an attempt to commit aggravated murder is  
33 an off-grid person felony.

34 (e) The provisions of K.S.A. 21-5301(c), and amendments thereto,  
35 shall not apply to a violation of attempting to commit the crime of  
36 aggravated murder pursuant to this section.

37 (f) This section shall be a part of and supplemental to the Kansas  
38 criminal code.

39 New Sec. 3. (a) When it is provided by law that a person shall be  
40 sentenced pursuant to this section, such person shall be sentenced to  
41 imprisonment for life without the possibility of parole. A defendant who is  
42 sentenced to imprisonment for life without the possibility of parole shall  
43 spend the remainder of the defendant's natural life incarcerated and in the

1 custody of the secretary of corrections. A defendant who is sentenced to  
2 imprisonment for life without the possibility of parole shall not be eligible  
3 for commutation of sentence, parole, probation, assignment to a  
4 community correctional services program, conditional release, postrelease  
5 supervision, functional incapacitation release pursuant to K.S.A. 22-3728,  
6 and amendments thereto, or suspension, modification or reduction of  
7 sentence. Upon sentencing a defendant to imprisonment for life without  
8 the possibility of parole, the court shall commit the defendant to the  
9 custody of the secretary of corrections and the court shall state in the  
10 sentencing order of the judgment form or journal entry, whichever is  
11 delivered with the defendant to the correctional institution, that the  
12 defendant has been sentenced to imprisonment for life without the  
13 possibility of parole.

14 (b) This section shall be a part of and supplemental to the Kansas  
15 criminal code.

16 Sec. 4. K.S.A. 21-5301 is hereby amended to read as follows: 21-  
17 5301. (a) An attempt is any overt act toward the perpetration of a crime  
18 done by a person who intends to commit such crime but fails in the  
19 perpetration thereof or is prevented or intercepted in executing such crime.

20 (b) It shall not be a defense to a charge of attempt that the  
21 circumstances under which the act was performed or the means employed  
22 or the act itself were such that the commission of the crime was not  
23 possible.

24 (c) (1) An attempt to commit an off-grid felony shall be ranked at  
25 nondrug severity level 1. An attempt to commit any other nondrug felony  
26 shall be ranked on the nondrug scale at two severity levels below the  
27 appropriate level for the underlying or completed crime. The lowest  
28 severity level for an attempt to commit a nondrug felony shall be a severity  
29 level 10.

30 (2) The provisions of this subsection shall not apply to a violation of  
31 attempting to commit the crime of:

32 (A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b),  
33 and amendments thereto, if the offender is 18 years of age or older and the  
34 victim is less than 14 years of age;

35 (B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

36 (C) illegal use of weapons of mass destruction, as defined in K.S.A.  
37 21-5422, and amendments thereto;

38 (D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments  
39 thereto, if the offender is 18 years of age or older;

40 (E) aggravated indecent liberties with a child, as defined in K.S.A.  
41 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age  
42 or older;

43 (F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1)

1 or (2), and amendments thereto, if the offender is 18 years of age or older;

2 (G) commercial sexual exploitation of a child, as defined in K.S.A.  
3 21-6422, and amendments thereto, if the offender is 18 years of age or  
4 older and the victim is less than 14 years of age;

5 (H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1)  
6 or (4), and amendments thereto, if the offender is 18 years of age or older  
7 and the child is less than 14 years of age;

8 (I) aggravated internet trading in child pornography, as defined in  
9 K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of  
10 age or older and the child is less than 14 years of age; or

11 (J) ~~capital murder, as defined in K.S.A. 21-5401~~ *aggravated murder,*  
12 *as defined in section 2,* and amendments thereto.

13 (d) (1) An attempt to commit a felony ~~which~~ *that* prescribes a  
14 sentence on the drug grid shall reduce the prison term prescribed in the  
15 drug grid block for an underlying or completed crime by six months.

16 (2) The provisions of this subsection shall not apply to a violation of  
17 attempting to commit a violation of K.S.A. 21-5703, and amendments  
18 thereto.

19 (e) An attempt to commit a class A person misdemeanor is a class B  
20 person misdemeanor. An attempt to commit a class A nonperson  
21 misdemeanor is a class B nonperson misdemeanor.

22 (f) An attempt to commit a class B or C misdemeanor is a class C  
23 misdemeanor.

24 Sec. 5. K.S.A. 21-5402 is hereby amended to read as follows: 21-  
25 5402. (a) Murder in the first degree is the killing of a human being  
26 committed:

27 (1) Intentionally, and with premeditation; or

28 (2) in the commission of, attempt to commit, or flight from any  
29 inherently dangerous felony.

30 (b) Murder in the first degree is an off-grid person felony.

31 (c) As used in this section, an "inherently dangerous felony" means:

32 (1) Any of the following felonies, whether such felony is so distinct  
33 from the homicide alleged to be a violation of subsection (a)(2) as not to  
34 be an ingredient of the homicide alleged to be a violation of subsection (a)  
35 (2):

36 (A) Kidnapping, as defined in K.S.A. 21-5408(a), and amendments  
37 thereto;

38 (B) aggravated kidnapping, as defined in K.S.A. 21-5408(b), and  
39 amendments thereto;

40 (C) robbery, as defined in K.S.A. 21-5420(a), and amendments  
41 thereto;

42 (D) aggravated robbery, as defined in K.S.A. 21-5420(b), and  
43 amendments thereto;

- 1 (E) rape, as defined in K.S.A. 21-5503, and amendments thereto;
- 2 (F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b),  
3 and amendments thereto;
- 4 (G) abuse of a child, as defined in K.S.A. 21-5602, and amendments  
5 thereto;
- 6 (H) felony theft of property, as defined in K.S.A. 21-5801(a)(1) or (a)  
7 (3), and amendments thereto;
- 8 (I) burglary, as defined in K.S.A. 21-5807(a), and amendments  
9 thereto;
- 10 (J) aggravated burglary, as defined in K.S.A. 21-5807(b), and  
11 amendments thereto;
- 12 (K) arson, as defined in K.S.A. 21-5812(a), and amendments thereto;
- 13 (L) aggravated arson, as defined in K.S.A. 21-5812(b), and  
14 amendments thereto;
- 15 (M) treason, as defined in K.S.A. 21-5901, and amendments thereto;
- 16 (N) any felony offense as provided in K.S.A. 21-5703, 21-5705 or  
17 21-5706, and amendments thereto;
- 18 (O) any felony offense as provided in K.S.A. 21-6308(a) or (b), and  
19 amendments thereto;
- 20 (P) endangering the food supply, as defined in K.S.A. 21-6317(a),  
21 and amendments thereto;
- 22 (Q) aggravated endangering the food supply, as defined in K.S.A. 21-  
23 6317(b), and amendments thereto;
- 24 (R) fleeing or attempting to elude a police officer, as defined in  
25 K.S.A. 8-1568(b), and amendments thereto;
- 26 (S) aggravated endangering a child, as defined in K.S.A. 21-5601(b)  
27 (1), and amendments thereto;
- 28 (T) abandonment of a child, as defined in K.S.A. 21-5605(a), and  
29 amendments thereto;
- 30 (U) aggravated abandonment of a child, as defined in K.S.A. 21-  
31 5605(b), and amendments thereto; or
- 32 (V) mistreatment of a dependent adult or mistreatment of an elder  
33 person, as defined in K.S.A. 21-5417, and amendments thereto; and
- 34 (2) any of the following felonies, only when such felony is so distinct  
35 from the homicide alleged to be a violation of subsection (a)(2) as to not  
36 be an ingredient of the homicide alleged to be a violation of subsection (a)  
37 (2):
- 38 (A) Murder in the first degree, as defined in subsection (a)(1);
- 39 (B) murder in the second degree, as defined in K.S.A. 21-5403(a)(1),  
40 and amendments thereto;
- 41 (C) voluntary manslaughter, as defined in K.S.A. 21-5404(a)(1), and  
42 amendments thereto;
- 43 (D) aggravated assault, as defined in K.S.A. 21-5412(b), and

1 amendments thereto;

2 (E) aggravated assault of a law enforcement officer, as defined in  
3 K.S.A. 21-5412(d), and amendments thereto;

4 (F) aggravated battery, as defined in K.S.A. 21-5413(b)(1), and  
5 amendments thereto; or

6 (G) aggravated battery against a law enforcement officer, as defined  
7 in K.S.A. 21-5413(d), and amendments thereto.

8 (d) Murder in the first degree as defined in subsection (a)(2) is an  
9 alternative method of proving murder in the first degree and is not a  
10 separate crime from murder in the first degree as defined in subsection (a)  
11 (1). The provisions of K.S.A. 21-5109, and amendments thereto, are not  
12 applicable to murder in the first degree as defined in subsection (a)(2).  
13 Murder in the first degree as defined in subsection (a)(2) is not a lesser  
14 included offense of murder in the first degree as defined in subsection (a)  
15 (1), and is not a lesser included offense of ~~capital~~ *aggravated* murder as  
16 defined in K.S.A. 21-5401, and amendments thereto. As set forth in  
17 ~~subsection (b) of~~ K.S.A. 21-5109(b), and amendments thereto, there are no  
18 lesser included offenses of murder in the first degree under subsection (a)  
19 (2).

20 (e) The amendments to this section by chapter 96 of the 2013 Session  
21 Laws of Kansas establish a procedural rule for the conduct of criminal  
22 prosecutions and shall be construed and applied retroactively to all cases  
23 currently pending.

24 Sec. 6. K.S.A. 21-5419 is hereby amended to read as follows: 21-  
25 5419. (a) As used in this section:

26 (1) "Abortion" means an abortion as defined by K.S.A. 65-6701, and  
27 amendments thereto; and

28 (2) "unborn child" means a living individual organism of the species  
29 homo sapiens, in utero, at any stage of gestation from fertilization to birth.

30 (b) This section shall not apply to:

31 (1) Any act committed by the mother of the unborn child;

32 (2) any medical procedure, including abortion, performed by a  
33 physician or other licensed medical professional at the request of the  
34 pregnant woman or her legal guardian; or

35 (3) the lawful dispensation or administration of lawfully prescribed  
36 medication.

37 (c) As used in K.S.A. ~~21-5401~~, 21-5402, 21-5403, 21-5404, 21-5405,  
38 21-5406 ~~and subsections (a) and (b) of~~, 21-5413(a) and (b) and section 2,  
39 and amendments thereto, "person" and "human being" also mean an  
40 unborn child.

41 (d) This section shall be known as Alexa's law.

42 Sec. 7. K.S.A. 2024 Supp. 21-6328 is hereby amended to read as  
43 follows: 21-6328. As used in the Kansas racketeer influenced and corrupt

1 organization act:

2 (a) (1) "Beneficial interest" means the interest of a person:

3 (A) As a beneficiary under any trust arrangement pursuant to which a  
4 trustee holds legal or record title to real property for the benefit of such  
5 person; or

6 (B) under any other form of express fiduciary arrangement pursuant  
7 to which any other person holds legal or record title to real property for the  
8 benefit of such person.

9 (2) The term "beneficial interest" does not include the interest of a  
10 stock holder in a corporation or the interest of a partner in either a general  
11 partnership or a limited partnership. A beneficial interest shall be deemed  
12 to be located where the real property owned by the trustee is located.

13 (b) "Covered person" means any person who:

14 (1) Is a criminal street gang member or criminal street gang associate,  
15 as defined in K.S.A. 21-6313, and amendments thereto;

16 (2) has engaged in or is engaging in any conduct prohibited by K.S.A.  
17 21-5426, and amendments thereto, human trafficking or aggravated human  
18 trafficking, or K.S.A. 21-6422, and amendments thereto, commercial  
19 sexual exploitation of a child;

20 (3) has engaged in or is engaging in any conduct prohibited by K.S.A.  
21 21-5703, and amendments thereto, unlawful manufacturing of controlled  
22 substances, or K.S.A. 21-5705, and amendments thereto, unlawful  
23 cultivation or distribution of controlled substances; or

24 (4) has engaged in or is engaging in any conduct prohibited by K.S.A.  
25 21-6107, and amendments thereto, identity theft or identity fraud.

26 (c) "Documentary material" means any book, paper, document,  
27 writing, drawing, graph, chart, photograph, phonorecord, magnetic tape,  
28 computer printout, other data compilation from which information can be  
29 obtained or from which information can be translated into usable form, or  
30 other tangible item.

31 (d) "Enterprise" means any individual, sole proprietorship,  
32 partnership, corporation, business trust, union chartered under the laws of  
33 this state, or other legal entity, or any unchartered union, association, or  
34 group of individuals associated in fact although not a legal entity; and it  
35 includes illicit as well as licit enterprises and governmental, as well as  
36 other, entities. A criminal street gang, as defined in K.S.A. 21-6313, and  
37 amendments thereto, constitutes an enterprise.

38 (e) "Pattern of racketeering activity" means engaging in at least two  
39 incidents of racketeering activity that have the same or similar intents,  
40 results, accomplices, victims or methods of commission or that otherwise  
41 are interrelated by distinguishing characteristics and are not isolated  
42 incidents, provided at least one of such incidents occurred after the  
43 effective date of this act and that the last of such incidents occurred within

1 five years, excluding any period of imprisonment, after a prior incident of  
2 racketeering activity.

3 (f) "Racketeering activity" means to commit, attempt to commit,  
4 conspire to commit or to solicit, coerce or intimidate another person to  
5 commit any:

6 (1) Felony or misdemeanor violation of: The felony provisions of  
7 K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a  
8 police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas  
9 money transmitter act; article 12a of chapter 17 of the Kansas Statutes  
10 Annotated, and amendments thereto, Kansas uniform securities act; ~~K.S.A.~~  
11 ~~21-5401~~ *section 2*, and amendments thereto, ~~capital~~ *aggravated* murder;  
12 K.S.A. 21-5402, and amendments thereto, murder in the first degree;  
13 K.S.A. 21-5403, and amendments thereto, murder in the second degree;  
14 K.S.A. 21-5408, and amendments thereto, kidnapping or aggravated  
15 kidnapping; K.S.A. 21-5412, and amendments thereto; K.S.A. 21-5413,  
16 and amendments thereto; K.S.A. 21-5414, and amendments thereto,  
17 domestic battery; K.S.A. 21-5415, and amendments thereto, criminal  
18 threat or aggravated criminal threat; K.S.A. 21-5420, and amendments  
19 thereto, robbery or aggravated robbery; K.S.A. 21-5421, and amendments  
20 thereto, terrorism; K.S.A. 21-5422, and amendments thereto, illegal use of  
21 weapons of mass destruction; K.S.A. 21-5423, and amendments thereto;  
22 K.S.A. 21-5426, and amendments thereto, human trafficking or aggravated  
23 human trafficking; K.S.A. 21-5428, and amendments thereto, blackmail;  
24 K.S.A. 21-5510, and amendments thereto, sexual exploitation of a child;  
25 K.S. 21-5601, and amendments thereto, endangering a child or aggravated  
26 endangering a child; K.S.A. 21-5602, and amendments thereto, abuse of a  
27 child; K.S.A. 21-5603, and amendments thereto, contributing to a child's  
28 misconduct or deprivation; K.S.A. 21-5607(b), and amendments thereto,  
29 furnishing alcoholic beverages to a minor for illicit purposes; article 57 of  
30 chapter 21 of the Kansas Statutes Annotated, and amendments thereto,  
31 crimes involving controlled substances; K.S.A. 21-5801, and amendments  
32 thereto, theft; K.S.A. 21-5803, and amendments thereto, criminal  
33 deprivation of property; K.S.A. 21-5805, and amendments thereto; K.S.A.  
34 21-5807, and amendments thereto, burglary or aggravated burglary;  
35 K.S.A. 21-5812, and amendments thereto, arson or aggravated arson;  
36 K.S.A. 21-5813, and amendments thereto, criminal damage to property;  
37 K.S.A. 21-5814, and amendments thereto, criminal use of an explosive;  
38 K.S.A. 21-5821, and amendments thereto, giving a worthless check;  
39 K.S.A. 21-5823, and amendments thereto, forgery; K.S.A. 21-5824, and  
40 amendments thereto, making false information; K.S.A. 21-5825, and  
41 amendments thereto, counterfeiting; K.S.A. 21-5826, and amendments  
42 thereto, destroying written instrument; K.S.A. 21-5828, and amendments  
43 thereto, criminal use of a financial card; K.S.A. 21-5838, and amendments



1 thereto, conducting a pyramid promotional scheme; K.S.A. 21-5839, and  
2 amendments thereto; K.S.A. 2024 Supp. 21-5841, and amendments  
3 thereto, organized retail crime; K.S.A. 21-5903, and amendments thereto,  
4 perjury; K.S.A. 21-5904, and amendments thereto, interference with law  
5 enforcement; K.S.A. 21-5905, and amendments thereto, interference with  
6 the judicial process; K.S.A. 21-5909, and amendments thereto,  
7 intimidation of a witness or victim or aggravated intimidation of a witness  
8 or victim; K.S.A. 21-5912, and amendments thereto, aiding escape; K.S.A.  
9 21-5913, and amendments thereto, obstructing apprehension or  
10 prosecution; K.S.A. 21-5918, and amendments thereto; K.S.A. 21-6001,  
11 and amendments thereto, bribery; K.S.A. 21-6002, and amendments  
12 thereto, official misconduct; K.S.A. 21-6107, and amendments thereto,  
13 identity theft or identity fraud; K.S.A. 21-6301, and amendments thereto,  
14 criminal use of weapons; K.S.A. 21-6302, and amendments thereto,  
15 criminal carrying of a weapon; K.S.A. 21-6303, and amendments thereto,  
16 criminal distribution of firearms to a felon; K.S.A. 21-6304, and  
17 amendments thereto, criminal possession of a weapon by a convicted  
18 felon; K.S.A. 21-6305, and amendments thereto, aggravated weapons  
19 violation by a convicted felon; K.S.A. 21-6306, and amendments thereto,  
20 defacing identification marks of a firearm; K.S.A. 21-6308, and  
21 amendments thereto, criminal discharge of a firearm; K.S.A. 21-6310, and  
22 amendments thereto, unlawful endangerment; K.S.A. 21-6312, and  
23 amendments thereto; K.S.A. 21-6314, and amendments thereto, recruiting  
24 criminal street gang membership; K.S.A. 21-6315, and amendments  
25 thereto, criminal street gang intimidation; K.S.A. 21-6401, and  
26 amendments thereto, promoting obscenity or promoting obscenity to  
27 minors; K.S.A. 21-6404, and amendments thereto, gambling; K.S.A. 21-  
28 6405, and amendments thereto, illegal bingo operation; K.S.A. 21-6406,  
29 and amendments thereto, commercial gambling; K.S.A. 21-6407, and  
30 amendments thereto, dealing in gambling devices; K.S.A. 21-6408, and  
31 amendments thereto; K.S.A. 21-6409, and amendments thereto, installing  
32 communication facilities for gamblers; K.S.A. 21-6414(a) or (b), and  
33 amendments thereto, unlawful conduct of dog fighting or unlawful  
34 possession of dog fighting paraphernalia; K.S.A. 21-6417(a) or (b), and  
35 amendments thereto, unlawful conduct of cockfighting or unlawful  
36 possession of cockfighting paraphernalia; K.S.A. 21-6419, and  
37 amendments thereto, selling sexual relations; K.S.A. 21-6420, and  
38 amendments thereto, promoting the sale of sexual relations; K.S.A. 21-  
39 6422, and amendments thereto, commercial sexual exploitation of a child;  
40 K.S.A. 21-6501, and amendments thereto, extortion; K.S.A. 21-6502, and  
41 amendments thereto, debt adjusting; K.S.A. 21-6504, and amendments  
42 thereto, equity skimming; K.S.A. 21-6506, and amendments thereto,  
43 commercial bribery; K.S.A. 21-6507, and amendments thereto, sports

1 bribery; K.S.A. 21-6508, and amendments thereto, tampering with a sports  
2 contest; K.S.A. 39-720, and amendments thereto, social welfare service  
3 fraud; K.S.A. 40-2,118, and amendments thereto, fraudulent insurance  
4 acts; K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor  
5 control act; K.S.A. 44-5,125, and amendments thereto, workers'  
6 compensation act; K.S.A. 65-1657, and amendments thereto, nonresident  
7 pharmacy registration; K.S.A. 65-3441, and amendments thereto,  
8 hazardous waste; K.S.A. 65-4167, and amendments thereto, trafficking in  
9 counterfeit drugs; article 88 of chapter 74 of the Kansas Statutes  
10 Annotated, and amendments thereto, Kansas parimutuel racing act; or  
11 K.S.A. 79-3321, and amendments thereto, Kansas cigarette and tobacco  
12 products act; or

13 (2) conduct defined as "racketeering activity" under 18 U.S.C. §  
14 1961(1).

15 (g) "Real property" means any real property or any interest in such  
16 real property, including, but not limited to, any lease of or mortgage upon  
17 such real property.

18 (h) (1) "Trustee" means any:

19 (A) Person acting as trustee pursuant to a trust in which the trustee  
20 holds legal or record title to real property;

21 (B) person who holds legal or record title to real property in which  
22 any other person has a beneficial interest; or

23 (C) successor trustee or trustees to any or all of the foregoing persons.

24 (2) The term "trustee" does not include any person appointed or  
25 acting as a personal representative as defined in K.S.A. 59-102, and  
26 amendments thereto, or appointed or acting as a trustee of any  
27 testamentary trust or as a trustee of any indenture of trust under which any  
28 bonds have been or are to be issued.

29 (i) "Unlawful debt" means any money or other thing of value  
30 constituting principal or interest of a debt that is legally unenforceable in  
31 this state in whole or in part because the debt was incurred or contracted  
32 in:

33 (1) Violation of any of the following provisions of law: Article 88 of  
34 chapter 74 of the Kansas Statutes Annotated, and amendments thereto,  
35 Kansas parimutuel racing act; K.S.A. 21-6404, and amendments thereto,  
36 gambling; K.S.A. 21-6405, and amendments thereto, illegal bingo  
37 operation; K.S.A. 21-6406, and amendments thereto, commercial  
38 gambling; K.S.A. 21-6407, and amendments thereto, dealing in gambling  
39 devices; K.S.A. 21-6408, and amendments thereto, unlawful possession of  
40 a gambling device; or K.S.A. 21-6409, and amendments thereto, installing  
41 communication facilities for gamblers; or

42 (2) gambling activity in violation of federal law or in the business of  
43 lending money at a rate usurious under state or federal law.

1       Sec. 8. K.S.A. 21-6614 is hereby amended to read as follows: 21-  
2 6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any  
3 person convicted in this state of a traffic infraction, cigarette or tobacco  
4 infraction, misdemeanor or a class D or E felony, or for crimes committed  
5 on or after July 1, 1993, any nongrid felony or felony ranked in severity  
6 levels 6 through 10 of the nondrug grid, or for crimes committed on or  
7 after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity  
8 level 4 of the drug grid, or for crimes committed on or after July 1, 2012,  
9 any felony ranked in severity level 5 of the drug grid may petition the  
10 convicting court for the expungement of such conviction or related arrest  
11 records if three or more years have elapsed since the person: (A) Satisfied  
12 the sentence imposed; or (B) was discharged from probation, a community  
13 correctional services program, parole, postrelease supervision, conditional  
14 release or a suspended sentence.

15       (2) Except as provided in subsections (b), (c), (d), (e) and (f), any  
16 person who has fulfilled the terms of a diversion agreement may petition  
17 the district court for the expungement of such diversion agreement and  
18 related arrest records if three or more years have elapsed since the terms of  
19 the diversion agreement were fulfilled.

20       (3) Notwithstanding the provisions of subsection (a)(1), and except as  
21 provided in subsections (b), (c), (d), (e) and (f), any person who has  
22 completed the requirements of a specialty court program established  
23 pursuant to K.S.A. 20-173, and amendments thereto, may petition the  
24 district court for the expungement of the conviction and related arrest  
25 records. The court may waive all or part of the docket fee imposed for  
26 filing a petition pursuant to this subsection.

27       (b) Any person convicted of prostitution, as defined in K.S.A. 21-  
28 3512, prior to its repeal, convicted of a violation of K.S.A. 21-6419, and  
29 amendments thereto, or who entered into a diversion agreement in lieu of  
30 further criminal proceedings for such violation, may petition the  
31 convicting court for the expungement of such conviction or diversion  
32 agreement and related arrest records if:

33       (1) One or more years have elapsed since the person satisfied the  
34 sentence imposed or the terms of a diversion agreement or was discharged  
35 from probation, a community correctional services program, parole,  
36 postrelease supervision, conditional release or a suspended sentence; and

37       (2) such person can prove they were acting under coercion caused by  
38 the act of another. For purposes of this subsection, "coercion" means:  
39 Threats of harm or physical restraint against any person; a scheme, plan or  
40 pattern intended to cause a person to believe that failure to perform an act  
41 would result in bodily harm or physical restraint against any person; or the  
42 abuse or threatened abuse of the legal process.

43       (c) Except as provided in subsections (e) and (f), no person may

1 petition for expungement until five or more years have elapsed since the  
2 person satisfied the sentence imposed or the terms of a diversion  
3 agreement or was discharged from probation, a community correctional  
4 services program, parole, postrelease supervision, conditional release or a  
5 suspended sentence, if such person was convicted of a class A, B or C  
6 felony, or for crimes committed on or after July 1, 1993, if convicted of an  
7 off-grid felony or any felony ranked in severity levels 1 through 5 of the  
8 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to  
9 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug  
10 grid, or for crimes committed on or after July 1, 2012, any felony ranked  
11 in severity levels 1 through 4 of the drug grid, or:

12 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its  
13 repeal, or K.S.A. 21-5406, and amendments thereto, or as prohibited by  
14 any law of another state that is in substantial conformity with that statute;

15 (2) driving while the privilege to operate a motor vehicle on the  
16 public highways of this state has been canceled, suspended or revoked, as  
17 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by  
18 any law of another state that is in substantial conformity with that statute;

19 (3) perjury resulting from a violation of K.S.A. 8-261a, and  
20 amendments thereto, or resulting from the violation of a law of another  
21 state that is in substantial conformity with that statute;

22 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments  
23 thereto, relating to fraudulent applications or violating the provisions of a  
24 law of another state that is in substantial conformity with that statute;

25 (5) any crime punishable as a felony wherein a motor vehicle was  
26 used in the perpetration of such crime;

27 (6) failing to stop at the scene of an accident and perform the duties  
28 required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604,  
29 and amendments thereto, or required by a law of another state that is in  
30 substantial conformity with those statutes;

31 (7) violating the provisions of K.S.A. 40-3104, and amendments  
32 thereto, relating to motor vehicle liability insurance coverage; or

33 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

34 (d) (1) No person may petition for expungement until five or more  
35 years have elapsed since the person satisfied the sentence imposed or the  
36 terms of a diversion agreement or was discharged from probation, a  
37 community correctional services program, parole, postrelease supervision,  
38 conditional release or a suspended sentence, if such person was convicted  
39 of a first violation of K.S.A. 8-1567, and amendments thereto, including  
40 any diversion for such violation.

41 (2) No person may petition for expungement until 10 or more years  
42 have elapsed since the person satisfied the sentence imposed or was  
43 discharged from probation, a community correctional services program,

1 parole, postrelease supervision, conditional release or a suspended  
 2 sentence, if such person was convicted of a second or subsequent violation  
 3 of K.S.A. 8-1567, and amendments thereto.

4 (3) Except as provided further, the provisions of this subsection shall  
 5 apply to all violations committed on or after July 1, 2006. The provisions  
 6 of subsection (d)(2) shall not apply to violations committed on or after  
 7 July 1, 2014, but prior to July 1, 2015.

8 (e) There shall be no expungement of convictions for the following  
 9 offenses or of convictions for an attempt to commit any of the following  
 10 offenses:

11 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
 12 21-5503, and amendments thereto;

13 (2) indecent liberties with a child or aggravated indecent liberties  
 14 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,  
 15 or K.S.A. 21-5506, and amendments thereto;

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

19 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
 20 to its repeal, or K.S.A. 21-5504, and amendments thereto;

21 (5) indecent solicitation of a child or aggravated indecent solicitation  
 22 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,  
 23 or K.S.A. 21-5508, and amendments thereto;

24 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
 25 to its repeal, or K.S.A. 21-5510, and amendments thereto;

26 (7) internet trading in child pornography or aggravated internet  
 27 trading in child pornography, as defined in K.S.A. 21-5514, and  
 28 amendments thereto;

29 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
 30 repeal, or K.S.A. 21-5604, and amendments thereto;

31 (9) endangering a child or aggravated endangering a child, as defined  
 32 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 21-5601,  
 33 and amendments thereto;

34 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,  
 35 or K.S.A. 21-5602, and amendments thereto;

36 (11) capital murder, as defined in K.S.A. 21-3439 *or 21-5401*, prior to  
 37 ~~its~~ *their* repeal, ~~or K.S.A. 21-5401~~;

38 (12) *aggravated murder, as defined in section 2*, and amendments  
 39 thereto;

40 ~~(12)~~(13) murder in the first degree, as defined in K.S.A. 21-3401,  
 41 prior to its repeal, or K.S.A. 21-5402, and amendments thereto;

42 ~~(13)~~(14) murder in the second degree, as defined in K.S.A. 21-3402,  
 43 prior to its repeal, or K.S.A. 21-5403, and amendments thereto;

1       ~~(14)~~(15) voluntary manslaughter, as defined in K.S.A. 21-3403, prior  
2 to its repeal, or K.S.A. 21-5404, and amendments thereto;

3       ~~(15)~~(16) involuntary manslaughter, as defined in K.S.A. 21-3404,  
4 prior to its repeal, or K.S.A. 21-5405, and amendments thereto;

5       ~~(16)~~(17) sexual battery, as defined in K.S.A. 21-3517, prior to its  
6 repeal, or K.S.A. 21-5505, and amendments thereto, when the victim was  
7 less than 18 years of age at the time the crime was committed;

8       ~~(17)~~(18) aggravated sexual battery, as defined in K.S.A. 21-3518,  
9 prior to its repeal, or K.S.A. 21-5505, and amendments thereto;

10       ~~(18)~~(19) a violation of K.S.A. 8-2,144, and amendments thereto,  
11 including any diversion for such violation; or

12       ~~(19)~~(20) any conviction for any offense in effect at any time prior to  
13 July 1, 2011, that is comparable to any offense as provided in this  
14 subsection.

15       (f) Except as provided in K.S.A. 22-4908, and amendments thereto,  
16 for any offender who is required to register as provided in the Kansas  
17 offender registration act, K.S.A. 22-4901 et seq., and amendments thereto,  
18 there shall be no expungement of any conviction or any part of the  
19 offender's criminal record while the offender is required to register as  
20 provided in the Kansas offender registration act.

21       (g) (1) When a petition for expungement is filed, the court shall set a  
22 date for a hearing of such petition and shall cause notice of such hearing to  
23 be given to the prosecutor and the arresting law enforcement agency. The  
24 petition shall state the:

25       (A) Defendant's full name;

26       (B) full name of the defendant at the time of arrest, conviction or  
27 diversion, if different than the defendant's current name;

28       (C) defendant's sex, race and date of birth;

29       (D) crime for which the defendant was arrested, convicted or  
30 diverted;

31       (E) date of the defendant's arrest, conviction or diversion; and

32       (F) identity of the convicting court, arresting law enforcement  
33 authority or diverting authority.

34       (2) Except as otherwise provided by law, a petition for expungement  
35 shall be accompanied by a docket fee in the amount of \$176. On and after  
36 July 1, 2019, through June 30, 2025, the supreme court may impose a  
37 charge, not to exceed \$19 per case, to fund the costs of non-judicial  
38 personnel. The charge established in this section shall be the only fee  
39 collected or moneys in the nature of a fee collected for the case. Such  
40 charge shall only be established by an act of the legislature and no other  
41 authority is established by law or otherwise to collect a fee.

42       (3) All petitions for expungement shall be docketed in the original  
43 criminal action. Any person who may have relevant information about the

1 petitioner may testify at the hearing. The court may inquire into the  
2 background of the petitioner and shall have access to any reports or  
3 records relating to the petitioner that are on file with the secretary of  
4 corrections or the prisoner review board.

5 (h) At the hearing on the petition, the court shall order the petitioner's  
6 arrest record, conviction or diversion expunged if the court finds that:

7 (1) (A) The petitioner has not been convicted of a felony in the past  
8 two years and no proceeding involving any such crime is presently  
9 pending or being instituted against the petitioner if the petition is filed  
10 under subsection (a)(1) or (a)(2); or

11 (B) no proceeding involving a felony is presently pending or being  
12 instituted against the petitioner if the petition is filed under subsection (a)  
13 (3);

14 (2) the circumstances and behavior of the petitioner warrant the  
15 expungement;

16 (3) the expungement is consistent with the public welfare; and

17 (4) with respect to petitions seeking expungement of a felony  
18 conviction, possession of a firearm by the petitioner is not likely to pose a  
19 threat to the safety of the public.

20 (i) When the court has ordered an arrest record, conviction or  
21 diversion expunged, the order of expungement shall state the information  
22 required to be contained in the petition. The clerk of the court shall send a  
23 certified copy of the order of expungement to the Kansas bureau of  
24 investigation that shall notify the federal bureau of investigation, the  
25 secretary of corrections and any other criminal justice agency that may  
26 have a record of the arrest, conviction or diversion. If the case was  
27 appealed from municipal court, the clerk of the district court shall send a  
28 certified copy of the order of expungement to the municipal court. The  
29 municipal court shall order the case expunged once the certified copy of  
30 the order of expungement is received. After the order of expungement is  
31 entered, the petitioner shall be treated as not having been arrested,  
32 convicted or diverted of the crime, except that:

33 (1) Upon conviction for any subsequent crime, the conviction that  
34 was expunged may be considered as a prior conviction in determining the  
35 sentence to be imposed;

36 (2) the petitioner shall disclose that the arrest, conviction or diversion  
37 occurred if asked about previous arrests, convictions or diversions:

38 (A) In any application for licensure as a private detective, private  
39 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-  
40 7b21, and amendments thereto, or employment as a detective with a  
41 private detective agency, as defined by K.S.A. 75-7b01, and amendments  
42 thereto; as security personnel with a private patrol operator, as defined by  
43 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined

1 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department  
2 for aging and disability services;

3 (B) in any application for admission, or for an order of reinstatement,  
4 to the practice of law in this state;

5 (C) to aid in determining the petitioner's qualifications for  
6 employment with the Kansas lottery or for work in sensitive areas within  
7 the Kansas lottery as deemed appropriate by the executive director of the  
8 Kansas lottery;

9 (D) to aid in determining the petitioner's qualifications for executive  
10 director of the Kansas racing and gaming commission, for employment  
11 with the commission or for work in sensitive areas in parimutuel racing as  
12 deemed appropriate by the executive director of the commission, or to aid  
13 in determining qualifications for licensure or renewal of licensure by the  
14 commission;

15 (E) to aid in determining the petitioner's qualifications for the  
16 following under the Kansas expanded lottery act: (i) Lottery gaming  
17 facility manager or prospective manager, racetrack gaming facility  
18 manager or prospective manager, licensee or certificate holder; or (ii) an  
19 officer, director, employee, owner, agent or contractor thereof;

20 (F) upon application for a commercial driver's license under K.S.A.  
21 8-2,125 through 8-2,142, and amendments thereto;

22 (G) to aid in determining the petitioner's qualifications to be an  
23 employee of the state gaming agency;

24 (H) to aid in determining the petitioner's qualifications to be an  
25 employee of a tribal gaming commission or to hold a license issued  
26 pursuant to a tribal-state gaming compact;

27 (I) in any application for registration as a broker-dealer, agent,  
28 investment adviser or investment adviser representative all as defined in  
29 K.S.A. 17-12a102, and amendments thereto;

30 (J) in any application for employment as a law enforcement officer as  
31 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

32 (K) to aid in determining the petitioner's qualifications for a license to  
33 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-  
34 7e09, and amendments thereto, and K.S.A. 2024 Supp. 50-6,141, and  
35 amendments thereto;

36 (3) the court, in the order of expungement, may specify other  
37 circumstances under which the conviction is to be disclosed;

38 (4) the conviction may be disclosed in a subsequent prosecution for  
39 an offense that requires as an element of such offense a prior conviction of  
40 the type expunged; and

41 (5) upon commitment to the custody of the secretary of corrections,  
42 any previously expunged record in the possession of the secretary of  
43 corrections may be reinstated and the expungement disregarded, and the



1 record continued for the purpose of the new commitment.

2 (j) Whenever a person is convicted of a crime, pleads guilty and pays  
3 a fine for a crime, is placed on parole, postrelease supervision or  
4 probation, is assigned to a community correctional services program, is  
5 granted a suspended sentence or is released on conditional release, the  
6 person shall be informed of the ability to expunge the arrest records or  
7 conviction. Whenever a person enters into a diversion agreement, the  
8 person shall be informed of the ability to expunge the diversion.

9 (k) (1) Subject to the disclosures required pursuant to subsection (i),  
10 in any application for employment, license or other civil right or privilege,  
11 or any appearance as a witness, a person whose arrest records, conviction  
12 or diversion of a crime has been expunged under this statute may state that  
13 such person has never been arrested, convicted or diverted of such crime.

14 (2) A person whose arrest record, conviction or diversion of a crime  
15 that resulted in such person being prohibited by state or federal law from  
16 possessing a firearm has been expunged under this statute shall be deemed  
17 to have had such person's right to keep and bear arms fully restored. This  
18 restoration of rights shall include, but not be limited to, the right to use,  
19 transport, receive, purchase, transfer and possess firearms. The provisions  
20 of this paragraph shall apply to all orders of expungement, including any  
21 orders issued prior to July 1, 2021.

22 (l) Whenever the record of any arrest, conviction or diversion has  
23 been expunged under the provisions of this section or under the provisions  
24 of any other existing or former statute, the custodian of the records of  
25 arrest, conviction, diversion and incarceration relating to that crime shall  
26 not disclose the existence of such records, except when requested by:

27 (1) The person whose record was expunged;

28 (2) a private detective agency or a private patrol operator, and the  
29 request is accompanied by a statement that the request is being made in  
30 conjunction with an application for employment with such agency or  
31 operator by the person whose record has been expunged;

32 (3) a court, upon a showing of a subsequent conviction of the person  
33 whose record has been expunged;

34 (4) the secretary for aging and disability services, or a designee of the  
35 secretary, for the purpose of obtaining information relating to employment  
36 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,  
37 of the Kansas department for aging and disability services of any person  
38 whose record has been expunged;

39 (5) a person entitled to such information pursuant to the terms of the  
40 expungement order;

41 (6) a prosecutor, and such request is accompanied by a statement that  
42 the request is being made in conjunction with a prosecution of an offense  
43 that requires a prior conviction as one of the elements of such offense;

1 (7) the supreme court, the clerk or disciplinary administrator thereof,  
2 the state board for admission of attorneys or the state board for discipline  
3 of attorneys, and the request is accompanied by a statement that the  
4 request is being made in conjunction with an application for admission, or  
5 for an order of reinstatement, to the practice of law in this state by the  
6 person whose record has been expunged;

7 (8) the Kansas lottery, and the request is accompanied by a statement  
8 that the request is being made to aid in determining qualifications for  
9 employment with the Kansas lottery or for work in sensitive areas within  
10 the Kansas lottery as deemed appropriate by the executive director of the  
11 Kansas lottery;

12 (9) the governor or the Kansas racing and gaming commission, or a  
13 designee of the commission, and the request is accompanied by a  
14 statement that the request is being made to aid in determining  
15 qualifications for executive director of the commission, for employment  
16 with the commission, for work in sensitive areas in parimutuel racing as  
17 deemed appropriate by the executive director of the commission or for  
18 licensure, renewal of licensure or continued licensure by the commission;

19 (10) the Kansas racing and gaming commission, or a designee of the  
20 commission, and the request is accompanied by a statement that the  
21 request is being made to aid in determining qualifications of the following  
22 under the Kansas expanded lottery act: (A) Lottery gaming facility  
23 managers and prospective managers, racetrack gaming facility managers  
24 and prospective managers, licensees and certificate holders; and (B) their  
25 officers, directors, employees, owners, agents and contractors;

26 (11) the Kansas sentencing commission;

27 (12) the state gaming agency, and the request is accompanied by a  
28 statement that the request is being made to aid in determining  
29 qualifications: (A) To be an employee of the state gaming agency; or (B)  
30 to be an employee of a tribal gaming commission or to hold a license  
31 issued pursuant to a tribal-gaming compact;

32 (13) the Kansas securities commissioner or a designee of the  
33 commissioner, and the request is accompanied by a statement that the  
34 request is being made in conjunction with an application for registration as  
35 a broker-dealer, agent, investment adviser or investment adviser  
36 representative by such agency and the application was submitted by the  
37 person whose record has been expunged;

38 (14) the Kansas commission on peace officers' standards and training  
39 and the request is accompanied by a statement that the request is being  
40 made to aid in determining certification eligibility as a law enforcement  
41 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

42 (15) a law enforcement agency and the request is accompanied by a  
43 statement that the request is being made to aid in determining eligibility

1 for employment as a law enforcement officer as defined by K.S.A. 22-  
 2 2202, and amendments thereto;

3 (16) (A) the attorney general and the request is accompanied by a  
 4 statement that the request is being made to aid in determining  
 5 qualifications for a license to act as a bail enforcement agent pursuant to  
 6 K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A.  
 7 2024 Supp. 50-6,141, and amendments thereto; or

8 (B) the attorney general for any other purpose authorized by law,  
 9 except that an expungement record shall not be the basis for denial of a  
 10 license to carry a concealed handgun under the personal and family  
 11 protection act; or

12 (17) the Kansas bureau of investigation, for the purpose of  
 13 completing a person's criminal history record information within the  
 14 central repository, in accordance with K.S.A. 22-4701 et seq., and  
 15 amendments thereto.

16 (m) (1) The provisions of subsection (l)(17) shall apply to records  
 17 created prior to, on and after July 1, 2011.

18 (2) Upon the issuance of an order of expungement that resulted in the  
 19 restoration of a person's right to keep and bear arms, the Kansas bureau of  
 20 investigation shall report to the federal bureau of investigation that such  
 21 expunged record be withdrawn from the national instant criminal  
 22 background check system. The Kansas bureau of investigation shall  
 23 include such order of expungement in the person's criminal history record  
 24 for purposes of documenting the restoration of such person's right to keep  
 25 and bear arms.

26 Sec. 9. K.S.A. 21-6618 is hereby amended to read as follows: 21-  
 27 6618. Upon conviction of a defendant of ~~capital~~ *aggravated* murder and a  
 28 finding that the defendant was less than 18 years of age at the time of the  
 29 commission thereof, the court shall sentence the defendant as otherwise  
 30 provided by law, and no sentence of ~~death~~ or life without the possibility of  
 31 parole shall be imposed ~~hereunder~~.

32 Sec. 10. K.S.A. 21-6620 is hereby amended to read as follows: 21-  
 33 6620. (a) (1) Except as provided in subsection (a)(2) and K.S.A. 21-6618  
 34 and 21-6622, and amendments thereto, if a defendant is convicted of the  
 35 crime of ~~capital murder and a sentence of death is not imposed pursuant to~~  
 36 ~~K.S.A. 21-6617(e), and amendments thereto, or requested pursuant to~~  
 37 ~~K.S.A. 21-6617(a) or (b), and amendments thereto~~ *aggravated murder*, the  
 38 defendant shall be sentenced to life without the possibility of parole  
 39 *pursuant to section 3, and amendments thereto*.

40 (2) (A) Except as provided in subsection (a)(2)(B), a defendant  
 41 convicted of attempt to commit the crime of ~~capital~~ *aggravated* murder  
 42 shall be sentenced to imprisonment for life and shall not be eligible for  
 43 probation or suspension, modification or reduction of sentence. In

1 addition, the defendant shall not be eligible for parole prior to serving 25  
2 years' imprisonment, and such 25 years' imprisonment shall not be reduced  
3 by the application of good time credits. No other sentence shall be  
4 permitted.

5 (B) The provisions of subsection (a)(2)(A) requiring the court to  
6 impose a mandatory minimum term of imprisonment of 25 years shall not  
7 apply if the court finds the defendant, because of the defendant's criminal  
8 history classification, would be subject to presumptive imprisonment  
9 pursuant to the sentencing guidelines grid for nondrug crimes and the  
10 sentencing range would exceed 300 months if the sentence established for  
11 a severity level 1 crime was imposed. In such case, the defendant is  
12 required to serve a mandatory minimum term equal to the sentence  
13 established for a severity level 1 crime pursuant to the sentencing range.  
14 The defendant shall not be eligible for parole prior to serving such  
15 mandatory minimum term of imprisonment, and such mandatory minimum  
16 term of imprisonment shall not be reduced by the application of good time  
17 credits. No other sentence shall be permitted.

18 (b) The provisions of this subsection shall apply only to the crime of  
19 murder in the first degree as described in K.S.A. 21-5402(a)(2), and  
20 amendments thereto, committed on or after July 1, 2014.

21 (1) Except as provided in subsection (b)(2), a defendant convicted of  
22 murder in the first degree as described in K.S.A. 21-5402(a)(2), and  
23 amendments thereto, shall be sentenced to imprisonment for life and shall  
24 not be eligible for probation or suspension, modification or reduction of  
25 sentence. In addition, the defendant shall not be eligible for parole prior to  
26 serving 25 years' imprisonment, and such 25 years' imprisonment shall not  
27 be reduced by the application of good time credits. No other sentence shall  
28 be permitted.

29 (2) The provisions of subsection (b)(1) requiring the court to impose  
30 a mandatory minimum term of imprisonment of 25 years shall not apply if  
31 the court finds the defendant, because of the defendant's criminal history  
32 classification, would be subject to presumptive imprisonment pursuant to  
33 the sentencing guidelines grid for nondrug crimes and the sentencing range  
34 would exceed 300 months if the sentence established for a severity level 1  
35 crime was imposed. In such case, the defendant is required to serve a  
36 mandatory minimum term equal to the sentence established for a severity  
37 level 1 crime pursuant to the sentencing range. The defendant shall not be  
38 eligible for parole prior to serving such mandatory minimum term of  
39 imprisonment, and such mandatory minimum term of imprisonment shall  
40 not be reduced by the application of good time credits. No other sentence  
41 shall be permitted.

42 (c) The provisions of this subsection shall apply only to the crime of  
43 murder in the first degree based upon the finding of premeditated murder

1 committed on or after July 1, 2014.

2 (1) (A) Except as provided in subsection (c)(1)(B), a defendant  
3 convicted of murder in the first degree based upon the finding of  
4 premeditated murder shall be sentenced pursuant to K.S.A. 21-6623, and  
5 amendments thereto, unless the sentencing judge finds substantial and  
6 compelling reasons, following a review of mitigating circumstances, to  
7 impose the sentence specified in subsection (c)(2).

8 (B) The provisions of subsection (c)(1)(A) requiring the court to  
9 impose the mandatory minimum term of imprisonment required by K.S.A.  
10 21-6623, and amendments thereto, shall not apply if the court finds the  
11 defendant, because of the defendant's criminal history classification, would  
12 be subject to presumptive imprisonment pursuant to the sentencing  
13 guidelines grid for nondrug crimes and the sentencing range would exceed  
14 600 months if the sentence established for a severity level 1 crime was  
15 imposed. In such case, the defendant is required to serve a mandatory  
16 minimum term equal to the sentence established for a severity level 1  
17 crime pursuant to the sentencing range. The defendant shall not be eligible  
18 for parole prior to serving such mandatory minimum term of  
19 imprisonment, and such mandatory minimum term of imprisonment shall  
20 not be reduced by the application of good time credits. No other sentence  
21 shall be permitted.

22 (2) (A) If the sentencing judge does not impose the mandatory  
23 minimum term of imprisonment required by K.S.A. 21-6623, and  
24 amendments thereto, the judge shall state on the record at the time of  
25 sentencing the substantial and compelling reasons therefor, and, except as  
26 provided in subsection (c)(2)(B), the defendant shall be sentenced to  
27 imprisonment for life and shall not be eligible for probation or suspension,  
28 modification or reduction of sentence. In addition, the defendant shall not  
29 be eligible for parole prior to serving 25 years' imprisonment, and such 25  
30 years' imprisonment shall not be reduced by the application of good time  
31 credits. No other sentence shall be permitted.

32 (B) The provisions of subsection (c)(2)(A) requiring the court to  
33 impose a mandatory minimum term of imprisonment of 25 years shall not  
34 apply if the court finds the defendant, because of the defendant's criminal  
35 history classification, would be subject to presumptive imprisonment  
36 pursuant to the sentencing guidelines grid for nondrug crimes and the  
37 sentencing range would exceed 300 months if the sentence established for  
38 a severity level 1 crime was imposed. In such case, the defendant is  
39 required to serve a mandatory minimum term equal to the sentence  
40 established for a severity level 1 crime pursuant to the sentencing range.  
41 The defendant shall not be eligible for parole prior to serving such  
42 mandatory minimum term of imprisonment, and such mandatory minimum  
43 term of imprisonment shall not be reduced by the application of good time

1 credits. No other sentence shall be permitted.

2 (d) The provisions of this subsection shall apply only to the crime of  
3 murder in the first degree based upon the finding of premeditated murder  
4 committed on or after September 6, 2013, but prior to July 1, 2014.

5 (1) If a defendant is convicted of murder in the first degree based  
6 upon the finding of premeditated murder, upon reasonable notice by the  
7 prosecuting attorney, the court shall determine, in accordance with this  
8 subsection, whether the defendant shall be required to serve a mandatory  
9 minimum term of imprisonment of 50 years or sentenced as otherwise  
10 provided by law.

11 (2) The court shall conduct a separate proceeding following the  
12 determination of the defendant's guilt for the jury to determine whether  
13 one or more aggravating circumstances exist. Such proceeding shall be  
14 conducted by the court before a jury as soon as practicable. If any person  
15 who served on the trial jury is unable to serve on the jury for the  
16 proceeding, the court shall substitute an alternate juror who has been  
17 impaneled for the trial jury. If there are insufficient alternate jurors to  
18 replace trial jurors who are unable to serve at the proceeding, the court  
19 may conduct such proceeding before a jury ~~which~~ *that* may have 12 or ~~less~~  
20 *fewer* jurors, but at no time ~~less~~ *fewer* than six jurors. If the jury has been  
21 discharged prior to the proceeding, a new jury shall be impaneled. Any  
22 decision of the jury regarding the existence of an aggravating circumstance  
23 shall be beyond a reasonable doubt. Jury selection procedures, jury  
24 qualifications of jurors and grounds for exemption or challenge of  
25 prospective jurors in criminal trials shall be applicable to the selection of  
26 such jury. The jury at the proceeding may be waived in the manner  
27 provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial  
28 jury. If the jury at the proceeding has been waived, such proceeding shall  
29 be conducted by the court.

30 (3) In the proceeding, evidence may be presented concerning any  
31 matter relating to any of the aggravating circumstances enumerated in  
32 K.S.A. 21-6624, and amendments thereto. Only such evidence of  
33 aggravating circumstances as the prosecuting attorney has made known to  
34 the defendant prior to the proceeding shall be admissible and no evidence  
35 secured in violation of the constitution of the United States or of the state  
36 of Kansas shall be admissible. No testimony by the defendant at the time  
37 of the proceeding shall be admissible against the defendant at any  
38 subsequent criminal proceeding. At the conclusion of the evidentiary  
39 presentation, the court shall allow the parties a reasonable period of time in  
40 which to present oral argument.

41 (4) At the conclusion of the evidentiary portion of the proceeding, the  
42 court shall provide oral and written instructions to the jury to guide its  
43 deliberations. If the prosecuting attorney relies on K.S.A. 21-6624(a), and

1 amendments thereto, as an aggravating circumstance, and the court finds  
2 that one or more of the defendant's prior convictions satisfy such  
3 subsection, the jury shall be instructed that a certified journal entry of a  
4 prior conviction is presumed to prove the existence of such prior  
5 conviction or convictions beyond a reasonable doubt.

6 (5) If, by unanimous vote, the jury finds beyond a reasonable doubt  
7 that one or more of the aggravating circumstances enumerated in K.S.A.  
8 21-6624, and amendments thereto, exist, the jury shall designate, in  
9 writing, signed by the foreman of the jury, the statutory aggravating  
10 circumstances—~~which~~ *that* it found. If, after a reasonable time for  
11 deliberation, the jury is unable to reach a unanimous sentencing decision,  
12 the court shall dismiss the jury and the defendant shall be sentenced as  
13 provided by law. In nonjury cases, the court shall designate, in writing, the  
14 specific circumstance or circumstances—~~which~~ *that* the court found beyond  
15 a reasonable doubt.

16 (6) If one or more of the aggravating circumstances enumerated in  
17 K.S.A. 21-6624, and amendments thereto, are found to exist beyond a  
18 reasonable doubt pursuant to this subsection, the defendant shall be  
19 sentenced pursuant to K.S.A. 21-6623, and amendments thereto, unless the  
20 sentencing judge finds substantial and compelling reasons, following a  
21 review of mitigating circumstances, to impose the sentence specified in  
22 this paragraph. If the sentencing judge does not impose the mandatory  
23 minimum term of imprisonment required by K.S.A. 21-6623, and  
24 amendments thereto, the judge shall state on the record at the time of  
25 sentencing the substantial and compelling reasons therefor, and the  
26 defendant shall be sentenced to imprisonment for life and shall not be  
27 eligible for probation or suspension, modification or reduction of sentence.  
28 In addition, the defendant shall not be eligible for parole prior to serving  
29 25 years' imprisonment, and such 25 years' imprisonment shall not be  
30 reduced by the application of good time credits. No other sentence shall be  
31 permitted.

32 (e) The provisions of this subsection shall apply only to the crime of  
33 murder in the first degree based upon the finding of premeditated murder  
34 committed prior to September 6, 2013.

35 (1) If a defendant is convicted of murder in the first degree based  
36 upon the finding of premeditated murder, upon reasonable notice by the  
37 prosecuting attorney, the court shall conduct a separate sentencing  
38 proceeding in accordance with this subsection to determine whether the  
39 defendant shall be required to serve a mandatory minimum term of  
40 imprisonment of 40 years or for crimes committed on and after July 1,  
41 1999, a mandatory minimum term of imprisonment of 50 years or  
42 sentenced as otherwise provided by law.

43 (2) The sentencing proceeding shall be conducted by the court before

1 a jury as soon as practicable. If the trial jury has been discharged prior to  
2 sentencing, a new jury shall be impaneled. Any decision to impose a  
3 mandatory minimum term of imprisonment of 40 or 50 years shall be by a  
4 unanimous jury. Jury selection procedures, qualifications of jurors and  
5 grounds for exemption or challenge of prospective jurors in criminal trials  
6 shall be applicable to the selection of such jury. The jury at the sentencing  
7 proceeding may be waived in the manner provided by K.S.A. 22-3403, and  
8 amendments thereto, for waiver of a trial jury. If the jury at the sentencing  
9 proceeding has been waived, such proceeding shall be conducted by the  
10 court.

11 (3) In the sentencing proceeding, evidence may be presented  
12 concerning any matter that the court deems relevant to the question of  
13 sentence and shall include matters relating to any of the aggravating  
14 circumstances enumerated in K.S.A. 21-6624, and amendments thereto, or  
15 for crimes committed prior to July 1, 2011, K.S.A. 21-4636, prior to its  
16 repeal, and any mitigating circumstances. Any such evidence ~~which~~ *that*  
17 the court deems to have probative value may be received regardless of its  
18 admissibility under the rules of evidence, provided that the defendant is  
19 accorded a fair opportunity to rebut any hearsay statements. Only such  
20 evidence of aggravating circumstances as the prosecuting attorney has  
21 made known to the defendant prior to the sentencing proceeding shall be  
22 admissible and no evidence secured in violation of the constitution of the  
23 United States or of the state of Kansas shall be admissible. Only such  
24 evidence of mitigating circumstances subject to discovery pursuant to  
25 K.S.A. 22-3212, and amendments thereto, that the defendant has made  
26 known to the prosecuting attorney prior to the sentencing proceeding shall  
27 be admissible. No testimony by the defendant at the time of sentencing  
28 shall be admissible against the defendant at any subsequent criminal  
29 proceeding. At the conclusion of the evidentiary presentation, the court  
30 shall allow the parties a reasonable period of time in which to present oral  
31 argument.

32 (4) At the conclusion of the evidentiary portion of the sentencing  
33 proceeding, the court shall provide oral and written instructions to the jury  
34 to guide its deliberations. If the prosecuting attorney relies on K.S.A. 21-  
35 6624(a), and amendments thereto, or for crimes committed prior to July 1,  
36 2011, K.S.A. 21-4636(a), prior to its repeal, as an aggravating  
37 circumstance, and the court finds that one or more of the defendant's prior  
38 convictions satisfy such subsection, the jury shall be instructed that a  
39 certified journal entry of a prior conviction is presumed to prove the  
40 existence of such prior conviction or convictions beyond a reasonable  
41 doubt.

42 (5) If, by unanimous vote, the jury finds beyond a reasonable doubt  
43 that one or more of the aggravating circumstances enumerated in K.S.A.



1 21-6624, and amendments thereto, or for crimes committed prior to July 1,  
2 2011, K.S.A. 21-4636, prior to its repeal, exist and, further, that the  
3 existence of such aggravating circumstances is not outweighed by any  
4 mitigating circumstances ~~which that~~ are found to exist, the defendant shall  
5 be sentenced pursuant to K.S.A. 21-6623, and amendments thereto;  
6 otherwise, the defendant shall be sentenced as provided by law. The  
7 sentencing jury shall designate, in writing, signed by the foreman of the  
8 jury, the statutory aggravating circumstances ~~which that~~ it found. ~~The trier~~  
9 ~~of fact may make the findings required by this subsection for the purpose~~  
10 ~~of determining whether to sentence a defendant pursuant to K.S.A. 21-~~  
11 ~~6623, and amendments thereto, notwithstanding contrary findings made by~~  
12 ~~the jury or court pursuant to K.S.A. 21-6617(e), and amendments thereto,~~  
13 ~~for the purpose of determining whether to sentence such defendant to~~  
14 ~~death.~~ If, after a reasonable time for deliberation, the jury is unable to  
15 reach a unanimous sentencing decision, the court shall dismiss the jury and  
16 the defendant shall be sentenced as provided by law. In nonjury cases, the  
17 court shall designate in writing the specific circumstance or circumstances  
18 ~~which that~~ the court found beyond a reasonable doubt.

19 (f) The amendments to subsection (e) by chapter 1 of the 2013  
20 Session Laws of Kansas (Special Session):

21 (1) Establish a procedural rule for sentencing proceedings, and as  
22 such shall be construed and applied retroactively to all crimes committed  
23 prior to the effective date of this act, except as provided further in this  
24 subsection; (2) shall not apply to cases in which the defendant's conviction  
25 and sentence were final prior to June 17, 2013, unless the conviction or  
26 sentence has been vacated in a collateral proceeding, including, but not  
27 limited to, K.S.A. 22-3504 or 60-1507, and amendments thereto; and (3)  
28 shall apply only in sentencing proceedings otherwise authorized by law.

29 (g) Notwithstanding the provisions of subsection (h), for all cases on  
30 appeal on or after September 6, 2013, if a sentence imposed under this  
31 section, prior to amendment by chapter 1 of the 2013 Session Laws of  
32 Kansas (Special Session), or under K.S.A. 21-4635, prior to its repeal, is  
33 vacated for any reason other than sufficiency of the evidence as to all  
34 aggravating circumstances, resentencing shall be required under this  
35 section, as amended by chapter 1 of the 2013 Session Laws of Kansas  
36 (Special Session), unless the prosecuting attorney chooses not to pursue  
37 such a sentence.

38 (h) In the event any sentence imposed under this section is held to be  
39 unconstitutional, the court having jurisdiction over a person previously  
40 sentenced shall cause such person to be brought before the court and shall  
41 sentence such person to the maximum term of imprisonment otherwise  
42 provided by law.

43 (i) If any provision or provisions of this section or the application

1 thereof to any person or circumstance is held invalid, the invalidity shall  
2 not affect other provisions or applications of this section ~~which~~ that can be  
3 given effect without the invalid provision or provisions or application, and  
4 to this end the provisions of this section are severable.

5 Sec. 11. K.S.A. 21-6622 is hereby amended to read as follows: 21-  
6 6622. (a) ~~If, under K.S.A. 21-6617, and amendments thereto, the county or~~  
7 ~~district attorney has filed a notice of intent to request a separate sentencing~~  
8 ~~proceeding to determine whether the defendant should be sentenced to~~  
9 ~~death and the defendant is convicted of the crime of capital murder, the~~  
10 ~~defendant's counsel or the warden of the correctional institution or sheriff~~  
11 ~~having custody of the defendant may request a determination by the court~~  
12 ~~of whether the defendant is a person with intellectual disability. If the court~~  
13 ~~determines that there is not sufficient reason to believe that the defendant~~  
14 ~~is a person with intellectual disability, the court shall so find and the~~  
15 ~~defendant shall be sentenced in accordance with K.S.A. 21-6617, 21-6619,~~  
16 ~~21-6624, 21-6625, 21-6628 and 21-6629, and amendments thereto. If the~~  
17 ~~court determines that there is sufficient reason to believe that the defendant~~  
18 ~~is a person with intellectual disability, the court shall conduct a hearing to~~  
19 ~~determine whether the defendant is a person with intellectual disability.~~

20 (b) ~~If a defendant is convicted of the crime of capital murder and a~~  
21 ~~sentence of death is not imposed, or if a defendant is convicted of the~~  
22 ~~crime of aggravated murder or murder in the first degree based upon the~~  
23 ~~finding of premeditated murder, the defendant's counsel or the warden of~~  
24 ~~the correctional institution or sheriff having custody of the defendant may~~  
25 ~~request a determination by the court of whether the defendant is a person~~  
26 ~~with intellectual disability. If the court determines that there is not~~  
27 ~~sufficient reason to believe that the defendant is a person with intellectual~~  
28 ~~disability, the court shall so find and the defendant shall be sentenced in~~  
29 ~~accordance with K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and~~  
30 ~~amendments thereto. If the court determines that there is sufficient reason~~  
31 ~~to believe that the defendant is a person with intellectual disability, the~~  
32 ~~court shall conduct a hearing to determine whether the defendant is a~~  
33 ~~person with intellectual disability.~~

34 (e)(b) At the hearing, the court shall determine whether the defendant  
35 is a person with intellectual disability. The court shall order a psychiatric  
36 or psychological examination of the defendant. For that purpose, the court  
37 shall appoint two licensed physicians or licensed psychologists, or one of  
38 each, qualified by training and practice to make such examination, to  
39 examine the defendant and report their findings in writing to the judge  
40 within 14 days after the order of examination is issued. The defendant  
41 shall have the right to present evidence and cross-examine any witnesses at  
42 the hearing. No statement made by the defendant in the course of any  
43 examination provided for by this section, whether or not the defendant

1 consents to the examination, shall be admitted in evidence against the  
2 defendant in any criminal proceeding.

3 ~~(d) If, at the conclusion of a hearing pursuant to subsection (a), the~~  
4 ~~court determines that the defendant is not a person with intellectual~~  
5 ~~disability, the defendant shall be sentenced in accordance with K.S.A. 21-~~  
6 ~~6617, 21-6619, 21-6624, 21-6625, 21-6628 and 21-6629, and amendments~~  
7 ~~thereto.~~

8 ~~(e)(c) If, at the conclusion of a hearing pursuant to subsection (b) this~~  
9 ~~section, the court determines that the defendant is not a person with~~  
10 ~~intellectual disability, the defendant shall be sentenced in accordance with~~  
11 ~~K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto.~~

12 ~~(f)(d) If, at the conclusion of a hearing pursuant to this section, the~~  
13 ~~court determines that the defendant is a person with intellectual disability,~~  
14 ~~the court shall sentence the defendant as otherwise provided by law, and~~  
15 ~~no sentence of death, life without the possibility of parole, or mandatory~~  
16 ~~term of imprisonment pursuant to K.S.A. 21-6623, 21-6624 and 21-6625,~~  
17 ~~and amendments thereto, shall be imposed hereunder.~~

18 ~~(g) Unless otherwise ordered by the court for good cause shown, the~~  
19 ~~provisions of subsection (b) shall not apply if it has been determined,~~  
20 ~~pursuant to a hearing granted under the provisions of subsection (a), that~~  
21 ~~the defendant is not a person with intellectual disability.~~

22 ~~(h)(e) As used in this section, "intellectual disability" means having~~  
23 ~~significantly subaverage general intellectual functioning, as defined by~~  
24 ~~K.S.A. 76-12b01, and amendments thereto, to an extent which that~~  
25 ~~substantially impairs one's capacity to appreciate the criminality of one's~~  
26 ~~conduct or to conform one's conduct to the requirements of law.~~

27 Sec. 12. K.S.A. 21-6628 is hereby amended to read as follows: 21-  
28 6628. (a) In the event the term of imprisonment for life without the  
29 possibility of parole or any provision of K.S.A. 21-6626 or 21-6627, and  
30 amendments thereto, authorizing such term is held to be unconstitutional  
31 by the supreme court of Kansas or the United States supreme court, the  
32 court having jurisdiction over a person previously sentenced shall cause  
33 such person to be brought before the court and shall modify the sentence to  
34 require no term of imprisonment for life without the possibility of parole  
35 and shall sentence the defendant to the maximum term of imprisonment  
36 otherwise provided by law.

37 ~~(b) In the event a sentence of death or any provision of chapter 252 of~~  
38 ~~the 1994 Session Laws of Kansas authorizing such sentence is held to be~~  
39 ~~unconstitutional by the supreme court of Kansas or the United States~~  
40 ~~supreme court, the court having jurisdiction over a person previously~~  
41 ~~sentenced shall cause such person to be brought before the court and shall~~  
42 ~~modify the sentence and resentence the defendant as otherwise provided~~  
43 ~~by law.~~

1 (e) In the event the mandatory term of imprisonment or any provision  
2 of chapter 341 of the 1994 Session Laws of Kansas authorizing such  
3 mandatory term is held to be unconstitutional by the supreme court of  
4 Kansas or the United States supreme court, the court having jurisdiction  
5 over a person previously sentenced shall cause such person to be brought  
6 before the court and shall modify the sentence to require no mandatory  
7 term of imprisonment and shall sentence the defendant as otherwise  
8 provided by law.

9 Sec. 13. K.S.A. 21-6629 is hereby amended to read as follows: 21-  
10 6629. (a) The provisions of K.S.A. 21-4622 through 21-4630, as they  
11 existed immediately prior to July 1, 1994, shall be applicable only to  
12 persons convicted of crimes committed on or after July 1, 1990, and before  
13 July 1, 1994.

14 (b) The provisions of K.S.A. 21-4622 through 21-4627~~and~~, 21-4629  
15 and 21-4630, as amended on July 1, 1994 and prior to their repeal, and  
16 K.S.A. 21-6617, 21-6618, 21-6619, 21-6622, 21-6624, 21-6625 and  
17 ~~subsection (b) of 21-6628(b), and amendments thereto as they existed~~  
18 *immediately prior to July 1, 2025*, shall be applicable only to persons  
19 convicted of crimes committed on or after July 1, 1994, *and before July 1,*  
20 *2025.*

21 (c) K.S.A. 21-4633 through 21-4640, prior to their repeal, and K.S.A.  
22 21-6620 through 21-6625 and ~~subsection (e) of 21-6628(c), and~~  
23 ~~amendments thereto as they existed immediately prior to July 1, 2025,~~  
24 shall be applicable only to persons convicted of crimes committed on or  
25 after July 1, 1994, *and before July 1, 2025.*

26 (d) *The provisions of K.S.A. 21-6618, 21-6620, 21-6622 and 21-6628,*  
27 *as amended on July 1, 2025, and K.S.A. 21-6621, 21-6623, 21-6624 and*  
28 *21-6625, and amendments thereto, shall be applicable only to persons*  
29 *convicted of crimes committed on or after July 1, 2025.*

30 Sec. 14. K.S.A. 21-6806 is hereby amended to read as follows: 21-  
31 6806. (a) Sentences of imprisonment shall represent the time a person shall  
32 actually serve, subject to a reduction of the primary sentence for good time  
33 as authorized by K.S.A. 21-6821, and amendments thereto.

34 (b) The sentencing court shall pronounce sentence in all felony cases.

35 (c) Violations of K.S.A. ~~21-5401~~, 21-5402, 21-5421, 21-5422 and 21-  
36 5901, and amendments thereto, are off-grid crimes for the purpose of  
37 sentencing. Except as otherwise provided by K.S.A. ~~21-6617~~, 21-6618, ~~21-~~  
38 ~~6619~~, 21-6622, 21-6624, 21-6625, 21-6628 and 21-6629, and amendments  
39 thereto, the sentence shall be imprisonment for life and shall not be subject  
40 to statutory provisions for suspended sentence, community service or  
41 probation.

42 (d) As identified in K.S.A. 21-5426, 21-5503, 21-5504, 21-5506, 21-  
43 5510, 21-5514 and 21-6422, and amendments thereto, if the offender is 18

1 years of age or older and the victim is under 14 years of age, such  
2 violations are off-grid crimes for the purposes of sentencing. Except as  
3 provided in K.S.A. 21-6626, and amendments thereto, the sentence shall  
4 be imprisonment for life pursuant to K.S.A. 21-6627, and amendments  
5 thereto.

6 *(e) A violation of section 2, and amendments thereto, is an off-grid*  
7 *crime for the purposes of sentencing. Except as provided in K.S.A. 21-*  
8 *6618 and 21-6622, and amendments thereto, the sentence shall be*  
9 *imprisonment for life without the possibility of parole pursuant to section*  
10 *3, and amendments thereto.*

11 Sec. 15. K.S.A. 22-2512 is hereby amended to read as follows: 22-  
12 2512. (a) Property seized under a search warrant or validly seized without  
13 a warrant shall be safely kept by the agency seizing the property unless  
14 otherwise directed by the magistrate, and shall be so kept as long as  
15 necessary for the purpose of being produced as evidence on any trial. If no  
16 criminal charges are filed or prosecution is declined, the property shall be  
17 returned to its rightful owner or disposed of in accordance with this  
18 section. The property seized may not be taken from the agency having it in  
19 custody so long as it is or may be required as evidence in any trial. The  
20 officer seizing the property shall give a receipt to the person detained or  
21 arrested particularly describing each article of property being held. When  
22 property is seized under a search warrant, the officer seizing the property  
23 shall file a copy of such receipt with the magistrate who issued the search  
24 warrant. Such copy may be filed electronically in a manner and form  
25 prescribed by the court. When seized property is no longer required as  
26 evidence in the prosecution of any indictment or information, the court  
27 that has jurisdiction of such property may transfer the property to the  
28 jurisdiction of any other court, including courts of another state or federal  
29 courts, if it is shown to the satisfaction of the court that such property is  
30 required as evidence in any prosecution in such other court.

31 (b) (1) Notwithstanding the provisions of subsection (a) and with the  
32 approval of the affected court, any law enforcement officer who seizes  
33 dangerous drugs or hazardous materials as evidence related to a criminal  
34 investigation may collect representative samples of such dangerous drugs  
35 or hazardous materials and lawfully destroy or dispose of, or direct another  
36 person to lawfully destroy or dispose of, the remaining quantity of such  
37 dangerous drugs or hazardous materials.

38 (2) In any prosecution, representative samples of dangerous drugs or  
39 hazardous materials accompanied by photographs, videotapes, laboratory  
40 analysis reports or other means used to verify and document the identity  
41 and quantity of the drugs or materials shall be deemed competent evidence  
42 of such drugs or materials and shall be admissible in any proceeding,  
43 hearing or trial as if such drugs or materials had been introduced as

1 evidence.

2 (3) As used in this section:

3 (A) "Dangerous drugs" means any drug, substance or immediate  
4 precursor included in any of the schedules designated in K.S.A. 65-4105,  
5 65-4107, 65-4109 and 65-4111, and amendments thereto;

6 (B) "hazardous materials" means any substance that is capable of  
7 posing an unreasonable risk to health, safety and property. It shall include  
8 any substance that by its nature is explosive, flammable, corrosive,  
9 poisonous, radioactive, a biological hazard or a material that may cause  
10 spontaneous combustion. It shall include, but not be limited to, substances  
11 listed in the table of hazardous materials contained in the code of federal  
12 regulations title 49 and national fire protection association's fire protection  
13 guide on hazardous materials; and

14 (C) "representative sample" means an amount large enough to contain  
15 a testable amount of a substance without destroying the sample  
16 completely.

17 (4) The provisions of this subsection shall not apply to ammunition  
18 and components thereof.

19 (c) When seized property is no longer required as evidence, it shall be  
20 disposed of as follows:

21 (1) Property stolen, embezzled, obtained by false pretenses, or  
22 otherwise obtained unlawfully from the rightful owner thereof shall be  
23 restored to the owner;

24 (2) money shall be restored to the owner unless it was contained in a  
25 slot machine or otherwise used in unlawful gambling or lotteries, in which  
26 case it shall be forfeited and shall be paid to the state treasurer pursuant to  
27 K.S.A. 20-2801, and amendments thereto;

28 (3) property that is unclaimed or the ownership of which is unknown  
29 shall be sold at public auction to be held by the sheriff, or the sheriff's  
30 designee, and the proceeds, less the cost of sale and any storage charges  
31 incurred in preserving it, shall be paid to the state treasurer pursuant to  
32 K.S.A. 20-2801, and amendments thereto;

33 (4) articles of contraband shall be destroyed, except that any such  
34 articles the disposition of which is otherwise provided by law shall be  
35 dealt with as so provided and any such articles the disposition of which is  
36 not otherwise provided by law and which may be capable of innocent use  
37 may in the discretion of the court be sold and the proceeds disposed of as  
38 provided in subsection (c)(3);

39 (5) explosives, bombs and like devices that have been used in the  
40 commission of crime may be returned to the rightful owner or, in the  
41 discretion of the court having jurisdiction of the property, destroyed or  
42 forfeited to the Kansas bureau of investigation;

43 (6) (A) except as provided in subsections (c)(6)(B) and (d), any

1 weapon or ammunition, in the discretion of the court having jurisdiction of  
2 the property, shall be:

3 (i) Forfeited to the law enforcement agency seizing the weapon for  
4 use within such agency, for sale to a properly licensed federal firearms  
5 dealer, for trading to a properly licensed federal firearms dealer for other  
6 new or used firearms or accessories for use within such agency or for  
7 trading to another law enforcement agency for that agency's use;

8 (ii) forfeited to the Kansas bureau of investigation for law  
9 enforcement, testing or comparison by the Kansas bureau of investigation  
10 forensic laboratory;

11 (iii) forfeited to a county regional forensic science center or other  
12 county forensic laboratory for testing, comparison or other forensic  
13 science purposes; or

14 (iv) forfeited to the Kansas department of wildlife and parks for use  
15 pursuant to the conditions set forth in K.S.A. 32-1047, and amendments  
16 thereto.

17 (B) Except as provided in subsection (d), any weapon that cannot be  
18 forfeited pursuant to subsection (c)(6)(A) due to the condition of the  
19 weapon, and any weapon that was used in the commission of a felony as  
20 described in K.S.A. 21-5401, *prior to its repeal*, or K.S.A. 21-5402, 21-  
21 5403, 21-5404 or 21-5405, and amendments thereto, or *section 2, and*  
22 *amendments thereto*, shall be destroyed-;

23 (7) controlled substances forfeited for violations of K.S.A. 21-5701  
24 through 21-5717, and amendments thereto, shall be dealt with as provided  
25 under K.S.A. 60-4101 through 60-4126, and amendments thereto;

26 (8) unless otherwise provided by law, all other property shall be  
27 disposed of in such manner as the court in its sound discretion shall direct.

28 (d) (1) If a weapon is seized from an individual and the individual is  
29 not convicted of the violation for which the weapon was seized, then  
30 within 30 days after the declination or conclusion of prosecution of the  
31 case against the individual, including any period of appeal, the law  
32 enforcement agency that seized the weapon shall verify whether the  
33 weapon is stolen. If the weapon is stolen or was seized from an individual  
34 whom the agency knows is not the owner of the weapon, the law  
35 enforcement agency shall notify the owner of the weapon that such  
36 weapon may be retrieved. If the weapon was seized from a juvenile, the  
37 agency shall notify the parent or legal guardian of the juvenile that such  
38 weapon may be retrieved by the parent or legal guardian. If the agency  
39 determines there is no other more appropriate person described in this  
40 paragraph to retrieve the weapon, the agency shall notify the person from  
41 whom the weapon was seized that such weapon may be retrieved. Such  
42 notification shall include the location where such weapon may be  
43 retrieved.

1 (2) If the law enforcement agency determines that the individual  
2 authorized to retrieve a weapon pursuant to paragraph (1) is prohibited by  
3 state or federal law from possessing the seized weapon, the agency shall  
4 notify the individual that the weapon will not be returned due to the  
5 disqualifying law, which shall be described in the notice. The law  
6 enforcement agency shall not dispose of such weapon for 60 days after the  
7 notice was given to provide a period for the individual to bring an action in  
8 an appropriate court challenging the agency's determination. The law  
9 enforcement agency may dispose of the weapon as provided by law 60  
10 days after the notice described in paragraph (1) is given unless otherwise  
11 directed by the court. An owner of a weapon who is prohibited by law  
12 from possessing the weapon may either: (A) Request the law enforcement  
13 agency to transfer the weapon to a properly licensed federal firearms  
14 dealer designated by the owner; or (B) bring an action in an appropriate  
15 court to request a court order to transfer the weapon as allowed by law.

16 (e) If weapons are sold as authorized by subsection (c)(6)(A), the  
17 proceeds of the sale shall be credited to the asset seizure and forfeiture  
18 fund of the seizing agency.

19 (f) For purposes of this section, the term "weapon" means a weapon  
20 described in K.S.A. 21-6301, and amendments thereto.

21 Sec. 16. K.S.A. 2024 Supp. 22-3717 is hereby amended to read as  
22 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.  
23 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through  
24 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, *prior to its*  
25 *repeal*; K.S.A. 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and  
26 amendments thereto; ~~and~~ K.S.A. 8-1567, and amendments thereto; *and*  
27 *section 3, and amendments thereto*; an inmate, including an inmate  
28 sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-  
29 6707, and amendments thereto, shall be eligible for parole after serving the  
30 entire minimum sentence imposed by the court, less good time credits.

31 (b) (1) An inmate sentenced to imprisonment for life without the  
32 possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto,  
33 shall not be eligible for parole.

34 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to  
35 their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and  
36 amendments thereto, an inmate sentenced to imprisonment for the crime  
37 of: (A) Capital murder committed on or after July 1, 1994, shall be eligible  
38 for parole after serving 25 years of confinement, without deduction of any  
39 good time credits; (B) murder in the first degree based upon a finding of  
40 premeditated murder committed on or after July 1, 1994, but prior to July  
41 1, 2014, shall be eligible for parole after serving 25 years of confinement,  
42 without deduction of any good time credits; and (C) murder in the first  
43 degree as described in K.S.A. 21-5402(a)(2), and amendments thereto,



1 committed on or after July 1, 2014, shall be eligible for parole after  
2 serving 25 years of confinement, without deduction of any good time  
3 credits.

4 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),  
5 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through  
6 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and  
7 21-6625, and amendments thereto, an inmate sentenced to imprisonment  
8 for an off-grid offense committed on or after July 1, 1993, but prior to July  
9 1, 1999, shall be eligible for parole after serving 15 years of confinement,  
10 without deduction of any good time credits and an inmate sentenced to  
11 imprisonment for an off-grid offense committed on or after July 1, 1999,  
12 shall be eligible for parole after serving 20 years of confinement without  
13 deduction of any good time credits.

14 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
15 repeal, an inmate sentenced for a class A felony committed before July 1,  
16 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
17 its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for  
18 parole after serving 15 years of confinement, without deduction of any  
19 good time credits.

20 (5) An inmate sentenced to imprisonment for a violation of K.S.A.  
21 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but  
22 prior to July 1, 1999, shall be eligible for parole after serving 10 years of  
23 confinement without deduction of any good time credits.

24 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
25 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto,  
26 committed on or after July 1, 2006, shall be eligible for parole after  
27 serving the mandatory term of imprisonment without deduction of any  
28 good time credits.

29 *(7) An inmate sentenced to imprisonment for life without the*  
30 *possibility of parole pursuant to section 3, and amendments thereto, shall*  
31 *not be eligible for parole.*

32 (c) (1) Except as provided in subsection (e), if an inmate is sentenced  
33 to imprisonment for more than one crime and the sentences run  
34 consecutively, the inmate shall be eligible for parole after serving the total  
35 of:

36 (A) The aggregate minimum sentences, as determined pursuant to  
37 K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments  
38 thereto, less good time credits for those crimes ~~which~~ *that* are not class A  
39 felonies; and

40 (B) an additional 15 years, without deduction of good time credits,  
41 for each crime ~~which~~ *that* is a class A felony.

42 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
43 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for

1 crimes committed on or after July 1, 2006, the inmate shall be eligible for  
2 parole after serving the mandatory term of imprisonment.

3 (d) (1) Persons sentenced for crimes, other than off-grid crimes,  
4 committed on or after July 1, 1993, or persons subject to subparagraph  
5 (G), will not be eligible for parole, but will be released to a mandatory  
6 period of postrelease supervision upon completion of the prison portion of  
7 their sentence as follows:

8 (A) Except as provided in subparagraphs (D) and (E), persons  
9 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
10 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
11 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after  
12 July 1, 2012, must serve 36 months on postrelease supervision.

13 (B) Except as provided in subparagraphs (D) and (E), persons  
14 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3  
15 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and  
16 drug severity level 4 crimes committed on or after July 1, 2012, must serve  
17 24 months on postrelease supervision.

18 (C) Except as provided in subparagraphs (D) and (E), persons  
19 sentenced for nondrug severity levels 7 through 10 crimes, drug severity  
20 level 4 crimes committed on or after July 1, 1993, but prior to July 1,  
21 2012, and drug severity level 5 crimes committed on or after July 1, 2012,  
22 must serve 12 months on postrelease supervision.

23 (D) Persons sentenced to a term of imprisonment that includes a  
24 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
25 amendments thereto, committed on or after July 1, 1993, but prior to July  
26 1, 2006, a sexually motivated crime ~~in~~ for which the offender has been  
27 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and  
28 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its  
29 repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual  
30 relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and  
31 amendments thereto, shall serve the period of postrelease supervision as  
32 provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount  
33 of good time and program credit earned and retained pursuant to K.S.A.  
34 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto,  
35 on postrelease supervision.

36 (i) If the sentencing judge finds substantial and compelling reasons to  
37 impose a departure based upon a finding that the current crime of  
38 conviction was sexually motivated, departure may be imposed to extend  
39 the postrelease supervision to a period of up to 60 months.

40 (ii) If the sentencing judge departs from the presumptive postrelease  
41 supervision period, the judge shall state on the record at the time of  
42 sentencing the substantial and compelling reasons for the departure.  
43 Departures in this section are subject to appeal pursuant to K.S.A. 21-

1 4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

2 (iii) In determining whether substantial and compelling reasons exist,  
3 the court shall consider:

4 (a) Written briefs or oral arguments submitted by either the defendant  
5 or the state;

6 (b) any evidence received during the proceeding;

7 (c) the presentence report, the victim's impact statement and any  
8 psychological evaluation as ordered by the court pursuant to K.S.A. 21-  
9 4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto;  
10 and

11 (d) any other evidence the court finds trustworthy and reliable.

12 (iv) The sentencing judge may order that a psychological evaluation  
13 be prepared and the recommended programming be completed by the  
14 offender. The department of corrections or the prisoner review board shall  
15 ensure that court ordered sex offender treatment be carried out.

16 (v) In carrying out the provisions of subsection (d)(1)(D), the court  
17 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and  
18 amendments thereto.

19 (vi) Upon petition and payment of any restitution ordered pursuant to  
20 K.S.A. 21-6604, and amendments thereto, the prisoner review board may  
21 provide for early discharge from the postrelease supervision period  
22 imposed pursuant to subsection (d)(1)(D)(i) upon completion of court  
23 ordered programs and completion of the presumptive postrelease  
24 supervision period, as determined by the crime of conviction, pursuant to  
25 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
26 postrelease supervision is at the discretion of the board.

27 (vii) Persons convicted of crimes deemed sexually violent or sexually  
28 motivated shall be registered according to the offender registration act,  
29 K.S.A. 22-4901 through 22-4910, and amendments thereto.

30 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
31 repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to  
32 participate in a treatment program for sex offenders during the postrelease  
33 supervision period.

34 (E) The period of postrelease supervision provided in subparagraphs  
35 (A) and (B) may be reduced by up to 12 months and the period of  
36 postrelease supervision provided in subparagraph (C) may be reduced by  
37 up to six months based on the offender's compliance with conditions of  
38 supervision and overall performance while on postrelease supervision. The  
39 reduction in the supervision period shall be on an earned basis pursuant to  
40 rules and regulations adopted by the secretary of corrections.

41 (F) In cases where sentences for crimes from more than one severity  
42 level have been imposed, the offender shall serve the longest period of  
43 postrelease supervision as provided by this section available for any crime

1 upon which sentence was imposed irrespective of the severity level of the  
2 crime. Supervision periods will not aggregate.

3 (G) (i) Except as provided in subsection(v), persons sentenced to  
4 imprisonment for a sexually violent crime committed on or after July 1,  
5 2006, when the offender was 18 years of age or older, and who are  
6 released from prison, shall be released to a mandatory period of  
7 postrelease supervision for the duration of the person's natural life.

8 (ii) Persons sentenced to imprisonment for a sexually violent crime  
9 committed on or after the effective date of this act, when the offender was  
10 under 18 years of age, and who are released from prison, shall be released  
11 to a mandatory period of postrelease supervision for 60 months, plus the  
12 amount of good time and program credit earned and retained pursuant to  
13 K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments  
14 thereto.

15 (2) Persons serving a period of postrelease supervision pursuant to  
16 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner  
17 review board for early discharge. Upon payment of restitution, the prisoner  
18 review board may provide for early discharge.

19 (3) Persons serving a period of incarceration for a supervision  
20 violation shall not have the period of postrelease supervision modified  
21 until such person is released and returned to postrelease supervision.

22 (4) Offenders whose crime of conviction was committed on or after  
23 July 1, 2013, and whose probation, assignment to a community  
24 correctional services program, suspension of sentence or nonprison  
25 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments  
26 thereto, or whose underlying prison term expires while serving a sanction  
27 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a  
28 period of postrelease supervision upon the completion of the underlying  
29 prison term.

30 (5) As used in this subsection, "sexually violent crime" means:

31 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and  
32 amendments thereto;

33 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
34 or K.S.A. 21-5506(a), and amendments thereto;

35 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
36 to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

37 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its  
38 repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

39 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,  
40 or K.S.A. 21-5504(b), and amendments thereto;

41 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
42 or K.S.A. 21-5508(a), and amendments thereto;

43 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior

1 to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

2 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
3 or K.S.A. 21-5510, and amendments thereto;

4 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or  
5 K.S.A. 21-5505(b), and amendments thereto;

6 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.  
7 21-5604(b), and amendments thereto;

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

12 (L) internet trading in child pornography, as defined in K.S.A. 21-  
13 5514(a), and amendments thereto;

14 (M) aggravated internet trading in child pornography, as defined in  
15 K.S.A. 21-5514(b), and amendments thereto;

16 (N) commercial sexual exploitation of a child, as defined in K.S.A.  
17 21-6422, and amendments thereto; or

18 (O) an attempt, conspiracy or criminal solicitation, as defined in  
19 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
20 5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent  
21 crime as defined in this section.

22 (6) As used in this subsection, "sexually motivated" means that one of  
23 the purposes for which the defendant committed the crime was for the  
24 purpose of the defendant's sexual gratification.

25 (e) If an inmate is sentenced to imprisonment for a crime committed  
26 while on parole or conditional release, the inmate shall be eligible for  
27 parole as provided by subsection (c), except that the prisoner review board  
28 may postpone the inmate's parole eligibility date by assessing a penalty not  
29 exceeding the period of time ~~which~~ *that* could have been assessed if the  
30 inmate's parole or conditional release had been violated for reasons other  
31 than conviction of a crime.

32 (f) If a person is sentenced to prison for a crime committed on or after  
33 July 1, 1993, while on probation, parole, conditional release or in a  
34 community corrections program, for a crime committed prior to July 1,  
35 1993, and the person is not eligible for retroactive application of the  
36 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
37 4724, prior to its repeal, the new sentence shall not be aggregated with the  
38 old sentence, but shall begin when the person is paroled or reaches the  
39 conditional release date on the old sentence. If the offender was past the  
40 offender's conditional release date at the time the new offense was  
41 committed, the new sentence shall not be aggregated with the old sentence  
42 but shall begin when the person is ordered released by the prisoner review  
43 board or reaches the maximum sentence expiration date on the old

1 sentence, whichever is earlier. The new sentence shall then be served as  
2 otherwise provided by law. The period of postrelease supervision shall be  
3 based on the new sentence, except that those offenders whose old sentence  
4 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.  
5 21-4628, prior to its repeal, or an indeterminate sentence with a maximum  
6 term of life imprisonment, for which there is no conditional release or  
7 maximum sentence expiration date, shall remain on postrelease  
8 supervision for life or until discharged from supervision by the prisoner  
9 review board.

10 (g) Subject to the provisions of this section, the prisoner review board  
11 may release on parole those persons confined in institutions who are  
12 eligible for parole when: (1) The board believes that the inmate should be  
13 released for hospitalization, deportation or to answer the warrant or other  
14 process of a court and is of the opinion that there is reasonable probability  
15 that the inmate can be released without detriment to the community or to  
16 the inmate; or (2) the secretary of corrections has reported to the board in  
17 writing that the inmate has satisfactorily completed the programs required  
18 by any agreement entered under K.S.A. 75-5210a, and amendments  
19 thereto, or any revision of such agreement, and the board believes that the  
20 inmate is able and willing to fulfill the obligations of a law abiding citizen  
21 and is of the opinion that there is reasonable probability that the inmate  
22 can be released without detriment to the community or to the inmate.  
23 Parole shall not be granted as an award of clemency and shall not be  
24 considered a reduction of sentence or a pardon.

25 (h) The prisoner review board shall hold a parole hearing at least the  
26 month prior to the month an inmate will be eligible for parole under  
27 subsections (a), (b) and (c). At least one month preceding the parole  
28 hearing, the county or district attorney of the county where the inmate was  
29 convicted shall give written notice of the time and place of the public  
30 comment sessions for the inmate to any victim of the inmate's crime who  
31 is alive and whose address is known to the county or district attorney or, if  
32 the victim is deceased, to the victim's family if the family's address is  
33 known to the county or district attorney. Except as otherwise provided,  
34 failure to notify pursuant to this section shall not be a reason to postpone a  
35 parole hearing. In the case of any inmate convicted of an off-grid felony or  
36 a class A felony, the secretary of corrections shall give written notice of the  
37 time and place of the public comment session for such inmate at least one  
38 month preceding the public comment session to any victim of such  
39 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and  
40 amendments thereto. If notification is not given to such victim or such  
41 victim's family in the case of any inmate convicted of an off-grid felony or  
42 a class A felony, the board shall postpone a decision on parole of the  
43 inmate to a time at least 30 days after notification is given as provided in

1 this section. Nothing in this section shall create a cause of action against  
2 the state or an employee of the state acting within the scope of the  
3 employee's employment as a result of the failure to notify pursuant to this  
4 section. If granted parole, the inmate may be released on parole on the date  
5 specified by the board, but not earlier than the date the inmate is eligible  
6 for parole under subsections (a), (b) and (c). At each parole hearing and, if  
7 parole is not granted, at such intervals thereafter as it determines  
8 appropriate, the board shall consider: (1) Whether the inmate has  
9 satisfactorily completed the programs required by any agreement entered  
10 under K.S.A. 75-5210a, and amendments thereto, or any revision of such  
11 agreement; and (2) all pertinent information regarding such inmate,  
12 including, but not limited to, the circumstances of the offense of the  
13 inmate; the presentence report; the previous social history and criminal  
14 record of the inmate; the conduct, employment, and attitude of the inmate  
15 in prison; the reports of such physical and mental examinations as have  
16 been made, including, but not limited to, risk factors revealed by any risk  
17 assessment of the inmate; comments of the victim and the victim's family  
18 including in person comments, contemporaneous comments and  
19 prerecorded comments made by any technological means; comments of  
20 the public; official comments; any recommendation by the staff of the  
21 facility where the inmate is incarcerated; proportionality of the time the  
22 inmate has served to the sentence a person would receive under the Kansas  
23 sentencing guidelines for the conduct that resulted in the inmate's  
24 incarceration; and capacity of state correctional institutions.

25 (i) In those cases involving inmates sentenced for a crime committed  
26 after July 1, 1993, the prisoner review board will review the inmate's  
27 proposed release plan. The board may schedule a hearing if they desire.  
28 The board may impose any condition they deem necessary to insure public  
29 safety, aid in the reintegration of the inmate into the community, or items  
30 not completed under the agreement entered into under K.S.A. 75-5210a,  
31 and amendments thereto. The board may not advance or delay an inmate's  
32 release date. Every inmate while on postrelease supervision shall remain in  
33 the legal custody of the secretary of corrections and is subject to the orders  
34 of the secretary.

35 (j) (1) Before ordering the parole of any inmate, the prisoner review  
36 board shall have the inmate appear either in person or via a video  
37 conferencing format and shall interview the inmate unless impractical  
38 because of the inmate's physical or mental condition or absence from the  
39 institution. Every inmate while on parole shall remain in the legal custody  
40 of the secretary of corrections and is subject to the orders of the secretary.  
41 Whenever the board formally considers placing an inmate on parole and  
42 no agreement has been entered into with the inmate under K.S.A. 75-  
43 5210a, and amendments thereto, the board shall notify the inmate in

1 writing of the reasons for not granting parole. If an agreement has been  
2 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
3 has not satisfactorily completed the programs specified in the agreement,  
4 or any revision of such agreement, the board shall notify the inmate in  
5 writing of the specific programs the inmate must satisfactorily complete  
6 before parole will be granted. If parole is not granted only because of a  
7 failure to satisfactorily complete such programs, the board shall grant  
8 parole upon the secretary's certification that the inmate has successfully  
9 completed such programs. If an agreement has been entered under K.S.A.  
10 75-5210a, and amendments thereto, and the secretary of corrections has  
11 reported to the board in writing that the inmate has satisfactorily  
12 completed the programs required by such agreement, or any revision  
13 thereof, the board shall not require further program participation.  
14 However, if the board determines that other pertinent information  
15 regarding the inmate warrants the inmate's not being released on parole,  
16 the board shall state in writing the reasons for not granting the parole. If  
17 parole is denied for an inmate sentenced for a crime other than a class A or  
18 class B felony or an off-grid felony, the board shall hold another parole  
19 hearing for the inmate not later than one year after the denial unless the  
20 board finds that it is not reasonable to expect that parole would be granted  
21 at a hearing if held in the next three years or during the interim period of a  
22 deferral. In such case, the board may defer subsequent parole hearings for  
23 up to three years but any such deferral by the board shall require the board  
24 to state the basis for its findings. If parole is denied for an inmate  
25 sentenced for a class A or class B felony or an off-grid felony, the board  
26 shall hold another parole hearing for the inmate not later than three years  
27 after the denial unless the board finds that it is not reasonable to expect  
28 that parole would be granted at a hearing if held in the next 10 years or  
29 during the interim period of a deferral. In such case, the board may defer  
30 subsequent parole hearings for up to 10 years, but any such deferral shall  
31 require the board to state the basis for its findings.

32 (2) Inmates sentenced for a class A or class B felony who have not  
33 had a board hearing in the five years prior to July 1, 2010, shall have such  
34 inmates' cases reviewed by the board on or before July 1, 2012. Such  
35 review shall begin with the inmates with the oldest deferral date and  
36 progress to the most recent. Such review shall be done utilizing existing  
37 resources unless the board determines that such resources are insufficient.  
38 If the board determines that such resources are insufficient, then the  
39 provisions of this paragraph are subject to appropriations therefor.

40 (k) (1) Parolees and persons on postrelease supervision shall be  
41 assigned, upon release, to the appropriate level of supervision pursuant to  
42 the criteria established by the secretary of corrections.

43 (2) Parolees and persons on postrelease supervision are, and shall



1 agree in writing to be, subject to searches of the person and the person's  
2 effects, vehicle, residence and property by a parole officer or a department  
3 of corrections enforcement, apprehension and investigation officer, at any  
4 time of the day or night, with or without a search warrant and with or  
5 without cause. Nothing in this subsection shall be construed to authorize  
6 such officers to conduct arbitrary or capricious searches or searches for the  
7 sole purpose of harassment.

8 (3) Parolees and persons on postrelease supervision are, and shall  
9 agree in writing to be, subject to searches of the person and the person's  
10 effects, vehicle, residence and property by any law enforcement officer  
11 based on reasonable suspicion of the person violating conditions of parole  
12 or postrelease supervision or reasonable suspicion of criminal activity. Any  
13 law enforcement officer who conducts such a search shall submit a written  
14 report to the appropriate parole officer no later than the close of the next  
15 business day after such search. The written report shall include the facts  
16 leading to such search, the scope of such search and any findings resulting  
17 from such search.

18 (l) The prisoner review board shall promulgate rules and regulations  
19 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not  
20 inconsistent with the law and as it may deem proper or necessary, with  
21 respect to the conduct of parole hearings, postrelease supervision reviews,  
22 revocation hearings, orders of restitution, reimbursement of expenditures  
23 by the state board of indigents' defense services and other conditions to be  
24 imposed upon parolees or releasees. Whenever an order for parole or  
25 postrelease supervision is issued it shall recite the conditions thereof.

26 (m) Whenever the prisoner review board orders the parole of an  
27 inmate or establishes conditions for an inmate placed on postrelease  
28 supervision, the board shall require that the inmate:

29 (1) Obey all laws and ordinances and report any law enforcement  
30 contact to the inmate's supervision officer within 24 hours after such  
31 contact;

32 (2) not engage in physical violence or threats of violence of any kind  
33 and, if the inmate is being supervised for conviction of a felony, not  
34 purchase or possess a dangerous weapon, including a firearm, while on  
35 supervision;

36 (3) report to the inmate's supervision officer as directed and be  
37 truthful in all matters;

38 (4) remain within the state of Kansas or other specified areas as  
39 defined by the defendant's supervision officer;

40 (5) reside at the inmate's approved residence unless the defendant  
41 receives permission from the inmate's supervision officer to relocate and  
42 notify the inmate's supervision officer within 24 hours after any emergency  
43 changes in residence or contact information;

1 (6) not possess, use or distribute any controlled substances except  
2 those prescribed by a licensed medical professional;

3 (7) not possess or consume any form of alcohol or intoxicating  
4 substance or enter any establishment where alcohol is sold or consumed as  
5 the primary business;

6 (8) submit to any form of alcohol or substance use testing directed by  
7 the inmate's supervision officer and not alter or tamper with the specimen  
8 or test;

9 (9) participate in assessment, treatment, programming and other  
10 directives of the court or the inmate's supervision officer;

11 (10) submit to searches of the person and the person's effects, vehicle,  
12 residence and property by a parole officer or a department of corrections  
13 enforcement, apprehension and investigation officer, at any time of the day  
14 or night, with or without a search warrant and with or without cause,  
15 except that nothing in this paragraph shall be construed to authorize such  
16 officers to conduct arbitrary or capricious searches or searches for the sole  
17 purpose of harassment;

18 (11) submit to searches of the person and the person's effects, vehicle,  
19 residence and property by any law enforcement officer based on  
20 reasonable suspicion of the person violating conditions of parole or  
21 postrelease supervision or reasonable suspicion of criminal activity;

22 (12) refrain from contacting victims unless authorized by the board to  
23 contact a victim as part of rehabilitative or therapeutic purposes;

24 (13) pay the administrative fee imposed pursuant to K.S.A. 22-4529,  
25 and amendments thereto, unless the board finds compelling circumstances  
26 that would render payment unworkable; and

27 (14) unless the board finds compelling circumstances that would  
28 render a plan of payment unworkable, reimburse the state for all or part of  
29 the expenditures by the state board of indigents' defense services to  
30 provide counsel and other defense services to the person. In determining  
31 the amount and method of payment of such sum, the prisoner review board  
32 shall take account of the financial resources of the person and the nature of  
33 the burden that the payment of such sum will impose. Such amount shall  
34 not exceed the amount claimed by appointed counsel on the payment  
35 voucher for indigents' defense services or the amount prescribed by the  
36 board of indigents' defense services reimbursement tables as provided in  
37 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any  
38 previous payments for such services.

39 (n) Any law enforcement officer who conducts a search pursuant to  
40 subsection (m)(11) shall submit a written report to the inmate's parole  
41 officer not later than the close of business the next day after such search is  
42 conducted. The written report shall include the facts leading to such  
43 search, the scope of such search and any findings resulting from such

1 search.

2 (o) If the court that sentenced an inmate specified at the time of  
3 sentencing the amount and the recipient of any restitution ordered as a  
4 condition of parole or postrelease supervision, the prisoner review board  
5 shall order as a condition of parole or postrelease supervision that the  
6 inmate pay restitution in the amount and manner provided in the journal  
7 entry unless the board finds compelling circumstances that would render a  
8 plan of restitution unworkable.

9 (p) Whenever the prisoner review board grants the parole of an  
10 inmate, the board, within 14 days of the date of the decision to grant  
11 parole, shall give written notice of the decision to the county or district  
12 attorney of the county where the inmate was sentenced.

13 (q) When an inmate is to be released on postrelease supervision, the  
14 secretary, within 30 days prior to release, shall provide the county or  
15 district attorney of the county where the inmate was sentenced written  
16 notice of the release date.

17 (r) Inmates shall be released on postrelease supervision upon the  
18 termination of the prison portion of their sentence. Time served while on  
19 postrelease supervision will vest.

20 (s) An inmate who is allocated regular good time credits as provided  
21 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
22 good time credits in increments of not more than 90 days per meritorious  
23 act. These credits may be awarded by the secretary of corrections when an  
24 inmate has acted in a heroic or outstanding manner in coming to the  
25 assistance of another person in a life-threatening situation, preventing  
26 injury or death to a person, preventing the destruction of property or taking  
27 actions that result in a financial savings to the state.

28 (t) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and  
29 (d)(1)(E) shall be applied retroactively as provided in subsection(u).

30 (u) For offenders sentenced prior to July 1, 2014, who are eligible for  
31 modification of their postrelease supervision obligation, the department of  
32 corrections shall modify the period of postrelease supervision as provided  
33 for by this section:

34 (1) On or before September 1, 2013, for offenders convicted of:

35 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid  
36 for nondrug crimes;

37 (B) severity level 4 crimes on the sentencing guidelines grid for drug  
38 crimes committed prior to July 1, 2012; and

39 (C) severity level 5 crimes on the sentencing guidelines grid for drug  
40 crimes committed on and after July 1, 2012;

41 (2) on or before November 1, 2013, for offenders convicted of:

42 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines  
43 grid for nondrug crimes;

1 (B) *severity* level 3 crimes on the sentencing guidelines grid for drug  
2 crimes committed prior to July 1, 2012; and

3 (C) *severity* level 4 crimes on the sentencing guidelines grid for drug  
4 crimes committed on or after July 1, 2012; and

5 (3) on or before January 1, 2014, for offenders convicted of:

6 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing  
7 guidelines grid for nondrug crimes;

8 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid  
9 for drug crimes committed at any time; and

10 (C) severity level 3 crimes on the sentencing guidelines grid for drug  
11 crimes committed on or after July 1, 2012.

12 (v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
13 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for  
14 crimes committed on or after July 1, 2006, shall be placed on parole for  
15 life and shall not be discharged from supervision by the prisoner review  
16 board. When the board orders the parole of an inmate pursuant to this  
17 subsection, the board shall order as a condition of parole that the inmate be  
18 electronically monitored for the duration of the inmate's natural life.

19 (w) Whenever the prisoner review board orders a person to be  
20 electronically monitored pursuant to this section, or the court orders a  
21 person to be electronically monitored pursuant to K.S.A. 21-6604(r), and  
22 amendments thereto, the board shall order the person to reimburse the state  
23 for all or part of the cost of such monitoring. In determining the amount  
24 and method of payment of such sum, the board shall take account of the  
25 financial resources of the person and the nature of the burden that the  
26 payment of such sum will impose.

27 (x) (1) On and after July 1, 2012, for any inmate who is a sex  
28 offender, as defined in K.S.A. 22-4902, and amendments thereto,  
29 whenever the prisoner review board orders the parole of such inmate or  
30 establishes conditions for such inmate placed on postrelease supervision,  
31 such inmate shall agree in writing to not possess pornographic materials.

32 (A) As used in this subsection, "pornographic materials" means any  
33 obscene material or performance depicting sexual conduct, sexual contact  
34 or a sexual performance; and any visual depiction of sexually explicit  
35 conduct.

36 (B) As used in this subsection, all other terms have the meanings  
37 provided by K.S.A. 21-5510, and amendments thereto.

38 (2) The provisions of this subsection shall be applied retroactively to  
39 every sex offender, as defined in K.S.A. 22-4902, and amendments  
40 thereto, who is on parole or postrelease supervision on July 1, 2012. The  
41 prisoner review board shall obtain the written agreement required by this  
42 subsection from such offenders as soon as practicable.

43 Sec. 17. K.S.A. 22-4902 is hereby amended to read as follows: 22-

- 1 4902. As used in the Kansas offender registration act, unless the context  
2 otherwise requires:
- 3 (a) "Offender" means:
- 4 (1) A sex offender;
- 5 (2) a violent offender;
- 6 (3) a drug offender;
- 7 (4) any person who has been required to register under out-of-state  
8 law or is otherwise required to be registered; and
- 9 (5) any person required by court order to register for an offense not  
10 otherwise required as provided in the Kansas offender registration act.
- 11 (b) "Sex offender" includes any person who:
- 12 (1) On or after April 14, 1994, is convicted of any sexually violent  
13 crime;
- 14 (2) on or after July 1, 2002, is adjudicated as a juvenile offender for  
15 an act which, if committed by an adult, would constitute the commission  
16 of a sexually violent crime, unless the court, on the record, finds that the  
17 act involved non-forcible sexual conduct, the victim was at least 14 years  
18 of age and the offender was not more than four years older than the victim;
- 19 (3) has been determined to be a sexually violent predator;
- 20 (4) on or after July 1, 1997, is convicted of any of the following  
21 crimes when one of the parties involved is less than 18 years of age:
- 22 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
23 K.S.A. 21-5511, and amendments thereto;
- 24 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its  
25 repeal, or K.S.A. 21-5504(a)(1) or (a)(2), and amendments thereto;
- 26 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
27 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter  
28 120 of the 2013 Session Laws of Kansas on July 1, 2013;
- 29 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
30 repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter  
31 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
- 32 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
33 to its repeal, or K.S.A. 21-5513, and amendments thereto;
- 34 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior  
35 to its repeal, or K.S.A. 21-5505(a), and amendments thereto;
- 36 (6) is convicted of sexual extortion, as defined in K.S.A. 21-5515,  
37 and amendments thereto;
- 38 (7) is convicted of breach of privacy, as defined in K.S.A. 21-6101(a)  
39 (6), (a)(7) or (a)(8), and amendments thereto;
- 40 (8) is convicted of an attempt, conspiracy or criminal solicitation, as  
41 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
42 K.S.A. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense  
43 defined in this subsection; or

- 1 (9) has been convicted of an offense that is comparable to any crime  
2 defined in this subsection, or any out-of-state conviction for an offense that  
3 under the laws of this state would be an offense defined in this subsection.
- 4 (c) "Sexually violent crime" means:
- 5 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
6 21-5503, and amendments thereto;
- 7 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
8 to its repeal, or K.S.A. 21-5506(a), and amendments thereto;
- 9 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
10 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments  
11 thereto;
- 12 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
13 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments  
14 thereto;
- 15 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
16 to its repeal, or K.S.A. 21-5504(b), and amendments thereto;
- 17 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
18 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;
- 19 (7) aggravated indecent solicitation of a child, as defined in K.S.A.  
20 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments  
21 thereto;
- 22 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
23 to its repeal, or K.S.A. 21-5510, and amendments thereto;
- 24 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
25 its repeal, or K.S.A. 21-5505(b), and amendments thereto;
- 26 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
27 repeal, or K.S.A. 21-5604(b), and amendments thereto;
- 28 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
29 repeal, and K.S.A. 21-5509, and amendments thereto;
- 30 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
31 its repeal, or K.S.A. 21-5512, and amendments thereto;
- 32 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,  
33 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if  
34 committed in whole or in part for the purpose of the sexual gratification of  
35 the defendant or another;
- 36 (14) commercial sexual exploitation of a child, as defined in K.S.A.  
37 21-6422, and amendments thereto;
- 38 (15) promoting the sale of sexual relations, as defined in K.S.A. 21-  
39 6420, and amendments thereto;
- 40 (16) internet trading in child pornography or aggravated internet  
41 trading in child pornography, as defined in K.S.A. 21-5514, and  
42 amendments thereto;
- 43 (17) any conviction or adjudication for an offense that is comparable

1 to a sexually violent crime as defined in this subsection, or any out-of-state  
 2 conviction or adjudication for an offense that under the laws of this state  
 3 would be a sexually violent crime as defined in this subsection;

4 (18) an attempt, conspiracy or criminal solicitation, as defined in  
 5 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
 6 5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent  
 7 crime, as defined in this subsection; or

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

15 (d) "Sexually violent predator" means any person who, on or after  
 16 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.  
 17 59-29a01 et seq., and amendments thereto.

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

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

21 (A) Capital murder, as defined in K.S.A. 21-3439 *or* 21-5401, prior to  
 22 its ~~their~~ repeal, ~~or~~ K.S.A. 21-5401,;

23 (B) *aggravated murder, as defined in section 2,* and amendments  
 24 thereto;

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

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

29 ~~(D)~~(E) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to  
 30 its repeal, or K.S.A. 21-5404, and amendments thereto;

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

36 ~~(F)~~(G) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal,  
 37 or K.S.A. 21-5408(a), and amendments thereto;

38 ~~(G)~~(H) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to  
 39 its repeal, or K.S.A. 21-5408(b), and amendments thereto;

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

43 ~~(I)~~(J) aggravated human trafficking, as defined in K.S.A. 21-3447,

1 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if not  
2 committed in whole or in part for the purpose of the sexual gratification of  
3 the defendant or another;

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

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

11 (4) is convicted of an attempt, conspiracy or criminal solicitation, as  
12 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
13 K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
14 offense defined in this subsection.

15 (f) "Drug offender" includes any person who, on or after July 1, 2007:

16 (1) Is convicted of any of the following crimes:

17 (A) Unlawful manufacture or attempting such of any controlled  
18 substance or controlled substance analog, as defined in K.S.A. 65-4159,  
19 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or  
20 K.S.A. 21-5703, and amendments thereto;

21 (B) possession of ephedrine, pseudoephedrine, red phosphorus,  
22 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
23 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
24 isomers with intent to use the product to manufacture a controlled  
25 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010  
26 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 21-5709(a), and  
27 amendments thereto;

28 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-  
29 36a05(a)(1), prior to its transfer, or K.S.A. 21-5705(a)(1), and  
30 amendments thereto. The provisions of this paragraph shall not apply to  
31 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b) that  
32 occurred on or after July 1, 2009, through April 15, 2010;

33 (2) has been convicted of an offense that is comparable to any crime  
34 defined in this subsection, any out-of-state conviction for an offense that  
35 under the laws of this state would be an offense defined in this subsection;  
36 or

37 (3) is or has been convicted of an attempt, conspiracy or criminal  
38 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to  
39 their repeal, or K.S.A. 21-5301, 21-5302 and 21-5303, and amendments  
40 thereto, of an offense defined in this subsection.

41 (g) Convictions or adjudications that result from or are connected  
42 with the same act, or result from crimes committed at the same time, shall  
43 be counted for the purpose of this section as one conviction or



1 adjudication. Any conviction or adjudication set aside pursuant to law is  
2 not a conviction or adjudication for purposes of this section. A conviction  
3 or adjudication from any out-of-state court shall constitute a conviction or  
4 adjudication for purposes of this section.

5 (h) "School" means any public or private educational institution,  
6 including, but not limited to, postsecondary school, college, university,  
7 community college, secondary school, high school, junior high school,  
8 middle school, elementary school, trade school, vocational school or  
9 professional school providing training or education to an offender for three  
10 or more consecutive days or parts of days, or for 10 or more  
11 nonconsecutive days in a period of 30 consecutive days.

12 (i) "Employment" means any full-time, part-time, transient, day-labor  
13 employment or volunteer work, with or without compensation, for three or  
14 more consecutive days or parts of days, or for 10 or more nonconsecutive  
15 days in a period of 30 consecutive days.

16 (j) "Reside" means to stay, sleep or maintain with regularity or  
17 temporarily one's person and property in a particular place other than a  
18 location where the offender is incarcerated. It shall be presumed that an  
19 offender resides at any and all locations where the offender stays, sleeps or  
20 maintains the offender's person for three or more consecutive days or parts  
21 of days, or for ten or more nonconsecutive days in a period of 30  
22 consecutive days.

23 (k) "Residence" means a particular and definable place where an  
24 individual resides. Nothing in the Kansas offender registration act shall be  
25 construed to state that an offender may only have one residence for the  
26 purpose of such act.

27 (l) "Transient" means having no fixed or identifiable residence.

28 (m) "Law enforcement agency having initial jurisdiction" means the  
29 registering law enforcement agency of the county or location of  
30 jurisdiction where the offender expects to most often reside upon the  
31 offender's discharge, parole or release.

32 (n) "Registering law enforcement agency" means the sheriff's office  
33 or tribal police department responsible for registering an offender.

34 (o) "Registering entity" means any person, agency or other  
35 governmental unit, correctional facility or registering law enforcement  
36 agency responsible for obtaining the required information from, and  
37 explaining the required registration procedures to, any person required to  
38 register pursuant to the Kansas offender registration act. "Registering  
39 entity" includes, but is not limited to, sheriff's offices, tribal police  
40 departments and correctional facilities.

41 (p) "Treatment facility" means any public or private facility or  
42 institution providing inpatient mental health, drug or alcohol treatment or  
43 counseling, but does not include a hospital, as defined in K.S.A. 65-425,

1 and amendments thereto.

2 (q) "Correctional facility" means any public or private correctional  
3 facility, juvenile detention facility, prison or jail.

4 (r) "Out-of-state" means: the District of Columbia; any federal,  
5 military or tribal jurisdiction, including those within this state; any foreign  
6 jurisdiction; or any state or territory within the United States, other than  
7 this state.

8 (s) "Duration of registration" means the length of time ~~during which~~  
9 *when* an offender is required to register for a specified offense or violation.

10 (t) (1) Notwithstanding any other provision of this section, "offender"  
11 ~~shall~~ *does* not include any person who is:

12 (A) Convicted of unlawful transmission of a visual depiction of a  
13 child, as defined in K.S.A. 21-5611(a), and amendments thereto,  
14 aggravated unlawful transmission of a visual depiction of a child, as  
15 defined in K.S.A. 21-5611(b), and amendments thereto, or unlawful  
16 possession of a visual depiction of a child, as defined in K.S.A. 21-5610,  
17 and amendments thereto;

18 (B) adjudicated as a juvenile offender for an act which, if committed  
19 by an adult, would constitute the commission of a crime defined in  
20 subsection (t)(1)(A);

21 (C) adjudicated as a juvenile offender for an act which, if committed  
22 by an adult, would constitute the commission of sexual extortion as  
23 defined in K.S.A. 21-5515, and amendments thereto; or

24 (D) adjudicated as a juvenile offender for an act which, if committed  
25 by an adult, would constitute a violation of K.S.A. 21-6101(a)(6), (a)(7) or  
26 (a)(8), and amendments thereto.

27 (2) Notwithstanding any other provision of law, a court shall not  
28 order any person to register under the Kansas offender registration act for  
29 the offenses described in subsection (t)(1).

30 Sec. 18. K.S.A. 22-4906 is hereby amended to read as follows: 22-  
31 4906. (a) (1) Except as provided in subsection (c), if convicted of any of  
32 the following offenses, an offender's duration of registration shall be, if  
33 confined, 15 years after the date of parole, discharge or release, whichever  
34 date is most recent, or, if not confined, 15 years from the date of  
35 conviction:

36 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
37 or K.S.A. 21-5505(a), and amendments thereto;

38 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
39 K.S.A. 21-5511, and amendments thereto, when one of the parties  
40 involved is less than 18 years of age;

41 (C) promoting the sale of sexual relations, as defined in K.S.A. 21-  
42 6420, and amendments thereto;

43 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its

- 1 repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter  
 2 120 of the 2013 Session Laws of Kansas on July 1, 2013, when one of the  
 3 parties involved is less than 18 years of age;
- 4 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
 5 to its repeal, or K.S.A. 21-5513, and amendments thereto, when one of the  
 6 parties involved is less than 18 years of age;
- 7 (F) capital murder, as defined in K.S.A. 21-3439 *or 21-5401*, prior to  
 8 *its* ~~their~~ repeal, ~~or K.S.A. 21-5401~~;
- 9 (G) *aggravated murder, as defined in section 2*, and amendments  
 10 thereto;
- 11 ~~(G)~~(H) murder in the first degree, as defined in K.S.A. 21-3401, prior  
 12 to its repeal, or K.S.A. 21-5402, and amendments thereto;
- 13 ~~(H)~~(I) murder in the second degree, as defined in K.S.A. 21-3402,  
 14 prior to its repeal, or K.S.A. 21-5403, and amendments thereto;
- 15 ~~(I)~~(J) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to  
 16 its repeal, or K.S.A. 21-5404, and amendments thereto;
- 17 ~~(J)~~(K) involuntary manslaughter, as defined in K.S.A. 21-3404, prior  
 18 to its repeal, or K.S.A. 21-5405(a)(1), (a)(2) or (a)(4), and amendments  
 19 thereto;
- 20 ~~(K)~~(L) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
 21 repeal, or K.S.A. 21-5411, and amendments thereto, except by a parent,  
 22 and only when the victim is less than 18 years of age;
- 23 ~~(L)~~(M) sexual extortion, as defined in K.S.A. 21-5515, and  
 24 amendments thereto, when one of the parties involved is less than 18 years  
 25 of age;
- 26 ~~(M)~~(N) breach of privacy, as defined in K.S.A. 21-6101(a)(6), (a)(7)  
 27 or (a)(8), and amendments thereto;
- 28 ~~(N)~~(O) any act that has been determined beyond a reasonable doubt  
 29 to have been sexually motivated, unless the court, on the record, finds that  
 30 the act involved non-forcible sexual conduct, the victim was at least 14  
 31 years of age and the offender was not more than four years older than the  
 32 victim;
- 33 ~~(O)~~(P) conviction of any person required by court order to register for  
 34 an offense not otherwise required as provided in the Kansas offender  
 35 registration act;
- 36 ~~(P)~~(Q) conviction of any person felony and the court makes a finding  
 37 on the record that a deadly weapon was used in the commission of such  
 38 person felony;
- 39 ~~(Q)~~(R) unlawful manufacture or attempting such of any controlled  
 40 substance or controlled substance analog, as defined in K.S.A. 65-4159,  
 41 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or  
 42 K.S.A. 21-5703, and amendments thereto;
- 43 ~~(R)~~(S) possession of ephedrine, pseudoephedrine, red phosphorus,

1 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
2 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
3 isomers with intent to use the product to manufacture a controlled  
4 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.  
5 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 21-5709(a), and  
6 amendments thereto;

7 ~~(S)~~(T) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-  
8 36a05(a)(1), prior to its transfer, or K.S.A. 21-5705(a)(1), and  
9 amendments thereto; or

10 ~~(F)~~(U) any attempt, conspiracy or criminal solicitation, as defined in  
11 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
12 5301, 21-5302 and 21-5303, and amendments thereto, of an offense  
13 defined in this subsection.

14 (2) Except as otherwise provided by the Kansas offender registration  
15 act, the duration of registration terminates, if not confined, at the  
16 expiration of 15 years from the date of conviction. Any period of time  
17 ~~during which~~ when any offender is incarcerated in any jail or correctional  
18 facility or ~~during which~~ when the offender does not comply with any and  
19 all requirements of the Kansas offender registration act shall not count  
20 toward the duration of registration.

21 (b) (1) Except as provided in subsection (c), if convicted of any of the  
22 following offenses, an offender's duration of registration shall be, if  
23 confined, 25 years after the date of parole, discharge or release, whichever  
24 date is most recent, or, if not confined, 25 years from the date of  
25 conviction:

26 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its  
27 repeal, or K.S.A. 21-5504(a)(1) or (a)(2), and amendments thereto, when  
28 one of the parties involved is less than 18 years of age;

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

31 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
32 repeal, or K.S.A. 21-5509, and amendments thereto;

33 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
34 repeal, or K.S.A. 21-5604(b), and amendments thereto;

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

37 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
38 its repeal, or K.S.A. 21-5512, and amendments thereto;

39 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
40 to its repeal, or K.S.A. 21-5510, and amendments thereto, if the victim is  
41 14 or more years of age but less than 18 years of age;

42 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
43 its repeal, or K.S.A. 21-5505(b), and amendments thereto;

- 1 (I) internet trading in child pornography, as defined in K.S.A. 21-  
2 5514, and amendments thereto;
- 3 (J) aggravated internet trading in child pornography, as defined in  
4 K.S.A. 21-5514, and amendments thereto, if the victim is 14 or more years  
5 of age but less than 18 years of age;
- 6 (K) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
7 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter  
8 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person  
9 selling sexual relations is 14 or more years of age but less than 18 years of  
10 age; or
- 11 (L) any attempt, conspiracy or criminal solicitation, as defined in  
12 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
13 5301, 21-5302 and 21-5303, and amendments thereto, of an offense  
14 defined in this subsection.
- 15 (2) Except as otherwise provided by the Kansas offender registration  
16 act, the duration of registration terminates, if not confined, at the  
17 expiration of 25 years from the date of conviction. Any period of time  
18 ~~during which~~ when any offender is incarcerated in any jail or correctional  
19 facility or ~~during which~~ when the offender does not comply with any and  
20 all requirements of the Kansas offender registration act shall not count  
21 toward the duration of registration.
- 22 (c) Upon a second or subsequent conviction of an offense requiring  
23 registration, an offender's duration of registration shall be for such  
24 offender's lifetime.
- 25 (d) The duration of registration for any offender who has been  
26 convicted of any of the following offenses shall be for such offender's  
27 lifetime:
- 28 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
29 21-5503, and amendments thereto;
- 30 (2) aggravated indecent solicitation of a child, as defined in K.S.A.  
31 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments  
32 thereto;
- 33 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
34 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments  
35 thereto;
- 36 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
37 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments  
38 thereto;
- 39 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
40 to its repeal, or K.S.A. 21-5504(b), and amendments thereto;
- 41 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
42 to its repeal, or K.S.A. 21-5426(b), and amendments thereto;
- 43 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior

1 to its repeal, or K.S.A. 21-5510, and amendments thereto, if the victim is  
2 less than 14 years of age;

3 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
4 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter  
5 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person  
6 selling sexual relations is less than 14 years of age;

7 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
8 K.S.A. 21-5408(a), and amendments thereto;

9 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
10 repeal, or K.S.A. 21-5408(b), and amendments thereto;

11 (11) aggravated internet trading in child pornography, as defined in  
12 K.S.A. 21-5514, and amendments thereto, if the victim is less than 14  
13 years of age;

14 (12) commercial sexual exploitation of a child, as defined in K.S.A.  
15 21-6422, and amendments thereto; or

16 (13) any attempt, conspiracy or criminal solicitation, as defined in  
17 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
18 5301, 21-5302 and 21-5303, and amendments thereto, of an offense  
19 defined in this subsection.

20 (e) Any person who has been declared a sexually violent predator  
21 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall  
22 register for such person's lifetime.

23 (f) Notwithstanding any other provisions of this section, for an  
24 offender less than 14 years of age who is adjudicated as a juvenile offender  
25 for an act which, if committed by an adult, would constitute a sexually  
26 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the  
27 court shall:

28 (1) Require registration until such offender reaches 18 years of age, at  
29 the expiration of five years from the date of adjudication or, if confined,  
30 from release from confinement, whichever date occurs later. Any period of  
31 time ~~during which~~ when the offender is incarcerated in any jail, juvenile  
32 facility or correctional facility or ~~during which~~ when the offender does not  
33 comply with any and all requirements of the Kansas offender registration  
34 act shall not count toward the duration of registration;

35 (2) not require registration if the court, on the record, finds substantial  
36 and compelling reasons therefor; or

37 (3) require registration, but such registration information shall not be  
38 open to inspection by the public or posted on any internet website, as  
39 provided in K.S.A. 22-4909, and amendments thereto. If the court requires  
40 registration but such registration is not open to the public, such offender  
41 shall provide a copy of such court order to the registering law enforcement  
42 agency at the time of registration. The registering law enforcement agency  
43 shall forward a copy of such court order to the Kansas bureau of

1 investigation.

2 If such offender violates a condition of release during the term of the  
3 conditional release, the court may require such offender to register  
4 pursuant to ~~paragraph (1)~~ *subsection (f)*.

5 (g) Notwithstanding any other provisions of this section, for an  
6 offender 14 years of age or more who is adjudicated as a juvenile offender  
7 for an act which, if committed by an adult, would constitute a sexually  
8 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and  
9 such crime is not an off-grid felony or a felony ranked in severity level 1  
10 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or  
11 K.S.A. 21-6804, and amendments thereto, the court shall:

12 (1) Require registration until such offender reaches 18 years of age, at  
13 the expiration of five years from the date of adjudication or, if confined,  
14 from release from confinement, whichever date occurs later. Any period of  
15 time ~~during which~~ *when* the offender is incarcerated in any jail, juvenile  
16 facility or correctional facility or ~~during which~~ *when* the offender does not  
17 comply with any and all requirements of the Kansas offender registration  
18 act shall not count toward the duration of registration;

19 (2) not require registration if the court, on the record, finds substantial  
20 and compelling reasons therefor; or

21 (3) require registration, but such registration information shall not be  
22 open to inspection by the public or posted on any internet website, as  
23 provided in K.S.A. 22-4909, and amendments thereto. If the court requires  
24 registration but such registration is not open to the public, such offender  
25 shall provide a copy of such court order to the registering law enforcement  
26 agency at the time of registration. The registering law enforcement agency  
27 shall forward a copy of such court order to the Kansas bureau of  
28 investigation.

29 If such offender violates a condition of release during the term of the  
30 conditional release, the court may require such offender to register  
31 pursuant to ~~paragraph (1)~~ *subsection (g)*.

32 (h) Notwithstanding any other provisions of this section, an offender  
33 14 *or more* years of age ~~or more~~ who is adjudicated as a juvenile offender  
34 for an act which, if committed by an adult, would constitute a sexually  
35 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and  
36 such crime is an off-grid felony or a felony ranked in severity level 1 of  
37 the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or  
38 K.S.A. 21-6804, and amendments thereto, shall be required to register for  
39 such offender's lifetime.

40 (i) Notwithstanding any other provision of law, if a diversionary  
41 agreement or probation order, either adult or juvenile, or a juvenile  
42 offender sentencing order, requires registration under the Kansas offender  
43 registration act for an offense that would not otherwise require registration

1 as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all  
2 provisions of the Kansas offender registration act shall apply, except that  
3 the duration of registration shall be controlled by such diversionary  
4 agreement, probation order or juvenile offender sentencing order.

5 (j) The duration of registration does not terminate if the convicted or  
6 adjudicated offender again becomes liable to register as provided by the  
7 Kansas offender registration act during the required period of registration.

8 (k) For any person moving to Kansas who has been convicted or  
9 adjudicated in an out-of-state court, or who was required to register under  
10 an out-of-state law, the duration of registration shall be the length of time  
11 required by the out-of-state jurisdiction or by the Kansas offender  
12 registration act, whichever length of time is longer. The provisions of this  
13 subsection shall apply to convictions or adjudications prior to June 1,  
14 2006, and to persons who moved to Kansas prior to June 1, 2006, and to  
15 convictions or adjudications on or after June 1, 2006, and to persons who  
16 moved to Kansas on or after June 1, 2006.

17 (l) For any person residing, maintaining employment or attending  
18 school in this state who has been convicted or adjudicated by an out-of-  
19 state court of an offense that is comparable to any crime requiring  
20 registration pursuant to the Kansas offender registration act, but who was  
21 not required to register in the jurisdiction of conviction or adjudication, the  
22 duration of registration shall be the duration required for the comparable  
23 offense pursuant to the Kansas offender registration act.

24 Sec. 19. K.S.A. 23-3222 is hereby amended to read as follows: 23-  
25 3222. (a) Except as provided in subsection (d), a parent entitled to legal  
26 custody or residency of or parenting time with a child under this article  
27 shall give written notice to the other parent not less than 30 days prior to:  
28 (1) Changing the residence of the child; or (2) removing the child from this  
29 state for a period of time exceeding 90 days. Such notice shall be sent by  
30 restricted mail, return receipt requested, to the last known address of the  
31 other parent.

32 (b) Failure to give notice as required by subsection (a) is an indirect  
33 civil contempt punishable as provided by law. In addition, the court may  
34 assess, against the parent required to give notice, reasonable attorney fees  
35 and any other expenses incurred by the other parent by reason of the  
36 failure to give notice.

37 (c) A change of the residence or the removal of a child as described in  
38 subsection (a) may be considered a material change of circumstances  
39 which justifies modification of a prior order of legal custody, residency,  
40 child support or parenting time. In determining any motion seeking a  
41 modification of a prior order based on change of residence or removal as  
42 described in (a), the court shall consider all factors the court deems  
43 appropriate including, but not limited to: (1) The effect of the move on the



1 best interests of the child; (2) the effect of the move on any party having  
2 rights granted under this article; and (3) the increased cost the move will  
3 impose on any party seeking to exercise rights granted under this article.

4 (d) A parent entitled to the legal custody or residency of a child under  
5 this article shall not be required to give the notice required by this section  
6 to the other parent when the other parent has been convicted of any crime  
7 specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes  
8 Annotated, *or K.S.A. 21-5401*, prior to their repeal, or ~~K.S.A. 21-5401~~ *21-*  
9 *5402* through 21-5609, *section 2*, 21-6104, 21-6325, 21-6326 or 21-6419  
10 through 21-6422, and amendments thereto, in which the child is the victim  
11 of such crime.

12 Sec. 20. K.S.A. 2024 Supp. 38-2255 is hereby amended to read as  
13 follows: 38-2255. (a) *Considerations*. Prior to entering an order of  
14 disposition, the court shall give consideration to:

- 15 (1) The child's physical, mental and emotional condition;
- 16 (2) the child's need for assistance;
- 17 (3) the manner in which the parent participated in the abuse, neglect  
18 or abandonment of the child;
- 19 (4) any relevant information from the intake and assessment process;  
20 and
- 21 (5) the evidence received at the dispositional hearing.

22 (b) *Custody with a parent*. The court may place the child in the  
23 custody of either of the child's parents subject to terms and conditions  
24 which the court prescribes to assure the proper care and protection of the  
25 child, including, but not limited to:

- 26 (1) Supervision of the child and the parent by a court services officer;
- 27 (2) participation by the child and the parent in available programs  
28 operated by an appropriate individual or agency; and
- 29 (3) any special treatment or care which the child needs for the child's  
30 physical, mental or emotional health and safety.

31 (c) *Removal of a child from custody of a parent*. The court shall not  
32 enter the initial order removing a child from the custody of a parent  
33 pursuant to this section unless the court first finds probable cause that:

- 34 (1) (A) The child is likely to sustain harm if not immediately removed  
35 from the home;
- 36 (B) allowing the child to remain in home is contrary to the welfare of  
37 the child; or
- 38 (C) immediate placement of the child is in the best interest of the  
39 child; and

40 (2) reasonable efforts have been made to maintain the family unit and  
41 prevent the unnecessary removal of the child from the child's home or that  
42 an emergency exists that threatens the safety to the child.

43 The court shall not enter an order removing a child from the custody of

1 a parent pursuant to this section based solely on the finding that the parent  
2 is homeless.

3 (d) *Custody of a child removed from the custody of a parent.* If the  
4 court has made the findings required by subsection (c), the court shall  
5 enter an order awarding custody to: A relative of the child or to a person  
6 with whom the child has close emotional ties who shall not be required to  
7 be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,  
8 and amendments thereto; any other suitable person; a shelter facility; a  
9 youth residential facility; a staff secure facility, notwithstanding any other  
10 provision of law, if the child has been subjected to human trafficking or  
11 aggravated human trafficking, as defined by K.S.A. 21-5426, and  
12 amendments thereto, or commercial sexual exploitation of a child, as  
13 defined by K.S.A. 21-6422, and amendments thereto, or the child  
14 committed an act which, if committed by an adult, would constitute a  
15 violation of K.S.A. 21-6419, and amendments thereto; or, if the child is 15  
16 years of age or younger, or 16 or 17 years of age if the child has no  
17 identifiable parental or family resources or shows signs of physical,  
18 mental, emotional or sexual abuse, to the secretary. Custody awarded  
19 under this subsection shall continue until further order of the court.

20 (1) When custody is awarded to the secretary, the secretary shall  
21 consider any placement recommendation by the court and notify the court  
22 of the placement or proposed placement of the child within 10 days of the  
23 order awarding custody. After providing the parties or interested parties  
24 notice and opportunity to be heard, the court may determine whether the  
25 secretary's placement or proposed placement is contrary to the welfare or  
26 in the best interests of the child. In making that determination the court  
27 shall consider the health and safety needs of the child and the resources  
28 available to meet the needs of children in the custody of the secretary. If  
29 the court determines that the placement or proposed placement is contrary  
30 to the welfare or not in the best interests of the child, the court shall notify  
31 the secretary, who shall then make an alternative placement.

32 (2) The custodian designated under this subsection shall notify the  
33 court in writing at least 10 days prior to any planned placement with a  
34 parent. The written notice shall state the basis for the custodian's belief that  
35 placement with a parent is no longer contrary to the welfare or best interest  
36 of the child. Upon reviewing the notice, the court may allow the custodian  
37 to proceed with the planned placement or may set the date for a hearing to  
38 determine if the child shall be allowed to return home. If the court sets a  
39 hearing on the matter, the custodian shall not return the child home without  
40 written consent of the court.

41 (3) The court may grant any person reasonable rights to visit the child  
42 upon motion of the person and a finding that the visitation rights would be  
43 in the best interests of the child.

1 (4) The court may enter an order restraining any alleged perpetrator  
 2 of physical, mental or emotional abuse or sexual abuse of the child from:  
 3 Residing in the child's home; visiting, contacting, harassing or intimidating  
 4 the child, other family member or witness; or attempting to visit, contact,  
 5 harass or intimidate the child, other family member or witness. Such  
 6 restraining order shall be served by personal service pursuant to K.S.A.  
 7 38-2237(a), and amendments thereto, on any alleged perpetrator to whom  
 8 the order is directed.

9 (5) The court shall provide a copy of any orders entered within 10  
 10 days of entering the order to the custodian designated under this  
 11 subsection.

12 (e) *Further determinations regarding a child removed from the home.*  
 13 If custody has been awarded under subsection (d) to a person other than a  
 14 parent, a permanency plan shall be provided or prepared pursuant to  
 15 K.S.A. 38-2264, and amendments thereto. If a permanency plan is  
 16 provided at the dispositional hearing, the court may determine whether  
 17 reintegration is a viable alternative or, if reintegration is not a viable  
 18 alternative, whether the child should be placed for adoption, a permanent  
 19 custodian appointed or a SOUL family legal permanency custodian  
 20 appointed. In determining whether reintegration is a viable alternative, the  
 21 court shall consider:

22 (1) Whether a parent has been found by a court to have committed  
 23 one of the following crimes or to have violated the law of another state  
 24 prohibiting such crimes or to have aided and abetted, attempted, conspired  
 25 or solicited the commission of one of these crimes:

26 (A) *Capital murder, K.S.A. 21-3439 or 21-5401, prior to their repeal;*

27 (B) *aggravated murder, section 2, and amendments thereto;*

28 (C) *murder in the first degree, K.S.A. 21-3401, prior to its repeal, or*  
 29 *K.S.A. 21-5402, and amendments thereto;*

30 ~~(B)~~(D) *murder in the second degree, K.S.A. 21-3402, prior to its*  
 31 *repeal, or K.S.A. 21-5403, and amendments thereto;*

32 ~~(C)~~ *capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-*  
 33 *5401, and amendments thereto;*

34 ~~(D)~~(E) *voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or*  
 35 *K.S.A. 21-5404, and amendments thereto; or*

36 ~~(E)~~(F) *a felony battery that resulted in bodily injury;*

37 (2) whether a parent has subjected the child or another child to  
 38 aggravated circumstances;

39 (3) whether a parent has previously been found to be an unfit parent  
 40 in proceedings under this code or in comparable proceedings under the  
 41 laws of another state or the federal government;

42 (4) whether the child has been in the custody of the secretary and  
 43 placed with neither parent for 15 of the most recent 22 months beginning

1 60 days after the date ~~on which~~ when a child in the secretary's custody was  
2 removed from the child's home;

3 (5) whether the parents have failed to work diligently toward  
4 reintegration;

5 (6) whether the secretary has provided the family with services  
6 necessary for the safe return of the child to the home; and

7 (7) whether it is reasonable to expect reintegration to occur within a  
8 time frame consistent with the child's developmental needs.

9 (f) *Proceedings if reintegration is not a viable alternative.* If the court  
10 determines that reintegration is not a viable alternative, proceedings to  
11 terminate parental rights and permit placement of the child for adoption or  
12 appointment of a permanent custodian or a SOUL family legal  
13 permanency custodian shall be initiated unless the court finds that  
14 compelling reasons have been documented in the case plan why adoption  
15 or appointment of a permanent custodian or a SOUL family legal  
16 permanency custodian would not be in the best interests of the child. If  
17 compelling reasons have not been documented, the county or district  
18 attorney shall file a motion within 30 days to terminate parental rights or a  
19 motion to appoint a permanent custodian or SOUL family legal  
20 permanency custodian pursuant to K.S.A. 2024 Supp. 38-2272a, and  
21 amendments thereto, within 30 days and the court shall hold a hearing on  
22 the motion within 90 days of its filing. No hearing is required when the  
23 parents voluntarily relinquish parental rights or consent to the appointment  
24 of a permanent custodian or a SOUL family legal permanency custodian.

25 (g) *Additional orders.* In addition to or in lieu of any other order  
26 authorized by this section:

27 (1) The court may order the child and the parents of any child who  
28 has been adjudicated a child in need of care to attend counseling sessions  
29 as the court directs. The expense of the counseling may be assessed as an  
30 expense in the case. No mental health provider shall charge a greater fee  
31 for court-ordered counseling than the provider would have charged to the  
32 person receiving counseling if the person had requested counseling on the  
33 person's own initiative.

34 (2) If the court has reason to believe that a child is before the court  
35 due, in whole or in part, to the use or misuse of alcohol or a violation of  
36 K.S.A. 21-5701 through 21-5717, and amendments thereto, by the child, a  
37 parent of the child, or another person responsible for the care of the child,  
38 the court may order the child, parent of the child or other person  
39 responsible for the care of the child to submit to and complete an alcohol  
40 and drug evaluation by a qualified person or agency and comply with any  
41 recommendations. If the evaluation is performed by a community-based  
42 alcohol and drug safety program certified pursuant to K.S.A. 8-1008, and  
43 amendments thereto, the child, parent of the child or other person

1 responsible for the care of the child shall pay a fee not to exceed the fee  
2 established by that statute. If the court finds that the child and those legally  
3 liable for the child's support are indigent, the fee may be waived. In no  
4 event shall the fee be assessed against the secretary.

5 (3) If child support has been requested and the parent or parents have  
6 a duty to support the child, the court may order one or both parents to pay  
7 child support and, when custody is awarded to the secretary, the court shall  
8 order one or both parents to pay child support. The court shall determine,  
9 for each parent separately, whether the parent is already subject to an order  
10 to pay support for the child. If the parent is not presently ordered to pay  
11 support for any child who is subject to the jurisdiction of the court and the  
12 court has personal jurisdiction over the parent, the court shall order the  
13 parent to pay child support in an amount determined under K.S.A. 38-  
14 2277, and amendments thereto. Except for good cause shown, the court  
15 shall issue an immediate income withholding order pursuant to K.S.A. 23-  
16 3101 et seq., and amendments thereto, for each parent ordered to pay  
17 support under this subsection, regardless of whether a payor has been  
18 identified for the parent. A parent ordered to pay child support under this  
19 subsection shall be notified, at the hearing or otherwise, that the child  
20 support order may be registered pursuant to K.S.A. 38-2279, and  
21 amendments thereto. The parent shall also be informed that, after  
22 registration, the income withholding order may be served on the parent's  
23 employer without further notice to the parent and the child support order  
24 may be enforced by any method allowed by law. Failure to provide this  
25 notice shall not affect the validity of the child support order.

26 (h) For the purposes of this section, "harassing or intimidating" and  
27 "harass or intimidate" includes, but is not limited to, utilizing any  
28 electronic tracking system or acquiring tracking information to determine  
29 the targeted person's location, movement or travel patterns.

30 Sec. 21. K.S.A. 38-2271 is hereby amended to read as follows: 38-  
31 2271. (a) It is presumed in the manner provided in K.S.A. 60-414, and  
32 amendments thereto, that a parent is unfit by reason of conduct or  
33 condition ~~which~~ *that* renders the parent unable to fully care for a child, if  
34 the state establishes, by clear and convincing evidence, that:

35 (1) A parent has previously been found to be an unfit parent in  
36 proceedings under K.S.A. 38-2266 et seq., and amendments thereto, or  
37 comparable proceedings under the laws of another jurisdiction;

38 (2) a parent has twice before been convicted of a crime specified in  
39 article 34, 35, or 36 of chapter 21 of the Kansas Statutes Annotated, prior  
40 to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes  
41 Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-  
42 6421, and amendments thereto, or comparable offenses under the laws of  
43 another jurisdiction, or an attempt or attempts to commit such crimes and

1 the victim was under the age of 18 years;

2 (3) on two or more prior occasions a child in the physical custody of  
3 the parent has been adjudicated a child in need of care as defined by  
4 K.S.A. 38-2202(d)(1), (d)(3), (d)(5) or (d)(11), and amendments thereto, or  
5 comparable proceedings under the laws of another jurisdiction;

6 (4) the parent has been convicted of causing the death of another  
7 child or stepchild of the parent;

8 (5) the child has been in an out-of-home placement, under court order  
9 for a cumulative total period of one year or longer and the parent has  
10 substantially neglected or willfully refused to carry out a reasonable plan,  
11 approved by the court, directed toward reintegration of the child into the  
12 parental home;

13 (6) (A) the child has been in an out-of-home placement, under court  
14 order for a cumulative total period of two years or longer; (B) the parent  
15 has failed to carry out a reasonable plan, approved by the court, directed  
16 toward reintegration of the child into the parental home; and (C) there is a  
17 substantial probability that the parent will not carry out such plan in the  
18 near future;

19 (7) a parent has been convicted of capital murder, K.S.A. 21-3439 *or*  
20 *21-5401*, prior to ~~its~~ *their* repeal, ~~or K.S.A. 21-5401~~, *aggravated murder*,  
21 *section 2, and amendments thereto*, and amendments thereto, murder in the  
22 first degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and  
23 amendments thereto, murder in the second degree, K.S.A. 21-3402, prior  
24 to its repeal, or K.S.A. 21-5403, and amendments thereto, voluntary  
25 manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and  
26 amendments thereto, human trafficking or aggravated human trafficking,  
27 K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 21-5426, and  
28 amendments thereto, or commercial sexual exploitation of a child, K.S.A.  
29 21-6422, and amendments thereto, or comparable proceedings under the  
30 laws of another jurisdiction or, has been adjudicated a juvenile offender  
31 because of an act which if committed by an adult would be an offense as  
32 provided in this subsection, and the victim of such murder was the other  
33 parent of the child;

34 (8) a parent abandoned or neglected the child after having knowledge  
35 of the child's birth or either parent has been granted immunity from  
36 prosecution for abandonment of the child under K.S.A. 21-3604(b), prior  
37 to its repeal, or K.S.A. 21-5605(d), and amendments thereto; or

38 (9) a parent has made no reasonable efforts to support or  
39 communicate with the child after having knowledge of the child's birth;

40 (10) a father, after having knowledge of the pregnancy, failed without  
41 reasonable cause to provide support for the mother during the six months  
42 prior to the child's birth;

43 (11) a father abandoned the mother after having knowledge of the

1 pregnancy;

2 (12) a parent has been convicted of rape, K.S.A. 21-3502, prior to its  
3 repeal, or K.S.A. 21-5503, and amendments thereto, or comparable  
4 proceedings under the laws of another jurisdiction resulting in the  
5 conception of the child; or

6 (13) a parent has failed or refused to assume the duties of a parent for  
7 two consecutive years next preceding the filing of the petition. In making  
8 this determination the court may disregard incidental visitations, contacts,  
9 communications or contributions.

10 (b) The burden of proof is on the parent to rebut the presumption of  
11 unfitness by a preponderance of the evidence. In the absence of proof that  
12 the parent is presently fit and able to care for the child or that the parent  
13 will be fit and able to care for the child in the foreseeable future, the court  
14 shall terminate parental rights in proceedings pursuant to K.S.A. 38-2266  
15 et seq., and amendments thereto.

16 Sec. 22. K.S.A. 38-2303 is hereby amended to read as follows: 38-  
17 2303. (a) Proceedings under this code involving acts committed by a  
18 juvenile which, if committed by an adult, would constitute a violation of  
19 any of the following statutes may be commenced at any time: (1) Rape as  
20 defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and  
21 amendments thereto; (2) aggravated criminal sodomy as defined in K.S.A.  
22 21-3506, prior to its repeal, or ~~subsection (b) of K.S.A. 21-5504(b)~~, and  
23 amendments thereto; (3) murder as described in K.S.A. 21-3401, 21-3402  
24 ~~or~~, 21-3439 *or 21-5401*, prior to their repeal, or K.S.A. ~~21-5401~~, 21-5402  
25 ~~or~~, 21-5403 *or section 2*, and amendments thereto; (4) terrorism as defined  
26 in K.S.A. 21-3449, prior to its repeal, or K.S.A. 21-5421, and amendments  
27 thereto; or (5) illegal use of weapons of mass destruction as defined in  
28 K.S.A. 21-3450, prior to its repeal, or K.S.A. 21-5422, and amendments  
29 thereto.

30 (b) Except as provided by subsections (c) and (e), a proceeding under  
31 this code for any act committed by a juvenile which, if committed by an  
32 adult, would constitute a violation of any of the following statutes shall be  
33 commenced within five years after its commission if the victim is less than  
34 16 years of age: (1) Lewd and lascivious behavior as defined in K.S.A. 21-  
35 3508, prior to its repeal, or K.S.A. 21-5513, and amendments thereto; (2)  
36 unlawful voluntary sexual relations as defined in K.S.A. 21-3522, prior to  
37 its repeal, or K.S.A. 21-5507, and amendments thereto; or (3) aggravated  
38 incest as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b) of~~  
39 K.S.A. 21-5604(b), and amendments thereto.

40 (c) Except as provided in subsection (e), a proceeding under this code  
41 for any act committed by a juvenile which, if committed by an adult,  
42 would constitute a sexually violent crime as defined in K.S.A. 22-3717,  
43 and amendments thereto:

1 (1) When the victim is 18 years of age or older shall be commenced  
2 within 10 years or one year from the date on which the identity of the  
3 suspect is conclusively established by DNA testing, whichever is later; or

4 (2) when the victim is under 18 years of age shall be commenced  
5 within 10 years of the date the victim turns 18 years of age or one year  
6 from the date on which the identity of the suspect is conclusively  
7 established by DNA testing, whichever is later.

8 (3) For the purposes of this subsection, "DNA" means  
9 deoxyribonucleic acid.

10 (d) Except as provided by subsection (e), proceedings under this code  
11 not governed by ~~subsections~~ *subsection* (a), (b) or (c) shall be commenced  
12 within two years after the act giving rise to the proceedings is committed.

13 (e) The period within which the proceedings must be commenced  
14 shall not include any period in which:

15 (1) The accused is absent from the state;

16 (2) the accused is so concealed within the state that process cannot be  
17 served upon the accused;

18 (3) the fact of the offense is concealed; or

19 (4) whether or not the fact of the offense is concealed by the active  
20 act or conduct of the accused, there is substantial competent evidence to  
21 believe two or more of the following factors are present: (A) The victim  
22 was a child under 15 years of age at the time of the offense; (B) the victim  
23 was of such age or intelligence that the victim was unable to determine  
24 that the acts constituted an offense; (C) the victim was prevented by a  
25 parent or other legal authority from making known to law enforcement  
26 authorities the fact of the offense whether or not the parent or other legal  
27 authority is the accused; and (D) there is substantial competent expert  
28 testimony indicating the victim psychologically repressed such victim's  
29 memory of the fact of the offense, and in the expert's professional opinion  
30 the recall of such memory is accurate, free of undue manipulation, and  
31 substantial corroborating evidence can be produced in support of the  
32 allegations contained in the complaint or information; but in no event may  
33 a proceeding be commenced as provided in subsection (e)(4) later than the  
34 date the victim turns 28 years of age. Corroborating evidence may include,  
35 but is not limited to, evidence the alleged juvenile offender committed  
36 similar acts against other persons or evidence of contemporaneous  
37 physical manifestations of the offense. Parent or other legal authority shall  
38 include, but not be limited to, natural and stepparents, grandparents, aunts,  
39 uncles or siblings.

40 (f) An offense is committed either when every element occurs, or, if a  
41 legislative purpose to prohibit a continuing offense plainly appears, at the  
42 time when the course of conduct or the alleged juvenile offender's  
43 complicity therein is terminated. Time starts to run on the day after the



1 offense is committed.

2 (g) A proceeding under this code is commenced when a complaint or  
3 information is filed, or an indictment returned, and a warrant thereon is  
4 delivered to the sheriff or other officer for execution. No such proceeding  
5 shall be deemed to have been commenced if the warrant so issued is not  
6 executed without unreasonable delay.

7 Sec. 23. K.S.A. 38-2312 is hereby amended to read as follows: 38-  
8 2312. (a) Except as provided in subsections (b) and (c), any records or files  
9 specified in this code concerning a juvenile may be expunged upon  
10 application to a judge of the court of the county ~~in which~~ *where* the records  
11 or files are maintained. The application for expungement may be made by  
12 the juvenile, if 18 years of age or older or, if the juvenile is less than 18  
13 years of age, by the juvenile's parent or next friend.

14 (b) There shall be no expungement of records or files concerning acts  
15 committed by a juvenile which, if committed by an adult, would constitute  
16 a violation of *K.S.A. 21-3439 or 21-5401, prior to their repeal, capital*  
17 *murder; section 2, and amendments thereto, aggravated murder; K.S.A.*  
18 *21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments thereto,*  
19 *murder in the first degree; K.S.A. 21-3402, prior to its repeal, or K.S.A.*  
20 *21-5403, and amendments thereto, murder in the second degree; K.S.A.*  
21 *21-3403, prior to its repeal, or K.S.A. 21-5404, and amendments thereto,*  
22 *voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 21-*  
23 *5405, and amendments thereto, involuntary manslaughter; ~~K.S.A. 21-~~  
24 ~~*3439, prior to its repeal, or K.S.A. 21-5401, and amendments thereto,*~~  
25 ~~*capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)*~~  
26 ~~*(3) or (a)(5), and amendments thereto, involuntary manslaughter while*~~  
27 ~~*driving under the influence of alcohol or drugs; K.S.A. 21-3502, prior to*~~  
28 ~~*its repeal, or K.S.A. 21-5503, and amendments thereto, rape; K.S.A. 21-*~~  
29 ~~*3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto,*~~  
30 ~~*indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or*~~  
31 ~~*K.S.A. 21-5506(b), and amendments thereto, aggravated indecent liberties*~~  
32 ~~*with a child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and*~~  
33 ~~*amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior*~~  
34 ~~*to its repeal, or K.S.A. 21-5508(a), and amendments thereto, indecent*~~  
35 ~~*solicitation of a child; K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-*~~  
36 ~~*5508(b), and amendments thereto, aggravated indecent solicitation of a*~~  
37 ~~*child; K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and*~~  
38 ~~*amendments thereto, sexual exploitation of a child; K.S.A. 21-5514(a),*~~  
39 ~~*and amendments thereto, internet trading in child pornography; K.S.A. 21-*~~  
40 ~~*5514(b), and amendments thereto, aggravated internet trading in child*~~  
41 ~~*pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b),*~~  
42 ~~*and amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its*~~  
43 ~~*repeal, or K.S.A. 21-5601(a), and amendments thereto, endangering a*~~*

1 child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 21-5602, and  
2 amendments thereto, abuse of a child; or which would constitute an  
3 attempt to commit a violation of any of the offenses specified in this  
4 subsection.

5 (c) Notwithstanding any other law to the contrary, for any offender  
6 who is required to register as provided in the Kansas offender registration  
7 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no  
8 expungement of any conviction or any part of the offender's criminal  
9 record while the offender is required to register as provided in the Kansas  
10 offender registration act.

11 (d) When a petition for expungement is filed, the court shall set a date  
12 for a hearing on the petition and shall give notice thereof to the county or  
13 district attorney. The petition shall state: (1) The juvenile's full name; (2)  
14 the full name of the juvenile as reflected in the court record, if different  
15 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which  
16 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity  
17 of the trial court. Except as otherwise provided by law, a petition for  
18 expungement shall be accompanied by a docket fee in the amount of \$176.  
19 On and after July 1, 2019, through June 30, 2025, the supreme court may  
20 impose a charge, not to exceed \$19 per case, to fund the costs of non-  
21 judicial personnel. All petitions for expungement shall be docketed in the  
22 original action. Any person who may have relevant information about the  
23 petitioner may testify at the hearing. The court may inquire into the  
24 background of the petitioner.

25 (e) (1) After hearing, the court shall order the expungement of the  
26 records and files if the court finds that:

27 (A) (i) The juvenile has reached 23 years of age or that two years  
28 have elapsed since the final discharge;

29 (ii) one year has elapsed since the final discharge for an adjudication  
30 concerning acts committed by a juvenile which, if committed by an adult,  
31 would constitute a violation of K.S.A. 21-6419, and amendments thereto;  
32 or

33 (iii) the juvenile is a victim of human trafficking, aggravated human  
34 trafficking or commercial sexual exploitation of a child, the adjudication  
35 concerned acts committed by the juvenile as a result of such victimization,  
36 including, but not limited to, acts which, if committed by an adult, would  
37 constitute a violation of K.S.A. 21-6203 or 21-6419, and amendments  
38 thereto, and the hearing on expungement occurred on or after the date of  
39 final discharge. The provisions of this clause shall not allow an  
40 expungement of records or files concerning acts described in subsection  
41 (b);

42 (B) since the final discharge of the juvenile, the juvenile has not been  
43 convicted of a felony or of a misdemeanor other than a traffic offense or

1 adjudicated as a juvenile offender under the revised Kansas juvenile justice  
2 code and no proceedings are pending seeking such a conviction or  
3 adjudication; and

4 (C) the circumstances and behavior of the petitioner warrant  
5 expungement.

6 (2) The court may require that all court costs, fees and restitution  
7 shall be paid.

8 (f) Upon entry of an order expunging records or files, the offense  
9 ~~which~~ *that* the records or files concern shall be treated as if it never  
10 occurred, except that upon conviction of a crime or adjudication in a  
11 subsequent action under this code the offense may be considered in  
12 determining the sentence to be imposed. The petitioner, the court and all  
13 law enforcement officers and other public offices and agencies shall  
14 properly reply on inquiry that no record or file exists with respect to the  
15 juvenile. Inspection of the expunged files or records thereafter may be  
16 permitted by order of the court upon petition by the person who is the  
17 subject thereof. The inspection shall be limited to inspection by the person  
18 who is the subject of the files or records and the person's designees.

19 (g) A certified copy of any order made pursuant to subsection (a) or  
20 (d) shall be sent to the Kansas bureau of investigation, ~~which and the~~  
21 *Kansas bureau of investigation* shall notify every juvenile or criminal  
22 justice agency ~~which~~ *that* may possess records or files ordered to be  
23 expunged. If the agency fails to comply with the order within a reasonable  
24 time after its receipt, such agency may be adjudged in contempt of court  
25 and punished accordingly.

26 (h) The court shall inform any juvenile who has been adjudicated a  
27 juvenile offender of the provisions of this section.

28 (i) Nothing in this section shall be construed to prohibit the  
29 maintenance of information relating to an offense after records or files  
30 concerning the offense have been expunged if the information is kept in a  
31 manner that does not enable identification of the juvenile.

32 (j) Nothing in this section shall be construed to permit or require  
33 expungement of files or records related to a child support order registered  
34 pursuant to the revised Kansas juvenile justice code.

35 (k) Whenever the records or files of any adjudication have been  
36 expunged under the provisions of this section, the custodian of the records  
37 or files of adjudication relating to that offense shall not disclose the  
38 existence of such records or files, except when requested by:

39 (1) The person whose record was expunged;

40 (2) a private detective agency or a private patrol operator, and the  
41 request is accompanied by a statement that the request is being made in  
42 conjunction with an application for employment with such agency or  
43 operator by the person whose record has been expunged;

1 (3) a court, upon a showing of a subsequent conviction of the person  
2 whose record has been expunged;

3 (4) the secretary for aging and disability services, or a designee of the  
4 secretary, for the purpose of obtaining information relating to employment  
5 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,  
6 of the Kansas department for aging and disability services of any person  
7 whose record has been expunged;

8 (5) a person entitled to such information pursuant to the terms of the  
9 expungement order;

10 (6) the Kansas lottery, and the request is accompanied by a statement  
11 that the request is being made to aid in determining qualifications for  
12 employment with the Kansas lottery or for work in sensitive areas within  
13 the Kansas lottery as deemed appropriate by the executive director of the  
14 Kansas lottery;

15 (7) the governor or the Kansas racing commission, or a designee of  
16 the commission, and the request is accompanied by a statement that the  
17 request is being made to aid in determining qualifications for executive  
18 director of the commission, for employment with the commission, for  
19 work in sensitive areas in parimutuel racing as deemed appropriate by the  
20 executive director of the commission or for licensure, renewal of licensure  
21 or continued licensure by the commission;

22 (8) the Kansas sentencing commission; or

23 (9) the Kansas bureau of investigation, for the purposes of:

24 (A) Completing a person's criminal history record information within  
25 the central repository in accordance with K.S.A. 22-4701 et seq., and  
26 amendments thereto; or

27 (B) providing information or documentation to the federal bureau of  
28 investigation, in connection with the national instant criminal background  
29 check system, to determine a person's qualification to possess a firearm.

30 (l) The provisions of subsection (k)(9) shall apply to all records  
31 created prior to, on and after July 1, 2011.

32 Sec. 24. K.S.A. 38-2365 is hereby amended to read as follows: 38-  
33 2365. (a) When a juvenile offender has been placed in the custody of the  
34 secretary, the secretary shall have a reasonable time to make a placement.  
35 If the juvenile offender has not been placed, any party who believes that  
36 the amount of time elapsed without placement has exceeded a reasonable  
37 time may file a motion for review with the court. In determining what is a  
38 reasonable amount of time, matters considered by the court shall include,  
39 but not be limited to, the nature of the underlying offense, efforts made for  
40 placement of the juvenile offender and the availability of a suitable  
41 placement. The secretary shall notify the court, the juvenile's attorney of  
42 record and the juvenile's parent, in writing, of the initial placement and any  
43 subsequent change of placement as soon as the placement has been

1 accomplished. The notice to the juvenile offender's parent shall be sent to  
2 such parent's last known address or addresses. The court shall have no  
3 power to direct a specific placement by the secretary, but may make  
4 recommendations to the secretary. The secretary may place the juvenile  
5 offender in an institution operated by the secretary, a youth residential  
6 facility or any other appropriate placement. If the court has recommended  
7 an out-of-home placement, the secretary may not return the juvenile  
8 offender to the home from which removed without first notifying the court  
9 of the plan.

10 (b) If a juvenile is in the custody of the secretary, the secretary shall  
11 prepare and present a permanency plan at sentencing or within 30 days  
12 thereafter. If the juvenile is 14 years of age or older and the juvenile is  
13 able, the secretary shall prepare the permanency plan in consultation with  
14 the juvenile. If a permanency plan is already in place under a child in need  
15 of care proceeding, the court may adopt the plan under the present  
16 proceeding. The written permanency plan shall provide for reintegration of  
17 the juvenile into such juvenile's family or, if reintegration is not a viable  
18 alternative, for other permanent placement of the juvenile. Reintegration  
19 may not be a viable alternative when:

20 (1) The parent has been found by a court to have committed *capital*  
21 *murder*, *K.S.A. 21-3439 or 21-5401, prior to their repeal, aggravated*  
22 *murder, section 2, and amendments thereto*, murder in the first degree,  
23 K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments  
24 thereto, murder in the second degree, K.S.A. 21-3402, prior to its repeal,  
25 or K.S.A. 21-5403, and amendments thereto, ~~capital murder, K.S.A. 21-~~  
26 ~~3439, prior to its repeal, or K.S.A. 21-5401, and amendments thereto,~~  
27 voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-  
28 5404, and amendments thereto, of a child or violated a law of another state  
29 ~~which~~ that prohibits such murder or manslaughter of a child;

30 (2) the parent aided or abetted, attempted, conspired or solicited to  
31 commit such murder or voluntary manslaughter of a child;

32 (3) the parent committed a felony battery that resulted in bodily  
33 injury to the juvenile who is the subject of this proceeding or another  
34 child;

35 (4) the parent has subjected the juvenile who is the subject of this  
36 proceeding or another child to aggravated circumstances as defined in  
37 K.S.A. 38-1502, and amendments thereto;

38 (5) the parental rights of the parent to another child have been  
39 terminated involuntarily; or

40 (6) the juvenile has been in extended out-of-home placement as  
41 defined in K.S.A. 38-2202, and amendments thereto.

42 (c) If the juvenile is placed in the custody of the secretary, the plan  
43 shall be prepared and submitted by the secretary. If the juvenile is placed

1 in the custody of a facility or person other than the secretary, the plan shall  
2 be prepared and submitted by a court services officer. If the permanency  
3 goal is reintegration into the family, the permanency plan shall include  
4 measurable objectives and time schedules for reintegration.

5 (d) During the time a juvenile remains in the custody of the secretary,  
6 the secretary shall submit to the court, at least every six months, a written  
7 report of the progress being made toward the goals of the permanency plan  
8 submitted pursuant to subsections (b) and (c) and the specific actions taken  
9 to achieve the goals of the permanency plan. If the juvenile is placed in  
10 foster care, the court may request the foster parent to submit to the court,  
11 at least every six months, a report in regard to the juvenile's adjustment,  
12 progress and condition. Such report shall be made a part of the juvenile's  
13 court social file. The court shall review the plan submitted by the secretary  
14 and the report, if any, submitted by the foster parent and determine  
15 whether reasonable efforts and progress have been made to achieve the  
16 goals of the permanency plan. If the court determines that progress is  
17 inadequate or that the permanency plan is no longer viable, the court shall  
18 hold a hearing pursuant to subsection (e).

19 (e) When the secretary has custody of the juvenile, a permanency  
20 hearing shall be held no more than 12 months after the juvenile is first  
21 placed outside such juvenile's home and at least every 12 months  
22 thereafter. Juvenile offenders who have been in extended out-of-home  
23 placement shall be provided a permanency hearing within 30 days of a  
24 request from the secretary. The court may appoint a guardian ad litem to  
25 represent the juvenile offender at the permanency hearing. At the  
26 permanency hearing, the court shall determine whether and, if applicable,  
27 when the juvenile will be:

28 (1) Reintegrated with the juvenile's parents;  
29 (2) placed for adoption;  
30 (3) placed with a permanent custodian; or  
31 (4) if the juvenile is 16 years of age or older and the secretary has  
32 documented compelling reasons why it would not be in the juvenile's best  
33 interests for a placement in one of the placements pursuant to ~~paragraphs~~  
34 *paragraph* (1), (2) or (3), placed in another planned permanent  
35 arrangement.

36 (f) At each permanency hearing, the court shall:

37 (1) Make a written finding as to whether reasonable efforts have been  
38 made to accomplish the permanency goal and whether continued out-of-  
39 home placement is necessary for the juvenile's safety;

40 (2) make a written finding as to whether the reasonable and prudent  
41 parenting standard has been met and whether the juvenile has regular,  
42 ongoing opportunities to engage in age or developmentally appropriate  
43 activities. The secretary shall report to the court the steps the secretary is

1 taking to ensure that the reasonable and prudent parenting standard is  
2 being met and that the juvenile has regular, ongoing opportunities to  
3 engage in age or developmentally appropriate activities, including  
4 consultation with the juvenile in an age-appropriate manner about the  
5 opportunities of the juvenile to participate in the activities; and

6 (3) if the juvenile is 14 years of age or older, document the efforts  
7 made by the secretary to help the juvenile prepare for the transition from  
8 custody to a successful adulthood. The secretary shall report to the court  
9 the programs and services that are being provided to the juvenile ~~which~~  
10 *that* will help the juvenile prepare for the transition from custody to a  
11 successful adulthood.

12 (g) The requirements of this subsection shall apply only if the  
13 permanency goal in place at the time of the hearing is another planned  
14 permanent arrangement as described in subsection (e)(4). At each  
15 permanency hearing held with respect to the juvenile, in addition to the  
16 requirements of subsection (f), the court shall:

17 (1) Ask the juvenile, if the juvenile is able, by attendance at the  
18 hearing or by report to the court, about the desired permanency outcome  
19 for the juvenile;

20 (2) document the intensive, ongoing and, as of the date of the hearing,  
21 unsuccessful permanency efforts made by the secretary to return the  
22 juvenile home or secure a placement for the juvenile with a fit and willing  
23 relative, a legal guardian or an adoptive parent. The secretary shall report  
24 to the court the intensive, ongoing and, as of the date of the hearing,  
25 unsuccessful efforts made by the secretary to return the juvenile home or  
26 secure a placement for the juvenile with a fit and willing relative, a legal  
27 guardian or an adoptive parent, including efforts that utilize search  
28 technology, including social media, to find biological family members of  
29 the children; and

30 (3) make a judicial determination explaining why, as of the date of  
31 the hearing, another planned permanent living arrangement is the best  
32 permanency plan for the juvenile and provide compelling reasons why it  
33 continues to not be in the best interests of the juvenile to return home, be  
34 placed for adoption, be placed with a legal guardian or be placed with a fit  
35 and willing relative.

36 (h) Whenever a hearing is required under subsection (e), the court  
37 shall notify all interested parties of the hearing date, the secretary, foster  
38 parent and preadoptive parent or relatives providing care for the juvenile  
39 and hold a hearing. If the juvenile is 14 years of age or older, the court  
40 shall require notice of the time and place of the permanency hearing be  
41 given to the juvenile. Such notice shall request the juvenile's participation  
42 in the hearing by attendance or by report to the court. Individuals receiving  
43 notice pursuant to this subsection shall not be made a party to the action

1 solely on the basis of this notice and opportunity to be heard. After  
2 providing the persons receiving notice an opportunity to be heard, the  
3 court shall determine whether the juvenile's needs are being adequately  
4 met; whether services set out in the permanency plan necessary for the  
5 safe return of the juvenile have been made available to the parent with  
6 whom reintegration is planned; and whether reasonable efforts and  
7 progress have been made to achieve the goals of the permanency plan.

8 (i) If the court finds reintegration continues to be a viable alternative,  
9 the court shall determine whether and, if applicable, when the juvenile will  
10 be returned to the parent. The court may rescind any of its prior  
11 dispositional orders and enter any dispositional order authorized by this  
12 code or may order that a new plan for the reintegration be prepared and  
13 submitted to the court. If reintegration cannot be accomplished as  
14 approved by the court, the court shall be informed and shall schedule a  
15 hearing pursuant to subsection (j). No such hearing is required when the  
16 parent voluntarily relinquishes parental rights or agrees to appointment of  
17 a permanent guardian.

18 (j) When the court finds any of the following conditions exist, the  
19 county or district attorney or the county or district attorney's designee shall  
20 file a petition alleging the juvenile to be a child in need of care and  
21 requesting termination of parental rights pursuant to the Kansas code for  
22 care of children:

23 (1) The court determines that reintegration is not a viable alternative  
24 and either adoption or permanent guardianship might be in the best  
25 interests of the juvenile;

26 (2) the goal of the permanency plan is reintegration into the family  
27 and the court determines after 12 months from the time such plan is first  
28 submitted that progress is inadequate; or

29 (3) the juvenile has been in out-of-home placement for a cumulative  
30 total of 15 of the last 22 months, excluding trial home visits and juvenile in  
31 runaway status.

32 Nothing in this subsection shall be interpreted to prohibit termination of  
33 parental rights prior to the expiration of 12 months.

34 (k) A petition to terminate parental rights is not required to be filed if  
35 one of the following exceptions is documented to exist:

36 (1) The juvenile is in a stable placement with relatives;

37 (2) services set out in the case plan necessary for the safe return of  
38 the juvenile have not been made available to the parent with whom  
39 reintegration is planned; or

40 (3) there are one or more documented reasons why such filing would  
41 not be in the best interests of the juvenile. Documented reasons may  
42 include, but are not limited to: The juvenile has close emotional bonds  
43 with a parent ~~which~~ that should not be broken; the juvenile is 14 years of



1 age or older and, after advice and counsel, refuses to be adopted;  
2 insufficient grounds exist for termination of parental rights; the juvenile is  
3 an unaccompanied refugee minor; or there are international legal or  
4 compelling foreign policy reasons precluding termination of parental  
5 rights.

6 Sec. 25. K.S.A. 2024 Supp. 39-970 is hereby amended to read as  
7 follows: 39-970. (a) As used in this section:

8 (1) "Adult care home" means any nursing facility, nursing facility for  
9 mental health, intermediate care facility for people with intellectual  
10 disability, assisted living facility, residential health care facility, home plus,  
11 boarding care home or adult day care facility that is required to be licensed  
12 to operate by the secretary for aging and disability services.

13 (2) "Applicant" means an individual who applies for employment  
14 with an adult care home or applies to work for an employment agency or  
15 as an independent contractor who provides staff to an adult care home.

16 (3) "Completion of the sentence" means the last day of the entire term  
17 of incarceration imposed by a sentence, including any term that is  
18 deferred, suspended or subject to parole, probation, diversion, community  
19 corrections, fines, fees, restitution or any other imposed sentencing  
20 requirements.

21 (4) "Department" means the Kansas department for aging and  
22 disability services.

23 (5) "Direct access" means work that involves an actual or reasonable  
24 expectation of one-on-one interaction with a consumer or a consumer's  
25 property, personally identifiable information, medical records, treatment  
26 information or financial information.

27 (6) "Direct supervision" means that a supervisor is physically present  
28 within an immediate distance to a supervisee and is available to provide  
29 constant direction, feedback and assistance to a client and the supervisee.

30 (7) "Employment agency" means an organization or entity that has a  
31 contracted relationship with an adult care home to provide staff with direct  
32 access to consumers.

33 (8) "Independent contractor" means an organization, entity, agency or  
34 individual that provides contracted workers or services to an adult care  
35 home.

36 (9) "Secretary" means the secretary for aging and disability services.

37 (b) (1) No person shall knowingly operate an adult care home if, in  
38 the adult care home, there works any person who has adverse findings on  
39 any state or national registry, as defined in rules and regulations adopted  
40 by the secretary for aging and disability services, or has been convicted of  
41 or has been adjudicated a juvenile offender because of having committed  
42 an act that if done by an adult would constitute the commission of capital  
43 murder, pursuant to K.S.A. 21-3439 or 21-5401, prior to ~~its~~ *their* repeal, or

1 ~~K.S.A. 21-5401~~, *aggravated murder*, pursuant to section 2, and  
2 amendments thereto, first degree murder, pursuant to K.S.A. 21-3401,  
3 prior to its repeal, or K.S.A. 21-5402, and amendments thereto, second  
4 degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or  
5 K.S.A. 21-5403(a), and amendments thereto, voluntary manslaughter,  
6 pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and  
7 amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior  
8 to its repeal, or K.S.A. 21-5407, and amendments thereto, mistreatment of  
9 a dependent adult or mistreatment of an elder person, pursuant to K.S.A.  
10 21-3437, prior to its repeal, or K.S.A. 21-5417, and amendments thereto,  
11 human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or  
12 K.S.A. 21-5426(a), and amendments thereto, aggravated human  
13 trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-  
14 5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior  
15 to its repeal, or K.S.A. 21-5503, and amendments thereto, indecent  
16 liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or  
17 K.S.A. 21-5506(a), and amendments thereto, aggravated indecent liberties  
18 with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-  
19 5506(b), and amendments thereto, aggravated criminal sodomy, pursuant  
20 to K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and  
21 amendments thereto, indecent solicitation of a child, pursuant to K.S.A.  
22 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments  
23 thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-  
24 3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto,  
25 sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its  
26 repeal, or K.S.A. 21-5510, and amendments thereto, sexual battery,  
27 pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 21-5505(a), and  
28 amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-  
29 3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto,  
30 commercial sexual exploitation of a child, pursuant to K.S.A. 21-6422, and  
31 amendments thereto, an attempt to commit any of the crimes listed in this  
32 paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
33 5301, and amendments thereto, a conspiracy to commit any of the crimes  
34 listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or  
35 K.S.A. 21-5302, and amendments thereto, or criminal solicitation of any of  
36 the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its  
37 repeal, or K.S.A. 21-5303, and amendments thereto, or similar statutes of  
38 other states or the federal government. The provisions of subsection (b)(2)  
39 (C) shall not apply to any person who is employed by an adult care home  
40 on or before July 1, 2010, and while continuously employed by the same  
41 adult care home or to any person during or upon successful completion of  
42 a diversion agreement.

43 (2) (A) A person operating an adult care home may employ an

1 applicant who has been convicted of any of the following if six or more  
 2 years have elapsed since completion of the sentence imposed or the  
 3 applicant was discharged from probation, a community correctional  
 4 services program, parole, postrelease supervision, conditional release or a  
 5 suspended sentence; if six or more years have elapsed since the applicant  
 6 has been finally discharged from the custody of the commissioner of  
 7 juvenile justice or from probation or has been adjudicated a juvenile  
 8 offender, whichever time is longer; or if the applicant has been granted a  
 9 waiver of such six-year disqualification: A felony conviction for a crime  
 10 that is described in:

11 ~~(A)~~(i) Article 34 of chapter 21 of the Kansas Statutes Annotated,  
 12 prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes  
 13 Annotated, and amendments thereto, except those crimes listed in  
 14 subsection (b)(1);

15 ~~(B)~~(ii) articles 35 or 36 of chapter 21 of the Kansas Statutes  
 16 Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the  
 17 Kansas Statutes Annotated, or K.S.A. 21-6420, and amendments thereto,  
 18 except those crimes listed in subsection (b)(1) and K.S.A. 21-3605, prior  
 19 to its repeal, or K.S.A. 21-5606, and amendments thereto;

20 ~~(C)~~(iii) K.S.A. 21-3701, prior to its repeal, or K.S.A. 21-5801, and  
 21 amendments thereto;

22 ~~(D)~~(iv) an attempt to commit any of the crimes listed in this  
 23 paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
 24 5301, and amendments thereto;

25 ~~(E)~~(v) a conspiracy to commit any of the crimes listed in this  
 26 paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-  
 27 5302, and amendments thereto;

28 ~~(F)~~(vi) criminal solicitation of any of the crimes listed in this  
 29 paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-  
 30 5303, and amendments thereto; or

31 ~~(G)~~(vii) similar statutes of other states or the federal government.

32 (B) An individual who has been disqualified for employment due to  
 33 conviction or adjudication of an offense listed in this paragraph~~(2)~~ may  
 34 apply to the secretary for aging and disability services for a waiver of such  
 35 disqualification if five years have elapsed since completion of the sentence  
 36 for such conviction. The secretary shall adopt rules and regulations  
 37 establishing the waiver process and criteria to be considered by the  
 38 secretary in evaluating any such waiver request.

39 (3) (A) A person operating an adult care home may employ an  
 40 applicant who has been convicted of any of the following if six or more  
 41 years have elapsed since completion of the sentence imposed or the  
 42 applicant was discharged from probation, a community correctional  
 43 services program, parole, postrelease supervision, conditional release or a

1 suspended sentence; if six or more years have elapsed since the applicant  
2 has been finally discharged from the custody of the commissioner of  
3 juvenile justice or from probation or has been adjudicated a juvenile  
4 offender, whichever time is longer; or if the applicant has been granted a  
5 waiver of such six-year disqualification:

6 (i) Interference with custody of a committed person pursuant to  
7 K.S.A. 21-3423, prior to its repeal, or K.S.A. 21-5410, and amendments  
8 thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425,  
9 prior to its repeal, or K.S.A. 21-5416, and amendments thereto; unlawful  
10 administration of a substance pursuant to K.S.A. 21-3445, prior to its  
11 repeal, or K.S.A. 21-5425, and amendments thereto; violation of a  
12 protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A.  
13 21-5924, and amendments thereto; promoting obscenity or promoting  
14 obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their  
15 repeal, or K.S.A. 21-6401, and amendments thereto; or cruelty to animals  
16 pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or  
17 K.S.A. 21-6412, and amendments thereto; or

18 (ii) any felony conviction of: Unlawful manufacture of a controlled  
19 substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or  
20 K.S.A. 21-5703, and amendments thereto; unlawful cultivation or  
21 distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-  
22 36a05, prior to its repeal, or K.S.A. 21-5705, and amendments thereto;  
23 unlawful manufacture, distribution, cultivation or possession of a  
24 controlled substance using a communication facility pursuant to K.S.A.  
25 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 21-5707, and  
26 amendments thereto; unlawful obtainment or sale of a prescription-only  
27 drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A.  
28 21-5708, and amendments thereto; unlawful distribution of drug  
29 precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10,  
30 prior to its repeal, or K.S.A. 21-5710, and amendments thereto; unlawful  
31 distribution or possession of a simulated controlled substance pursuant to  
32 K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 21-5713, and  
33 amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its  
34 repeal, or K.S.A. 21-5823, and amendments thereto; criminal use of a  
35 financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 21-  
36 5828, and amendments thereto; any violation of the Kansas medicaid fraud  
37 control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or  
38 K.S.A. 21-5925 et seq., and amendments thereto; making a false claim,  
39 statement or representation to the medicaid program pursuant to K.S.A.  
40 21-3846, prior to its repeal, or K.S.A. 21-5927, and amendments thereto;  
41 unlawful acts relating to the medicaid program pursuant to K.S.A. 21-  
42 3847, prior to its repeal, or K.S.A. 21-5928, and amendments thereto;  
43 obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856,

1 prior to its repeal, or K.S.A. 21-5929, and amendments thereto; identity  
2 theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its  
3 repeal, or K.S.A. 21-6107, and amendments thereto; or social welfare  
4 fraud pursuant to K.S.A. 39-720, and amendments thereto.

5 (B) The provisions of this paragraph~~(3)~~ shall not apply to any person  
6 who is employed by an adult care home on or before July 1, 2018, and is  
7 continuously employed by the same adult care home or to any person  
8 during or upon successful completion of a diversion agreement.

9 (C) An individual who has been disqualified for employment due to  
10 conviction or adjudication of an offense listed in this paragraph~~(3)~~ may  
11 apply to the secretary for aging and disability services for a waiver of such  
12 disqualification if five years have elapsed since completion of the sentence  
13 for such conviction. The secretary shall adopt rules and regulations  
14 establishing the waiver process and criteria to be considered by the  
15 secretary in evaluating any such waiver request.

16 (c) No person shall operate an adult care home if such person has  
17 been found to be in need of a guardian or conservator, or both as provided  
18 in the act for obtaining a guardian or a conservator, or both. The provisions  
19 of this subsection shall not apply to an individual who, as a minor, was  
20 found to be in need of a guardian or conservator for reasons other than  
21 impairment.

22 (d) (1) The Kansas bureau of investigation shall release all records of  
23 adult and juvenile convictions and adjudications and adult and juvenile  
24 convictions and adjudications of any other state or country concerning  
25 persons working in an adult care home to the secretary for aging and  
26 disability services in accordance with K.S.A. 2024 Supp. 22-4714, and  
27 amendments thereto.

28 (2) The department may require an applicant to be fingerprinted and  
29 to submit to a state and national criminal history record check in  
30 accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

31 (3) An applicant for employment in an adult care home shall have 20  
32 calendar days after receipt of authorization to submit the applicant's  
33 fingerprints through an authorized collection site in order to be eligible for  
34 provisional employment or the applicant's application shall be deemed  
35 withdrawn.

36 (4) (A) The current or prospective employer of an applicant shall pay  
37 a reasonable fee for criminal history record information to the department  
38 for each applicant submitted.

39 (B) The prospective employer, employee or independent contractor  
40 shall pay the fingerprint collection fee at the time of fingerprinting to the  
41 authorized collection site.

42 (5) If an applicant disputes the contents of a criminal history record  
43 check, then the applicant may file an appeal with the Kansas bureau of

1 investigation.

2 (6) Individuals who have been disqualified for employment by reason  
3 of their criminal history records and who have met the requirements of this  
4 subsection may apply for a waiver with the department within 30 days of  
5 the receipt of the notice of employment prohibition.

6 (7) The department shall adopt rules and regulations specifying the  
7 criteria and procedure for issuing a waiver of the employment prohibition.  
8 The secretary shall consider the following criteria when rendering a  
9 decision on such a waiver request: Passage of time; extenuating  
10 circumstances; demonstration of rehabilitation; and relevancy of the  
11 criminal history record information to the position for which the applicant  
12 is applying. Any employment prohibition issued shall remain in effect  
13 unless or until a waiver is granted.

14 (e) For the purpose of complying with this section, the operator of an  
15 adult care home shall request from the Kansas department for aging and  
16 disability services an eligibility determination regarding adult and juvenile  
17 convictions and adjudications. For the purpose of complying with this  
18 section, the operator of an adult care home shall receive from any  
19 employment agency or independent contractor that provides employees to  
20 work in the adult care home written certification that such employees are  
21 not prohibited from working in the adult care home under this section. For  
22 the purpose of complying with this section, a person who operates an adult  
23 care home may hire an applicant for provisional employment on a one-  
24 time basis of 60 calendar days pending the results from the Kansas  
25 department for aging and disability services of a request for information  
26 under this subsection. A provisional employee may only be supervised by  
27 an employee that has completed all training required by federal  
28 regulations, rules and regulations of the department and the adult care  
29 home's policies and procedures. No adult care home, the operator or  
30 employees of an adult care home or an employment agency or an  
31 independent contractor shall be liable for civil damages resulting from any  
32 decision to employ, to refuse to employ or to discharge from employment  
33 any person based on such adult care home's compliance with the  
34 provisions of this section if such adult care home or employment agency  
35 acts in good faith to comply with this section.

36 (f) The secretary for aging and disability services shall provide each  
37 operator requesting information under this section with a pass or fail  
38 determination after review of any criminal history record information in  
39 writing and within three working days of receipt of such information from  
40 the Kansas bureau of investigation or the federal bureau of investigation.

41 (g) A person who volunteers in an adult care home shall not be  
42 subject to the provisions of this section unless the volunteer performs  
43 equivalent functions to those performed by direct access employees.

1 (h) No person who has been continuously employed by the same  
2 adult care home since July 1, 1992, shall be subject to the provisions of  
3 this section while employed by such adult care home.

4 (i) The operator of an adult care home shall not be required under this  
5 section to conduct a criminal history record check on an applicant for  
6 employment with the adult care home if the applicant has been the subject  
7 of a criminal history record check under this act within one year prior to  
8 the application for employment with the adult care home.

9 (j) No person who is in the custody of the secretary of corrections and  
10 who provides services, under direct supervision in nonpatient areas, on the  
11 grounds or other areas designated by the superintendent of the Kansas  
12 soldiers' home or the Kansas veterans' home shall be subject to the  
13 provisions of this section while providing such services.

14 (k) (1) All fees charged by the secretary for criminal history record  
15 checks conducted pursuant to this section shall be established by rules and  
16 regulations of the secretary.

17 (2) All moneys collected and remitted to the Kansas department for  
18 aging and disability services for fees charged for criminal history record  
19 checks conducted pursuant to this section shall be remitted to the state  
20 treasurer in accordance with K.S.A. 75-4215, and amendments thereto.  
21 Upon receipt of each such remittance, the state treasurer shall deposit the  
22 entire amount into the state treasury to the credit of the state licensure fee  
23 fund created by K.S.A. 39-930, and amendments thereto.

24 (l) The Kansas department for aging and disability services may  
25 implement the amendments made to this section by this act in phases for  
26 different categories of employers. The department shall adopt rules and  
27 regulations establishing dates and procedures for the implementation of the  
28 criminal history record checks required by this section, and such dates may  
29 be staggered to facilitate implementation of the criminal history record  
30 checks required by this section.

31 (m) Upon authorization by the secretary for aging and disability  
32 services, other state agencies may access an internet-based application  
33 portal that is operated and maintained by the Kansas department for aging  
34 and disability services for purposes of processing criminal history record  
35 information requests in accordance with this section. Agencies may not  
36 share criminal history record information or the resulting pass or fail  
37 determinations with any other agency. The secretary for aging and  
38 disability services may charge an authorized agency the amount of \$1 per  
39 request made pursuant to this subsection.

40 (n) This section shall be a part of and supplemental to the adult care  
41 home licensure act.

42 Sec. 26. K.S.A. 2024 Supp. 39-2009 is hereby amended to read as  
43 follows: 39-2009. (a) As used in this section:

1 (1) "Applicant" means an individual who applies for employment  
2 with a center, facility, hospital or a provider of services or applies to work  
3 for an employment agency or as an independent contractor that provides  
4 staff to a center, facility, hospital or a provider of services.

5 (2) "Completion of the sentence" means the last day of the entire term  
6 of incarceration imposed by a sentence, including any term that is  
7 deferred, suspended or subject to parole, probation, diversion, community  
8 corrections, fines, fees, restitution or any other imposed sentencing  
9 requirements.

10 (3) "Department" means the Kansas department for aging and  
11 disability services.

12 (4) "Direct access" means work that involves an actual or reasonable  
13 expectation of one-on-one interaction with a consumer or a consumer's  
14 property, personally identifiable information, medical records, treatment  
15 information or financial information.

16 (5) "Direct supervision" means that a supervisor is physically present  
17 within an immediate distance to a supervisee and is available to provide  
18 constant direction, feedback and assistance to a client and the supervisee.

19 (6) "Employment agency" means an organization or entity that has a  
20 contracted relationship with a center, hospital, facility or provider of  
21 services to provide staff with direct access to consumers.

22 (7) "Independent contractor" means an organization, entity, agency or  
23 individual that provides contracted workers or services to a center, facility,  
24 hospital or provider of services.

25 (8) "Day service provider" means a provider of day support services  
26 for development in self-help, social skills, recreational skills and work  
27 skills for adults with intellectual or developmental disabilities that is  
28 licensed by the department or a separate and distinct dedicated division of  
29 a provider of day support services for development in self-help, social  
30 skills, recreational skills and work skills for adults with intellectual or  
31 developmental disabilities licensed by the department.

32 (b) (1) No licensee shall knowingly operate a center, facility, hospital  
33 or be a provider of services if any person who works in the center, facility,  
34 hospital or for a provider of services has adverse findings on any state or  
35 national registry, as defined in rules and regulations adopted by the  
36 secretary for aging and disability services, or has been convicted of or has  
37 been adjudicated a juvenile offender because of having committed an act  
38 which, if committed by an adult, would constitute the commission of  
39 capital murder, pursuant to K.S.A. 21-3439 or 21-5401, prior to ~~its~~ *their*  
40 ~~repeal, or K.S.A. 21-5401, aggravated murder, pursuant to section 2,~~ and  
41 amendments thereto, first degree murder, pursuant to K.S.A. 21-3401,  
42 prior to its repeal, or K.S.A. 21-5402, and amendments thereto, second  
43 degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or



1 K.S.A. 21-5403(a), and amendments thereto, voluntary manslaughter,  
2 pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and  
3 amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior  
4 to its repeal, or K.S.A. 21-5407, and amendments thereto, mistreatment of  
5 a dependent adult or mistreatment of an elder person, pursuant to K.S.A.  
6 21-3437, prior to its repeal, or K.S.A. 21-5417, and amendments thereto,  
7 human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or  
8 K.S.A. 21-5426(a), and amendments thereto, aggravated human  
9 trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-  
10 5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior  
11 to its repeal, or K.S.A. 21-5503, and amendments thereto, indecent  
12 liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or  
13 K.S.A. 21-5506(a), and amendments thereto, aggravated indecent liberties  
14 with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-  
15 5506(b), and amendments thereto, aggravated criminal sodomy, pursuant  
16 to K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and  
17 amendments thereto, indecent solicitation of a child, pursuant to K.S.A.  
18 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments  
19 thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-  
20 3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto,  
21 sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its  
22 repeal, or K.S.A. 21-5510, and amendments thereto, sexual battery,  
23 pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 21-5505(a), and  
24 amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-  
25 3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto,  
26 commercial sexual exploitation of a child, pursuant to K.S.A. 21-6422, and  
27 amendments thereto, an attempt to commit any of the crimes listed in this  
28 paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
29 5301, and amendments thereto, a conspiracy to commit any of the crimes  
30 listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or  
31 K.S.A. 21-5302, and amendments thereto, or criminal solicitation of any of  
32 the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its  
33 repeal, or K.S.A. 21-5303, and amendments thereto, or similar statutes of  
34 other states or the federal government.

35 (2) (A) A licensee operating a center, facility or hospital or as a  
36 provider of services may employ an applicant who has been convicted of  
37 any of the following if six or more years have elapsed since completion of  
38 the sentence imposed or the applicant was discharged from probation, a  
39 community correctional services program, parole, postrelease supervision,  
40 conditional release or a suspended sentence; if six or more years have  
41 elapsed since a community correctional services program, parole,  
42 postrelease supervision, conditional release or a suspended sentence; or if  
43 the applicant has been granted a waiver of such six-year disqualification: A

1 felony conviction for a crime that is described in:

2 (i) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to  
3 their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated,  
4 and amendments thereto, except those crimes listed in paragraph (1);

5 (ii) article 35 or 36 of chapter 21 of the Kansas Statutes Annotated,  
6 and amendments thereto, prior to their repeal, or article 55 or 56 of chapter  
7 21 of the Kansas Statutes Annotated or K.S.A. 21-6420, and amendments  
8 thereto, except those crimes listed in paragraph (1);

9 (iii) K.S.A. 21-3701, prior to its repeal, or K.S.A. 21-5801, and  
10 amendments thereto;

11 (iv) an attempt to commit any of the crimes listed in this paragraph  
12 pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and  
13 amendments thereto;

14 (v) a conspiracy to commit any of the crimes listed in this paragraph  
15 pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and  
16 amendments thereto;

17 (vi) criminal solicitation of any of the crimes listed in this paragraph  
18 pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-5303, and  
19 amendments thereto; or

20 (vii) similar statutes of other states or the federal government.

21 (B) An individual who has been disqualified for employment due to  
22 conviction or adjudication of an offense listed in this paragraph may apply  
23 to the secretary for aging and disability services for a waiver of such  
24 disqualification if five years have elapsed since completion of the sentence  
25 for such conviction. The secretary shall adopt rules and regulations  
26 establishing the waiver process and the criteria to be utilized by the  
27 secretary in evaluating any such waiver request.

28 (3) (A) A licensee operating a center, facility, hospital or as a provider  
29 of services may employ an applicant who has been convicted of any of the  
30 following if six or more years have elapsed since completion of the  
31 sentence imposed or the applicant was discharged from probation, a  
32 community correctional services program, parole, postrelease supervision,  
33 conditional release or a suspended sentence; if six or more years have  
34 elapsed since the applicant has been finally discharged from the custody of  
35 the secretary of corrections or from probation or has been adjudicated a  
36 juvenile offender, whichever time is longer; or if the applicant has been  
37 granted a waiver of such six-year disqualification:

38 (i) Interference with custody of a committed person pursuant to  
39 K.S.A. 21-3423, prior to its repeal, or K.S.A. 21-5410, and amendments  
40 thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425,  
41 prior to its repeal, or K.S.A. 21-5416, and amendments thereto; unlawful  
42 administration of a substance pursuant to K.S.A. 21-3445, prior to its  
43 repeal, or K.S.A. 21-5425, and amendments thereto; violation of a

1 protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A.  
2 21-5924; promoting obscenity or promoting obscenity to minors pursuant  
3 to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401,  
4 and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-  
5 3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 21-6412, and  
6 amendments thereto; or

7 (ii) any felony conviction of: Unlawful manufacture of a controlled  
8 substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or  
9 K.S.A. 21-5703, and amendments thereto; unlawful cultivation or  
10 distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-  
11 36a05, prior to its repeal, or K.S.A. 21-5705, and amendments thereto;  
12 unlawful manufacture, distribution, cultivation or possession of a  
13 controlled substance using a communication facility pursuant to K.S.A.  
14 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 21-5707, and  
15 amendments thereto; unlawful obtainment or sale of a prescription-only  
16 drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A.  
17 21-5708, and amendments thereto; unlawful distribution of drug  
18 precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10,  
19 prior to its repeal, or K.S.A. 21-5710, and amendments thereto; unlawful  
20 distribution or possession of a simulated controlled substance pursuant to  
21 K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 21-5713, and  
22 amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its  
23 repeal, or K.S.A. 21-5823, and amendments thereto; criminal use of a  
24 financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 21-  
25 5828, and amendments thereto; any violation of the Kansas medicaid fraud  
26 control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or  
27 K.S.A. 21-5925 et seq., and amendments thereto; making a false claim,  
28 statement or representation to the medicaid program pursuant to K.S.A.  
29 21-3846, prior to its repeal, or K.S.A. 21-5927, and amendments thereto;  
30 unlawful acts relating to the medicaid program pursuant to K.S.A. 21-  
31 3847, prior to its repeal, or K.S.A. 21-5928, and amendments thereto;  
32 obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856,  
33 prior to its repeal, or K.S.A. 21-5929, and amendments thereto; identity  
34 theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its  
35 repeal, or K.S.A. 21-6107, and amendments thereto; or social welfare  
36 fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions  
37 of this paragraph shall not apply to any person who is employed by a  
38 center, facility, hospital or provider of services on or before July 1, 2018,  
39 and is continuously employed by the same center, facility, hospital or  
40 provider of services or to any person during or upon successful completion  
41 of a diversion agreement.

42 (B) An individual who has been disqualified for employment due to  
43 conviction or adjudication of an offense listed in this paragraph may apply

1 to the secretary for aging and disability services for a waiver of such  
2 disqualification if five years have elapsed since completion of the sentence  
3 for such conviction or adjudication. The secretary shall adopt rules and  
4 regulations establishing the waiver process and criteria to be considered by  
5 the secretary in evaluating any such waiver request.

6 (c) No licensee shall operate a center, facility, hospital or be a  
7 provider of services if such licensee has been found to be an adult with an  
8 impairment in need of a guardian or a conservator, or both, as provided in  
9 the act for obtaining a guardian or conservator, or both. The provisions of  
10 this subsection shall not apply to an individual who, as a minor, was found  
11 to be in need of a guardian or conservator for reasons other than  
12 impairment.

13 (d) (1) The Kansas bureau of investigation shall release all records of  
14 adult and juvenile convictions and adjudications and adult and juvenile  
15 convictions and adjudications of any other state or country concerning  
16 persons working in a center, facility, hospital or for a provider of services  
17 to the secretary for aging and disability services. ~~The Kansas bureau of~~  
18 ~~investigation may charge to the Kansas department for aging and disability~~  
19 ~~services a reasonable fee for providing criminal history record information~~  
20 ~~under this subsection in accordance with K.S.A. 2024 Supp. 22-4714, and~~  
21 ~~amendments thereto.~~

22 (2) The department ~~shall~~ *may* require an applicant to be fingerprinted  
23 and to submit to a state and national criminal history record check *in*  
24 *accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.* ~~The~~  
25 ~~fingerprints shall be used to identify the individual and to determine~~  
26 ~~whether the individual has a record of criminal history in this state or other~~  
27 ~~jurisdiction. The department is authorized to submit the fingerprints to the~~  
28 ~~Kansas bureau of investigation and the federal bureau of investigation for~~  
29 ~~a state and national criminal history record check. The department may use~~  
30 ~~the information obtained from fingerprinting and the criminal history~~  
31 ~~record check for purposes of verifying the identification of the person and~~  
32 ~~for making an official determination of the qualifications and fitness of the~~  
33 ~~person to work in the center, facility, hospital or for a provider of services.~~

34 (3) An applicant for employment in a center, facility, hospital or for a  
35 provider of services shall have 20 calendar days after receipt of  
36 authorization to submit the applicant's fingerprints through an authorized  
37 collection site in order to be eligible for provisional employment or the  
38 applicant's application shall be deemed withdrawn.

39 (4) (A) The current or prospective employer of an applicant shall pay  
40 a *reasonable fee* ~~not to exceed \$19 of the total cost~~ for criminal history  
41 record information to the department for each applicant submitted.

42 (B) The prospective employer, employee or independent contractor  
43 shall pay the fingerprint collection fee at the time of fingerprinting to the

1 authorized collection site.

2 (5) If an applicant disputes the contents of a criminal history record  
3 check, then the applicant may file an appeal with the Kansas bureau of  
4 investigation.

5 (6) Individuals who have been disqualified for employment by reason  
6 of their criminal history records and who have met the requirements of this  
7 subsection may apply for a waiver with the department within 30 days of  
8 the receipt of the notice of employment prohibition.

9 (7) The department shall adopt rules and regulations specifying the  
10 criteria and procedure for issuing a waiver of the employment prohibition.  
11 The secretary shall consider the following criteria when rendering a  
12 decision on such a waiver request: Passage of time; extenuating  
13 circumstances; demonstration of rehabilitation; and relevancy of the  
14 criminal history record information to the position for which the applicant  
15 is applying. Any employment prohibition issued shall remain in effect  
16 unless or until a waiver is granted.

17 (e) The secretary shall provide each licensee requesting information  
18 under this section with a pass or fail determination after review of any  
19 criminal history record information in writing and within three working  
20 days of receipt of such information from the Kansas bureau of  
21 investigation or the federal bureau of investigation.

22 (f) Any licensee or member of the staff who receives information  
23 concerning the fitness or unfitness of any person shall keep such  
24 information confidential, except that the staff person may disclose such  
25 information to the person who is the subject of the request for information.  
26 A violation of this subsection shall be an unclassified misdemeanor  
27 punishable by a fine of \$100.

28 (g) For the purpose of complying with this section, the licensee  
29 operating a center, facility, hospital or a provider of services shall request  
30 from the Kansas department for aging and disability services an eligibility  
31 determination regarding adult and juvenile convictions and adjudications.  
32 For the purpose of complying with this section, the licensee operating a  
33 center, facility, hospital or a provider of services shall receive from any  
34 employment agency or independent contractor that provides employees to  
35 work in the center, facility, hospital or for the provider of services written  
36 certification that such employees are not prohibited from working in the  
37 center, facility, hospital or for the provider of services under this section.  
38 For the purpose of complying with this section, a licensee may hire an  
39 applicant for provisional employment on a one-time basis of 60 calendar  
40 days pending the results from the Kansas department for aging and  
41 disability services of an eligibility determination under this subsection. A  
42 provisional employee may only be supervised by an employee who has  
43 completed all training required by federal regulations, department rules

1 and regulations and the center's, facility's, hospital's or provider of  
2 services' policies and procedures. No licensee, its contractors or  
3 employees, shall be liable for civil damages to any person refused  
4 employment or discharged from employment by reason of such licensee's  
5 compliance with the provisions of this section if such licensee acts in good  
6 faith to comply with this section.

7 (h) The licensee operating a center, facility, hospital or a provider of  
8 services shall not require an applicant under this section to be  
9 fingerprinted, if the applicant has been the subject of a criminal history  
10 record check under this act within one year prior to the application for  
11 employment with the licensee operating a center, facility, hospital or a  
12 provider of services and has maintained a record of continuous  
13 employment, with no lapse of employment of over 90 days in any center,  
14 facility, hospital or a provider of services covered by this act.

15 Sec. 27. K.S.A. 2024 Supp. 65-5117 is hereby amended to read as  
16 follows: 65-5117. (a) As used in this section:

17 (1) "Applicant" means an individual who applies for employment  
18 with a home health agency or applies to work for an employment agency  
19 or as an independent contractor that provides staff to a home health  
20 agency.

21 (2) "Completion of the sentence" means the last day of the entire term  
22 of incarceration imposed by a sentence, including any term that is  
23 deferred, suspended or subject to parole, probation, diversion, community  
24 corrections, fines, fees, restitution or any other imposed sentencing  
25 requirements.

26 (3) "Department" means the Kansas department for aging and  
27 disability services.

28 (4) "Direct access" means work that involves an actual or reasonable  
29 expectation of one-on-one interaction with a consumer or a consumer's  
30 property, personally identifiable information, medical records, treatment  
31 information or financial information.

32 (5) "Direct supervision" means that a supervisor is physically present  
33 within an immediate distance to a supervisee and is available to provide  
34 constant direction, feedback and assistance to a client and the supervisee.

35 (6) "Employment agency" means an organization or entity that has a  
36 contracted relationship with a home health agency to provide staff with  
37 direct access to consumers.

38 (7) "Independent contractor" means an organization, entity, agency or  
39 individual that provides contracted workers or services to a home health  
40 agency.

41 (b) (1) No person shall knowingly operate a home health agency if,  
42 for the home health agency, there works any person who has adverse  
43 findings on any state or national registry, as defined in rules and

1 regulations adopted by the secretary for aging and disability services, or  
2 has been convicted of or has been adjudicated a juvenile offender because  
3 of having committed an act that if done by an adult would constitute the  
4 commission of capital murder, pursuant to K.S.A. 21-3439 *or 21-5401*,  
5 prior to ~~its~~ *their* repeal, or ~~K.S.A. 21-5401~~, *aggravated murder, pursuant*  
6 *to section 2*, and amendments thereto, first degree murder, pursuant to  
7 K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments  
8 thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its  
9 repeal, or K.S.A. 21-5403(a), and amendments thereto, voluntary  
10 manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A.  
11 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A.  
12 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto,  
13 mistreatment of a dependent adult or mistreatment of an elder person,  
14 pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 21-5417, and  
15 amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior  
16 to its repeal, or K.S.A. 21-5426(a), and amendments thereto, aggravated  
17 human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or  
18 K.S.A. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-  
19 3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto,  
20 indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its  
21 repeal, or K.S.A. 21-5506(a), and amendments thereto, aggravated  
22 indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its  
23 repeal, or K.S.A. 21-5506(b), and amendments thereto, aggravated  
24 criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A.  
25 21-5504(b), and amendments thereto, indecent solicitation of a child,  
26 pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and  
27 amendments thereto, aggravated indecent solicitation of a child, pursuant  
28 to K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and  
29 amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-  
30 3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto,  
31 sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A.  
32 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant  
33 to K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and  
34 amendments thereto, commercial sexual exploitation of a child, pursuant  
35 to K.S.A. 21-6422, and amendments thereto, an attempt to commit any of  
36 the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its  
37 repeal, or K.S.A. 21-5301, and amendments thereto, a conspiracy to  
38 commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-  
39 3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, or  
40 criminal solicitation of any of the crimes listed in this paragraph, pursuant  
41 to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-5303, and amendments  
42 thereto, or similar statutes of other states or the federal government. The  
43 provisions of subsection (b)(2)(C) shall not apply to any person who is

1 employed by a home health agency on or before July 1, 2010, and while  
 2 continuously employed by the same home health agency or to any person  
 3 during or upon successful completion of a diversion agreement.

4 (2) (A) A person operating a home health agency may employ an  
 5 applicant who has been convicted of any of the following if six or more  
 6 years have elapsed since completion of the sentence imposed or the  
 7 applicant was discharged from probation, a community correctional  
 8 services program, parole, postrelease supervision, conditional release or a  
 9 suspended sentence; if six or more years have elapsed since the applicant  
 10 has been finally discharged from the custody of the commissioner of  
 11 juvenile justice or from probation or has been adjudicated a juvenile  
 12 offender, whichever time is longer; or if the applicant has been granted a  
 13 waiver of such six-year disqualification: A felony conviction for a crime  
 14 that is described in:

15 ~~(A)~~(i) Article 34 of chapter 21 of the Kansas Statutes Annotated,  
 16 prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes  
 17 Annotated, and amendments thereto, except those crimes listed in  
 18 subsection (b)(1);

19 ~~(B)~~(ii) article 35 or 36 of chapter 21 of the Kansas Statutes  
 20 Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the  
 21 Kansas Statutes Annotated, or K.S.A. 21-6420, and amendments thereto,  
 22 except those crimes listed in subsection (b)(1) and K.S.A. 21-3605, prior  
 23 to its repeal, or K.S.A. 21-5606, and amendments thereto;

24 ~~(C)~~(iii) K.S.A. 21-3701, prior to its repeal, or K.S.A. 21-5801, and  
 25 amendments thereto;

26 ~~(D)~~(iv) an attempt to commit any of the crimes listed in this  
 27 paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
 28 5301, and amendments thereto;

29 ~~(E)~~(v) a conspiracy to commit any of the crimes listed in this  
 30 paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-  
 31 5302, and amendments thereto;

32 ~~(F)~~(vi) criminal solicitation of any of the crimes listed in this  
 33 paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-  
 34 5303, and amendments thereto; or

35 ~~(G)~~(vii) similar statutes of other states or the federal government.

36 (B) An individual who has been disqualified for employment due to  
 37 conviction or adjudication of an offense listed in this paragraph ~~(2)~~ may  
 38 apply to the secretary for aging and disability services for a waiver of such  
 39 disqualification if five years have elapsed since completion of the sentence  
 40 for such conviction. The secretary shall adopt rules and regulations  
 41 establishing the waiver process and the criteria to be utilized by the  
 42 secretary in evaluating any such waiver request.

43 (3) (A) A person operating a home health agency may employ an



1 applicant who has been convicted of any of the following if six or more  
2 years have elapsed since completion of the sentence imposed or the  
3 applicant was discharged from probation, a community correctional  
4 services program, parole, postrelease supervision, conditional release or a  
5 suspended sentence; if six or more years have elapsed since the applicant  
6 has been finally discharged from the custody of the commissioner of  
7 juvenile justice or from probation or has been adjudicated a juvenile  
8 offender, whichever time is longer; or if the applicant has been granted a  
9 waiver of such six-year disqualification:

10 (i) Interference with custody of a committed person pursuant to  
11 K.S.A. 21-3423, prior to its repeal, or K.S.A. 21-5410, and amendments  
12 thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425,  
13 prior to its repeal, or K.S.A. 21-5416, and amendments thereto; unlawful  
14 administration of a substance pursuant to K.S.A. 21-3445, prior to its  
15 repeal, or K.S.A. 21-5425, and amendments thereto; violation of a  
16 protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A.  
17 21-5924; promoting obscenity or promoting obscenity to minors pursuant  
18 to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401,  
19 and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-  
20 3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 21-6412, and  
21 amendments thereto; or

22 (ii) any felony conviction of: Unlawful manufacture of a controlled  
23 substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or  
24 K.S.A. 21-5703, and amendments thereto; unlawful cultivation or  
25 distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-  
26 36a05, prior to its repeal, or K.S.A. 21-5705, and amendments thereto;  
27 unlawful manufacture, distribution, cultivation or possession of a  
28 controlled substance using a communication facility pursuant to K.S.A.  
29 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 21-5707, and  
30 amendments thereto; unlawful obtainment or sale of a prescription-only  
31 drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A.  
32 21-5708, and amendments thereto; unlawful distribution of drug  
33 precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10,  
34 prior to its repeal, or K.S.A. 21-5710, and amendments thereto; unlawful  
35 distribution or possession of a simulated controlled substance pursuant to  
36 K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 21-5713, and  
37 amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its  
38 repeal, or K.S.A. 21-5823, and amendments thereto; criminal use of a  
39 financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 21-  
40 5828, and amendments thereto; any violation of the Kansas medicaid fraud  
41 control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or  
42 K.S.A. 21-5925 et seq., and amendments thereto; making a false claim,  
43 statement or representation to the medicaid program pursuant to K.S.A.

1 21-3846, prior to its repeal, or K.S.A. 21-5927, and amendments thereto;  
2 unlawful acts relating to the medicaid program pursuant to K.S.A. 21-  
3 3847, prior to its repeal, or K.S.A. 21-5928, and amendments thereto;  
4 obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856,  
5 prior to its repeal, or K.S.A. 21-5929, and amendments thereto; identity  
6 theft or identity fraud pursuant to K.S.A. 21-4018, prior to its repeal, or  
7 K.S.A. 21-6107, and amendments thereto; or social welfare fraud pursuant  
8 to K.S.A. 39-720, and amendments thereto. The provisions of this  
9 paragraph shall not apply to any person who is employed by a home health  
10 agency on or before July 1, 2018, and is continuously employed by the  
11 same home health agency or to any person during or upon successful  
12 completion of a diversion agreement.

13 (B) An individual who has been disqualified for employment due to  
14 conviction or adjudication of an offense listed in this paragraph~~(3)~~ may  
15 apply to the secretary for aging and disability services for a waiver of such  
16 disqualification if five years have elapsed since completion of the sentence  
17 for such conviction. The secretary shall adopt rules and regulations  
18 establishing the waiver process and criteria to be considered by the  
19 secretary in evaluating any such waiver request.

20 (c) No person shall operate a home health agency if such person has  
21 been found to be a person in need of a guardian or a conservator, or both,  
22 as provided in the act for obtaining a guardian or a conservator, or both.  
23 The provisions of this subsection shall not apply to an individual who, as a  
24 minor, was found to be in need of a guardian or conservator for reasons  
25 other than impairment.

26 (d) (1) The Kansas bureau of investigation shall release all records of  
27 adult and juvenile convictions and adjudications and adult and juvenile  
28 convictions and adjudications of any other state or country concerning  
29 persons working in a home health agency to the secretary for aging and  
30 disability services in accordance with K.S.A. 2024 Supp. 22-4714, and  
31 amendments thereto.

32 (2) The department may require an applicant to be fingerprinted and  
33 to submit to a state and national criminal history record check in  
34 accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

35 (3) An applicant for employment in a home health agency shall have  
36 20 calendar days after receipt of authorization to submit the applicant's  
37 fingerprints through an authorized collection site in order to be eligible for  
38 provisional employment or the applicant's application shall be deemed  
39 withdrawn.

40 (4) (A) The current or prospective employer of an applicant shall pay  
41 a reasonable fee for criminal history record information to the department  
42 for each applicant submitted.

43 (B) The prospective employer, employee or independent contractor

1 shall pay the fingerprint collection fee at the time of fingerprinting to the  
2 authorized collection site.

3 (5) If an applicant disputes the contents of a criminal history record  
4 check, then the applicant may file an appeal with the Kansas bureau of  
5 investigation.

6 (6) Individuals who have been disqualified for employment by reason  
7 of their criminal history records and who have met the requirements of this  
8 subsection may apply for a waiver with the department within 30 days of  
9 the receipt of the notice of employment prohibition.

10 (7) The department shall adopt rules and regulations specifying the  
11 criteria and procedure for issuing a waiver of the employment prohibition.  
12 The secretary shall consider the following criteria when rendering a  
13 decision on such a waiver request: Passage of time; extenuating  
14 circumstances; demonstration of rehabilitation; and relevancy of the  
15 criminal history record information to the position for which the applicant  
16 is applying. Any employment prohibition issued shall remain in effect  
17 unless or until a waiver is granted.

18 (e) For the purpose of complying with this section, the operator of a  
19 home health agency shall request from the Kansas department for aging  
20 and disability services an eligibility determination regarding adult and  
21 juvenile convictions and adjudications. For the purpose of complying with  
22 this section, a person who operates a home health agency may hire an  
23 applicant for provisional employment on a one-time basis of 60 calendar  
24 days pending the results from the Kansas department for aging and  
25 disability services of a request for information under this subsection. A  
26 provisional employee may only be supervised by an employee who has  
27 completed all training required by federal regulations, rules and  
28 regulations of the department and the home health agency's policies and  
29 procedures. No home health agency, the operator or employees of a home  
30 health agency or an employment agency or an independent contractor shall  
31 be liable for civil damages resulting from any decision to employ, to refuse  
32 to employ or to discharge from employment any person based on such  
33 home health agency's compliance with the provisions of this section if  
34 such home health agency or employment agency acts in good faith to  
35 comply with this section.

36 (f) The secretary for aging and disability services shall provide each  
37 operator requesting information under this section with a pass or fail  
38 determination after review of any criminal history information in writing  
39 and within three working days of receipt of such information from the  
40 Kansas bureau of investigation or the federal bureau of investigation.

41 (g) A person who volunteers to assist a home health agency shall not  
42 be subject to the provisions of this section unless the volunteer performs  
43 functions equivalent to functions performed by direct access employees.

1 (h) No person who has been continuously employed by the same  
2 home health agency since July 1, 1992, shall be subject to the  
3 requirements of this section while employed by such home health agency.

4 (i) The operator of a home health agency shall not be required under  
5 this section to conduct a criminal history record check on an applicant for  
6 employment with the home health agency if the applicant has been the  
7 subject of a criminal history record check under this act within one year  
8 prior to the application for employment with the home health agency.

9 (j) No person who is in the custody of the secretary of corrections and  
10 who provides services, under direct supervision in non-patient areas, on  
11 the grounds or other areas designated by the superintendent of the Kansas  
12 soldiers' home or the Kansas veterans' home shall be subject to the  
13 provisions of this section while providing such services.

14 (k) (1) All fees charged by the secretary for criminal history record  
15 checks conducted pursuant to this section shall be established by rules and  
16 regulations of the secretary.

17 (2) All moneys collected and remitted to the department for fees  
18 charged for criminal history record checks conducted pursuant to this  
19 section shall be remitted to the state treasurer in accordance with K.S.A.  
20 65-5113, and amendments thereto. Upon receipt of each such remittance,  
21 the state treasurer shall deposit the entire amount into the state treasury to  
22 the credit of the state licensure fee fund created by K.S.A. 39-930, and  
23 amendments thereto.

24 (l) The department may implement the amendments made to this  
25 section by this act in phases for different categories of employers. The  
26 department shall adopt rules and regulations establishing dates and  
27 procedures for the implementation of the criminal history record checks  
28 required by this section, and such dates may be staggered to facilitate  
29 implementation of the criminal history record checks required by this  
30 section.

31 (m) This section shall be a part of and supplemental to the provisions  
32 of article 51 of chapter 65 of the Kansas Statutes Annotated, and  
33 amendments thereto.

34 Sec. 28. K.S.A. 72-2165 is hereby amended to read as follows: 72-  
35 2165. (a) The state board of education shall not knowingly issue a license  
36 to or renew the license of any person who has been convicted of:

37 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
38 21-5503, and amendments thereto;

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

41 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
42 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments  
43 thereto;

- 1 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
2 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments  
3 thereto;
- 4 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
5 to its repeal, or K.S.A. 21-5504(b), and amendments thereto;
- 6 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
7 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;
- 8 (7) aggravated indecent solicitation of a child, as defined in K.S.A.  
9 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments  
10 thereto;
- 11 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
12 to its repeal, or K.S.A. 21-5510, and amendments thereto;
- 13 (9) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
14 repeal, or K.S.A. 21-5604(b), and amendments thereto;
- 15 (10) aggravated endangering a child, as defined in K.S.A. 21-3608a,  
16 prior to its repeal, or K.S.A. 21-5601(b), and amendments thereto;
- 17 (11) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,  
18 or K.S.A. 21-5602, and amendments thereto;
- 19 (12) capital murder, as defined in K.S.A. 21-3439 *or* 21-5401, prior  
20 to its repeal, ~~or K.S.A. 21-5401~~;
- 21 (13) *aggravated murder, as defined in section 2*, and amendments  
22 thereto;
- 23 ~~(13)~~(14) murder in the first degree, as defined in K.S.A. 21-3401,  
24 prior to its repeal, or K.S.A. 21-5402, and amendments thereto;
- 25 ~~(14)~~(15) murder in the second degree, as defined in K.S.A. 21-3402,  
26 prior to its repeal, or K.S.A. 21-5403, and amendments thereto;
- 27 ~~(15)~~(16) voluntary manslaughter, as defined in K.S.A. 21-3403, prior  
28 to its repeal, or K.S.A. 21-5404, and amendments thereto;
- 29 ~~(16)~~(17) involuntary manslaughter, as defined in K.S.A. 21-3404,  
30 prior to its repeal, or K.S.A. 21-5405, and amendments thereto;
- 31 ~~(17)~~(18) involuntary manslaughter while driving under the influence  
32 of alcohol or drugs, as defined in K.S.A. 21-3442, prior to its repeal;
- 33 ~~(18)~~(19) sexual battery, as defined in K.S.A. 21-3517, prior to its  
34 repeal, or K.S.A. 21-5505(a), and amendments thereto, when, at the time  
35 the crime was committed, the victim was less than 18 years of age or a  
36 student of the person committing such crime;
- 37 ~~(19)~~(20) aggravated sexual battery, as defined in K.S.A. 21-3518,  
38 prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto;
- 39 ~~(20)~~(21) commercial sexual exploitation of a child, as defined in  
40 K.S.A. 21-6422, and amendments thereto;
- 41 ~~(21)~~(22) human trafficking, as defined in K.S.A. 21-3446, prior to its  
42 repeal, or K.S.A. 21-5426(a), and amendments thereto;
- 43 ~~(22)~~(23) aggravated human trafficking, as defined in K.S.A. 21-3447,

1 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto;

2 ~~(23)~~(24) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A.  
3 21-5301, and amendments thereto, to commit any act specified in this  
4 subsection;

5 ~~(24)~~(25) conspiracy under K.S.A. 21-3302, prior to its repeal, or  
6 K.S.A. 21-5302, and amendments thereto, to commit any act specified in  
7 this subsection;

8 ~~(25)~~(26) an act in another state or by the federal government that is  
9 comparable to any act described in this subsection; or

10 ~~(26)~~(27) an offense in effect at any time prior to the effective date of  
11 this act that is comparable to an offense as provided in this subsection.

12 (b) Except as provided in subsection (c), the state board of education  
13 shall not knowingly issue a license to or renew the license of any person  
14 who has been convicted of, or has entered into a criminal diversion  
15 agreement after having been charged with:

16 (1) A felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17,  
17 prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes  
18 Annotated, and amendments thereto, or any felony violation of any  
19 provision of the uniform controlled substances act prior to July 1, 2009;

20 (2) a felony described in any section of article 34 of chapter 21 of the  
21 Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21  
22 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or  
23 21-6418, and amendments thereto, other than an act specified in  
24 subsection (a), or a battery, as described in K.S.A. 21-3412, prior to its  
25 repeal, or K.S.A. 21-5413(a), and amendments thereto, or domestic  
26 battery, as described in K.S.A. 21-3412a, prior to its repeal, or K.S.A. 21-  
27 5414, and amendments thereto, if the victim is a minor or student;

28 (3) a felony described in any section of article 35 of chapter 21 of the  
29 Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21  
30 of the Kansas Statutes Annotated, or K.S.A. 21-6419 through 21-6421, and  
31 amendments thereto, other than an act specified in subsection (a);

32 (4) any act described in any section of article 36 of chapter 21 of the  
33 Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21  
34 of the Kansas Statutes Annotated, and amendments thereto, other than an  
35 act specified in subsection (a);

36 (5) a felony described in article 37 of chapter 21 of the Kansas  
37 Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the  
38 Kansas Statutes Annotated, or K.S.A. 21-6412(a)(6), and amendments  
39 thereto;

40 (6) promoting obscenity, as described in K.S.A. 21-4301, prior to its  
41 repeal, or K.S.A. 21-6401(a), and amendments thereto, promoting  
42 obscenity to minors, as described in K.S.A. 21-4301a, prior to its repeal, or  
43 K.S.A. 21-6401(b), and amendments thereto, or promoting to minors

1 obscenity harmful to minors, as described in K.S.A. 21-4301c, prior to its  
2 repeal, or K.S.A. 21-6402, and amendments thereto;

3 (7) endangering a child, as defined in K.S.A. 21-3608, prior to its  
4 repeal, or K.S.A. 21-5601(a), and amendments thereto;

5 (8) driving under the influence of alcohol or drugs in violation of  
6 K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is  
7 punishable as a felony;

8 (9) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
9 5301, and amendments thereto, to commit any act specified in this  
10 subsection;

11 (10) conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A.  
12 21-5302, and amendments thereto, to commit any act specified in this  
13 subsection; or

14 (11) an act committed in violation of a federal law or in violation of  
15 another state's law that is comparable to any act described in this  
16 subsection.

17 (c) The state board of education may issue a license to or renew the  
18 license of a person who has been convicted of committing an offense or  
19 act described in subsection (b) or who has entered into a criminal diversion  
20 agreement after having been charged with an offense or act described in  
21 subsection (b) if the state board determines, following a hearing, that the  
22 person has been rehabilitated for a period of at least five years from the  
23 date of conviction of the offense or commission of the act or, in the case of  
24 a person who has entered into a criminal diversion agreement, that the  
25 person has satisfied the terms and conditions of the agreement. The state  
26 board of education may consider factors including, but not limited to, the  
27 following in determining whether to grant a license:

28 (1) The nature and seriousness of the offense or act;

29 (2) the conduct of the person subsequent to commission of the  
30 offense or act;

31 (3) the time elapsed since the commission of the offense or act;

32 (4) the age of the person at the time of the offense or act;

33 (5) whether the offense or act was an isolated or recurring incident;

34 and

35 (6) discharge from probation, pardon or expungement.

36 (d) Before any license is denied by the state board of education for  
37 any of the offenses or acts specified in subsections (a) and (b), the person  
38 shall be given notice and an opportunity for a hearing in accordance with  
39 the provisions of the Kansas administrative procedure act.

40 (e) The county or district attorney shall file a report with the state  
41 board of education indicating the name, address and social security  
42 number of any person who has been determined to have committed any  
43 offense or act specified in subsection (a) or (b) or to have entered into a

1 criminal diversion agreement after having been charged with any offense  
2 or act specified in subsection (b). Such report shall be filed within 30 days  
3 of the date of the determination that the person has committed any such act  
4 or entered into any such diversion agreement.

5 (f) The state board of education shall not be liable for civil damages  
6 to any person refused issuance or renewal of a license by reason of the  
7 state board's compliance, in good faith, with the provisions of this section.

8 Sec. 29. K.S.A. 75-52,148 is hereby amended to read as follows: 75-  
9 52,148. (a) The department of corrections shall be required to review and  
10 report on the following serious offenses committed by sex offenders, as  
11 defined by K.S.A. 22-4902, and amendments thereto, while such offenders  
12 are in the custody of the secretary of corrections:

13 (1) Murder in the first degree, as defined in K.S.A. 21-5402, and  
14 amendments thereto;

15 (2) murder in the second degree, as defined in K.S.A. 21-5403, and  
16 amendments thereto;

17 (3) ~~capital murder, as defined in K.S.A. 21-5401~~ *aggravated murder,*  
18 *as defined in section 2,* and amendments thereto;

19 (4) rape, as defined in K.S.A. 21-5503, and amendments thereto;

20 (5) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and  
21 amendments thereto;

22 (6) sexual exploitation of a child, as defined in K.S.A. 21-5510, and  
23 amendments thereto;

24 (7) kidnapping, as defined in K.S.A. 21-5408(a), and amendments  
25 thereto;

26 (8) aggravated kidnapping, as defined in K.S.A. 21-5408(b), and  
27 amendments thereto;

28 (9) criminal restraint, as defined in K.S.A. 21-5411, and amendments  
29 thereto;

30 (10) indecent solicitation of a child, as defined in K.S.A. 21-5508(a),  
31 and amendments thereto;

32 (11) aggravated indecent solicitation of a child, as defined in K.S.A.  
33 21-5508(b), and amendments thereto;

34 (12) indecent liberties with a child, as defined in K.S.A. 21-5506(a),  
35 and amendments thereto;

36 (13) aggravated indecent liberties with a child, as defined in K.S.A.  
37 21-5506(b), and amendments thereto;

38 (14) criminal sodomy, as defined in K.S.A. 21-5504(a), and  
39 amendments thereto;

40 (15) child abuse, as defined in K.S.A. 21-5602, and amendments  
41 thereto;

42 (16) aggravated robbery, as defined in K.S.A. 21-5420(b), and  
43 amendments thereto;



- 1 (17) burglary, as defined in K.S.A. 21-5807(a), and amendments
- 2 thereto;
- 3 (18) aggravated burglary, as defined in K.S.A. 21-5807(b), and
- 4 amendments thereto;
- 5 (19) theft, as defined in K.S.A. 21-5801, and amendments thereto;
- 6 (20) vehicular homicide, as defined in K.S.A. 21-5406, and
- 7 amendments thereto;
- 8 (21) involuntary manslaughter while driving under the influence, as
- 9 defined in K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto; or
- 10 (22) stalking, as defined in K.S.A. 21-5427, and amendments thereto.
- 11 (b) The secretary of corrections shall submit such report to the
- 12 speaker of the house of representatives and the president of the senate
- 13 annually, ~~beginning January 1, 2007.~~
- 14 Sec. 30. K.S.A. 21-5301, 21-5401, 21-5402, 21-5419, 21-6614, 21-
- 15 6617, 21-6618, 21-6619, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806,
- 16 22-2512, 22-4902, 22-4906, 23-3222, 38-2271, 38-2303, 38-2312, 38-
- 17 2365, 72-2165 and 75-52,148 and K.S.A. 2024 Supp. 21-6328, 22-3717,
- 18 38-2255, 39-970, 39-2009, 39-2009a and 65-5117 are hereby repealed.
- 19 Sec. 31. This act shall take effect and be in force from and after its
- 20 publication in the statute book.