

SESSION OF 2025

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2164**

As Recommended by Senate Committee on
Judiciary

Brief*

Senate Sub. for HB 2164 would create and amend law in the Kansas Offender Registration Act to make it unlawful for certain sex offenders to enter onto school property or attend a school activity, as defined by the bill.

The prohibition would apply to any registered sex offender who is:

- At least 18 years of age; and
- Convicted of a crime requiring registration involving a victim less than 18 years of age.

Penalties for Violation

A violation of the prohibited conduct would be classified as follows:

- Upon a first conviction, a severity level 6, person felony;
- Upon a second conviction, a severity level 5, person felony; and
- Upon a third or subsequent conviction, a severity level 3, person felony.

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

Definitions

The bill would define the terms “school activity,” “school property,” and “nonpublic school.”

“School activity” would mean an activity sponsored by a unified school district or a nonpublic school at which students in kindergarten or any of the grades one through twelve, or children under the age of eligibility to attend kindergarten who attend a preschool program, are the primary intended participants or the primary intended audience, including, but not limited to:

- School instructional time;
- After school care;
- After school tutoring;
- Athletic events;
- School dances and social events;
- Field trips; or
- School plays or assemblies.

“School property” would mean property upon which is located a structure used by a unified school district or a nonpublic school for instruction, attendance, or extracurricular activities for student enrolled in kindergarten or any of the grades one through twelve or for children under the age of eligibility to attend kindergarten who attend a preschool program.

“Nonpublic school” would mean a private, nonprofit, or parochial school that offers regular instruction for students at least four days per week during a school term. The bill would specifically exclude from the definition any homeschool, microschool, homeschool cooperative association, or nonaccredited private school that has a total enrollment of nine students or fewer.

Background

The Senate Committee on Judiciary recommended a substitute bill incorporating provisions pertaining to prohibiting certain sex offenders from entering onto school property or attending a school activity (amended provisions of SB 288). The original provisions of the bill were removed. [Note: HB 2164, as recommended by the House Committee on Federal and State Affairs and passed by the House, would have amended the Kansas Law Enforcement Training Act to authorize individuals who are 20 years of age to apply for certification as a law enforcement officer.]

SB 288 (Prohibiting Sex Offenders From Entering School Property or Activities)

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Dietrich on behalf of Senator Warren.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by the Johnson County District Attorney (DA) and representative of the Kansas County and District Attorneys Association (KCDAA); a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; representatives of Children's Advocacy Centers of Kansas and Sunflower House Child Advocacy Center; and three private citizens. Proponents described a recent event in which a registered sex offender was allowed to attend a school dance and expressed concern that no Kansas law currently exists to prohibit sex offenders from entering onto school property or participating in school activities.

Written-only proponent testimony was provided by Senator Warren; the Superintendent of Blue Valley Schools; the Sedgwick County DA and representative of KCDAA; the

Shawnee County DA and representative of KCDA; representatives of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) and the Kansas National Education Association; and eight private citizens.

Neutral testimony was provided by a representative of the Kansas Association of School Boards, who voiced concerns that the bill may put schools in a difficult position to comply with both the provisions of the bill and other state and federal requirements pertaining to K-12 education.

A representative of Wichita Public Schools provided written-only neutral testimony.

Opponent testimony was provided by representatives of the State Board of Indigents' Defense Services (BIDS), the Just Future Project, and four private citizens. Opponents expressed concerns that the bill could increase recidivism rates of sex offenders by isolating them from their communities and could lead to costly constitutional challenges.

Written-only opponent testimony was provided by one private citizen.

The Senate Committee amended the bill to remove the requirement that a nonpublic school be accredited in order to be covered by the provisions of the bill and to add a definition of "nonpublic school."

Fiscal Information

SB 288

No fiscal note for SB 288 was available at the time the Senate Committee took action on the substitute bill.

Kansas Offender Registration Act; sex offenders; schools