

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2322

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning the Kansas offender registration act; amending
2 K.S.A. 22-4901, 22-4903, 22-4908, 22-4909 and 22-4911 and K.S.A.
3 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907 and ~~22-4913~~
4 , ~~22-4913 and 38-2312 and section 254 of chapter 136 of the 2010~~
5 ~~Session Laws of Kansas~~ and repealing the existing sections; also
6 repealing K.S.A. 22-4912.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 22-4901 is hereby amended to read as follows: 22-
10 4901. K.S.A. 22-4901 through ~~22-4910~~ ~~22-4911 and 22-4913~~, and
11 amendments thereto, shall be known and may be cited as the Kansas
12 offender registration act.

13 Sec. 2. K.S.A. 2010 Supp. 22-4902 is hereby amended to read as
14 follows: 22-4902. As used in the Kansas offender registration act, unless
15 the context otherwise requires:

16 (a) "Offender" means:

17 (1) A sex offender, as defined in subsection (b);

18 (2) a violent offender, as defined in subsection ~~(d)~~ (e);

19 ~~(3) a sexually violent predator as defined in subsection (f);~~

20 ~~(4) any person who, on and after May 29, 1997, is convicted of any of~~
21 ~~the following crimes when the victim is less than 18 years of age:~~

22 ~~(A) Kidnapping as defined in K.S.A. 21-3420 and amendments~~
23 ~~thereto, except by a parent;~~

24 ~~(B) aggravated kidnapping as defined in K.S.A. 21-3421 and~~
25 ~~amendments thereto; or~~

26 ~~(C) criminal restraint as defined in K.S.A. 21-3424 and amendments~~
27 ~~thereto, except by a parent;~~

28 ~~(5) any person convicted of any of the following criminal sexual~~
29 ~~conduct if one of the parties involved is less than 18 years of age:~~

30 ~~(A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;~~

31 ~~(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-~~
32 ~~3505, and amendments thereto;~~

33 ~~(C) promoting prostitution as defined by K.S.A. 21-3513, and~~
34 ~~amendments thereto;~~

35 ~~(D) patronizing a prostitute as defined by K.S.A. 21-3515, and~~
36 ~~amendments thereto; or~~

1 (E) ~~lewd and lascivious behavior as defined by K.S.A. 21-3508, and~~
2 ~~amendments thereto;~~

3 (3) ~~a drug offender, as defined in subsection (f);~~

4 ~~(6) (4) any person who has been required to register under any~~
5 ~~federal, military or other state's out of state law or is otherwise required to~~
6 ~~be registered; and~~

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

10 ~~(8) any person who has been convicted of an offense in effect at any~~
11 ~~time prior to May 29, 1997, that is comparable to any crime defined in~~
12 ~~subsection (4), (5), (7) or (11), or any federal, military or other state~~
13 ~~conviction for an offense that under the laws of this state would be an~~
14 ~~offense defined in subsection (4), (5), (7) or (11);~~

15 ~~(9) any person who has been convicted of an attempt, conspiracy or~~
16 ~~criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303~~
17 ~~and amendments thereto, of an offense defined in subsection (4), (5), (7) or~~
18 ~~(10);~~

19 ~~(10) any person who has been convicted of aggravated human~~
20 ~~trafficking as defined in K.S.A. 21-3447, and amendments thereto; or~~

21 ~~(11) any person who has been convicted of: (A) Unlawful~~
22 ~~manufacture or attempting such of any controlled substance or controlled~~
23 ~~substance analog as defined by K.S.A. 65-4159, prior to its repeal or~~
24 ~~K.S.A. 2010 Supp. 21-36a03, and amendments thereto, unless the court~~
25 ~~makes a finding on the record that the manufacturing or attempting to~~
26 ~~manufacture such controlled substance was for such person's personal use;~~

27 ~~(B) possession of ephedrine, pseudoephedrine, red phosphorus,~~
28 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~
29 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~
30 ~~isomers with intent to use the product to manufacture a controlled~~
31 ~~substance as defined by subsection (a) of K.S.A. 65-7006, prior to its~~
32 ~~repeal or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments~~
33 ~~thereto, unless the court makes a finding on the record that the possession~~
34 ~~of such product was intended to be used to manufacture a controlled~~
35 ~~substance for such person's personal use; or~~

36 ~~(C) K.S.A. 65-4161, prior to its repeal or subsection (a)(1) of K.S.A.~~
37 ~~2010 Supp. 21-36a05, and amendments thereto. The provisions of this~~
38 ~~paragraph shall not apply to violations of subsections (a)(2) through (a)(6)~~
39 ~~or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto, which~~
40 ~~occurred on and after July 1, 2009, through the effective date of this act.~~

41 ~~Convictions which result from or are connected with the same act, or~~
42 ~~result from crimes committed at the same time, shall be counted for the~~
43 ~~purpose of this section as one conviction. Any conviction set aside~~

1 pursuant to law is not a conviction for purposes of this section. A
 2 conviction from another state shall constitute a conviction for purposes of
 3 this section.

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

6 (b) "Sex offender" includes any person who;

7 (1) On or after April 14, 1994, is convicted of any sexually violent
 8 crime set forth in subsection (c) or;

9 (2) on or after April 14, 1994, is adjudicated as a juvenile offender for
 10 an act which if committed by an adult would constitute the commission of
 11 a sexually violent crime set forth in subsection (c); , **unless the court, on**
 12 **the record, finds that the act involved non-forcible sexual conduct, the**
 13 **victim was at least 14 years of age and the offender was not more than**
 14 **four years older than the victim;**

15 ~~(2)(3)~~ has been determined to be a sexually violent predator, as
 16 defined in subsection (d);

17 ~~(3)(4)~~ on or after May 29, 1997, is convicted of any of the following
 18 crimes when one of the parties involved is less than 18 years of age:

19 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
 20 section 75 of chapter 136 of the 2010 Session Laws of Kansas, and
 21 amendments thereto;

22 (B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-
 23 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of section 68 of
 24 chapter 136 of the 2010 Session Laws of Kansas, and amendments
 25 thereto;

26 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
 27 repeal, or section 230 of chapter 136 of the 2010 Session Laws of Kansas,
 28 and amendments thereto;

29 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
 30 repeal, or section 231 of chapter 136 of the 2010 Session Laws of Kansas,
 31 and amendments thereto; or

32 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
 33 to its repeal, or section 77 of chapter 136 of the 2010 Session Laws of
 34 Kansas, and amendments thereto;

35 ~~(4)(5)~~ is convicted of sexual battery, as defined in K.S.A. 21-3517,
 36 prior to its repeal, or subsection (a) of section 69 of chapter 136 of the
 37 2010 Session Laws of Kansas, and amendments thereto;

38 ~~(5)(6)~~ is convicted of an attempt, conspiracy or criminal solicitation,
 39 as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
 40 section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas,
 41 and amendments thereto, of an offense defined in this subsection; or

42 ~~(6)(7)~~ has been convicted of an offense in effect at any time prior to
 43 July 1, 2011, that is comparable to any crime defined in this subsection, or

1 any out of state conviction for an offense that under the laws of this state
2 would be an offense defined in this subsection.

3 (c) "Sexually violent crime" means:

4 (1) Rape as defined in K.S.A. 21-3502, *prior to its repeal, or section*
5 *67 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments
6 thereto;

7 (2) indecent liberties with a child as defined in K.S.A. 21-3503, *prior*
8 *to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010*
9 *Session Laws of Kansas*, and amendments thereto;

10 (3) aggravated indecent liberties with a child as defined in K.S.A. 21-
11 3504, *prior to its repeal, or subsection (b) of section 70 of chapter 136 of*
12 *the 2010 Session Laws of Kansas*, and amendments thereto;

13 (4) criminal sodomy as defined in subsection (a)(2) ~~and~~ (a)(3) of
14 K.S.A. 21-3505, *prior to its repeal, or subsection (a)(3) or (a)(4) of*
15 *section 68 of chapter 136 of the 2010 Session Laws of Kansas*, and
16 amendments thereto;

17 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, *prior*
18 *to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010*
19 *Session Laws of Kansas*, and amendments thereto;

20 (6) indecent solicitation of a child as defined ~~by~~ in K.S.A. 21-3510,
21 *prior to its repeal, or subsection (a) of section 72 of chapter 136 of the*
22 *2010 Session Laws of Kansas*, and amendments thereto;

23 (7) aggravated indecent solicitation of a child as defined ~~by~~ in K.S.A.
24 21-3511, *prior to its repeal, or subsection (b) of section 72 of chapter 136*
25 *of the 2010 Session Laws of Kansas*, and amendments thereto;

26 (8) sexual exploitation of a child as defined ~~by~~ in K.S.A. 21-3516,
27 *prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws*
28 *of Kansas*, and amendments thereto;

29 ~~(9) sexual battery as defined by K.S.A. 21-3517 and amendments~~
30 ~~thereto;~~

31 ~~(+0)~~ (9) aggravated sexual battery as defined ~~by~~ in K.S.A. 21-3518,
32 *prior to its repeal, or subsection (b) of section 69 of chapter 136 of the*
33 *2010 Session Laws of Kansas*, and amendments thereto;

34 ~~(+1)~~ (10) aggravated incest as defined ~~by~~ in K.S.A. 21-3603, *prior to*
35 *its repeal, or subsection (b) of section 81 of chapter 136 of the 2010*
36 *Session Laws of Kansas*, and amendments thereto;

37 ~~(+2)~~ (11) electronic solicitation as defined ~~by~~ in K.S.A. 21-3523,
38 *prior to its repeal, and section 73 of chapter 136 of the 2010 Session*
39 *Laws of Kansas*, and amendments thereto, committed on or after April 17,
40 2008;

41 ~~(+3)~~ (12) unlawful sexual relations as defined ~~by~~ in K.S.A. 21-3520,
42 *prior to its repeal, or section 76 of chapter 136 of the 2010 Session Laws*
43 *of Kansas*, and amendments thereto, committed on or after July 1, 2010;

1 ~~(14)~~ (13) any conviction for an offense in effect at any time prior to
 2 ~~April 29, 1993~~ July 1, 2011, that is comparable to a sexually violent crime
 3 as defined in ~~subparagraphs (1) through (11)~~ *this subsection*, or any
 4 ~~federal, military or other~~ out of state conviction for an offense that under
 5 the laws of this state would be a sexually violent crime as defined in this
 6 ~~section~~ *subsection*;

7 ~~(15)~~ (14) an attempt, conspiracy or criminal solicitation, as defined in
 8 K.S.A. 21-3301, 21-3302 or 21-3303, *prior to their repeal, or section 33,*
 9 *34 or 35 of chapter 136 of the 2010 Session Laws of Kansas*, and
 10 amendments thereto, of a sexually violent crime, as defined in this ~~section~~
 11 *subsection*; or

12 ~~(16)~~ (15) any act which at the time of sentencing for the offense has
 13 been determined beyond a reasonable doubt to have been sexually
 14 motivated, **unless the court, on the record, finds that the act involved**
 15 **non-forcible sexual conduct, the victim was at least 14 years of age and**
 16 **the offender was not more than four years older than the victim.** As
 17 used in this ~~subparagraph~~ *paragraph*, "sexually motivated" means that one
 18 of the purposes for which the defendant committed the crime was for the
 19 purpose of the defendant's sexual gratification.

20 (d) *"Sexually violent predator" means any person who, on or after*
 21 *July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.*
 22 *59-29a01 et seq., and amendments thereto.*

23 ~~(4)~~ (e) "Violent offender" includes any person who; :

24 (1) On or after May 29, 1997, is convicted of any of the following
 25 crimes:

26 ~~(1)~~ (A) Capital murder, as defined ~~by~~ *in K.S.A. 21-3439, prior to its*
 27 *repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas,*
 28 and amendments thereto;

29 ~~(2)~~ (B) murder in the first degree, as defined ~~by~~ *in K.S.A. 21-3401,*
 30 *prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws*
 31 *of Kansas*, and amendments thereto;

32 ~~(3)~~ (C) murder in the second degree, as defined ~~by~~ *in K.S.A. 21-*
 33 *3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session*
 34 *Laws of Kansas*, and amendments thereto;

35 ~~(4)~~ (D) voluntary manslaughter, as defined ~~by~~ *in K.S.A. 21-3403,*
 36 *prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws*
 37 *of Kansas*, and amendments thereto;

38 ~~(5)~~ (E) involuntary manslaughter, as defined ~~by~~ *in K.S.A. 21-3404,*
 39 *prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws*
 40 *of Kansas*, and amendments thereto;

41 (F) kidnapping, as defined *in K.S.A. 21-3420, prior to its repeal, or*
 42 *subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of*
 43 *Kansas, and amendments thereto;*

1 (G) *aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its*
2 *repeal, or subsection (b) of section 43 of chapter 136 of the 2010 Session*
3 *Laws of Kansas, and amendments thereto;*

4 (H) *criminal restraint, as defined in K.S.A. 21-3424, prior to its*
5 *repeal, or section 46 of chapter 136 of the 2010 Session Laws of Kansas,*
6 *and amendments thereto, except by a parent, and only when the victim is*
7 *less than 18 years of age; or*

8 (I) *aggravated human trafficking, as defined in K.S.A. 21-3447, prior*
9 *to its repeal, or subsection (b) of section 61 of chapter 136 of the 2010*
10 *Session Laws of Kansas, and amendments thereto;*

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

14 ~~(6) (3) any conviction for an offense in effect at any time prior to~~
15 ~~May 29, 1997 has been convicted of an offense in effect at any time prior~~
16 ~~to July 1, 2011, that is comparable to any crime defined in this subsection,~~
17 ~~or any federal, military or other out of state conviction for an offense that~~
18 ~~under the laws of this state would be an offense defined in this subsection;~~
19 ~~or~~

20 ~~(7) (4) is convicted of an attempt, conspiracy or criminal solicitation,~~
21 ~~as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal,~~
22 ~~or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of~~
23 ~~Kansas, and amendments thereto, of an offense defined in this subsection.~~

24 (f) *"Drug offender" means any person who has been convicted of:*

25 (1) *Unlawful manufacture or attempting such of any controlled*
26 *substance or controlled substance analog as defined in K.S.A. 65-4159,*
27 *prior to its repeal, or K.S.A. 2010 Supp. 21-36a03, and amendments*
28 *thereto;*

29 (2) *possession of ephedrine, pseudoephedrine, red phosphorus,*
30 *lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized*
31 *ammonia or phenylpropanolamine, or their salts, isomers or salts of*
32 *isomers with intent to use the product to manufacture a controlled*
33 *substance as defined in subsection (a) of K.S.A. 65-7006, prior to its*
34 *repeal, or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments*
35 *thereto;*

36 (3) *K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A.*
37 *2010 Supp. 21-36a05, and amendments thereto. The provisions of this*
38 *paragraph shall not apply to violations of subsections (a)(2) through (a)*
39 *(6) or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto, which*
40 *occurred on or after July 1, 2009, through April 15, 2010;*

41 (4) *an offense in effect at any time prior to July 1, 2011, that is*
42 *comparable to any crime defined in this subsection, or any out of state*
43 *conviction for an offense that under the laws of this state would be an*

1 *offense defined in this subsection; or*

2 *(5) an attempt, conspiracy or criminal solicitation, as defined in*
3 *K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33,*
4 *34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and*
5 *amendments thereto, of an offense defined in this subsection.*

6 *(g) Convictions which result from or are connected with the same act,*
7 *or result from crimes committed at the same time, shall be counted for the*
8 *purpose of this section as one conviction. Any conviction set aside*
9 *pursuant to law is not a conviction for purposes of this section. A*
10 *conviction from any out of state court shall constitute a conviction for*
11 *purposes of this section.*

12 *(e) "Law enforcement agency having jurisdiction" means the sheriff*
13 *of the county in which the offender expects to reside upon the offender's*
14 *discharge, parole or release.*

15 *(f) "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 *(g) "Nonresident student or worker" includes any offender who*
19 *crosses into the state or county for more than 14 days, or for an aggregate*
20 *period exceeding 30 days in a calendar year, for the purposes of*
21 *employment, with or without compensation, or to attend school as a*
22 *student.*

23 *(h) "Aggravated offenses" means engaging in sexual acts involving*
24 *penetration with victims of any age through the use of force or the threat*
25 *of serious violence, or engaging in sexual acts involving penetration with*
26 *victims less than 14 years of age, and includes the following offenses:*

27 *(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of*
28 *K.S.A. 21-3502, and amendments thereto;*

29 *(2) aggravated criminal sodomy as defined in subsection (a)(1) and*
30 *subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and*

31 *(3) any attempt, conspiracy or criminal solicitation, as defined in*
32 *K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an*
33 *offense defined in this subsection.*

34 *(i) "Institution of higher education" means any postsecondary school*
35 *under the supervision of the Kansas board of regents.*

36 *(h) "School" means any public or private educational institution,*
37 *including, but not limited to, postsecondary school, college, university,*
38 *community college, secondary school, high school, junior high school,*
39 *middle school, elementary school, trade school, vocational school or*
40 *professional school providing training or education to an offender.*

41 *(i) "Employment" means any full-time, part-time, transient or day-*
42 *labor employment, with or without compensation.*

43 *(j) "Reside" means to stay, sleep or maintain with regularity one's*

1 person and property in a particular place other than a location where the
2 offender is incarcerated. It shall be presumed that an offender resides at
3 any and all locations where the offender stays, sleeps or maintains the
4 offender's person for seven or more consecutive days or parts of days, or
5 for seven or more non-consecutive days in a period of 30 consecutive
6 days.

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

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

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

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

18 (o) "Registering entity" means any person, agency or other
19 governmental unit, or correctional facility, treatment facility or registering
20 law enforcement agency responsible for obtaining the required
21 information from, and explaining the required registration procedures to,
22 any person required to register pursuant to the Kansas offender
23 registration act. "Registering entity" shall include, but not be limited to,
24 sheriff's offices, tribal police departments, correctional facilities and
25 treatment facilities.

26 (p) "Treatment facility" means any public or private facility, hospital
27 or institution providing inpatient treatment or counseling.

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

30 (r) "Out of state" means: the District of Columbia; any federal,
31 military, or tribal jurisdiction, including those within this state; any
32 foreign jurisdiction; or any state or territory within the United States,
33 other than this state.

34 (s) "Duration of registration" means the length of time during which
35 an offender is required to register for a specified offense or violation.

36 Sec. 3. K.S.A. 22-4903 is hereby amended to read as follows: 22-
37 4903. ~~(a) Any person who is required to register as provided in the Kansas~~
38 ~~offender registration act who violates any of the provisions of such act,~~
39 ~~including all duties set out in K.S.A. 22-4904 through 22-4907, and~~
40 ~~amendments thereto, is guilty of a severity level 5, person felony. Any~~
41 ~~violation of any provision of such act, including a violation of the duties~~
42 ~~set forth in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments~~
43 ~~thereto, which continues for more than 30 consecutive days shall, upon the~~

1 ~~31st consecutive day, constitute a new and separate offense and shall~~
2 ~~continue to constitute a new and separate offense upon completion of~~
3 ~~every 30 days thereafter for as long as the offense continues.~~

4 ~~(b) Prosecution of violations under subsection (a), shall be held: (1)~~
5 ~~in the county in which the offender resides; (2) if the offender is~~
6 ~~temporarily domiciled in a county and is required to be registered, in such~~
7 ~~county; or (3) in the county in which the offender is required to be~~
8 ~~registered under this act.~~

9 *(a) Violation of the Kansas offender registration act is the failure by*
10 *an offender, as defined in K.S.A. 22-4902, and amendments thereto, to*
11 *comply with any and all provisions of such act, including any and all*
12 *duties set forth in K.S.A. 22-4905 through 22-4907, and amendments*
13 *thereto. Any violation of the Kansas offender registration act which*
14 *continues for more than 30 consecutive days shall, upon the 31st*
15 *consecutive day, constitute a new and separate offense, and shall continue*
16 *to constitute a new and separate offense every 30 days thereafter for as*
17 *long as the violation continues.*

18 *(b) Aggravated violation of the Kansas offender registration act is*
19 *violation of the Kansas offender registration act which continues for more*
20 *than 180 consecutive days. Any aggravated violation of the Kansas*
21 *offender registration act which continues for more than 180 consecutive*
22 *days shall, upon the 181st consecutive day, constitute a new and separate*
23 *offense, and shall continue to constitute a new and separate violation of*
24 *the Kansas offender registration act every 30 days thereafter, or a new and*
25 *separate aggravated violation of the Kansas offender registration act*
26 *every 180 days thereafter, for as long as the violation continues.*

27 *(c) (1) Violation of the Kansas offender registration act is:*

28 *(A) Upon a first conviction, a severity level 6, person felony;*

29 *(B) upon a second conviction, a severity level 5, person felony; and*

30 *(C) upon a third or subsequent conviction, a severity level 3, person*
31 *felony.*

32 *(2) Aggravated violation of the Kansas offender registration act is a*
33 *severity level 3, person felony.*

34 ~~(d) No plea bargaining agreement shall be entered into nor shall any~~
35 ~~judge approve a plea bargaining agreement entered into for the purpose of~~
36 ~~permitting a person charged with violation or aggravated violation of the~~
37 ~~Kansas offender registration act to avoid the severity level of the offense~~
38 ~~and the mandated penalties established by law.~~

39 ~~(e) (d) Prosecution of violations of this section may be held:~~

40 ~~(1) In any county in which the offender resides;~~

41 ~~(2) in any county in which the offender is required to be registered~~
42 ~~under the Kansas offender registration act;~~

43 ~~(3) in any county in which the offender is located during which time~~

1 *the offender is not in compliance with the Kansas offender registration*
2 *act; or*

3 *(4) in the county in which any conviction occurred for which the*
4 *offender is required to be registered under the Kansas offender*
5 *registration act.*

6 Sec. 4. K.S.A. 2010 Supp. 22-4904 is hereby amended to read as
7 follows: 22-4904. ~~(a) (1) Except as provided in subsection (a)(2), within~~
8 ~~14 days of the offender coming into any county in which the offender~~
9 ~~resides or is temporarily domiciled for more than 14 days, the offender~~
10 ~~shall register with the sheriff of the county.~~

11 ~~(2) Within 14 days of the offender coming into any county in which~~
12 ~~the offender resides or temporarily resides for more than 14 days, any~~
13 ~~offender who has provided the information and completed and signed the~~
14 ~~registration form as required in K.S.A. 22-4905, and amendments thereto,~~
15 ~~shall verify with the sheriff of the county that the sheriff has received such~~
16 ~~offender's information and registration form.~~

17 ~~(3) Upon registration with a school or educational institution, a~~
18 ~~nonresident student attending such school or educational institution shall~~
19 ~~register with the sheriff within 14 days of the commencement of the school~~
20 ~~term.~~

21 ~~(4) Upon commencement of employment, a nonresident worker shall~~
22 ~~register with the sheriff within 14 days of the commencement date of~~
23 ~~employment.~~

24 ~~(5) For persons required to register as provided in subsections (a)(1),~~
25 ~~(a)(3) and (a)(4), the sheriff shall: (A) Explain the duty to register and the~~
26 ~~procedure for registration;~~

27 ~~(B) obtain the information required for registration as provided in~~
28 ~~K.S.A. 22-4907, and amendments thereto;~~

29 ~~(C) inform the offender that the offender must give written notice of~~
30 ~~any change of address within 14 days of a change in residence to the law~~
31 ~~enforcement agency where last registered and the Kansas bureau of~~
32 ~~investigation;~~

33 ~~(D) inform the nonresident student offender that the offender must~~
34 ~~give written notice to the sheriff and the Kansas bureau of investigation of~~
35 ~~any change or termination of attendance at the school or educational~~
36 ~~institution the offender is attending, within 14 days of such change or~~
37 ~~termination;~~

38 ~~(E) inform the nonresident worker offender that the offender must~~
39 ~~give written notice to the sheriff and the Kansas bureau of investigation of~~
40 ~~any termination of employment at the offender's place of employment,~~
41 ~~within 14 days of such termination;~~

42 ~~(F) inform the offender that if the offender changes residence to~~
43 ~~another state, the offender must inform the law enforcement agency where~~

1 last registered and the Kansas bureau of investigation of such change in
2 residence and must register in the new state within 14 days of such change
3 in residence;

4 (G) inform the offender that the offender must also register in any
5 state or county where the offender is employed, carries on a vocation or is
6 a student;

7 (H) inform the offender that if the offender expects to or subsequently
8 becomes enrolled in any institution of higher education in the state of
9 Kansas on a full-time or part-time basis or have any full-time or part-time
10 employment at an institution of higher education in the state of Kansas,
11 with or without compensation, for more than 14 days, or for an aggregate
12 period exceeding 30 days in one calendar year, the offender must provide
13 written notice to the Kansas bureau of investigation within 14 days upon
14 commencement of enrollment or employment;

15 (I) inform the offender that if there is any change or termination in
16 attendance or employment at an institution of higher education, the
17 offender must provide written notice to the Kansas bureau of investigation
18 within 14 days of the change or termination;

19 (J) inform the offender of the requirement of an annual driver's
20 license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an
21 annual identification card renewal pursuant to K.S.A. 8-1325a, and
22 amendments thereto; and

23 (K) require the offender to read and sign the registration form which
24 shall include a statement that the requirements provided in this subsection
25 have been explained to the offender.

26 (6) Such sheriff, within seven days of receipt of the initial registration
27 shall forward this information to the Kansas bureau of investigation.

28 (7) Notwithstanding any other provision of law, if a diversionary
29 agreement or probation order, either adult or juvenile, or a juvenile
30 offender sentencing order, requires registration under the Kansas offender
31 registration act then all provisions of that act shall apply, except that the
32 term of registration shall be controlled by such diversionary agreement,
33 probation order or juvenile offender sentencing order.

34 (b) If any person required to register as provided in this act changes
35 the address of the person's residence, the offender, within 14 days, shall
36 inform in writing the law enforcement agency where such offender last
37 registered and the Kansas bureau of investigation of the new address.

38 (c) Any person who is required to register under this act shall report
39 in person three times each year to the sheriff's office in the county in which
40 the person resides or is otherwise located. The person shall be required to
41 report once during the month of the person's birthday and every four
42 months thereafter. The sheriff's office may determine the appropriate times
43 and days for reporting by the person, consistent with this subsection. The

1 person shall verify:

2 (1) Whether the person still resides at the address last reported;

3 (2) whether the person still attends the school or educational
4 institution last reported;

5 (3) whether the person is still employed at the place of employment
6 last reported; and

7 (4) whether the person's vehicle registration information is the same
8 as last reported.

9 Nothing contained in this subsection shall be construed to alleviate any
10 person required to register as provided in this act from meeting the
11 requirements prescribed in subsections (a)(1), (a)(2) and (b):

12 The sheriff's office shall forward any updated information and current
13 photograph required under subsection (d), to the Kansas bureau of
14 investigation.

15 (d) Every person who is required to register under this act shall
16 submit to the taking of an updated photograph by the sheriff's office on
17 each occasion when the person reports to the sheriff's office in the county
18 in which the person resides or is otherwise located.

19 (e) Every person who is required to register under this act shall remit
20 payment to the sheriff in the amount of \$20 on each occasion when the
21 person reports to the sheriff's office in the county in which the person
22 resides or is otherwise located. All funds retained by the sheriff pursuant to
23 the provisions of this section shall be credited to a special fund of the
24 sheriff's office which shall be used solely for law enforcement and
25 criminal prosecution purposes and which shall not be used as a source of
26 revenue to reduce the amount of funding otherwise made available to the
27 sheriff's office.

28 (a) *At the time of conviction or adjudicationsentencing or*
29 **disposition** *for an offense requiring registration as provided in K.S.A. 22-*
30 *4902, and amendments thereto, the court shall:*

31 (1) *Inform any offender, on the record, of the procedure to register*
32 *and the requirements of K.S.A. 22-4905, and amendments thereto;*

33 (2) *if the offender is released on probation, receiving a suspended*
34 *sentence, sentenced to community corrections or released on postrelease*
35 *supervision:*

36 (A) *Complete the initial registration form with all information and*
37 *updated information required for registration as provided in K.S.A. 22-*
38 *4907, and amendments thereto;*

39 (B) *require the offender to read and sign the registration form, which*
40 *shall include a statement that the requirements provided in this subsection*
41 *have been explained to the offender; and*

42 (C) *order the offender to report within three business days to the*
43 *registering law enforcement agency in the county or tribal land of*

1 conviction or adjudication and to the registering law enforcement agency
 2 in any place where the offender resides, maintains employment or attends
 3 school, to complete the registration form with all information and any
 4 updated information required for registration as provided in K.S.A. 22-
 5 4907, and amendments thereto;

6 (3) if the offender is to remain in custody until sentencing, direct the
 7 correctional facility to complete the initial registration form within three
 8 business days for submission to the Kansas bureau of investigation, as set
 9 forth in subsection (b); **and**

10 (4) ensure the age of the victim is documented in the journal entry of
 11 conviction or adjudication; ~~and~~

12 ~~(5) not allow the expungement of any part of an offender's criminal~~
 13 ~~record while the offender is required to register as provided in the Kansas~~
 14 ~~offender registration act.~~

15 (b) The staff of any correctional facility shall:

16 (1) Notify the Kansas bureau of investigation of the incarceration of
 17 any offender and of the location or any change in location of the offender
 18 while in custody;

19 (2) prior to any offender being discharged, paroled, furloughed or
 20 released on work or school release from a correctional facility, or
 21 otherwise released from incarceration:

22 (A) Inform the offender of the procedure for registration and of the
 23 offender's registration requirements as provided in K.S.A. 22-4905, and
 24 amendments thereto;

25 (B) complete the registration form with all information and updated
 26 information required for registration as provided in K.S.A. 22-4907, and
 27 amendments thereto; and

28 (C) require the offender to read and sign the registration form, which
 29 shall include a statement that the requirements provided in this subsection
 30 have been explained to the offender;

31 (3) photograph the offender's face and any identifying marks;

32 (4) provide one copy of the form to the offender and, within three
 33 days, send a copy of the form and of the photograph or photographs to the
 34 law enforcement agency having initial jurisdiction and to the Kansas
 35 bureau of investigation;

36 (5) notify the law enforcement agency having initial jurisdiction and
 37 the Kansas bureau of investigation seven business days prior to any
 38 offender being discharged, paroled, furloughed or released on work or
 39 school release; and

40 (6) enter all offender information required by the national crime
 41 information center into the national sex offender registry system.

42 (c) The staff of any treatment facility shall:

43 (1) Within three days of an offender's arrival for inpatient treatment,

1 *inform the registering law enforcement agency of the county or location of*
2 *jurisdiction in which the treatment facility is located of the offender's*
3 *presence at the treatment facility and the expected duration of the*
4 *treatment, and immediately notify the registering law enforcement agency*
5 *of an unauthorized or unexpected absence of the offender during the*
6 *offender's treatment;*

7 *(2) provide information upon request to any registering law*
8 *enforcement agency having jurisdiction relevant to determining the*
9 *presence of an offender within the treatment facility; and*

10 *(3) prior to any offender receiving court ordered treatment being*
11 *discharged or otherwise released:*

12 *(A) Inform the offender of the procedure for registration and the*
13 *offender's registration requirements, as provided in K.S.A. 22-4905, and*
14 *amendments thereto;*

15 *(B) obtain the information required for registration as provided in*
16 *K.S.A. 22-4907, and amendments thereto; and*

17 *(C) require the offender to read and sign the registration form which*
18 *shall include a statement that the requirements provided in this subsection*
19 *have been explained to the offender.*

20 *(d) The registering law enforcement agency, upon the reporting of*
21 *any offender, shall:*

22 *(1) Inform the offender of the duty to register as provided by the*
23 *Kansas offender registration act;*

24 *(2) (A) Explain the procedure for registration and the offender's*
25 *registration requirements as provided in K.S.A. 22-4905, and amendments*
26 *thereto;*

27 *(B) obtain the information required for registration as provided in*
28 *K.S.A. 22-4907, and amendments thereto; and*

29 *(C) require the offender to read and sign the registration form, which*
30 *shall include a statement that the requirements provided in this subsection*
31 *have been explained to the offender;*

32 *(3) complete the registration form with all information and updated*
33 *information required for registration, as provided in K.S.A. 22-4907, and*
34 *amendments thereto, each time the offender reports to the registering law*
35 *enforcement agency. All additions or changes in the information reported*
36 *by an offender shall be forwarded to the Kansas bureau of investigation*
37 *within three business days;*

38 *(4) maintain the original signed registration form, provide one copy*
39 *of the completed registration form to the offender and, within three*
40 *business days, send one copy of the completed form to the Kansas bureau*
41 *of investigation;*

42 *(5) obtain registration information from every offender required to*
43 *register regardless of whether or not the offender remits payment. Failure*

1 of the offender to remit payment is a violation of the Kansas offender
2 registration act and is subject to prosecution pursuant to K.S.A. 22-4903,
3 and amendments thereto;

4 (6) upon every required reporting, update the photograph or
5 photographs of the offender's face and any new identifying marks and
6 immediately forward copies or electronic files of the photographs to the
7 Kansas bureau of investigation;

8 (7) enter all offender information required by the national crime
9 information center into the national sex offender registry system within
10 three days of completing the registration;

11 (8) maintain a special fund for the deposit and maintenance of fees
12 paid by offenders. All funds retained by the registering law enforcement
13 agency pursuant to the provisions of this section shall be credited to a
14 special fund of the registering law enforcement agency which shall be
15 used solely for law enforcement and criminal prosecution purposes and
16 which shall not be used as a source of revenue to reduce the amount of
17 funding otherwise made available to the registering law enforcement
18 agency; and

19 (9) forward any initial registration and updated registration
20 information within three days to any out of state jurisdiction where the
21 offender is expected to reside, maintain employment or attend school.

22 (e) (1) The Kansas bureau of investigation shall:

23 (A) Forward all additions or changes in information to any
24 registering law enforcement agency, other than the agency that submitted
25 the form, where the offender expects to reside, maintain employment or
26 attend school;

27 (B) ensure that offender information is immediately entered in the state
28 registered offender database and the Kansas registered offender website,
29 as provided in K.S.A. 22-4909, and amendments thereto; and

30 (C) transmit offender conviction or adjudication data and
31 fingerprints to the federal bureau of investigation.

32 (2) The director of the Kansas bureau of investigation may adopt
33 rules and regulations necessary to implement the provisions of the Kansas
34 offender registration act.

35 (f) The attorney general shall, within 10 business days of an offender
36 being declared a sexually violent predator, forward to the Kansas bureau
37 of investigation all relevant court documentation declaring an offender a
38 sexually violent predator.

39 (g) The state department of education shall annually notify any
40 school of the Kansas bureau of investigation internet website, and any
41 internet website containing information on the Kansas offender
42 registration act sponsored or created by the registering law enforcement
43 agency of the county or location of jurisdiction in which the school is

1 *located, for the purpose of locating offenders who reside near such school.*
2 *Such notification shall include information that the registering law*
3 *enforcement agency of the county or location of jurisdiction where such*
4 *school is located is available to the school to assist in using the registry*
5 *and providing additional information on registered offenders.*

6 *(h) The secretary of health and environment shall annually notify any*
7 *licensed child care facility of the Kansas bureau of investigation internet*
8 *website, and any internet website containing information on the Kansas*
9 *offender registration sponsored or created by the registering law*
10 *enforcement agency of the county in which the facility is located, for the*
11 *purpose of locating offenders who reside near such facility. Such*
12 *notification shall include information that the registering law enforcement*
13 *agency of the county or location of jurisdiction where such child care*
14 *facility is located is available to the child care facilities to assist in using*
15 *the registry and providing additional information on registered offenders.*

16 *(i) Upon request, the clerk of any court of record shall provide the*
17 *Kansas bureau of investigation copies of complaints, indictments,*
18 *information, journal entries, commitment orders or any other documents*
19 *necessary to the performance of the duties of the Kansas bureau of*
20 *investigation under the Kansas offender registration act. No fees or*
21 *charges for providing such documents may be assessed.*

22 Sec. 5. K.S.A. 2010 Supp. 22-4905 is hereby amended to read as
23 follows: 22-4905. ~~(a) (1) Any offender, who is discharged or paroled from~~
24 ~~a prison, hospital or other institution or facility involving a violation of any~~
25 ~~crime or confinement as provided in subsection (a), (b), (d) or (f) of~~
26 ~~K.S.A. 22-4902, and amendments thereto, prior to discharge, parole or~~
27 ~~release, shall be informed by the staff of the facility in which the offender~~
28 ~~was confined of the duty to register as provided in this act.~~

29 ~~(2) (A) The staff of the facility shall: (i) Explain the duty to register~~
30 ~~and the procedure for registration;~~

31 ~~(ii) obtain the information required for registration as provided in~~
32 ~~K.S.A. 22-4907, and amendments thereto;~~

33 ~~(iii) inform the offender that the offender must give written notice of~~
34 ~~any change of address within 14 days of a change in residence to the law~~
35 ~~enforcement agency where last registered and the Kansas bureau of~~
36 ~~investigation;~~

37 ~~(iv) inform the offender that if the offender changes residence to~~
38 ~~another state, the offender must inform the law enforcement agency where~~
39 ~~last registered and the Kansas bureau of investigation of such change in~~
40 ~~residence and must register in the new state within 14 days of such change~~
41 ~~in residence;~~

42 ~~(v) inform the offender that the offender must also register in any~~
43 ~~state or county where the offender is employed, carries on a vocation or is~~

1 a student;

2 (vi) ~~inform the offender that if the offender expects to or subsequently~~
3 ~~becomes enrolled in any institution of higher education in the state of~~
4 ~~Kansas on a full-time or part-time basis or have any full-time or part-time~~
5 ~~employment at an institution of higher education in the state of Kansas,~~
6 ~~with or without compensation, for more than 14 days or an aggregate~~
7 ~~period exceeding 30 days in one calendar year, the offender must provide~~
8 ~~written notice to the Kansas bureau of investigation within 14 days upon~~
9 ~~commencement of enrollment or employment;~~

10 (vii) ~~inform the offender that if there is any change or termination in~~
11 ~~attendance or employment, at an institution of higher education, the~~
12 ~~offender must provide written notice to the Kansas bureau of investigation~~
13 ~~within 14 days of the change or termination;~~

14 (viii) ~~inform the offender of the requirement of an annual driver's~~
15 ~~license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an~~
16 ~~annual identification card renewal pursuant to K.S.A. 2010 Supp. 8-1325a,~~
17 ~~and amendments thereto; and~~

18 (ix) ~~require the offender to read and sign the registration form which~~
19 ~~shall include a statement that the requirements provided in this subsection~~
20 ~~have been explained to the offender.~~

21 (B) ~~The staff of the facility shall give one copy of the form to the~~
22 ~~person, within seven days, and shall send two copies of the form provided~~
23 ~~by subsection (2)(A)(v) to the Kansas bureau of investigation, which shall~~
24 ~~then forward one copy to the law enforcement agency having jurisdiction~~
25 ~~where the person expects to reside upon discharge, parole or release. The~~
26 ~~Kansas bureau of investigation must immediately ensure that such~~
27 ~~information is entered in the state law enforcement record system. The~~
28 ~~Kansas bureau of investigation shall transmit such conviction data and~~
29 ~~fingerprints to the federal bureau of investigation.~~

30 (b) (1) ~~Any offender who is released on probation, receives a~~
31 ~~suspended sentence, sentenced to community corrections or released on~~
32 ~~postrelease supervision because of the commission of any crime as~~
33 ~~provided in subsection (a), (b) or (d) of K.S.A. 22-4902, and amendments~~
34 ~~thereto, prior to release, shall be informed of the offenders duty to register~~
35 ~~as provided in this act by the court in which the offender is convicted.~~

36 (2) (A) ~~The court shall: (i) Explain the duty to register and the~~
37 ~~procedure for registration;~~

38 (ii) ~~obtain the information required for registration as provided in~~
39 ~~K.S.A. 22-4907, and amendments thereto;~~

40 (iii) ~~inform the offender that the offender must give written notice of~~
41 ~~any change of address within 14 days of a change in residence to the law~~
42 ~~enforcement agency where last registered and the Kansas bureau of~~
43 ~~investigation;~~

1 ~~(iv) inform the offender that if the offender changes residence to~~
2 ~~another state, the offender must inform the law enforcement agency where~~
3 ~~last registered and the Kansas bureau of investigation of such change in~~
4 ~~residence and must register in the new state within 14 days of such change~~
5 ~~in residence;~~

6 ~~(v) inform the offender that the offender must also register in any~~
7 ~~state or county where the offender is employed, carries on a vocation or is~~
8 ~~a student;~~

9 ~~(vi) inform the offender that if the offender expects to or subsequently~~
10 ~~becomes enrolled in any institution of higher education in the state of~~
11 ~~Kansas on a full-time or part-time basis or have any full-time or part-time~~
12 ~~employment at an institution of higher education in the state of Kansas,~~
13 ~~with or without compensation, for more than 14 days or for an aggregate~~
14 ~~period exceeding 30 days in one calendar year, the offender must provide~~
15 ~~written notice to the Kansas bureau of investigation within 14 days upon~~
16 ~~commencement of enrollment or employment;~~

17 ~~(vii) inform the offender that if there is any change or termination in~~
18 ~~attendance or employment at an institution of higher education, the~~
19 ~~offender must provide written notice to the Kansas bureau of investigation~~
20 ~~within 14 days of the change or termination;~~

21 ~~(viii) inform the offender of the requirement of an annual driver's~~
22 ~~license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an~~
23 ~~annual identification card renewal pursuant to K.S.A. 2010 Supp. 8-1325a,~~
24 ~~and amendments thereto; and~~

25 ~~(ix) require the offender to read and sign the registration form which~~
26 ~~shall include a statement that the requirements provided in this subsection~~
27 ~~have been explained to the offender.~~

28 ~~(B) The court shall give one copy of the form to the person and,~~
29 ~~within seven days, shall send two copies of the form provided by~~
30 ~~subsection (2)(A)(v) to the Kansas bureau of investigation which shall~~
31 ~~then forward one copy to the law enforcement agency having jurisdiction~~
32 ~~where the person expects to reside upon release. The Kansas bureau of~~
33 ~~investigation must immediately ensure that such information is entered in~~
34 ~~the state law enforcement record system. The Kansas bureau of~~
35 ~~investigation shall transmit such conviction data and fingerprints to the~~
36 ~~federal bureau of investigation.~~

37 ~~Any offender required to register as provided in the Kansas offender~~
38 ~~registration act shall:~~

39 ~~(a) Except as otherwise provided in this subsection, register in person~~
40 ~~with the registering law enforcement agency within three business days of~~
41 ~~coming into any county or location of jurisdiction in which the offender~~
42 ~~resides or intends to reside, maintains employment or intends to maintain~~
43 ~~employment, or attends school or intends to attend school. Any such~~

1 *offender who cannot physically register in person with the registering law*
2 *enforcement agency for such reasons including, but not limited to,*
3 *incapacitation or hospitalization, as determined by a person licensed to*
4 *practice medicine or surgery, shall be subject to verification requirements*
5 *other than in-person registration, as determined by the registering law*
6 *enforcement agency having jurisdiction;*

7 **(b) except as provided further, for any: (1) Sex offender, report in**
8 **person four times each year to the registering law enforcement agency in**
9 **the county or location of jurisdiction in which the offender resides,**
10 **maintains employment or is attending a school; and (2) violent offender**
11 **or drug offender, at the discretion of the registering law enforcement**
12 **agency, report in person three times each year and by certified letter**
13 **one time each year to the registering law enforcement agency in the**
14 **county or location of jurisdiction in which the offender resides,**
15 **maintains employment or is attending a school. Any offender may, at**
16 **the discretion of the registering law enforcement agency, report by**
17 **certified letter four times each year if the registering law enforcement**
18 **agency determines that such offender is incapacitated. When utilized,**
19 **the certified letter for reporting shall be sent to the reported residence**
20 **of the offender and shall require the offender to respond to the**
21 **registering law enforcement agency with any changes in information**
22 **as required for reporting in person within 10 days. The offender shall**
23 **be required to report once during the month of the offender's birthday and**
24 **every third, sixth and ninth month occurring before and after the month of**
25 **the offender's birthday. The registering law enforcement agency may**
26 **determine the appropriate times and days for reporting by the offender,**
27 **consistent with this subsection. Nothing contained in this subsection shall**
28 **be construed to alleviate any offender from meeting the requirements**
29 **prescribed in the Kansas offender registration act;**

30 **(c) provide the information required for registration as provided in**
31 **K.S.A. 22-4907, and amendments thereto, and verify all information**
32 **previously provided is accurate;**

33 **(d) if in the custody of a correctional facility or in the care or custody**
34 **of any treatment facility, register with the correctional facility or treatment**
35 **facility within three business days of initial care or custody and shall not**
36 **be required to update such registration until released from care or custody,**
37 **granted work release or otherwise allowed to leave the grounds of the**
38 **correctional facility or treatment facility;**

39 **(e) notwithstanding subsections (a) and (b), if the offender is**
40 **transient, report in person to the registering law enforcement agency of**
41 **such county or location of jurisdiction in which the offender is physically**
42 **present within three business days of arrival in the county or location of**
43 **jurisdiction. Such offender shall be required to register in person with the**

1 registering law enforcement agency every 30 days, or more often at the
2 discretion of the registering law enforcement agency. Such offender shall
3 comply with the provisions of the Kansas offender registration act and, in
4 addition, shall:

5 (1) Provide a list of places where the offender has slept and
6 otherwise frequented during the period of time since the last date of
7 registration; and

8 (2) provide a list of places where the offender may be contacted and
9 where the offender intends to sleep and otherwise frequent during the
10 period of time prior to the next required date of registration;

11 (f) if required by out of state law, register in any out of state
12 jurisdiction, where the offender resides, maintains employment or attends
13 school;

14 (g) register in person upon any commencement, change or
15 termination of residence location, employment status, school attendance
16 or other information as provided in K.S.A. 22-4907, and amendments
17 thereto, within three days of such commencement, change or termination,
18 to the registering law enforcement agency or agencies where last
19 registered and provide written notice to the Kansas bureau of
20 investigation;

21 (h) report in person to the registering law enforcement agency or
22 agencies within three days of any change in name;

23 (i) if receiving inpatient treatment at any treatment facility, inform the
24 treatment facility of the offender's status as an offender and inform the
25 registering law enforcement agency of the county or location of
26 jurisdiction in which the treatment facility is located of the offender's
27 presence at the treatment facility and the expected duration of the
28 treatment;

29 (j) submit to the taking of an updated photograph by the registering
30 law enforcement agency on each occasion when the offender registers with
31 or reports to the registering law enforcement agency in the county or
32 location of jurisdiction in which the offender resides, maintains
33 employment or attends school. In addition, such offender shall submit to
34 the taking of a photograph to document any changes in identifying
35 characteristics, including, but not limited to, scars, marks and tattoos;

36 (k) remit payment to the sheriff's office in the amount of \$20 during
37 the month of the offender's birthday and every third, sixth and ninth month
38 occurring before and after the month of the offender's birthday in each
39 county in which the offender resides, maintains employment or is
40 attending school. Notwithstanding other provisions herein, payment of this
41 fee is not required:

42 (1) When an offender provides updates or changes in information or
43 during an initial registration unless such updates, changes or initial

1 registration is during the month of such offender's birthday and every
2 third, sixth and ninth month occurring before and after the month of the
3 offender's birthday;

4 (2) when an offender is transient and is required to register every 30
5 days, or more frequently as ordered by the registering law enforcement
6 agency, except during the month of the offender's birthday and every third,
7 sixth and ninth month occurring before and after the month of the
8 offender's birthday; or

9 (3) if an offender has, prior to the required reporting and within the
10 last three years, been determined to be indigent by a court of law, and the
11 basis for that finding is recorded by the court;

12 (l) annually renew any driver's license pursuant to K.S.A. 8-247, and
13 amendments thereto, and annually renew any identification card pursuant
14 to K.S.A. 2010 Supp. 8-1325a, and amendments thereto;

15 (m) if maintaining primary residence in this state ~~and not presently~~
16 ~~serving and maintaining active duty in any branch of the United States~~
17 ~~military~~, surrender all driver's licenses and identification cards from other
18 states, territories and the District of Columbia, **except if the offender is**
19 **presently serving and maintaining active duty in any branch of the**
20 **United States military or the offender is an immediate family member**
21 **of a person presently serving and maintaining active duty in any**
22 **branch of the United States military;**

23 (n) read and sign the registration form noting whether the
24 requirements provided in this section have been explained to the offender;
25 and

26 (o) notify the registering law enforcement agency in the jurisdiction
27 of the offender's residence and the Kansas bureau of investigation 21 days
28 prior to any travel outside of the United States, or if under emergency
29 circumstances, within three days of making travel arrangements.

30 Sec. 6. K.S.A. 2010 Supp. 22-4906 is hereby amended to read as
31 follows: 22-4906. ~~(a) Except as provided in subsection (d), any person~~
32 ~~required to register as provided in this act shall be required to register: (1)~~
33 ~~Upon the first conviction of a sexually violent crime as defined in~~
34 ~~subsection (c) of K.S.A. 22-4902, and amendments thereto, any offense as~~
35 ~~defined in subsection (a) of K.S.A. 22-4902, and amendments thereto, or~~
36 ~~any offense as defined in subsection (d) of K.S.A. 22-4902, and~~
37 ~~amendments thereto, if not confined, for a period of 10 years after~~
38 ~~conviction, or, if confined, for a period of 10 years after paroled,~~
39 ~~discharged or released, whichever date is most recent. The ten-year period~~
40 ~~shall not apply to any person while the person is incarcerated in any jail or~~
41 ~~correctional facility. The ten-year registration requirement does not include~~
42 ~~any time period when any person who is required to register under this act~~
43 ~~knowingly or willfully fails to comply with the registration requirement, or~~

1 ~~(2) upon a second or subsequent conviction for such person's lifetime.~~

2 ~~(b) Upon the first conviction, liability for registration terminates, if~~
3 ~~not confined, at the expiration of 10 years from the date of conviction, or,~~
4 ~~if confined, at the expiration of 10 years from the date of parole, discharge~~
5 ~~or release, whichever date is most recent. The ten-year period shall not~~
6 ~~apply to any person while the person is incarcerated in any jail or~~
7 ~~correctional facility. The ten-year registration requirement does not include~~
8 ~~any time period when any person who is required to register under this act~~
9 ~~knowingly or willfully fails to comply with the registration requirement.~~
10 ~~Liability for registration does not terminate if the convicted offender again~~
11 ~~becomes liable to register as provided by this act during that period.~~

12 ~~(c) Any person who has been convicted of an aggravated offense~~
13 ~~shall be required to register for such person's lifetime.~~

14 ~~(d) Any person who has been convicted of any of the following~~
15 ~~offenses shall be required to register for such person's lifetime:~~

16 ~~(1) Aggravated human trafficking, as defined in K.S.A. 21-3447, and~~
17 ~~amendments thereto, if the victim is less than 14 years of age;~~

18 ~~(2) rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and~~
19 ~~amendments thereto;~~

20 ~~(3) aggravated indecent liberties with a child, as defined in subsection~~
21 ~~(a)(3) of K.S.A. 21-3504, and amendments thereto;~~

22 ~~(4) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)~~
23 ~~(2) of K.S.A. 21-3506, and amendments thereto;~~

24 ~~(5) promoting prostitution, as defined in K.S.A. 21-3513, and~~
25 ~~amendments thereto, if the prostitute is less than 14 years of age;~~

26 ~~(6) sexual exploitation of a child, as defined in subsection (a)(5) or~~
27 ~~(a)(6) of K.S.A. 21-3516, and amendments thereto; or~~

28 ~~(7) any attempt, conspiracy or criminal solicitation, as defined in~~
29 ~~K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an~~
30 ~~offense defined in this subsection.~~

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

34 ~~(f) Any nonresident worker shall register for the duration of such~~
35 ~~person's employment. The provisions of this subsection are in addition to~~
36 ~~subsections (a) and (b).~~

37 ~~(g) Any nonresident student shall register for the duration of such~~
38 ~~person's attendance at a school or educational institution as provided in~~
39 ~~this act. The provisions of this subsection are in addition to subsections (a)~~
40 ~~and (b).~~

41 ~~(h)(1) Notwithstanding any other provisions of this section, a person~~
42 ~~who is adjudicated as a juvenile offender for an act which if committed by~~
43 ~~an adult would constitute the commission of a sexually violent crime set~~

1 forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and
2 such crime is an off-grid felony or a felony ranked in severity level 1 of
3 the nondrug grid as provided in K.S.A. 21-4704, and amendments thereto,
4 shall be required to register until such person reaches 18 years of age, at
5 the expiration of five years from the date of adjudication or, if confined,
6 from release from confinement, whichever date occurs later. The five-year
7 period shall not apply to any person while that person is incarcerated in
8 any jail, juvenile facility or correctional facility. The five-year registration
9 requirement does not include any time period when any person who is
10 required to register under this act knowingly or willfully fails to comply
11 with the registration requirement.

12 (2) (A) A person who is adjudicated as a juvenile offender for an act
13 which if committed by an adult would constitute the commission of a
14 sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and
15 amendments thereto, and such crime is not an off-grid felony or a felony
16 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-
17 4704, and amendments thereto, may, by the court:

18 (i) Be required to register pursuant to the provisions of paragraph (1);

19 (ii) not be required to register if the judge, on the record, finds
20 substantial and compelling reasons therefor; or

21 (iii) be required to register with the sheriff pursuant to K.S.A. 22-
22 4904, and amendments thereto, but such registration information shall not
23 be open to inspection by the public or posted on any internet website, as
24 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
25 the juvenile to register but such registration is not open to the public, the
26 juvenile shall provide a copy of such court order to the sheriff at the time
27 of registration. The sheriff shall forward a copy of such court order to the
28 Kansas bureau of investigation.

29 (B) If such juvenile offender violates a condition of release during the
30 term of the conditional release, the judge may require the juvenile offender
31 to register pursuant to paragraph (1).

32 (3) Liability for registration does not terminate if the adjudicated
33 offender again becomes liable to register as provided by this act during the
34 required period.

35 (4) The provisions of paragraph (2)(A)(ii) shall apply to adjudications
36 on and after July 1, 2007, and retroactively to adjudications prior to July 1,
37 2007.

38 (i) Any person moving to the state of Kansas who has been convicted
39 in another state, and who was required to register under that state's laws,
40 shall register for the same length of time required by that state or Kansas,
41 whichever length of time is longer. The provisions of this subsection shall
42 apply to convictions prior to June 1, 2006, and to persons who moved to
43 Kansas prior to June 1, 2006.

1 ~~(a) Except as otherwise provided in this section, an offender's~~
2 ~~duration of registration is:~~

3 ~~(1) If confined, 15 years after the date of parole, discharge or release,~~
4 ~~whichever date is most recent. The 15-year duration of registration shall~~
5 ~~not apply to any offender while the offender is incarcerated in any jail or~~
6 ~~correctional facility. The 15-year duration of registration does not include~~
7 ~~any time period when any offender fails to comply with the registration~~
8 ~~requirement; and~~

9 ~~(2) upon a second or subsequent conviction of an offense requiring~~
10 ~~registration, for such offender's lifetime.~~
11 **(a) (1) Except as provided in**
12 **subsection (c), if convicted of any of the following offenses, an**
13 **offender's duration of registration shall be, if confined, 15 years after**
14 **the date of parole, discharge or release, whichever date is most recent,**
15 **or, if not confined, 15 years from the date of conviction:**

16 **(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its**
17 **repeal, or subsection (a) of section 69 of chapter 136 of the 2010**
18 **Session Laws of Kansas, and amendments thereto, when one of the**
19 **parties involved is less than 18 years of age;**

20 **(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or**
21 **section 75 of chapter 136 of the 2010 Session Laws of Kansas, and**
22 **amendments thereto, when one of the parties involved is less than 18**
23 **years of age;**

24 **(C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to**
25 **its repeal, or section 231 of chapter 136 of the 2010 Session Laws of**
26 **Kansas, and amendments thereto, when one of the parties involved is**
27 **less than 18 years of age;**

28 **(D) lewd and lascivious behavior, as defined in K.S.A. 21-3508,**
29 **prior to its repeal, or section 77 of chapter 136 of the 2010 Session**
30 **Laws of Kansas, and amendments thereto, when one of the parties**
31 **involved is less than 18 years of age;**

32 **(E) capital murder, as defined in K.S.A. 21-3439, prior to its**
33 **repeal, or section 36 of chapter 136 of the 2010 Session Laws of**
34 **Kansas, and amendments thereto;**

35 **(F) murder in the first degree, as defined in K.S.A. 21-3401, prior**
36 **to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of**
37 **Kansas, and amendments thereto;**

38 **(G) murder in the second degree, as defined in K.S.A. 21-3402,**
39 **prior to its repeal, or section 38 of chapter 136 of the 2010 Session**
40 **Laws of Kansas, and amendments thereto;**

41 **(H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior**
42 **to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of**
43 **Kansas, and amendments thereto;**

44 **(I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior**

1 to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of
2 Kansas, and amendments thereto;

3 (J) criminal restraint, as defined in K.S.A. 21-3424, prior to its
4 repeal, or section 46 of chapter 136 of the 2010 Session Laws of
5 Kansas, and amendments thereto, except by a parent, and only when
6 the victim is less than 18 years of age;

7 (K) any act which at the time of sentencing for the offense has
8 been determined beyond a reasonable doubt to have been sexually
9 motivated, unless the court, on the record, finds that the act involved
10 non-forcible sexual conduct, the victim was at least 14 years of age and
11 the offender was not more than four years older than the victim;

12 (L) conviction of any person felony and the court makes a finding
13 on the record that a deadly weapon was used in the commission of
14 such person felony;

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

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

26 (O) K.S.A. 65-4161, prior to its repeal or subsection (a)(1) of
27 K.S.A. 2010 Supp. 21-36a05, and amendments thereto; or

28 (P) any attempt, conspiracy or criminal solicitation, as defined in
29 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33,
30 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and
31 amendments thereto, of an offense defined in this subsection.

32 ~~(b)(2)~~ *Except as otherwise provided by the Kansas offender*
33 *registration act, the duration of registration terminates, if not confined, at*
34 *the expiration of 15 years from the date of conviction. Any period of time*
35 *during which any offender is incarcerated in any jail or correctional*
36 *facility or during which the offender does not comply with any and all*
37 *requirements of the Kansas offender registration act shall not count*
38 *toward the duration of registration.*

39 ~~(e) The duration of registration for any offender who has been~~
40 ~~convicted of any of the following offenses shall be for such offender's~~
41 ~~lifetime:~~

42 ~~(1) Any sexually violent crime, as defined in subsection (e) of K.S.A.~~
43 ~~22-4902, and amendments thereto;~~

1 (2) ~~aggravated human trafficking, as defined in K.S.A. 21-3447, prior~~
2 ~~to its repeal, or subsection (b) of section 61 of chapter 136 of the 2010~~
3 ~~Session Laws of Kansas, and amendments thereto;~~

4 (3) ~~promoting prostitution, as defined in K.S.A. 21-3513, prior to its~~
5 ~~repeal, or section 230 of chapter 136 of the 2010 Session Laws of Kansas,~~
6 ~~and amendments thereto;~~

7 (4) ~~kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or~~
8 ~~subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of~~
9 ~~Kansas, and amendments thereto;~~

10 (5) ~~aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its~~
11 ~~repeal, or subsection (b) of section 43 of chapter 136 of the 2010 Session~~
12 ~~Laws of Kansas, and amendments thereto; or~~

13 (6) ~~any attempt, conspiracy or criminal solicitation, as defined in~~
14 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33,~~
15 ~~34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and~~
16 ~~amendments thereto, of an offense defined in this subsection.~~

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

22 (A) **Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-**
23 **3505, prior to its repeal, or subsection (a)(1) or (a)(2) of section 68 of**
24 **chapter 136 of the 2010 Session Laws of Kansas, and amendments**
25 **thereto, when one of the parties involved is less than 18 years of age;**

26 (B) **indecent solicitation of a child, as defined in K.S.A. 21-3510,**
27 **prior to its repeal, or subsection (a) of section 72 of chapter 136 of the**
28 **2010 Session Laws of Kansas, and amendments thereto;**

29 (C) **electronic solicitation, as defined in K.S.A. 21-3523, prior to**
30 **its repeal, or section 73 of chapter 136 of the 2010 Session Laws of**
31 **Kansas, and amendments thereto;**

32 (D) **aggravated incest, as defined in K.S.A. 21-3603, prior to its**
33 **repeal, or subsection (b) of section 81 of chapter 136 of the 2010**
34 **Session Laws of Kansas, and amendments thereto;**

35 (E) **indecent liberties with a child, as defined in K.S.A. 21-3503,**
36 **prior to its repeal, or subsection (a) of section 70 of chapter 136 of the**
37 **2010 Session Laws of Kansas, and amendments thereto;**

38 (F) **unlawful sexual relations, as defined in K.S.A. 21-3520, prior**
39 **to its repeal, or section 76 of chapter 136 of the 2010 Session Laws of**
40 **Kansas, and amendments thereto;**

41 (G) **sexual exploitation of a child, as defined in K.S.A. 21-3516,**
42 **prior to its repeal, or section 74 of chapter 136 of the 2010 Session**
43 **Laws of Kansas, and amendments thereto, if the victim is 14 or more**

1 years of age but less than 18 years of age;

2 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior
3 to its repeal, or subsection (b) of section 69 of chapter 136 of the 2010
4 Session Laws of Kansas, and amendments thereto;

5 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to
6 its repeal, or section 230 of chapter 136 of the 2010 Session Laws of
7 Kansas, and amendments thereto, if the prostitute is 14 or more years
8 of age but less than 18 years of age; or

9 (J) any attempt, conspiracy or criminal solicitation, as defined in
10 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33,
11 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and
12 amendments thereto, of an offense defined in this subsection.

13 (2) Except as otherwise provided by the Kansas offender
14 registration act, the duration of registration terminates, if not
15 confined, at the expiration of 25 years from the date of conviction. Any
16 period of time during which any offender is incarcerated in any jail or
17 correctional facility or during which the offender does not comply
18 with any and all requirements of the Kansas offender registration act
19 shall not count toward the duration of registration.

20 (c) Upon a second or subsequent conviction of an offense
21 requiring registration, an offender's duration of registration shall be
22 for such offender's lifetime.

23 (d) The duration of registration for any offender who has been
24 convicted of any of the following offenses shall be for such offender's
25 lifetime:

26 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or
27 section 67 of chapter 136 of the 2010 Session Laws of Kansas, and
28 amendments thereto;

29 (2) aggravated indecent solicitation of a child, as defined in
30 K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of
31 chapter 136 of the 2010 Session Laws of Kansas, 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 subsection (b) of section 70 of chapter
35 136 of the 2010 Session Laws of Kansas, and amendments thereto;

36 (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of
37 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of
38 section 68 of chapter 136 of the 2010 Session Laws of Kansas, and
39 amendments thereto;

40 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506,
41 prior to its repeal, or subsection (b) of section 68 of chapter 136 of the
42 2010 Session Laws of Kansas, and amendments thereto;

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

1 prior to its repeal, or subsection (b) of section 61 of chapter 136 of the
2 2010 Session Laws of Kansas, and amendments thereto, if the victim is
3 less than 18 years of age;

4 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516,
5 prior to its repeal, or section 74 of chapter 136 of the 2010 Session
6 Laws of Kansas, and amendments thereto, if the victim is less than 14
7 years of age;

8 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to
9 its repeal, or section 230 of chapter 136 of the 2010 Session Laws of
10 Kansas, and amendments thereto, if the prostitute is less than 14 years
11 of age;

12 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal,
13 or subsection (a) of section 43 of chapter 136 of the 2010 Session Laws
14 of Kansas, and amendments thereto;

15 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior
16 to its repeal, or subsection (b) of section 43 of chapter 136 of the 2010
17 Session Laws of Kansas, and amendments thereto; or

18 (11) any attempt, conspiracy or criminal solicitation, as defined in
19 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33,
20 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and
21 amendments thereto, of an offense defined in this subsection.

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

25 ~~(e)~~(f) *Notwithstanding any other provisions of this section, for an*
26 *offender less than 14 years of age who is adjudicated as a juvenile*
27 *offender for an act which if committed by an adult would constitute a*
28 *sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and*
29 *amendments thereto, the duration of registration shall be until such*
30 *offender reaches 18 years of age, at the expiration of five years from the*
31 *date of adjudication or, if confined, at the expiration of five years from the*
32 *date of release from confinement, whichever date occurs later. Any period*
33 *of time during which the offender is incarcerated in any jail or correctional*
34 *facility or during which the offender does not comply with any and all*
35 *requirements of the Kansas offender registration act shall not count toward*
36 *the duration of registration. the court shall:*

37 (1) Require registration until such offender reaches 18 years of
38 age, at the expiration of five years from the date of adjudication or, if
39 confined, from release from confinement, whichever date occurs later.
40 Any period of time during which the offender is incarcerated in any
41 jail, juvenile facility or correctional facility or during which the
42 offender does not comply with any and all requirements of the Kansas
43 offender registration act shall not count toward the duration of

1 registration;

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

4 (3) require registration, but such registration information shall
5 not be open to inspection by the public or posted on any internet
6 website, as provided in K.S.A. 22-4909, and amendments thereto. If
7 the court requires registration but such registration is not open to the
8 public, such offender shall provide a copy of such court order to the
9 registering law enforcement agency at the time of registration. The
10 registering law enforcement agency shall forward a copy of such court
11 order to the Kansas bureau of investigation.

12 If such offender violates a condition of release during the term of
13 the conditional release, the court may require such offender to register
14 pursuant to paragraph (1).

15 ~~(f)(g)~~ *Notwithstanding any other provisions of this section, for an*
16 *offender 14 years of age or more who is adjudicated as a juvenile offender*
17 *for an act which if committed by an adult would constitute a sexually*
18 *violent crime set forth in subsection (c) of K.S.A. 22-4902, and*
19 *amendments thereto, and such crime is not an off-grid felony or a felony*
20 *ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-*
21 *4704, prior to its repeal, or section 285 of chapter 136 of the 2010 Session*
22 *Laws of Kansas, and amendments thereto, the duration of registration shall*
23 *be 15 years from the date of adjudication or, if confined, at the expiration*
24 *of five years from the date of release from confinement, whichever date*
25 *occurs later. Any period of time during which the offender is incarcerated*
26 *in any jail or correctional facility or during which the offender does not*
27 *comply with any and all requirements of the Kansas offender registration*
28 *act shall not count toward the duration of registration. the court shall:*

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

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

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

1 registering law enforcement agency at the time of registration. The
2 registering law enforcement agency shall forward a copy of such court
3 order to the Kansas bureau of investigation.

4 **If such offender violates a condition of release during the term of**
5 **the conditional release, the court may require such offender to register**
6 **pursuant to paragraph (1).**

7 ~~(g)~~(h) *Notwithstanding any other provisions of this section, an*
8 *offender 14 years of age or more who is adjudicated as a juvenile offender*
9 *for an act which if committed by an adult would constitute a sexually*
10 *violent crime set forth in subsection (c) of K.S.A. 22-4902, and*
11 *amendments thereto, and such crime is an off-grid felony or a felony*
12 *ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-*
13 *4704, prior to its repeal, or section 285 of chapter 136 of the 2010 Session*
14 *Laws of Kansas, and amendments thereto, shall be required to register for*
15 *such offender's lifetime.*

16 ~~(h)~~(i) *Notwithstanding any other provision of law, if a diversionary*
17 *agreement or probation order, either adult or juvenile, or a juvenile*
18 *offender sentencing order, requires registration under the Kansas offender*
19 *registration act for an offense that would not otherwise require*
20 *registration as provided in subsection (a)(5) of K.S.A. 22-4902, and*
21 *amendments thereto, then all provisions of the Kansas offender*
22 *registration act shall apply, except that the duration of registration shall*
23 *be controlled by such diversionary agreement, probation order or juvenile*
24 *offender sentencing order.*

25 ~~(i)~~(j) *The duration of registration does not terminate if the convicted*
26 *or adjudicated offender again becomes liable to register as provided by*
27 *the Kansas offender registration act during the required period of*
28 *registration.*

29 ~~(j)~~(k) *The provisions of subsection (e), (f) and (g) shall apply to*
30 *adjudications on and after July 1, 2007, and retroactively to adjudications*
31 *prior to July 1, 2007.*

32 ~~(k)~~(l) *For any person moving to Kansas who has been convicted or*
33 *adjudicated in an out of state court, and who was required to register*
34 *under an out of state law, the duration of registration shall be the length of*
35 *time required by the out of state jurisdiction or by the Kansas offender*
36 *registration act, whichever length of time is longer. The provisions of this*
37 *subsection shall apply to convictions prior to June 1, 2006, and to persons*
38 *who moved to Kansas prior to June 1, 2006, and to convictions on or after*
39 *June 1, 2006, and to persons who moved to Kansas on or after June 1,*
40 *2006.*

41 ~~(l)~~(m) *For any person residing, maintaining employment or attending*
42 *school in this state who has been convicted or adjudicated by an out of*
43 *state court of an offense that is comparable to any crime requiring*

1 registration pursuant to the Kansas offender registration act, but who was
 2 not required to register in the jurisdiction of conviction, the duration of
 3 registration shall be the duration required for the comparable offense
 4 pursuant to the Kansas offender registration act. The duration of
 5 registration shall begin upon establishing residency, beginning
 6 employment or beginning school.

7 Sec. 7. K.S.A. 2010 Supp. 22-4907 is hereby amended to read as
 8 follows: 22-4907. (a) Registration as required by ~~this~~ the Kansas offender
 9 registration act shall consist of a form ~~prepared~~ approved by the Kansas
 10 bureau of investigation, which shall include a statement that the
 11 requirements provided in this section have been reviewed and explained to
 12 the ~~person~~ offender, and shall be signed by the ~~person~~ offender and, **except**
 13 **when such reporting is conducted by certified letter as provided in**
 14 **subsection (b) of K.S.A. 22-4905, and amendments thereto,** witnessed
 15 by the person registering the offender. Such registration form shall include
 16 the following offender information:

- 17 (1) Name and all alias names;
- 18 (2) date and ~~place of birth~~ city, state and country of birth, and any
 19 alias dates or places of birth;
- 20 (3) title and statute number of each offense or offenses committed,
 21 date of each conviction or ~~convictions obtained~~ adjudication and court
 22 case numbers for each conviction or adjudication;
- 23 (4) city, county, state or ~~county~~ country of conviction or ~~convictions~~
 24 ~~obtained~~ adjudication;
- 25 (5) sex and ~~age~~ date of birth or purported age of each victim of all
 26 offenses requiring registration;
- 27 (6) current residential address, any anticipated future residence and
 28 any temporary lodging information including, but not limited to, address,
 29 telephone number and dates of travel for any place in which the offender
 30 is staying for seven or more days; and, if transient, the locations where the
 31 offender has stayed and frequented since last reporting for registration;
- 32 (7) all telephone numbers at which the offender may be contacted
 33 including, but not limited to, all mobile telephone numbers;
- 34 ~~(7)~~ (8) social security number, and all alias social security numbers;
- 35 ~~(8)~~ (9) identifying characteristics such as race, ethnicity, skin tone,
 36 sex, age, height, weight, hair and eye color, scars, tattoos and blood type;
- 37 ~~(9)~~ (10) occupation and name, address or addresses and telephone
 38 number of employer or employers, and name of any anticipated employer
 39 and place of employment;
- 40 ~~(10)~~ (11) ~~drivers license and~~ all current driver's licenses or
 41 identification cards, including a photocopy of all such driver's licenses or
 42 identification cards and their numbers, states of issuance and expiration
 43 dates;

1 (12) all vehicle information, including the license plate number,
 2 registration number of each license plate assigned to any motor vehicle
 3 normally operated by the offender and any other identifier and description
 4 of any vehicle owned or operated by the offender; or any vehicle the
 5 offender regularly drives, either for personal use or in the course of
 6 employment, and information concerning the location or locations such
 7 vehicle or vehicles are habitually parked or otherwise kept;

8 (13) license plate number, registration number or other identifier and
 9 description of any aircraft or watercraft owned or operated by the
 10 offender, and information concerning the location or locations such
 11 aircraft or watercraft are habitually parked, docked or otherwise kept;

12 (14) all professional licenses, designations and certifications;

13 ~~(14)~~ (15) documentation of any treatment received for a mental
 14 abnormality or personality disorder of the offender; for purposes of
 15 documenting the treatment received, ~~sheriffs, prison officials and courts~~
 16 registering law enforcement agencies, correctional facility officials,
 17 treatment facility officials and courts may rely on information that is
 18 readily available to them from existing records and the offender;

19 ~~(12)~~ ~~anticipated future residence;~~

20 ~~(13)~~ (16) a photograph or photographs;

21 ~~(14)~~ (17) fingerprints and palm prints;

22 ~~(15)~~ (18) school; ~~and any and all schools and satellite schools~~
 23 attended or expected to be attended and the locations of attendance and
 24 telephone number;

25 ~~(16)~~ (19) any and all e-mail addresses ~~and~~, any and all online
 26 identities used by the offender on the internet: and any information
 27 relating to membership in any online social networks;

28 (20) all travel and immigration documents; and

29 (21) name and telephone number of the offender's probation, parole
 30 or community corrections officer.

31 (b) (1) The offender shall also provide to the registering law
 32 enforcement agency DNA exemplars, unless already on file at the Kansas
 33 bureau of investigation.

34 (2) If the exemplars to be taken require the withdrawal of blood, such
 35 withdrawal may be performed only by:

36 (A) A person licensed to practice medicine ~~and~~ or surgery, or a
 37 person acting under the supervision of any such licensed person;

38 (B) a registered nurse or a licensed practical nurse;

39 (C) any qualified medical technician; or

40 (D) a licensed phlebotomist.

41 ~~(c) Unless the person has provided the information and completed~~
 42 ~~and signed the registration form as provided in K.S.A. 22-4905, and~~
 43 ~~amendments thereto, within seven days, the registering law enforcement~~

1 agency shall forward the registration form to the Kansas bureau of
2 investigation.

3 ~~(d) The Kansas bureau of investigation may participate in the federal~~
4 ~~bureau of investigation's NCIC 2000.~~

5 Sec. 8. K.S.A. 22-4908 is hereby amended to read as follows: 22-
6 4908. No person required to register as an offender pursuant to the Kansas
7 offender registration act shall be granted an order relieving the offender of
8 further registration under this act. *This section shall include any person*
9 *with any out of state conviction or adjudication for an offense that would*
10 *require registration under the laws of this state.*

11 Sec. 9. K.S.A. 22-4909 is hereby amended to read as follows: 22-
12 4909. (a) Except as prohibited by ~~subsection (h)~~ *subsections (c) and (d) of*
13 *this section and subsections (e) and (f) of K.S.A. 22-4906, and*
14 *amendments thereto, the statements or any other information required by*
15 *this the Kansas offender registration act shall be open to inspection by the*
16 *public at the sheriff's office registering law enforcement agency, at the*
17 *headquarters of the Kansas bureau of investigation and on any internet*
18 *website sponsored or created by a sheriff's department registering law*
19 *enforcement agency or the Kansas bureau of investigation that contains*
20 *such statements or information, and specifically are subject to the*
21 *provisions of the Kansas open records act, K.S.A. 45-215 et seq., and*
22 *amendments thereto, except that the name, address, telephone number, or*
23 *any other information which specifically and individually identifies the*
24 *victim of any offender required to register as provided in this act shall not*
25 *be disclosed other than to law enforcement agencies.*

26 (b) Any information posted on an internet website sponsored or
27 created by a ~~sheriff's office~~ *registering law enforcement agency* or the
28 Kansas bureau of investigation shall identify, in a prominent manner,
29 whether an offender is ~~or is not~~ *a sex offender, a violent offender or a*
30 *drug offender. Such internet websites shall include the following*
31 *information for each offender:*

32 (1) *Name of the offender, including any aliases;*

33 (2) *address of each residence at which the offender resides or will*
34 *reside and, if the offender does not have any present or expected residence*
35 *address, other information about where the offender has their home or*
36 *habitually lives. If current information of this type is not available because*
37 *the offender is in violation of the requirement to register or cannot be*
38 *located, the website must so note;*

39 (3) *temporary lodging information;*

40 (4) *address of any place where the offender is an employee or will be*
41 *an employee and, if the offender is employed but does not have a definite*
42 *employment address, other information about where the offender works;*

43 (5) *address of any place where the offender is a student or will be a*

1 *student;*

2 *(6) license plate number and a description of any vehicle owned or*
3 *operated by the offender; including any aircraft or watercraft;*

4 *(7) physical description of the offender;*

5 *(8) the offense or offenses for which the offender is registered and*
6 *any other offense for which the offender has been convicted or*
7 *adjudicated;*

8 *(9) a current photograph of the offender; and*

9 *(10) all professional licenses, designations and certifications.*

10 *(c) Notwithstanding subsection (a), pursuant to a court finding*
11 *petitioned by the prosecutor, any offender who is required to register*
12 *pursuant to the Kansas offender registration act, but has been provided a*
13 *new identity and relocated under the federal witness security program or*
14 *who has worked as a confidential informant, or is otherwise a protected*
15 *witness, shall be required to register pursuant to the Kansas offender*
16 *registration act, but shall not be subject to public registration.*

17 *(d) Notwithstanding subsection (a), the following information shall*
18 *not be disclosed other than to law enforcement agencies:*

19 *(1) The name, address, telephone number or any other information*
20 *which specifically and individually identifies the identity of any victim of a*
21 *registerable offense;*

22 *(2) the social security number of the offender;*

23 *(3) the offender's criminal history arrests that did not result in*
24 *convictions;*

25 *(4) travel and immigration document numbers of the offender; and*

26 *(5) internet identifiers of the offender; and*

27 ~~*(6) any information pertaining to a juvenile offender as provided in*~~
28 ~~*subsection (e) or (f) of K.S.A. 22-4906, and amendments thereto.*~~

29 ~~*(e) The state department of education shall annually notify any school*~~
30 ~~*upon which is located a structure used by a unified school district or an*~~
31 ~~*accredited nonpublic school for student instruction or attendance or*~~
32 ~~*extracurricular activities of pupils enrolled in kindergarten or any grades*~~
33 ~~*one through 12 of the Kansas bureau of investigation internet website and*~~
34 ~~*any internet website containing information on the Kansas offender*~~
35 ~~*registration sponsored or created by the sheriff of the county in which the*~~
36 ~~*school is located for the purposes of locating offenders who reside near*~~
37 ~~*such school.*~~

38 ~~*(d) The secretary of health and environment shall annually notify any*~~
39 ~~*licensed child care facility of the Kansas bureau of investigation internet*~~
40 ~~*website and any internet website containing information on the Kansas*~~
41 ~~*offender registration sponsored or created by the sheriff of the county in*~~
42 ~~*which the facility is located for the purposes of locating offenders who*~~
43 ~~*reside near such facility.*~~

1 ~~(e) Such notification required in subsections (c) and (d) shall include~~
2 ~~information that the sheriff of the county where such school or child care~~
3 ~~facility is located is available to the school and child care facilities to assist~~
4 ~~in using the registry and providing additional information on the registered~~
5 ~~offenders.~~

6 Sec. 10. K.S.A. 22-4911 is hereby amended to read as follows: 22-
7 4911. Nothing in the Kansas offender registration act shall create a cause
8 of action against the state or an employee of the state acting within the
9 scope of the employee's employment as a result of requiring an offender to
10 register or an offender's failure to register. *This includes, but is not limited*
11 *to, the person or persons assigned to a registering law enforcement*
12 *agency to register offenders, and the person or persons assigned to enter*
13 *all offender information required by the national crime information center*
14 *into the national sex offender registry system.*

15 Sec. 11. K.S.A. 2010 Supp. 22-4913 is hereby amended to read as
16 follows: 22-4913. (a) Except as provided in subsection (b), on and after ~~the~~
17 ~~effective date of this act~~ *June 1, 2006*, cities and counties shall be
18 prohibited from adopting or enforcing any ordinance, resolution or
19 regulation establishing residential restrictions for offenders as defined by
20 K.S.A. 22-4902, and amendments thereto.

21 (b) The prohibition in subsection (a), shall not apply to any city or
22 county residential licensing or zoning program for correctional placement
23 residences that includes regulations for the housing of such offenders.

24 (c) As used in this section, "correctional placement residence" means
25 a facility that provides residential services for individuals or offenders who
26 reside or have been placed in such facility due to any one of the following
27 situations:

- 28 (1) Prior to, or instead of, being sentenced to prison;
- 29 (2) ~~received as~~ a conditional release prior to a hearing;
- 30 (3) as a part of a sentence of confinement of not more than one year;
- 31 (4) *in* a privately operated facility housing parolees;
- 32 (5) ~~received as~~ a deferred sentence ~~and~~ *when* placed in a facility
33 operated by community corrections;
- 34 (6) ~~required as a requirement of~~ court-ordered treatment services for
35 alcohol or drug abuse; or
- 36 (7) *as part of* voluntary treatment services for alcohol or drug abuse.

37 Correctional placement residence shall not include a single or multi-
38 family dwelling or commercial residential building that provides a
39 residence to staff and persons other than those described in paragraphs (1)
40 through (7).

41 **Sec. 12. is K.S.A. 2010 Supp. 38-2312 hereby amended to read as**
42 **follows: 38-2312. (a) Except as provided in subsection (b), any records**
43 **or files specified in this code concerning a juvenile may be expunged**

1 upon application to a judge of the court of the county in which the
2 records or files are maintained. The application for expungement may
3 be made by the juvenile, if 18 years of age or older or, if the juvenile is
4 less than 18 years of age, by the juvenile's parent or next friend.

5 (b) There shall be no expungement of records or files concerning
6 acts committed by a juvenile which, if committed by an adult, would
7 constitute a violation of K.S.A. 21-3401, prior to its repeal, or section 37
8 of chapter 136 of the 2010 Session Laws of Kansas, and amendments
9 thereto, murder in the first degree, K.S.A. 21-3402, prior to its repeal,
10 or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and
11 amendments thereto, murder in the second degree, K.S.A. 21-3403,
12 prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws
13 of Kansas, and amendments thereto, voluntary manslaughter, K.S.A.
14 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010
15 Session Laws of Kansas, and amendments thereto, involuntary
16 manslaughter, K.S.A. 21-3439, prior to its repeal, or section 36 of
17 chapter 136 of the 2010 Session Laws of Kansas, and amendments
18 thereto, capital murder, K.S.A. 21-3442, prior to its repeal, and
19 amendments thereto, involuntary manslaughter while driving under the
20 influence of alcohol or drugs, K.S.A. 21-3502, prior to its repeal, or
21 section 67 of chapter 136 of the 2010 Session Laws of Kansas, and
22 amendments thereto, rape, K.S.A. 21-3503, prior to its repeal, or
23 subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of
24 Kansas, and amendments thereto, indecent liberties with a child,
25 K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of
26 chapter 136 of the 2010 Session Laws of Kansas, and amendments
27 thereto, aggravated indecent liberties with a child, K.S.A. 21-3506,
28 prior to its repeal, or subsection (b) of section 68 of chapter 136 of the
29 2010 Session Laws of Kansas, and amendments thereto, aggravated
30 criminal sodomy, K.S.A. 21-3510, prior to its repeal, or subsection (a) of
31 section 72 of chapter 136 of the 2010 Session Laws of Kansas, and
32 amendments thereto, indecent solicitation of a child, K.S.A. 21-3511,
33 prior to its repeal, or subsection (b) of section 72 of chapter 136 of the
34 2010 Session Laws of Kansas, and amendments thereto, aggravated
35 indecent solicitation of a child, K.S.A. 21-3516, prior to its repeal, or
36 section 74 of chapter 136 of the 2010 Session Laws of Kansas, and
37 amendments thereto, sexual exploitation, K.S.A. 21-3603, prior to its
38 repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session
39 Laws of Kansas, and amendments thereto, aggravated incest, K.S.A.
40 21-3608, prior to its repeal, or subsection (a) of section 78 of chapter 136
41 of the 2010 Session Laws of Kansas, and amendments thereto,
42 endangering a child, K.S.A. 21-3608a, prior to its repeal, or subsection
43 (b) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and

1 *amendments thereto, aggravated endangering a child, K.S.A. 21-3609,*
2 *prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws*
3 *of Kansas, and amendments thereto, abuse of a child, or which would*
4 **constitute an attempt to commit a violation of any of the offenses**
5 **specified in this subsection.**

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

12 ~~(e)~~(d) **When a petition for expungement is filed, the court shall set**
13 **a date for a hearing on the petition and shall give notice thereof to the**
14 **county or district attorney. The petition shall state: (1) The juvenile's**
15 **full name; (2) the full name of the juvenile as reflected in the court**
16 **record, if different than (1); (3) the juvenile's sex and date of birth; (4)**
17 **the offense for which the juvenile was adjudicated; (5) the date of the**
18 **trial; and (6) the identity of the trial court. Except as otherwise**
19 **provided by law, a petition for expungement shall be accompanied by**
20 **a docket fee in the amount of \$100. On and after the effective date of**
21 **this act through June 30, 2011, the supreme court may impose a**
22 **charge, not to exceed \$15 per case, to fund the costs of non-judicial**
23 **personnel. All petitions for expungement shall be docketed in the**
24 **original action. Any person who may have relevant information about**
25 **the petitioner may testify at the hearing. The court may inquire into**
26 **the background of the petitioner.**

27 ~~(e)~~(e) (1) **After hearing, the court shall order the expungement of**
28 **the records and files if the court finds that:**

29 **(A) The juvenile has reached 23 years of age or that two years**
30 **have elapsed since the final discharge;**

31 **(B) since the final discharge of the juvenile, the juvenile has not**
32 **been convicted of a felony or of a misdemeanor other than a traffic**
33 **offense or adjudicated as a juvenile offender under the revised Kansas**
34 **juvenile justice code and no proceedings are pending seeking such a**
35 **conviction or adjudication; and**

36 **(C) the circumstances and behavior of the petitioner warrant**
37 **expungement.**

38 **(2) The court may require that all court costs, fees and restitution**
39 **shall be paid.**

40 ~~(e)~~(f) **Upon entry of an order expunging records or files, the**
41 **offense which the records or files concern shall be treated as if it never**
42 **occurred, except that upon conviction of a crime or adjudication in a**
43 **subsequent action under this code the offense may be considered in**

1 determining the sentence to be imposed. The petitioner, the court and
2 all law enforcement officers and other public offices and agencies shall
3 properly reply on inquiry that no record or file exists with respect to
4 the juvenile. Inspection of the expunged files or records thereafter
5 may be permitted by order of the court upon petition by the person
6 who is the subject thereof. The inspection shall be limited to inspection
7 by the person who is the subject of the files or records and the
8 person's designees.

9 ~~(g)~~(g) Copies of any order made pursuant to subsection (a) or (c)
10 shall be sent to each public officer and agency in the county having
11 possession of any records or files ordered to be expunged. If the officer
12 or agency fails to comply with the order within a reasonable time after
13 its receipt, the officer or agency may be adjudged in contempt of court
14 and punished accordingly.

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

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

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

24 ~~(k)~~(k) Whenever the records or files of any adjudication have been
25 expunged under the provisions of this section, the custodian of the
26 records or files of adjudication relating to that offense shall not
27 disclose the existence of such records or files, except when requested
28 by:

29 (1) The person whose record was expunged;

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

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

36 (4) the secretary of social and rehabilitation services, or a
37 designee of the secretary, for the purpose of obtaining information
38 relating to employment in an institution, as defined in K.S.A. 76-
39 12a01, and amendments thereto, of the department of social and
40 rehabilitation services of any person whose record has been expunged;

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

43 (6) the Kansas lottery, and the request is accompanied by a

1 statement that the request is being made to aid in determining
2 qualifications for employment with the Kansas lottery or for work in
3 sensitive areas within the Kansas lottery as deemed appropriate by the
4 executive director of the Kansas lottery;

5 (7) the governor or the Kansas racing commission, or a designee
6 of the commission, and the request is accompanied by a statement that
7 the request is being made to aid in determining qualifications for
8 executive director of the commission, for employment with the
9 commission, for work in sensitive areas in parimutuel racing as
10 deemed appropriate by the executive director of the commission or for
11 licensure, renewal of licensure or continued licensure by the
12 commission; or

13 (8) the Kansas sentencing commission.

14 Sec. 13. Section 254 of chapter 136 of the 2010 Session Laws of
15 Kansas is hereby amended to read as follows: Sec. 254. (a) (1) Except
16 as provided in subsections (b) ~~and~~, (c) *and* (d), any person convicted in
17 this state of a traffic infraction, cigarette or tobacco infraction,
18 misdemeanor or a class D or E felony, or for crimes committed on or
19 after July 1, 1993, nondrug crimes ranked in severity levels 6 through
20 10 or any felony ranked in severity level 4 of the drug grid, may
21 petition the convicting court for the expungement of such conviction
22 or related arrest records if three or more years have elapsed since the
23 person: (A) Satisfied the sentence imposed; or (B) was discharged
24 from probation, a community correctional services program, parole,
25 postrelease supervision, conditional release or a suspended sentence.

26 (2) Except as provided in subsections (b) ~~and~~, (c) *and* (d), any
27 person who has fulfilled the terms of a diversion agreement may
28 petition the district court for the expungement of such diversion
29 agreement and related arrest records if three or more years have
30 elapsed since the terms of the diversion agreement were fulfilled.

31 (b) Except as provided in subsection (c) *and* (d), no person may
32 petition for expungement until five or more years have elapsed since
33 the person satisfied the sentence imposed, the terms of a diversion
34 agreement or was discharged from probation, a community
35 correctional services program, parole, postrelease supervision,
36 conditional release or a suspended sentence, if such person was
37 convicted of a class A, B or C felony, or for crimes committed on or
38 after July 1, 1993, if convicted of an off-grid felony or any nondrug
39 crime ranked in severity levels 1 through 5 or any felony ranked in
40 severity levels 1 through 3 of the drug grid, or:

41 (1) Vehicular homicide, as defined by *in K.S.A. 21-3405, prior to its*
42 *repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas,*
43 *and amendments thereto, or as prohibited by any law of another state*

1 which is in substantial conformity with that statute;

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

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

10 (4) violating the provisions of the fifth clause of K.S.A. 8-142, and
11 amendments thereto, relating to fraudulent applications or violating
12 the provisions of a law of another state which is in substantial
13 conformity with that statute;

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

16 (6) failing to stop at the scene of an accident and perform the
17 duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments
18 thereto, or required by a law of another state which is in substantial
19 conformity with those statutes;

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

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

23 (c) There shall be no expungement of convictions for the
24 following offenses or of convictions for an attempt to commit any of
25 the following offenses:

26 (1) Rape as defined in *K.S.A. 21-3502, prior to its repeal, or section*
27 *67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
28 *thereto;*

29 (2) indecent liberties with a child or aggravated indecent liberties
30 with a child as defined in *K.S.A. 21-3503 or 21-3504, prior to their*
31 *repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas,*
32 *and amendments thereto;*

33 (3) criminal sodomy as defined in *subsection (a)(2) or (a)(3) of*
34 *K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of*
35 *section 68 of chapter 136 of the 2010 Session Laws of Kansas, and*
36 *amendments thereto;*

37 (4) aggravated criminal sodomy as defined in *K.S.A. 21-3506,*
38 *prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws*
39 *of Kansas, and amendments thereto;*

40 (5) indecent solicitation of a child or aggravated indecent
41 solicitation of a child as defined in *K.S.A. 21-3510 or 21-3511, prior to*
42 *their repeal, or section 72 of chapter 136 of the 2010 Session Laws of*
43 *Kansas, and amendments thereto;*

1 **(6) sexual exploitation of a child as defined in K.S.A. 21-3516,**
2 *prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws*
3 *of Kansas, and amendments thereto;*

4 **(7) aggravated incest as defined in K.S.A. 21-3603, prior to its**
5 *repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas,*
6 *and amendments thereto;*

7 **(8) endangering a child or aggravated endangering a child as**
8 **defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section**
9 **78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments**
10 **thereto;**

11 **(9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,**
12 *or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and*
13 *amendments thereto;*

14 **(10) capital murder as defined in K.S.A. 21-3439, prior to its**
15 *repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas,*
16 *and amendments thereto;*

17 **(11) murder in the first degree as defined in K.S.A. 21-3401, prior**
18 *to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of*
19 *Kansas, and amendments thereto;*

20 **(12) murder in the second degree as defined in K.S.A. 21-3402,**
21 *prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws*
22 *of Kansas, and amendments thereto;*

23 **(13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to**
24 *its repeal, or section 39 of chapter 136 of the 2010 Session Laws of*
25 *Kansas, and amendments thereto;*

26 **(14) involuntary manslaughter as defined in K.S.A. 21-3404, prior**
27 *to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of*
28 *Kansas, and amendments thereto;*

29 **(15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal,**
30 *or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and*
31 *amendments thereto, when the victim was less than 18 years of age at*
32 *the time the crime was committed;*

33 **(16) aggravated sexual battery as defined in K.S.A. 21-3518, prior**
34 *to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of*
35 *Kansas, and amendments thereto;*

36 **(17) a violation of K.S.A. 8-1567, and amendments thereto,**
37 **including any diversion for such violation;**

38 **(18) a violation of K.S.A. 8-2,144, and amendments thereto,**
39 **including any diversion for such violation; or**

40 **(19) any conviction for any offense in effect at any time prior to**
41 ~~the effective date of this act~~ *July 1, 2011, that is comparable to any*
42 *offense as provided in this subsection.*

43 **(d) Notwithstanding any other law to the contrary, for any**

1 offender who is required to register as provided in the Kansas
2 offender registration act, K.S.A. 22-4901 et seq., and amendments
3 thereto, there shall be no expungement of any conviction or any part
4 of the offender's criminal record while the offender is required to
5 register as provided in the Kansas offender registration act.

6 ~~(d)~~(e) (1) When a petition for expungement is filed, the court shall
7 set a date for a hearing of such petition and shall cause notice of such
8 hearing to be given to the prosecutor and the arresting law
9 enforcement agency. The petition shall state the:

- 10 (A) Defendant's full name;
11 (B) full name of the defendant at the time of arrest, conviction or
12 diversion, if different than the defendant's current name;
13 (C) defendant's sex, race and date of birth;
14 (D) crime for which the defendant was arrested, convicted or
15 diverted;
16 (E) date of the defendant's arrest, conviction or diversion; and
17 (F) identity of the convicting court, arresting law enforcement
18 authority or diverting authority.

19 ~~(2) Except as otherwise provided further, there shall be no docket~~
20 ~~fee for filing a petition pursuant to this section by law, a petition for~~
21 ~~expungement shall be accompanied by a docket fee in the amount of \$100.~~
22 ~~On and after July 1, 2009 through June 30, 2010~~ April 15, 2010 through
23 June 30, 2011, the supreme court may impose a charge, not to exceed
24 \$40\$15 per case, to fund the costs of non-judicial personnel. The
25 charge established in this section shall be the only fee collected or
26 moneys in the nature of a fee collected for the case. Such charge shall
27 only be established by an act of the legislature and no other authority
28 is established by law or otherwise to collect a fee.

29 (3) All petitions for expungement shall be docketed in the original
30 criminal action. Any person who may have relevant information about
31 the petitioner may testify at the hearing. The court may inquire into
32 the background of the petitioner and shall have access to any reports
33 or records relating to the petitioner that are on file with the secretary
34 of corrections or the Kansas parole board.

35 ~~(e)~~(f) At the hearing on the petition, the court shall order the
36 petitioner's arrest record, conviction or diversion expunged if the
37 court finds that:

38 (1) The petitioner has not been convicted of a felony in the past
39 two years and no proceeding involving any such crime is presently
40 pending or being instituted against the petitioner;

41 (2) the circumstances and behavior of the petitioner warrant the
42 expungement;

43 (3) the expungement is consistent with the public welfare.

1 ~~(f)~~(g) When the court has ordered an arrest record, conviction or
2 diversion expunged, the order of expungement shall state the
3 information required to be contained in the petition. The clerk of the
4 court shall send a certified copy of the order of expungement to the
5 Kansas bureau of investigation which shall notify the federal bureau
6 of investigation, the secretary of corrections and any other criminal
7 justice agency which may have a record of the arrest, conviction or
8 diversion. After the order of expungement is entered, the petitioner
9 shall be treated as not having been arrested, convicted or diverted of
10 the crime, except that:

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

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

17 (A) In any application for licensure as a private detective, private
18 detective agency, certification as a firearms trainer pursuant to K.S.A.
19 ~~2009~~2010 Supp. 75-7b21, and amendments thereto, or employment as
20 a detective with a private detective agency, as defined by K.S.A. 75-
21 7b01, and amendments thereto; as security personnel with a private
22 patrol operator, as defined by K.S.A. 75-7b01, and amendments
23 thereto; or with an institution, as defined in K.S.A. 76-12a01, and
24 amendments thereto, of the department of social and rehabilitation
25 services;

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

28 (C) to aid in determining the petitioner's qualifications for
29 employment with the Kansas lottery or for work in sensitive areas
30 within the Kansas lottery as deemed appropriate by the executive
31 director of the Kansas lottery;

32 (D) to aid in determining the petitioner's qualifications for
33 executive director of the Kansas racing and gaming commission, for
34 employment with the commission or for work in sensitive areas in
35 parimutuel racing as deemed appropriate by the executive director of
36 the commission, or to aid in determining qualifications for licensure or
37 renewal of licensure by the commission;

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

43 (F) upon application for a commercial driver's license under

1 K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

13 (K) for applications received on and after July 1, 2006, to aid in
14 determining the petitioner's qualifications for a license to carry a
15 concealed weapon pursuant to the personal and family protection act,
16 K.S.A. 20092010 Supp. 75-7c01 et seq., and amendments thereto;

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

19 (4) the conviction may be disclosed in a subsequent prosecution
20 for an offense which requires as an element of such offense a prior
21 conviction of the type expunged; and

22 (5) upon commitment to the custody of the secretary of
23 corrections, any previously expunged record in the possession of the
24 secretary of corrections may be reinstated and the expungement
25 disregarded, and the record continued for the purpose of the new
26 commitment.

27 ~~(g)~~(h) Whenever a person is convicted of a crime, pleads guilty
28 and pays a fine for a crime, is placed on parole, postrelease
29 supervision or probation, is assigned to a community correctional
30 services program, is granted a suspended sentence or is released on
31 conditional release, the person shall be informed of the ability to
32 expunge the arrest records or conviction. Whenever a person enters
33 into a diversion agreement, the person shall be informed of the ability
34 to expunge the diversion.

35 ~~(h)~~(i) Subject to the disclosures required pursuant to subsection
36 (f), in any application for employment, license or other civil right or
37 privilege, or any appearance as a witness, a person whose arrest
38 records, conviction or diversion of a crime has been expunged under
39 this statute may state that such person has never been arrested,
40 convicted or diverted of such crime, but the expungement of a felony
41 conviction does not relieve an individual of complying with any state
42 or federal law relating to the use or possession of firearms by persons
43 convicted of a felony.

1 ~~(i)~~(j) Whenever the record of any arrest, conviction or diversion
2 has been expunged under the provisions of this section or under the
3 provisions of any other existing or former statute, the custodian of the
4 records of arrest, conviction, diversion and incarceration relating to
5 that crime shall not disclose the existence of such records, except when
6 requested by:

7 (1) The person whose record was expunged;

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

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

14 (4) the secretary of social and rehabilitation services, or a
15 designee of the secretary, for the purpose of obtaining information
16 relating to employment in an institution, as defined in K.S.A. 76-
17 12a01, and amendments thereto, of the department of social and
18 rehabilitation services of any person whose record has been expunged;

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

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

25 (7) the supreme court, the clerk or disciplinary administrator
26 thereof, the state board for admission of attorneys or the state board
27 for discipline of attorneys, and the request is accompanied by a
28 statement that the request is being made in conjunction with an
29 application for admission, or for an order of reinstatement, to the
30 practice of law in this state by the person whose record has been
31 expunged;

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

37 (9) the governor or the Kansas racing and gaming commission, or
38 a designee of the commission, and the request is accompanied by a
39 statement that the request is being made to aid in determining
40 qualifications for executive director of the commission, for
41 employment with the commission, for work in sensitive areas in
42 parimutuel racing as deemed appropriate by the executive director of
43 the commission or for licensure, renewal of licensure or continued

1 licensure by the commission;

2 (10) the Kansas racing and gaming commission, or a designee of
3 the commission, and the request is accompanied by a statement that
4 the request is being made to aid in determining qualifications of the
5 following under the Kansas expanded lottery act: (A) Lottery gaming
6 facility managers and prospective managers, racetrack gaming facility
7 managers and prospective managers, licensees and certificate holders;
8 and (B) their officers, directors, employees, owners, agents and
9 contractors;

10 (11) the Kansas sentencing commission;

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

16 (13) the Kansas securities commissioner or a designee of the
17 commissioner, and the request is accompanied by a statement that the
18 request is being made in conjunction with an application for
19 registration as a broker-dealer, agent, investment adviser or
20 investment adviser representative by such agency and the application
21 was submitted by the person whose record has been expunged;

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

27 (15) a law enforcement agency and the request is accompanied by
28 a statement that the request is being made to aid in determining
29 eligibility for employment as a law enforcement officer as defined by
30 K.S.A. 22-2202, and amendments thereto; or

31 (16) the attorney general and the request is accompanied by a
32 statement that the request is being made to aid in determining
33 qualifications for a license to carry a concealed weapon pursuant to
34 the personal and family protection act.

35 Sec. ~~14~~ 14. K.S.A. 22-4901, 22-4903, 22-4908, 22-4909, 22-4911 and
36 22-4912 and K.S.A. 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-
37 4907 and ~~22-4913~~, ~~22-4913~~ and ~~38-2312~~ and section 254 of chapter 136
38 of the 2010 Session Laws of Kansas are hereby repealed.

39 Sec. ~~15~~ 15. This act shall take effect and be in force from and after its
40 publication in the statute book.

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