

HOUSE BILL No. 2568

By Committee on Corrections and Juvenile Justice

1-27

1 AN ACT concerning the Kansas offender registration act; amending
2 K.S.A. 2011 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-
3 4907, 22-4908 and 22-4909 and repealing the existing sections; also
4 repealing K.S.A. 2011 Supp. 22-4902a and 22-4906a.
5

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

7 Section 1. K.S.A. 2011 Supp. 22-4902 is hereby amended to read as
8 follows: 22-4902. As used in the Kansas offender registration act, unless
9 the context otherwise requires:

10 (a) "Offender" means:

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

12 (2) a violent offender, ~~as defined in subsection (c);~~

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

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

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

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

19 (1) On or after April 14, 1994, is convicted of any sexually violent
20 crime ~~set forth in subsection (e);~~

21 (2) On or after April 14, 1994, is adjudicated as a juvenile offender
22 for an act which if committed by an adult would constitute the commission
23 of a sexually violent crime ~~set forth in subsection (e)~~, unless the court, on
24 the record, finds that the act involved non-forcible sexual conduct, the
25 victim was at least 14 years of age and the offender was not more than four
26 years older than the victim;

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

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

31 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
32 K.S.A. 2011 Supp. 21-5511, and amendments thereto;

33 (B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-
34 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2011

1 Supp. 21-5504, and amendments thereto;

2 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
3 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto;

4 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
5 repeal, or K.S.A. 2011 Supp. 21-6421, and amendments thereto; or

6 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
7 to its repeal, or K.S.A. 2011 Supp. 21-5513, and amendments thereto;

8 ~~(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
9 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5505, and
10 amendments thereto;~~

11 **(5) is convicted of sexual battery, as defined in K.S.A. 21-3517,
12 prior to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5505, and
13 amendments thereto;**

14 ~~(6) (5)(6) (5)~~ is convicted of an attempt, conspiracy or criminal
15 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
16 their repeal, or K.S.A. 2011 Supp. 21-5301, 21-5302, 21-5303, and
17 amendments thereto, of an offense defined in this subsection; or

18 ~~(7) (6)(7) (6)~~ has been convicted of an offense ~~in effect at any time~~
19 ~~prior to July 1, 2011,~~ that is comparable to any crime defined in this
20 subsection, ~~or~~ **or** any out of state conviction ~~or any municipal conviction~~
21 for an offense that under the laws of this state would be an offense defined
22 in this subsection.

23 (c) "Sexually violent crime" means:

24 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
25 2011 Supp. 21-5503, and amendments thereto;

26 (2) indecent liberties with a child as defined in K.S.A. 21-3503, prior
27 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5506, and
28 amendments thereto;

29 (3) aggravated indecent liberties with a child as defined in K.S.A. 21-
30 3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5506,
31 and amendments thereto;

32 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
33 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
34 2011 Supp. 21-5504, and amendments thereto;

35 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
36 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5504, and
37 amendments thereto;

38 (6) indecent solicitation of a child as defined in K.S.A. 21-3510, prior
39 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5508, and
40 amendments thereto;

41 (7) aggravated indecent solicitation of a child as defined in K.S.A.
42 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
43 5508, and amendments thereto;

1 (8) sexual exploitation of a child as defined in K.S.A. 21-3516, prior
2 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto;

3 (9) aggravated sexual battery as defined in K.S.A. 21-3518, prior to
4 its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5505, and
5 amendments thereto;

6 (10) aggravated incest as defined in K.S.A. 21-3603, prior to its
7 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5605, and amendments
8 thereto;

9 (11) electronic solicitation as defined in K.S.A. 21-3523, prior to its
10 repeal, and K.S.A. 2011 Supp. 21-5509, and amendments thereto,
11 committed on or after April 17, 2008;

12 (12) unlawful sexual relations as defined in K.S.A. 21-3520, prior to
13 its repeal, or K.S.A. 2011 Supp. 21-5512, and amendments thereto,
14 committed on or after July 1, 2010;

15 ~~(13) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,~~
16 ~~or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments thereto;~~

17 **(13) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,**
18 **or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments**
19 **thereto;**

20 ~~(13) (14) (13) (14)~~ **(14)** any conviction *or* adjudication for an offense in
21 effect at any time prior to July 1, 2011, that is comparable to a sexually
22 violent crime as defined in this subsection, or any out of state conviction
23 *or* adjudication for an offense that under the laws of this state would be a
24 sexually violent crime as defined in this subsection;

25 ~~(14) (15) (14) (15)~~ **(15)** an attempt, conspiracy or criminal solicitation, as
26 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
27 K.S.A. 2011 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
28 of a sexually violent crime, as defined in this subsection; or

29 ~~(15) (16) (15) (16)~~ **(16)** any act which at the time of sentencing for the
30 offense has been determined beyond a reasonable doubt to have been
31 sexually motivated, unless the court, on the record, finds that the act
32 involved non-forcible sexual conduct, the victim was at least 14 years of
33 age and the offender was not more than four years older than the victim.
34 As used in this paragraph, "sexually motivated" means that one of the
35 purposes for which the defendant committed the crime was for the purpose
36 of the defendant's sexual gratification.

37 (d) "Sexually violent predator" means any person who, on or after
38 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
39 59-29a01 et seq., and amendments thereto.

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

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

43 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,

1 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;

2 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
3 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;

4 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
5 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;

6 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
7 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;

8 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
9 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;

10 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
11 subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

12 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
13 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments
14 thereto;

15 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
16 repeal, or K.S.A. 2011 Supp. 21-5411, and amendments thereto, except by
17 a parent, and only when the victim is less than 18 years of age; or

18 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
19 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5426, and
20 amendments thereto;

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

24 (3) has been convicted of an offense ~~in effect at any time prior to~~
25 ~~July 1, 2011,~~ that is comparable to any crime defined in this subsection, ~~or~~
26 any out of state conviction ~~or any municipal conviction~~ for an offense that
27 under the laws of this state would be an offense defined in this subsection;
28 or

29 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
30 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
31 K.S.A. 2011 Supp. 21-5301, 21-5302 and 21-5303, and amendments
32 thereto, of an offense defined in this subsection.

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

34 (1) Unlawful manufacture or attempting such of any controlled
35 substance or controlled substance analog as defined in K.S.A. 65-4159,
36 prior to its repeal, ~~or~~ K.S.A. 2010 Supp. 21-36a03, *prior to its transfer, or*
37 *K.S.A. 2011 Supp. 21-5703*, and amendments thereto;

38 (2) possession of ephedrine, pseudoephedrine, red phosphorus,
39 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
40 ammonia or phenylpropanolamine, or their salts, isomers or salts of
41 isomers with intent to use the product to manufacture a controlled
42 substance as defined in subsection (a) of K.S.A. 65-7006, prior to its
43 repeal, ~~or~~ subsection (a) of K.S.A. 2010 Supp. 21-36a09, *prior to its*

1 *transfer; or subsection (a) of K.S.A. 2011 Supp. 21-5709, and amendments*
2 *thereto;*

3 (3) K.S.A. 65-4161, prior to its repeal, ~~or~~ subsection (a)(1) of K.S.A.
4 2010 Supp. 21-36a05, *prior to its transfer; or subsection (a)(1) of K.S.A.*
5 *2011 Supp. 21-5705, and amendments thereto. The provisions of this*
6 *paragraph shall not apply to violations of subsections (a)(2) through (a)(6)*
7 *or (b) of K.S.A. 2010 Supp. 21-36a05, ~~and amendments thereto,~~ which*
8 *occurred on or after July 1, 2009, through April 15, 2010;*

9 (4) an offense ~~in effect at any time prior to July 1, 2011,~~ that is
10 comparable to any crime defined in this subsection, ~~or~~ any out of state
11 conviction ~~or any municipal conviction~~ for an offense that under the laws
12 of this state would be an offense defined in this subsection; or

13 (5) an attempt, conspiracy or criminal solicitation, as defined in
14 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011
15 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
16 offense defined in this subsection.

17 (g) Convictions *or adjudications* which result from or are connected
18 with the same act, or result from crimes committed at the same time, shall
19 be counted for the purpose of this section as one conviction *or*
20 *adjudication*. Any conviction *or adjudication* set aside pursuant to law is
21 not a conviction *or adjudication* for purposes of this section. A conviction
22 *or adjudication* from any out of state court ~~or municipal court~~ shall
23 constitute a conviction *or adjudication* for purposes of this section.

24 (h) "School" means any public or private educational institution,
25 including, but not limited to, postsecondary school, college, university,
26 community college, secondary school, high school, junior high school,
27 middle school, elementary school, trade school, vocational school or
28 professional school providing training or education to an offender *for three*
29 *or more consecutive days or parts of days, or for 10 or more*
30 *nonconsecutive days in a period of 30 consecutive days.*

31 (i) "Employment" means any full-time, part-time, transient ~~or~~ , day-
32 labor employment *or volunteer work*, with or without compensation, *for*
33 *three or more consecutive days or parts of days, or for 10 or more*
34 *nonconsecutive days in a period of 30 consecutive days.*

35 (j) "Reside" means to stay, sleep or maintain with regularity *or*
36 *temporarily* one's person and property in a particular place other than a
37 location where the offender is incarcerated. It shall be presumed that an
38 offender resides at any and all locations where the offender stays, sleeps or
39 maintains the offender's person for ~~seven~~ *three* or more consecutive days
40 or parts of days, or for ~~seven~~ *ten* or more non-consecutive days in a period
41 of 30 consecutive days.

42 (k) "Residence" means a particular and definable place where an
43 individual resides. Nothing in the Kansas offender registration act shall be

1 construed to state that an offender may only have one residence for the
2 purpose of such act.

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

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

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

10 (o) "Registering entity" means any person, agency or other
11 governmental unit, ~~or~~ correctional facility, ~~treatment facility~~ or registering
12 law enforcement agency responsible for obtaining the required information
13 from, and explaining the required registration procedures to, any person
14 required to register pursuant to the Kansas offender registration act.
15 "Registering entity" shall include, but not be limited to, sheriff's offices,
16 tribal police departments; *and* correctional facilities ~~and treatment~~
17 ~~facilities~~.

18 (p) "Treatment facility" means any public or private facility, ~~hospital~~
19 or institution providing inpatient *mental health, drug or alcohol* treatment
20 or counseling, **but does not include a hospital, as defined in K.S.A. 65-**
21 **425, and amendments thereto.**

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

24 (r) "Out of state" means: the District of Columbia; any federal,
25 military; or tribal jurisdiction, including those within this state; any foreign
26 jurisdiction; or any state or territory within the United States, other than
27 this state.

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

30 Sec. 2. K.S.A. 2011 Supp. 22-4903 is hereby amended to read as
31 follows: 22-4903.

32 (a) Violation of the Kansas offender registration act is the failure by
33 an offender, as defined in K.S.A. 22-4902, and amendments thereto, to
34 comply with any and all provisions of such act, including any and all
35 duties set forth in K.S.A. 22-4905 through 22-4907, and amendments
36 thereto. Any violation of the Kansas offender registration act which
37 continues for more than 30 consecutive days shall, upon the 31st
38 consecutive day, constitute a new and separate offense, and shall continue
39 to constitute a new and separate offense every 30 days thereafter for as
40 long as the violation continues.

41 (b) Aggravated violation of the Kansas offender registration act is
42 violation of the Kansas offender registration act which continues for more
43 than 180 consecutive days. Any aggravated violation of the Kansas

1 offender registration act which continues for more than 180 consecutive
 2 days shall, upon the 181st consecutive day, constitute a new and separate
 3 offense, and shall continue to constitute a new and separate violation of the
 4 Kansas offender registration act every 30 days thereafter, or a new and
 5 separate aggravated violation of the Kansas offender registration act every
 6 180 days thereafter, for as long as the violation continues.

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

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

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

10 (C) upon a third or subsequent conviction, a severity level 3, person
 11 felony.

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

14 (d) Prosecution of violations of this section may be held:

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

16 (2) in any county in which the offender is required to be registered
 17 under the Kansas offender registration act;

18 (3) in any county in which the offender is located during which time
 19 the offender is not in compliance with the Kansas offender registration act;
 20 or

21 (4) in the county in which any conviction *or adjudication* occurred
 22 for which the offender is required to be registered under the Kansas
 23 offender registration act.

24 Sec. 3. K.S.A. 2011 Supp. 22-4904 is hereby amended to read as
 25 follows: 22-4904.

26 (a) ~~(1)~~ At the time of ~~sentencing or disposition~~ *conviction or*
 27 *adjudication* for an offense requiring registration as provided in K.S.A. 22-
 28 4902, and amendments thereto, the court shall:

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

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

35 ~~(A) (2) Complete the initial registration form with all information and~~
 36 ~~updated information required for registration as provided in K.S.A. 22-~~
 37 ~~4907, and amendments thereto;~~

38 ~~(B) (3) require the offender to read and sign the registration form,~~
 39 ~~which shall include a statement that the requirements provided in this~~
 40 ~~subsection have been explained to the offender; and~~

41 ~~(4) provide one copy of the form to the offender and, within three-~~
 42 ~~business days, send a copy of the form to the law enforcement agency-~~
 43 ~~having initial jurisdiction and to the Kansas bureau of investigation;~~

1 ~~(C) (5) order the offender to report within three business days to the~~
 2 ~~registering law enforcement agency in the county or tribal land of~~
 3 ~~conviction or adjudication and to the registering law enforcement agency~~
 4 ~~in any place where the offender resides, maintains employment or attends~~
 5 ~~school, to complete the registration form with all information and any~~
 6 ~~updated information required for registration as provided in K.S.A. 22-~~
 7 ~~4907, and amendments thereto; and~~

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

12 ~~(4) (6)(2) ensure the age of the victim is documented in the journal~~
 13 ~~entry of conviction or adjudication; and~~

14 ~~(3) (B) if the offender is released, the court shall:~~

15 ~~(A) (i) Complete a notice of duty to register, which shall include~~
 16 ~~title and statute number of conviction or adjudication, date of~~
 17 ~~conviction or adjudication, case number, county of conviction or~~
 18 ~~adjudication, and the following offender information: Name, address,~~
 19 ~~date of birth, social security number, race, ethnicity and gender;~~

20 ~~(B) (ii) require the offender to read and sign the notice of duty to~~
 21 ~~register, which shall include a statement that the requirements~~
 22 ~~provided in this subsection have been explained to the offender;~~

23 ~~(C) (iii) order the offender to report within three business days to~~
 24 ~~the registering law enforcement agency in the county or tribal land of~~
 25 ~~conviction or adjudication and to the registering law enforcement~~
 26 ~~agency in any place where the offender resides, maintains employment~~
 27 ~~or attends school, to complete the registration form with all~~
 28 ~~information and any updated information required for registration as~~
 29 ~~provided in K.S.A. 22-4907, and amendments thereto; and~~

30 ~~(D) (iv) provide one copy of the notice of duty to register to the~~
 31 ~~offender and, within three business days, send a copy of the form to~~
 32 ~~the law enforcement agency having initial jurisdiction and to the~~
 33 ~~Kansas bureau of investigation.~~

34 *(2) At the time of sentencing or disposition for an offense requiring*
 35 *registration as provided in K.S.A. 22-4902, and amendments thereto, the*
 36 *court shall ensure the age of the victim is documented in the journal*
 37 *entry of conviction or adjudication.*

38 (b) The staff of any correctional facility or the registering law
 39 enforcement agency's designee shall:

40 (1) At the time of initial custody, register any offender within three
 41 business days:

42 (A) Inform the offender of the procedure for registration and of the
 43 offender's registration requirements as provided in K.S.A. 22-4905, and

1 *amendments thereto;*

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

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

8 (D) *provide one copy of the form to the offender and, within three*
9 *business days, send a copy of the form to the Kansas bureau of*
10 *investigation; and*

11 (E) *enter all offender information required by the national crime*
12 *information center into the national sex offender registry system within*
13 *three business days of completing the registration or electronically*
14 **submit all information and updated information required for**
15 **registration as provided in K.S.A. 22-4907, and amendments thereto,**
16 **within three business days to the Kansas bureau of investigation;**

17 (†) (2) *notify the Kansas bureau of investigation of the incarceration*
18 *of any offender and of the location or any change in location of the*
19 *offender while in custody;*

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

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

26 (B) *complete the registration form with all information and updated*
27 *information required for registration as provided in K.S.A. 22-4907, and*
28 *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 (‡) (D) *photograph the offender's face and any identifying marks;*

33 (E) *obtain fingerprint and palm prints of the offender; and*

34 (†) (F) *provide one copy of the form to the offender and, within three*
35 *business days, send a copy of the form and of the photograph or*
36 *photographs to the law enforcement agency having initial jurisdiction and*
37 *to the Kansas bureau of investigation; and*

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

42 ~~(6) enter all offender information required by the national crime-~~
43 ~~information center into the national sex offender registry system.~~

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

2 (1) Within three *business* days of an offender's arrival for inpatient
3 treatment, inform the registering law enforcement agency of the county or
4 location of jurisdiction in which the treatment facility is located of the
5 offender's presence at the treatment facility and the expected duration of
6 the treatment, and immediately notify the registering law enforcement
7 agency of an unauthorized or unexpected absence of the offender during
8 the offender's treatment;

9 (2) *inform the registering law enforcement agency of the county or*
10 *location of jurisdiction in which the treatment facility is located within*
11 *three business days of an offender's discharge or release; and*

12 ~~(2) (3) provide information upon request to any registering law~~
13 ~~enforcement agency having jurisdiction relevant to determining the~~
14 ~~presence of an offender within the treatment facility; and~~

15 ~~(3) prior to any offender receiving court ordered treatment being~~
16 ~~discharged or otherwise released;~~

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

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

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

25 (d) The registering law enforcement agency, upon the reporting of
26 any offender, shall:

27 (1) Inform the offender of the duty to register as provided by the
28 Kansas offender registration act;

29 (2) (A) explain the procedure for registration and the offender's
30 registration requirements as provided in K.S.A. 22-4905, and amendments
31 thereto;

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

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

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

1 (4) maintain the original signed registration form, provide one copy
 2 of the completed registration form to the offender and, within three
 3 business days, send one copy of the completed form to the Kansas bureau
 4 of investigation;

5 (5) *forward a copy of any certified letter used for reporting pursuant*
 6 *to K.S.A. 22-4905, and amendments thereto, when utilized, within three*
 7 *business days to the Kansas bureau of investigation;*

8 ~~(5)~~ (6) obtain registration information from every offender required to
 9 register regardless of whether or not the offender remits payment. Failure
 10 of the offender to remit payment is a violation of the Kansas offender
 11 registration act and is subject to prosecution pursuant to K.S.A. 22-4903,
 12 and amendments thereto;

13 ~~(6)~~ (7) upon every required reporting, update the photograph or
 14 photographs of the offender's face and any new identifying marks and
 15 immediately forward copies or electronic files of the photographs to the
 16 Kansas bureau of investigation;

17 ~~(7)~~ (8) enter all offender information required by the national crime
 18 information center into the national sex offender registry system within
 19 three *business* days of completing the registration **or electronically**
 20 **submit all information and updated information required for**
 21 **registration as provided in K.S.A. 22-4907, and amendments thereto,**
 22 **within three business days to the Kansas bureau of investigation;**

23 (8) (9) maintain a special fund for the deposit and maintenance of
 24 fees paid by offenders. All funds retained by the registering law
 25 enforcement agency pursuant to the provisions of this section shall be
 26 credited to a special fund of the registering law enforcement agency which
 27 shall be used solely for law enforcement and criminal prosecution
 28 purposes and which shall not be used as a source of revenue to reduce the
 29 amount of funding otherwise made available to the registering law
 30 enforcement agency; and

31 ~~(9)~~ (10) forward any initial registration and updated registration
 32 information within three *business* days to any out of state jurisdiction
 33 where the offender is expected to reside, maintain employment or attend
 34 school.

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

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

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

43 (C) transmit offender conviction or adjudication data ~~and~~ ,

1 fingerprints *and palm prints* to the federal bureau of investigation; *and*

2 ~~(D) transmit offender information required by the national crime-~~
3 ~~information center into the national sex offender registry system within~~
4 ~~three business days~~ **ensure all offender information required by the**
5 **national crime information center is transmitted into the national sex**
6 **offender registry system within three business days of such**
7 **information being electronically submitted to the Kansas bureau of**
8 **investigation.**

9 (2) The director of the Kansas bureau of investigation may adopt
10 rules and regulations necessary to implement the provisions of the Kansas
11 offender registration act.

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

16 (g) The state department of education shall annually notify any school
17 of the Kansas bureau of investigation internet website, and any internet
18 website containing information on the Kansas offender registration act
19 sponsored or created by the registering law enforcement agency of the
20 county or location of jurisdiction in which the school is located, for the
21 purpose of locating offenders who reside near such school. Such
22 notification shall include information that the registering law enforcement
23 agency of the county or location of jurisdiction where such school is
24 located is available to the school to assist in using the registry and
25 providing additional information on registered offenders.

26 (h) The secretary of health and environment shall annually notify any
27 licensed child care facility of the Kansas bureau of investigation internet
28 website, and any internet website containing information on the Kansas
29 offender registration sponsored or created by the registering law
30 enforcement agency of the county in which the facility is located, for the
31 purpose of locating offenders who reside near such facility. Such
32 notification shall include information that the registering law enforcement
33 agency of the county or location of jurisdiction where such child care
34 facility is located is available to the child care facilities to assist in using
35 the registry and providing additional information on registered offenders.

36 (i) Upon request, the clerk of any court of record shall provide the
37 Kansas bureau of investigation copies of complaints, indictments,
38 information, journal entries, commitment orders or any other documents
39 necessary to the performance of the duties of the Kansas bureau of
40 investigation under the Kansas offender registration act. No fees or
41 charges for providing such documents may be assessed.

42 Sec. 4. K.S.A. 2011 Supp. 22-4905 is hereby amended to read as
43 follows: 22-4905. Any offender required to register as provided in the

1 Kansas offender registration act shall:

2 (a) Except as otherwise provided in this subsection, register in person
3 with the registering law enforcement agency within three business days of
4 coming into any county or location of jurisdiction in which the offender
5 resides or intends to reside, maintains employment or intends to maintain
6 employment, or attends school or intends to attend school. Any such
7 offender who cannot physically register in person with the registering law
8 enforcement agency for such reasons including, but not limited to,
9 incapacitation or hospitalization, as determined by a person licensed to
10 practice medicine or surgery, shall be subject to verification requirements
11 other than in-person registration, as determined by the registering law
12 enforcement agency having jurisdiction;

13 (b) except as provided further, for any: (1) Sex offender, including a
14 violent offender or drug offender who is also a sex offender, report in
15 person four times each year to the registering law enforcement agency in
16 the county or location of jurisdiction in which the offender resides,
17 maintains employment or is attending a school; and (2) violent offender or
18 drug offender, report in person four times each year to the registering law
19 enforcement agency in the county or location of jurisdiction in which the
20 offender resides, maintains employment or is attending a school, except
21 that, at the discretion of the registering law enforcement agency, one of the
22 four required reports may be conducted by certified letter. When utilized,
23 the certified letter for reporting shall be sent by the registering law
24 enforcement agency to the reported residence of the offender ~~and shall~~
25 ~~require the offender to respond by returning the letter to the registering law~~
26 ~~enforcement agency within 10 days, by certified mail, indicating any~~
27 ~~changes in information as required for reporting in person. The offender~~
28 *shall indicate any changes in information as required for reporting in*
29 *person. The offender shall respond by returning the certified letter to the*
30 *registering law enforcement agency within 10 business days by certified*
31 *mail.* The offender shall be required to report once during the month of the
32 offender's birthday and every third, sixth and ninth month occurring before
33 and after the month of the offender's birthday. The registering law
34 enforcement agency may determine the appropriate times and days for
35 reporting by the offender, consistent with this subsection. Nothing
36 contained in this subsection shall be construed to alleviate any offender
37 from meeting the requirements prescribed in the Kansas offender
38 registration act;

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

42 (d) if in the custody of a correctional facility ~~or in the care or custody~~
43 ~~of any treatment facility~~, register with the correctional facility ~~or treatment~~

1 facility within three business days of initial ~~care or~~ custody and shall not
2 be required to update such registration until released from ~~care or~~ custody,
3 granted work release or otherwise allowed to leave the grounds of the
4 correctional facility ~~or treatment facility~~;

5 (e) notwithstanding subsections (a) and (b), if the offender is
6 transient, report in person to the registering law enforcement agency of
7 such county or location of jurisdiction in which the offender is physically
8 present within three business days of arrival in the county or location of
9 jurisdiction. Such offender shall be required to register in person with the
10 registering law enforcement agency every 30 days, or more often at the
11 discretion of the registering law enforcement agency. Such offender shall
12 comply with the provisions of the Kansas offender registration act and, in
13 addition, shall:

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

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

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

22 (g) register in person upon any commencement, change or
23 termination of residence location, employment status, school attendance or
24 other information as provided in K.S.A. 22-4907, and amendments thereto,
25 within three *business* days of such commencement, change or termination,
26 to the registering law enforcement agency or agencies where last
27 registered and provide written notice to the Kansas bureau of
28 investigation;

29 (h) report in person to the registering law enforcement agency or
30 agencies within three *business* days of any change in name;

31 (i) if receiving inpatient treatment at any treatment facility, inform the
32 treatment facility of the offender's status as an offender and inform the
33 registering law enforcement agency of the county or location of
34 jurisdiction in which the treatment facility is located of the offender's
35 presence at the treatment facility and the expected duration of the
36 treatment;

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

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

7 (1) When an offender provides updates or changes in information or
8 during an initial registration unless such updates, changes or initial
9 registration is during the month of such offender's birthday and every
10 third, sixth and ninth month occurring before and after the month of the
11 offender's birthday;

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

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

20 (l) annually renew any driver's license pursuant to K.S.A. 8-247, and
21 amendments thereto, and annually renew any identification card pursuant
22 to K.S.A. 2011 Supp. 8-1325a, and amendments thereto;

23 (m) if maintaining primary residence in this state, surrender all
24 driver's licenses and identification cards from other states, territories and
25 the District of Columbia, except if the offender is presently serving and
26 maintaining active duty in any branch of the United States military or the
27 offender is an immediate family member of a person presently serving and
28 maintaining active duty in any branch of the United States military;

29 (n) read and sign the registration form noting whether the
30 requirements provided in this section have been explained to the offender;
31 and

32 (o) ~~notify~~ *report in person* to the registering law enforcement agency
33 in the jurisdiction of the offender's residence and *provide written notice* to
34 the Kansas bureau of investigation 21 days prior to any travel outside of
35 the United States, *and provide an itinerary including, but not limited to,*
36 *destination, means of transport and duration of travel,* or if under
37 emergency circumstances, within three *business* days of making travel
38 arrangements.

39 Sec. 5. K.S.A. 2011 Supp. 22-4906 is hereby amended to read as
40 follows: 22-4906.(a) (1) Except as provided in subsection (c), if convicted
41 of any of the following offenses, an offender's duration of registration shall
42 be, if confined, 15 years after the date of parole, discharge or release,
43 whichever date is most recent, or, if not confined, 15 years from the date of

1 conviction:

- 2 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
3 or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments thereto;
4 ~~when one of the parties involved is less than 18 years of age;~~
- 5 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
6 K.S.A. 2011 Supp. 21-5511, and amendments thereto, when one of the
7 parties involved is less than 18 years of age;
- 8 (C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
9 repeal, or K.S.A. 2011 Supp. 21-6421, and amendments thereto, when one
10 of the parties involved is less than 18 years of age;
- 11 (D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
12 to its repeal, or K.S.A. 2011 Supp. 21-5513, and amendments thereto,
13 when one of the parties involved is less than 18 years of age;
- 14 (E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
15 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;
- 16 (F) murder in the first degree, as defined in K.S.A. 21-3401, prior to
17 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;
- 18 (G) murder in the second degree, as defined in K.S.A. 21-3402, prior
19 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;
- 20 (H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
21 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;
- 22 (I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
23 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;
- 24 (J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal,
25 or K.S.A. 2011 Supp. 21-5411, and amendments thereto, except by a
26 parent, and only when the victim is less than 18 years of age;
- 27 (K) any act which ~~at the time of sentencing for the offense~~ has been
28 determined beyond a reasonable doubt to have been sexually motivated,
29 unless the court, on the record, finds that the act involved non-forcible
30 sexual conduct, the victim was at least 14 years of age and the offender
31 was not more than four years older than the victim;
- 32 (L) *conviction of any person required by court order to register for*
33 *an offense not otherwise required as provided in the Kansas offender*
34 *registration act;*
- 35 ~~(M)~~ (M) conviction of any person felony and the court makes a
36 finding on the record that a deadly weapon was used in the commission of
37 such person felony;
- 38 ~~(N)~~ (N) unlawful manufacture or attempting such of any controlled
39 substance or controlled substance analog as defined in K.S.A. 65-4159,
40 prior to its repeal ~~or~~, K.S.A. 2010 Supp. 21-36a03, *prior to its transfer*, or
41 *K.S.A. 2011 Supp. 21-5703*, and amendments thereto;
- 42 ~~(O)~~ (O) possession of ephedrine, pseudoephedrine, red phosphorus,
43 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized

1 ammonia or phenylpropanolamine, or their salts, isomers or salts of
2 isomers with intent to use the product to manufacture a controlled
3 substance as defined by subsection (a) of K.S.A. 65-7006, prior to its
4 repeal ~~or~~, subsection (a) of K.S.A. 2010 Supp. 21-36a09, *prior to its*
5 *transfer; or subsection (a) of K.S.A. 2011 Supp. 21-5709*, and amendments
6 thereto;

7 ~~(P)~~ (P) K.S.A. 65-4161, prior to its repeal, ~~or~~ subsection (a)(1) of
8 K.S.A. 2010 Supp. 21-36a05, *prior to its transfer; or subsection (a)(1) of*
9 *K.S.A. 2011 Supp. 21-5705*, and amendments thereto; or

10 ~~(Q)~~ (Q) any attempt, conspiracy or criminal solicitation, as defined in
11 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011
12 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
13 offense defined in this subsection.

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

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

26 (A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-
27 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2011
28 Supp. 21-5504, and amendments thereto, when one of the parties involved
29 is less than 18 years of age;

30 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
31 prior to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5508, and
32 amendments thereto;

33 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
34 repeal, or K.S.A. 2011 Supp. 21-5509, and amendments thereto;

35 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
36 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments
37 thereto;

38 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
39 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5506, and
40 amendments thereto;

41 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
42 its repeal, or K.S.A. 2011 Supp. 21-5512, and amendments thereto;

43 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior

1 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto, if
2 the victim is 14 or more years of age but less than 18 years of age;

3 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
4 its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5505, and
5 amendments thereto;

6 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
7 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto, if the
8 prostitute is 14 or more years 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 K.S.A. 2011
11 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
12 offense defined in this subsection.

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

20 (c) Upon a second or subsequent conviction of an offense requiring
21 registration, an offender's duration of registration shall be for such
22 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 K.S.A.
27 2011 Supp. 21-5503, and amendments thereto;

28 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
29 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
30 5508, and amendments thereto;

31 (3) aggravated indecent liberties with a child, as defined in K.S.A.
32 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
33 5506, and amendments thereto;

34 (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of
35 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
36 2011 Supp. 21-5504, and amendments thereto;

37 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
38 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5504, and
39 amendments thereto;

40 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
41 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5426, and
42 amendments thereto, ~~if the victim is less than 18 years of age;~~

43 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior

1 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto, if
2 the victim is less than 14 years of age;

3 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
4 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto, if the
5 prostitute is less than 14 years of age;

6 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
7 subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

8 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
9 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments
10 thereto; or

11 (11) any attempt, conspiracy or criminal solicitation, as defined in
12 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011
13 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
14 offense defined in this subsection.

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

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

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

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

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

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

43 (g) Notwithstanding any other provisions of this section, for an

1 offender 14 years of age or more who is adjudicated as a juvenile offender
2 for an act which if committed by an adult would constitute a sexually
3 violent crime set forth in subsection (c) of K.S.A. 22-4902, and
4 amendments thereto, and such crime is not an off-grid felony or a felony
5 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-
6 4704, prior to its repeal, or K.S.A. 2011 Supp. 21-6804, and amendments
7 thereto, the court shall:

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

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

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

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

28 (h) Notwithstanding any other provisions of this section, an offender
29 14 years of age or more who is adjudicated as a juvenile offender for an
30 act which if committed by an adult would constitute a sexually violent
31 crime set forth in subsection (c) of K.S.A. 22-4902, and amendments
32 thereto, and such crime is an off-grid felony or a felony ranked in severity
33 level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its
34 repeal, or K.S.A. 2011 Supp. 21-6804, and amendments thereto, shall be
35 required to register for such offender's lifetime.

36 (i) Notwithstanding any other provision of law, if a diversionary
37 agreement or probation order, either adult or juvenile, or a juvenile
38 offender sentencing order, requires registration under the Kansas offender
39 registration act for an offense that would not otherwise require registration
40 as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments
41 thereto, then all provisions of the Kansas offender registration act shall
42 apply, except that the duration of registration shall be controlled by such
43 diversionary agreement, probation order or juvenile offender sentencing

1 order.

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

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

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

23 Sec. 6. K.S.A. 2011 Supp. 22-4907 is hereby amended to read as
24 follows: 22-4907. (a) Registration as required by the Kansas offender
25 registration act shall consist of a form approved by the Kansas bureau of
26 investigation, which shall include a statement that the requirements
27 provided in this section have been reviewed and explained to the offender,
28 and shall be signed by the offender and, except when such reporting is
29 conducted by certified letter as provided in subsection (b) of K.S.A. 22-
30 4905, and amendments thereto, witnessed by the person registering the
31 offender. Such registration form shall include the following offender
32 information:

33 (1) Name and all alias names;

34 (2) date and city, state and country of birth, and any alias dates or
35 places of birth;

36 (3) title and statute number of each offense or offenses committed,
37 date of each conviction or adjudication and court case numbers for each
38 conviction or adjudication;

39 (4) city, county, state or country of conviction or adjudication;

40 (5) sex and date of birth or purported age of each victim of all
41 offenses requiring registration;

42 (6) current residential address, any anticipated future residence and
43 any temporary lodging information including, but not limited to, address,

1 telephone number and dates of travel for any place in which the offender is
2 staying for seven or more days; and, if transient, the locations where the
3 offender has stayed and frequented since last reporting for registration;

4 (7) all telephone numbers at which the offender may be contacted
5 including, but not limited to, all mobile telephone numbers;

6 (8) social security number, and all alias social security numbers;

7 (9) identifying characteristics such as race, ethnicity, skin tone, sex,
8 age, height, weight, hair and eye color, scars, tattoos and blood type;

9 (10) occupation and name, address or addresses and telephone
10 number of employer or employers, and name of any anticipated employer
11 and place of employment;

12 (11) all current driver's licenses or identification cards, including a
13 photocopy of all such driver's licenses or identification cards and their
14 numbers, states of issuance and expiration dates;

15 (12) all vehicle information, including the license plate number,
16 registration number and any other identifier and description of any vehicle
17 owned or operated by the offender, or any vehicle the offender regularly
18 drives, either for personal use or in the course of employment, and
19 information concerning the location or locations such vehicle or vehicles
20 are habitually parked or otherwise kept;

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

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

26 (15) documentation of any treatment received for a mental
27 abnormality or personality disorder of the offender; for purposes of
28 documenting the treatment received, registering law enforcement agencies,
29 correctional facility officials, treatment facility officials and courts may
30 rely on information that is readily available to them from existing records
31 and the offender;

32 (16) a photograph or photographs;

33 (17) fingerprints and palm prints;

34 (18) any and all schools and satellite schools attended or expected to
35 be attended and the locations of attendance and telephone number;

36 (19) any and all: E-mail addresses, ~~any and all~~; online identities used
37 by the offender on the internet ~~and any~~; information relating to
38 membership in any *and all personal web pages or* online social networks ;
39 *and internet screen names*;

40 (20) all travel and immigration documents; and

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

43 (b) (1) The offender shall also provide to the registering law

1 enforcement agency DNA exemplars, unless already on file at the Kansas
2 bureau of investigation.

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

5 (A) A person licensed to practice medicine or surgery, or a person
6 acting under the supervision of any such licensed person;

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

8 (C) any qualified medical technician; or

9 (D) a licensed phlebotomist.

10 Sec. 7. K.S.A. 2011 Supp. 22-4908 is hereby amended to read as
11 follows: 22-4908. No person required to register as an offender pursuant to
12 the Kansas offender registration act shall be granted an order relieving the
13 offender of further registration under this act. This section shall include
14 any person with any out of state ~~or municipal~~ conviction or adjudication
15 for an offense that would require registration under the laws of this state.

16 Sec. 8. K.S.A. 2011 Supp. 22-4909 is hereby amended to read as
17 follows: 22-4909. (a) Except as prohibited by subsections (c) ~~and (d)~~, **(d)**
18 ~~and (e)~~, **(e) and (f)** of this section and subsections ~~(e) and (f)~~ and **(g)** of
19 K.S.A. 22-4906, and amendments thereto, the statements or any other
20 information required by the Kansas offender registration act shall be open
21 to inspection by the public at the registering law enforcement agency, at
22 the headquarters of the Kansas bureau of investigation and on any internet
23 website sponsored or created by a registering law enforcement agency or
24 the Kansas bureau of investigation that contains such statements or
25 information, and specifically are subject to the provisions of the Kansas
26 open records act, K.S.A. 45-215 et seq., and amendments thereto.

27 (b) Any information posted on an internet website sponsored or
28 created by a registering law enforcement agency or the Kansas bureau of
29 investigation shall identify, in a prominent manner, whether an offender is
30 a sex offender, a violent offender or a drug offender. Such internet
31 websites shall include the following 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) (4)** address of any place where the offender is a student or will be

1 a student;

2 ~~(6)~~ **(5)** license plate number and a description of any vehicle owned
3 or operated by the offender, including any aircraft or watercraft;

4 ~~(7)~~ **(6)** physical description of the offender;

5 ~~(8)~~ **(7)** 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)~~ **(8)** a current photograph of the offender; and

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

10 **(c) Notwithstanding subsection (a), information posted on an**
11 **internet website sponsored or created by a registering law**
12 **enforcement agency or the Kansas bureau of investigation shall not**
13 **contain the address of any place where the offender is an employee or**
14 **any other information about where the offender works. Such internet**
15 **website shall contain a statement that employment information is**
16 **publicly available and may be obtained by contacting the appropriate**
17 **registering law enforcement agency or by signing up for community**
18 **notification through the official website of the Kansas bureau of**
19 **investigation.**

20 ~~(e)~~ **(d)** Notwithstanding subsection (a), pursuant to a court finding
21 petitioned by the prosecutor, any offender who is required to register
22 pursuant to the Kansas offender registration act, but has been provided a
23 new identity and relocated under the federal witness security program or
24 who has worked as a confidential informant, or is otherwise a protected
25 witness, shall be required to register pursuant to the Kansas offender
26 registration act, but shall not be subject to public registration.

27 ***(e) Notwithstanding subsection (a), when a court orders***
28 ***expungement of a conviction that requires an offender to register***
29 ***pursuant to the Kansas offender registration act, the registration***
30 ***requirement for such conviction does not terminate. Such offender shall***
31 ***be required to continue registering pursuant to the Kansas offender***
32 ***registration act, but shall not be subject to public registration. If a court***
33 ***orders expungement of a conviction that requires an offender to register***
34 ***pursuant to the Kansas offender registration act, and the offender has***
35 ***any other conviction that requires registration, such offender shall be***
36 ***required to register pursuant to the Kansas offender registration act, and***
37 ***the registration for such other conviction shall be open to inspection by***
38 ***the public and shall be subject to the provisions of subsection (a), unless***
39 ***such registration has been ordered restricted pursuant to subsection (f)***
40 ***or (g) of K.S.A. 22-4906, and amendments thereto.***

41 ~~(d)~~ ~~(e)~~ **(f)** Notwithstanding subsection (a), the following information
42 shall not be disclosed other than to law enforcement agencies:

43 (1) The name, address, telephone number or any other information

1 which specifically and individually identifies the identity of any victim of
2 a registerable offense;

3 (2) the social security number of the offender;

4 (3) the offender's criminal history arrests that did not result in
5 convictions *or adjudications*;

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

7 (5) internet identifiers of the offender.

8 Sec. 9. K.S.A. 2011 Supp. 22-4902, 22-4902a, 22-4903, 22-4904, 22-
9 4905, 22-4906, 22-4906a, 22-4907, 22-4908 and 22-4909 are hereby
10 repealed.

11 Sec. 10. This act shall take effect and be in force from and after its
12 publication in the statute book.

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