

(Corrected)

Session of 2011

House Substitute for SENATE BILL No. 37

By Committee on Corrections and Juvenile Justice

3-18

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, 22-4913
4 and 38-2312 and section 254 of chapter 136 of the 2010 Session Laws
5 of Kansas and repealing the existing sections; also repealing K.S.A. 22-
6 4912 and K.S.A. 2010 Supp. 21-4619.

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 ~~eriminal 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
 10 for an act which if committed by an adult would constitute the commission
 11 of 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 non-*
 15 *forcible sexual conduct, the victim was at least 14 years of age and the*
 16 *offender was not more than four years older than the victim.* As used in
 17 this ~~subparagraph~~ *paragraph*, "sexually motivated" means that one of the
 18 purposes for which the defendant committed the crime was for the purpose
 19 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 ~~(d)~~ (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) Prosecution of violations of this section may be held:*

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

36 *(2) in any county in which the offender is required to be registered*
37 *under the Kansas offender registration act;*

38 *(3) in any county in which the offender is located during which time*
39 *the offender is not in compliance with the Kansas offender registration*
40 *act; or*

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

1 Sec. 4. K.S.A. 2010 Supp. 22-4904 is hereby amended to read as
2 follows: 22-4904. (a) ~~(1) Except as provided in subsection (a)(2), within~~
3 ~~14 days of the offender coming into any county in which the offender~~
4 ~~resides or is temporarily domiciled for more than 14 days, the offender~~
5 ~~shall register with the sheriff of the county.~~

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

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

16 ~~(4) Upon commencement of employment, a nonresident worker shall~~
17 ~~register with the sheriff within 14 days of the commencement date of~~
18 ~~employment.~~

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

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

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

28 ~~(D) inform the nonresident student offender that the offender must~~
29 ~~give written notice to the sheriff and the Kansas bureau of investigation of~~
30 ~~any change or termination of attendance at the school or educational~~
31 ~~institution the offender is attending, within 14 days of such change or~~
32 ~~termination;~~

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

37 ~~(F) 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 ~~(G) 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 (H) ~~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 for 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 (I) ~~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 (J) ~~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. 8-1325a, and~~
17 ~~amendments thereto; and~~

18 (K) ~~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 (6) ~~Such sheriff, within seven days of receipt of the initial registration~~
22 ~~shall forward this information to the Kansas bureau of investigation.~~

23 (7) ~~Notwithstanding any other provision of law, if a diversionary~~
24 ~~agreement or probation order, either adult or juvenile, or a juvenile~~
25 ~~offender sentencing order, requires registration under the Kansas offender~~
26 ~~registration act then all provisions of that act shall apply, except that the~~
27 ~~term of registration shall be controlled by such diversionary agreement,~~
28 ~~probation order or juvenile offender sentencing order.~~

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

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

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

41 (2) ~~whether the person still attends the school or educational~~
42 ~~institution last reported;~~

43 (3) ~~whether the person is still employed at the place of employment~~

1 last reported; and

2 (4) ~~whether the person's vehicle registration information is the same~~
3 ~~as last reported.~~

4 ~~Nothing contained in this subsection shall be construed to alleviate any~~
5 ~~person required to register as provided in this act from meeting the~~
6 ~~requirements prescribed in subsections (a)(1), (a)(2) and (b).~~

7 ~~The sheriff's office shall forward any updated information and current~~
8 ~~photograph required under subsection (d), to the Kansas bureau of~~
9 ~~investigation.~~

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

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

23 *(a) At the time of sentencing or disposition for an offense requiring*
24 *registration as provided in K.S.A. 22-4902, and amendments thereto, the*
25 *court shall:*

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

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

31 *(A) Complete the initial registration form with all information and*
32 *updated information required for registration as provided in K.S.A. 22-*
33 *4907, and amendments thereto;*

34 *(B) 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; and*

37 *(C) order the offender to report within three business days to the*
38 *registering law enforcement agency in the county or tribal land of*
39 *conviction or adjudication and to the registering law enforcement agency*
40 *in any place where the offender resides, maintains employment or attends*
41 *school, to complete the registration form with all information and any*
42 *updated information required for registration as provided in K.S.A. 22-*
43 *4907, and amendments thereto;*

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

5 (4) *ensure the age of the victim is documented in the journal entry of*
6 *conviction or adjudication.*

7 (b) *The staff of any correctional facility shall:*

8 (1) *Notify the Kansas bureau of investigation of the incarceration of*
9 *any offender and of the location or any change in location of the offender*
10 *while in custody;*

11 (2) *prior to any offender being discharged, paroled, furloughed or*
12 *released on work or school release from a correctional facility, or*
13 *otherwise released from incarceration:*

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

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

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

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

24 (4) *provide one copy of the form to the offender and, within three*
25 *days, send a copy of the form and of the photograph or photographs to the*
26 *law enforcement agency having initial jurisdiction and to the Kansas*
27 *bureau of investigation;*

28 (5) *notify the law enforcement agency having initial jurisdiction and*
29 *the Kansas bureau of investigation seven business days prior to any*
30 *offender being discharged, paroled, furloughed or released on work or*
31 *school release; and*

32 (6) *enter all offender information required by the national crime*
33 *information center into the national sex offender registry system.*

34 (c) *The staff of any treatment facility shall:*

35 (1) *Within three days of an offender's arrival for inpatient treatment,*
36 *inform the registering law enforcement agency of the county or location of*
37 *jurisdiction in which the treatment facility is located of the offender's*
38 *presence at the treatment facility and the expected duration of the*
39 *treatment, and immediately notify the registering law enforcement agency*
40 *of an unauthorized or unexpected absence of the offender during the*
41 *offender's treatment;*

42 (2) *provide information upon request to any registering law*
43 *enforcement agency having jurisdiction relevant to determining the*

1 *presence of an offender within the treatment facility; and*

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

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

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

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

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

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

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

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

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

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

30 *(4) maintain the original signed registration form, provide one copy*
31 *of the completed registration form to the offender and, within three*
32 *business days, send one copy of the completed form to the Kansas bureau*
33 *of investigation;*

34 *(5) obtain registration information from every offender required to*
35 *register regardless of whether or not the offender remits payment. Failure*
36 *of the offender to remit payment is a violation of the Kansas offender*
37 *registration act and is subject to prosecution pursuant to K.S.A. 22-4903,*
38 *and amendments thereto;*

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

43 *(7) enter all offender information required by the national crime*

1 information center into the national sex offender registry system within
2 three days of completing the registration;

3 (8) maintain a special fund for the deposit and maintenance of fees
4 paid by offenders. All funds retained by the registering law enforcement
5 agency pursuant to the provisions of this section shall be credited to a
6 special fund of the registering law enforcement agency which shall be
7 used solely for law enforcement and criminal prosecution purposes and
8 which shall not be used as a source of revenue to reduce the amount of
9 funding otherwise made available to the registering law enforcement
10 agency; and

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

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

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

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

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

24 (2) The director of the Kansas bureau of investigation may adopt
25 rules and regulations necessary to implement the provisions of the Kansas
26 offender registration act.

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

31 (g) The state department of education shall annually notify any
32 school of the Kansas bureau of investigation internet website, and any
33 internet website containing information on the Kansas offender
34 registration act sponsored or created by the registering law enforcement
35 agency of the county or location of jurisdiction in which the school is
36 located, for the purpose of locating offenders who reside near such school.
37 Such notification shall include information that the registering law
38 enforcement agency of the county or location of jurisdiction where such
39 school is located is available to the school to assist in using the registry
40 and providing additional information on registered offenders.

41 (h) The secretary of health and environment shall annually notify any
42 licensed child care facility of the Kansas bureau of investigation internet
43 website, and any internet website containing information on the Kansas

1 offender registration sponsored or created by the registering law
2 enforcement agency of the county in which the facility is located, for the
3 purpose of locating offenders who reside near such facility. Such
4 notification shall include information that the registering law enforcement
5 agency of the county or location of jurisdiction where such child care
6 facility is located is available to the child care facilities to assist in using
7 the registry and providing additional information on registered offenders.

8 (i) Upon request, the clerk of any court of record shall provide the
9 Kansas bureau of investigation copies of complaints, indictments,
10 information, journal entries, commitment orders or any other documents
11 necessary to the performance of the duties of the Kansas bureau of
12 investigation under the Kansas offender registration act. No fees or
13 charges for providing such documents may be assessed.

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

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

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

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

29 (iv) ~~inform the offender that if the offender changes residence to~~
30 ~~another state, the offender must inform the law enforcement agency where~~
31 ~~last registered and the Kansas bureau of investigation of such change in~~
32 ~~residence and must register in the new state within 14 days of such change~~
33 ~~in residence;~~

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

37 (vi) ~~inform the offender that if the offender expects to or subsequently~~
38 ~~becomes enrolled in any institution of higher education in the state of~~
39 ~~Kansas on a full-time or part-time basis or have any full-time or part-time~~
40 ~~employment at an institution of higher education in the state of Kansas,~~
41 ~~with or without compensation, for more than 14 days or an aggregate~~
42 ~~period exceeding 30 days in one calendar year, the offender must provide~~
43 ~~written notice to the Kansas bureau of investigation within 14 days upon~~

1 commencement of enrollment or employment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 *Any offender required to register as provided in the Kansas offender*
30 *registration act shall:*

31 *(a) Except as otherwise provided in this subsection, register in person*
32 *with the registering law enforcement agency within three business days of*
33 *coming into any county or location of jurisdiction in which the offender*
34 *resides or intends to reside, maintains employment or intends to maintain*
35 *employment, or attends school or intends to attend school. Any such*
36 *offender who cannot physically register in person with the registering law*
37 *enforcement agency for such reasons including, but not limited to,*
38 *incapacitation or hospitalization, as determined by a person licensed to*
39 *practice medicine or surgery, shall be subject to verification requirements*
40 *other than in-person registration, as determined by the registering law*
41 *enforcement agency having jurisdiction;*

42 *(b) except as provided further, for any: (1) Sex offender, report in*
43 *person four times each year to the registering law enforcement agency in*

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

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

25 *(d) if in the custody of a correctional facility or in the care or custody*
26 *of any treatment facility, register with the correctional facility or treatment*
27 *facility within three business days of initial care or custody and shall not*
28 *be required to update such registration until released from care or custody,*
29 *granted work release or otherwise allowed to leave the grounds of the*
30 *correctional facility or treatment facility;*

31 *(e) notwithstanding subsections (a) and (b), if the offender is*
32 *transient, report in person to the registering law enforcement agency of*
33 *such county or location of jurisdiction in which the offender is physically*
34 *present within three business days of arrival in the county or location of*
35 *jurisdiction. Such offender shall be required to register in person with the*
36 *registering law enforcement agency every 30 days, or more often at the*
37 *discretion of the registering law enforcement agency. Such offender shall*
38 *comply with the provisions of the Kansas offender registration act and, in*
39 *addition, shall:*

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

43 *(2) provide a list of places where the offender may be contacted and*

1 *where the offender intends to sleep and otherwise frequent during the*
2 *period of time prior to the next required date of registration;*

3 *(f) if required by out of state law, register in any out of state*
4 *jurisdiction, where the offender resides, maintains employment or attends*
5 *school;*

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

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

15 *(i) if receiving inpatient treatment at any treatment facility, inform the*
16 *treatment facility of the offender's status as an offender and inform the*
17 *registering law enforcement agency of the county or location of*
18 *jurisdiction in which the treatment facility is located of the offender's*
19 *presence at the treatment facility and the expected duration of the*
20 *treatment;*

21 *(j) submit to the taking of an updated photograph by the registering*
22 *law enforcement agency on each occasion when the offender registers with*
23 *or reports to the registering law enforcement agency in the county or*
24 *location of jurisdiction in which the offender resides, maintains*
25 *employment or attends school. In addition, such offender shall submit to*
26 *the taking of a photograph to document any changes in identifying*
27 *characteristics, including, but not limited to, scars, marks and tattoos;*

28 *(k) remit payment to the sheriff's office in the amount of \$20 during*
29 *the month of the offender's birthday and every third, sixth and ninth month*
30 *occurring before and after the month of the offender's birthday in each*
31 *county in which the offender resides, maintains employment or is*
32 *attending school. Notwithstanding other provisions herein, payment of this*
33 *fee is not required:*

34 *(1) When an offender provides updates or changes in information or*
35 *during an initial registration unless such updates, changes or initial*
36 *registration is during the month of such offender's birthday and every*
37 *third, sixth and ninth month occurring before and after the month of the*
38 *offender's birthday;*

39 *(2) when an offender is transient and is required to register every 30*
40 *days, or more frequently as ordered by the registering law enforcement*
41 *agency, except during the month of the offender's birthday and every third,*
42 *sixth and ninth month occurring before and after the month of the*
43 *offender's birthday; or*

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

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

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

13 (n) read and sign the registration form noting whether the
14 requirements provided in this section have been explained to the offender;
15 and

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

20 Sec. 6. K.S.A. 2010 Supp. 22-4906 is hereby amended to read as
21 follows: 22-4906. ~~(a) Except as provided in subsection (d), any person~~
22 ~~required to register as provided in this act shall be required to register: (1)~~
23 ~~Upon the first conviction of a sexually violent crime as defined in~~
24 ~~subsection (c) of K.S.A. 22-4902, and amendments thereto, any offense as~~
25 ~~defined in subsection (a) of K.S.A. 22-4902, and amendments thereto, or~~
26 ~~any offense as defined in subsection (d) of K.S.A. 22-4902, and~~
27 ~~amendments thereto, if not confined, for a period of 10 years after~~
28 ~~conviction, or, if confined, for a period of 10 years after paroled,~~
29 ~~discharged or released, whichever date is most recent. The ten-year period~~
30 ~~shall not apply to any person while the person is incarcerated in any jail or~~
31 ~~correctional facility. The ten-year registration requirement does not include~~
32 ~~any time period when any person who is required to register under this act~~
33 ~~knowingly or willfully fails to comply with the registration requirement; or~~
34 ~~(2) upon a second or subsequent conviction for such person's lifetime.~~

35 (b) ~~Upon the first conviction, liability for registration terminates, if~~
36 ~~not confined, at the expiration of 10 years from the date of conviction, or,~~
37 ~~if confined, at the expiration of 10 years from the date of parole, discharge~~
38 ~~or release, whichever date is most recent. The ten-year period shall not~~
39 ~~apply to any person while the person is incarcerated in any jail or~~
40 ~~correctional facility. The ten-year registration requirement does not include~~
41 ~~any time period when any person who is required to register under this act~~
42 ~~knowingly or willfully fails to comply with the registration requirement.~~
43 ~~Liability for registration does not terminate if the convicted offender again~~

1 becomes liable to register as provided by this act during that period.

2 (e) Any person who has been convicted of an aggravated offense
3 shall be required to register for such person's lifetime.

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

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

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

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

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

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

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

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

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

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

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

31 (h) (1) Notwithstanding any other provisions of this section, a person
32 who is adjudicated as a juvenile offender for an act which if committed by
33 an adult would constitute the commission of a sexually violent crime set
34 forth in subsection (e) of K.S.A. 22-4902, and amendments thereto, and
35 such crime is an off-grid felony or a felony ranked in severity level 1 of
36 the nondrug grid as provided in K.S.A. 21-4704, and amendments thereto,
37 shall be required to register until such person reaches 18 years of age, at
38 the expiration of five years from the date of adjudication or, if confined,
39 from release from confinement, whichever date occurs later. The five-year
40 period shall not apply to any person while that person is incarcerated in
41 any jail, juvenile facility or correctional facility. The five-year registration
42 requirement does not include any time period when any person who is
43 required to register under this act knowingly or willfully fails to comply

1 with the registration requirement.

2 (2) (A) ~~A person who is adjudicated as a juvenile offender for an act~~
3 ~~which if committed by an adult would constitute the commission of a~~
4 ~~sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and~~
5 ~~amendments thereto, and such crime is not an off-grid felony or a felony~~
6 ~~ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-~~
7 ~~4704, and amendments thereto, may, by the court:~~

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

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

11 (iii) ~~be required to register with the sheriff pursuant to K.S.A. 22-~~
12 ~~4904, and amendments thereto, but such registration information shall not~~
13 ~~be open to inspection by the public or posted on any internet website, as~~
14 ~~provided in K.S.A. 22-4909, and amendments thereto. If the court requires~~
15 ~~the juvenile to register but such registration is not open to the public, the~~
16 ~~juvenile shall provide a copy of such court order to the sheriff at the time~~
17 ~~of registration. The sheriff shall forward a copy of such court order to the~~
18 ~~Kansas bureau of investigation.~~

19 (B) ~~If such juvenile offender violates a condition of release during the~~
20 ~~term of the conditional release, the judge may require the juvenile offender~~
21 ~~to register pursuant to paragraph (1).~~

22 (3) ~~Liability for registration does not terminate if the adjudicated~~
23 ~~offender again becomes liable to register as provided by this act during the~~
24 ~~required period.~~

25 (4) ~~The provisions of paragraph (2)(A)(ii) shall apply to adjudications~~
26 ~~on and after July 1, 2007, and retroactively to adjudications prior to July 1,~~
27 ~~2007.~~

28 (i) ~~Any person moving to the state of Kansas who has been convicted~~
29 ~~in another state, and who was required to register under that state's laws,~~
30 ~~shall register for the same length of time required by that state or Kansas,~~
31 ~~whichever length of time is longer. The provisions of this subsection shall~~
32 ~~apply to convictions prior to June 1, 2006, and to persons who moved to~~
33 ~~Kansas prior to June 1, 2006.~~

34 (a) (1) *Except as provided in subsection (c), if convicted of any of the*
35 *following offenses, an offender's duration of registration shall be, if*
36 *confined, 15 years after the date of parole, discharge or release,*
37 *whichever date is most recent, or, if not confined, 15 years from the date of*
38 *conviction:*

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

43 (B) *adultery, as defined in K.S.A. 21-3507, prior to its repeal, or*

1 *section 75 of chapter 136 of the 2010 Session Laws of Kansas, and*
2 *amendments thereto, when one of the parties involved is less than 18 years*
3 *of age;*

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

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

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

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

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

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

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

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

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

36 (L) *conviction of any person felony and the court makes a finding on*
37 *the record that a deadly weapon was used in the commission of such*
38 *person felony;*

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

43 (N) *possession of ephedrine, pseudoephedrine, red phosphorus,*

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

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

9 (P) *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 registration*
14 *act, the duration of registration terminates, if not confined, at the*
15 *expiration of 15 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*
19 *toward the duration of registration.*

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

25 (A) *Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-*
26 *3505, prior to its repeal, or subsection (a)(1) or (a)(2) of section 68 of*
27 *chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto,*
28 *when one of the parties involved is less than 18 years of age;*

29 (B) *indecent solicitation of a child, as defined in K.S.A. 21-3510,*
30 *prior to its repeal, or subsection (a) of section 72 of chapter 136 of the*
31 *2010 Session Laws of Kansas, and amendments thereto;*

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

35 (D) *aggravated incest, as defined in K.S.A. 21-3603, prior to its*
36 *repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session*
37 *Laws of Kansas, and amendments 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 section 70 of chapter 136 of the 2010*
40 *Session Laws of Kansas, and amendments thereto;*

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

1 (G) *sexual exploitation of a child, as defined in K.S.A. 21-3516, prior*
2 *to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of*
3 *Kansas, and amendments thereto, if the victim is 14 or more years of age*
4 *but less than 18 years of age;*

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

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

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

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

23 (c) *Upon a second or subsequent conviction of an offense requiring*
24 *registration, an offender's duration of registration shall be for such*
25 *offender's lifetime.*

26 (d) *The duration of registration for any offender who has been*
27 *convicted of any of the following offenses shall be for such offender's*
28 *lifetime:*

29 (1) *Rape, as defined in K.S.A. 21-3502, prior to its repeal, or section*
30 *67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
31 *thereto;*

32 (2) *aggravated indecent solicitation of a child, as defined in K.S.A.*
33 *21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136*
34 *of the 2010 Session Laws of Kansas, and amendments thereto;*

35 (3) *aggravated indecent liberties with a child, as defined in K.S.A.*
36 *21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136*
37 *of the 2010 Session Laws of Kansas, and amendments thereto;*

38 (4) *criminal sodomy, as defined in subsection (a)(2) or (a)(3) of*
39 *K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section*
40 *68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
41 *thereto;*

42 (5) *aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior*
43 *to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010*

1 *Session Laws of Kansas, and amendments thereto;*

2 (6) *aggravated human trafficking, as defined in K.S.A. 21-3447, prior*
3 *to its repeal, or subsection (b) of section 61 of chapter 136 of the 2010*
4 *Session Laws of Kansas, and amendments thereto, if the victim is less than*
5 *18 years of age;*

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

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

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

15 (10) *aggravated kidnapping, as defined in K.S.A. 21-3421, prior to*
16 *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 (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 (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 court shall:*

30 (1) *Require registration until such offender reaches 18 years of age,*
31 *at the expiration of five years from the date of adjudication or, if confined,*
32 *from release from confinement, whichever date occurs later. Any period of*
33 *time during which the offender is incarcerated in any jail, juvenile facility*
34 *or correctional facility or during which the offender does not comply with*
35 *any and all requirements of the Kansas offender registration act shall not*
36 *count toward the duration of 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 not be*
40 *open to inspection by the public or posted on any internet website, as*
41 *provided in K.S.A. 22-4909, and amendments thereto. If the court requires*
42 *registration but such registration is not open to the public, such offender*
43 *shall provide a copy of such court order to the registering law enforcement*

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

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

7 (g) Notwithstanding any other provisions of this section, for 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 not 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, the court shall:

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

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

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

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

35 (h) Notwithstanding any other provisions of this section, an offender
36 14 years of age or more who is adjudicated as a juvenile offender for an
37 act which if committed by an adult would constitute a sexually violent
38 crime set forth in subsection (c) of K.S.A. 22-4902, and amendments
39 thereto, and such crime is an off-grid felony or a felony ranked in severity
40 level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its
41 repeal, or section 285 of chapter 136 of the 2010 Session Laws of Kansas,
42 and amendments thereto, shall be required to register for such offender's
43 lifetime.

1 (i) Notwithstanding any other provision of law, if a diversionary
2 agreement or probation order, either adult or juvenile, or a juvenile
3 offender sentencing order, requires registration under the Kansas offender
4 registration act for an offense that would not otherwise require
5 registration as provided in subsection (a)(5) of K.S.A. 22-4902, and
6 amendments thereto, then all provisions of the Kansas offender
7 registration act shall apply, except that the duration of registration shall
8 be controlled by such diversionary agreement, probation order or juvenile
9 offender sentencing order.

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

14 (k) The provisions of subsection (e), (f) and (g) shall apply to
15 adjudications on and after July 1, 2007, and retroactively to adjudications
16 prior to July 1, 2007.

17 (l) For any person moving to Kansas who has been convicted or
18 adjudicated in an out of state court, and who was required to register
19 under an out of state law, the duration of registration shall be the length of
20 time required by the out of state jurisdiction or by the Kansas offender
21 registration act, whichever length of time is longer. The provisions of this
22 subsection shall apply to convictions prior to June 1, 2006, and to persons
23 who moved to Kansas prior to June 1, 2006, and to convictions on or after
24 June 1, 2006, and to persons who moved to Kansas on or after June 1,
25 2006.

26 (m) For any person residing, maintaining employment or attending
27 school in this state who has been convicted or adjudicated by an out of
28 state court of an offense that is comparable to any crime requiring
29 registration pursuant to the Kansas offender registration act, but who was
30 not required to register in the jurisdiction of conviction, the duration of
31 registration shall be the duration required for the comparable offense
32 pursuant to the Kansas offender registration act. The duration of
33 registration shall begin upon establishing residency, beginning
34 employment or beginning school.

35 Sec. 7. K.S.A. 2010 Supp. 22-4907 is hereby amended to read as
36 follows: 22-4907. (a) Registration as required by ~~this~~ the Kansas offender
37 registration act shall consist of a form ~~prepared~~ approved by the Kansas
38 bureau of investigation, which shall include a statement that the
39 requirements provided in this section have been reviewed and explained to
40 the ~~person~~ offender, and shall be signed by the ~~person~~ offender and, except
41 when such reporting is conducted by certified letter as provided in
42 subsection (b) of K.S.A. 22-4905, and amendments thereto, witnessed by
43 the person registering the offender. Such registration form shall include the

1 following *offender information*:

2 (1) *Name and all alias names*;

3 (2) *date and ~~place of birth~~ city, state and country of birth, and any*
4 *alias dates or places of birth*;

5 (3) *title and statute number of each offense or offenses committed,*
6 *date of each conviction or ~~convictions obtained~~ adjudication and court*
7 *case numbers for each conviction or adjudication*;

8 (4) *city, county, state or ~~county~~ country of conviction or ~~convictions~~*
9 *obtained adjudication*;

10 (5) *sex and ~~age~~ date of birth or purported age of each victim of all*
11 *offenses requiring registration*;

12 (6) *current residential address, any anticipated future residence and*
13 *any temporary lodging information including, but not limited to, address,*
14 *telephone number and dates of travel for any place in which the offender*
15 *is staying for seven or more days; and, if transient, the locations where the*
16 *offender has stayed and frequented since last reporting for registration*;

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

19 ~~(7)~~ (8) *social security number, and all alias social security numbers*;

20 ~~(8)~~ (9) *identifying characteristics such as race, ethnicity, skin tone,*
21 *sex, age, height, weight, hair and eye color, scars, tattoos and blood type*;

22 ~~(9)~~ (10) *occupation and name, address or addresses and telephone*
23 *number of employer or employers, and name of any anticipated employer*
24 *and place of employment*;

25 ~~(10)~~ (11) *~~drivers license and all current driver's licenses or~~*
26 *identification cards, including a photocopy of all such driver's licenses or*
27 *identification cards and their numbers, states of issuance and expiration*
28 *dates*;

29 (12) *all vehicle information, including the license plate number,*
30 *registration number of each license plate assigned to any motor vehicle*
31 *normally operated by the offender and any other identifier and description*
32 *of any vehicle owned or operated by the offender, or any vehicle the*
33 *offender regularly drives, either for personal use or in the course of*
34 *employment, and information concerning the location or locations such*
35 *vehicle or vehicles are habitually parked or otherwise kept*;

36 (13) *license plate number, registration number or other identifier and*
37 *description of any aircraft or watercraft owned or operated by the*
38 *offender, and information concerning the location or locations such*
39 *aircraft or watercraft are habitually parked, docked or otherwise kept*;

40 (14) *all professional licenses, designations and certifications*;

41 ~~(14)~~ (15) *documentation of any treatment received for a mental*
42 *abnormality or personality disorder of the offender; for purposes of*
43 *documenting the treatment received, ~~sheriffs, prison officials and courts~~*

1 *registering law enforcement agencies, correctional facility officials,*
 2 *treatment facility officials and courts may rely on information that is*
 3 *readily available to them from existing records and the offender;*

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

5 ~~(13) (16) a photograph or photographs;~~

6 ~~(14) (17) fingerprints and palm prints;~~

7 ~~(15) (18) school; and any and all schools and satellite schools~~
 8 ~~attended or expected to be attended and the locations of attendance and~~
 9 ~~telephone number;~~

10 ~~(16) (19) any and all e-mail addresses and , any and all online~~
 11 ~~identities used by the offender on the internet; and any information~~
 12 ~~relating to membership in any online social networks;~~

13 ~~(20) all travel and immigration documents; and~~

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

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

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

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

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

24 (C) any qualified medical technician; or

25 (D) a licensed phlebotomist.

26 ~~(e) Unless the person has provided the information and completed~~
 27 ~~and signed the registration form as provided in K.S.A. 22-4905, and~~
 28 ~~amendments thereto, within seven days, the registering law enforcement~~
 29 ~~agency shall forward the registration form to the Kansas bureau of~~
 30 ~~investigation.~~

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

33 Sec. 8. K.S.A. 22-4908 is hereby amended to read as follows: 22-
 34 4908. No person required to register as an offender pursuant to the Kansas
 35 offender registration act shall be granted an order relieving the offender of
 36 further registration under this act. *This section shall include any person*
 37 *with any out of state conviction or adjudication for an offense that would*
 38 *require registration under the laws of this state.*

39 Sec. 9. K.S.A. 22-4909 is hereby amended to read as follows: 22-
 40 4909. (a) Except as prohibited by ~~subsection (h)~~ *subsections (c) and (d) of*
 41 *this section and subsections (e) and (f) of K.S.A. 22-4906, and*
 42 *amendments thereto, the statements or any other information required by*
 43 *this the Kanas offender registration act shall be open to inspection by the*

1 public at the ~~sheriff's office~~ *registering law enforcement agency*, at the
2 headquarters of the Kansas bureau of investigation and on any internet
3 website sponsored or created by a ~~sheriff's department~~ *registering law*
4 *enforcement agency* or the Kansas bureau of investigation that contains
5 such statements or information, and specifically are subject to the
6 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
7 amendments thereto, ~~except that the name, address, telephone number, or~~
8 ~~any other information which specifically and individually identifies the~~
9 ~~victim of any offender required to register as provided in this act shall not~~
10 ~~be disclosed other than to law enforcement agencies.~~

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

- 17 (1) *Name of the offender, including any aliases;*
- 18 (2) *address of each residence at which the offender resides or will*
19 *reside and, if the offender does not have any present or expected residence*
20 *address, other information about where the offender has their home or*
21 *habitually lives. If current information of this type is not available because*
22 *the offender is in violation of the requirement to register or cannot be*
23 *located, the website must so note;*
- 24 (3) *temporary lodging information;*
- 25 (4) *address of any place where the offender is an employee or will be*
26 *an employee and, if the offender is employed but does not have a definite*
27 *employment address, other information about where the offender works;*
- 28 (5) *address of any place where the offender is a student or will be a*
29 *student;*
- 30 (6) *license plate number and a description of any vehicle owned or*
31 *operated by the offender, including any aircraft or watercraft;*
- 32 (7) *physical description of the offender;*
- 33 (8) *the offense or offenses for which the offender is registered and*
34 *any other offense for which the offender has been convicted or*
35 *adjudicated;*
- 36 (9) *a current photograph of the offender; and*
- 37 (10) *all professional licenses, designations and certifications.*

38 (c) *Notwithstanding subsection (a), pursuant to a court finding*
39 *petitioned by the prosecutor, any offender who is required to register*
40 *pursuant to the Kansas offender registration act, but has been provided a*
41 *new identity and relocated under the federal witness security program or*
42 *who has worked as a confidential informant, or is otherwise a protected*
43 *witness, shall be required to register pursuant to the Kansas offender*

1 registration act, but shall not be subject to public registration.

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

4 (1) The name, address, telephone number or any other information
5 which specifically and individually identifies the identity of any victim of a
6 registerable offense;

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

8 (3) the offender's criminal history arrests that did not result in
9 convictions;

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

11 (5) internet identifiers of the offender.

12 (e) ~~The state department of education shall annually notify any school
13 upon which is located a structure used by a unified school district or an
14 accredited nonpublic school for student instruction or attendance or
15 extracurricular activities of pupils enrolled in kindergarten or any grades
16 one through 12 of the Kansas bureau of investigation internet website and
17 any internet website containing information on the Kansas offender
18 registration sponsored or created by the sheriff of the county in which the
19 school is located for the purposes of locating offenders who reside near
20 such school.~~

21 ~~(d) The secretary of health and environment shall annually notify any
22 licensed child care facility of the Kansas bureau of investigation internet
23 website and any internet website containing information on the Kansas
24 offender registration sponsored or created by the sheriff of the county in
25 which the facility is located for the purposes of locating offenders who
26 reside near such facility.~~

27 ~~(e) Such notification required in subsections (e) and (d) shall include
28 information that the sheriff of the county where such school or child care
29 facility is located is available to the school and child care facilities to assist
30 in using the registry and providing additional information on the registered
31 offenders.~~

32 Sec. 10. K.S.A. 22-4911 is hereby amended to read as follows: 22-
33 4911. Nothing in the Kansas offender registration act shall create a cause
34 of action against the state or an employee of the state acting within the
35 scope of the employee's employment as a result of requiring an offender to
36 register or an offender's failure to register. *This includes, but is not limited
37 to, the person or persons assigned to a registering law enforcement
38 agency to register offenders, and the person or persons assigned to enter
39 all offender information required by the national crime information center
40 into the national sex offender registry system.*

41 Sec. 11. K.S.A. 2010 Supp. 22-4913 is hereby amended to read as
42 follows: 22-4913. (a) Except as provided in subsection (b), on and after the
43 effective date of this act June 1, 2006, cities and counties shall be

1 prohibited from adopting or enforcing any ordinance, resolution or
2 regulation establishing residential restrictions for offenders as defined by
3 K.S.A. 22-4902, and amendments thereto.

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

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

- 11 (1) Prior to, or instead of, being sentenced to prison;
- 12 (2) ~~received~~ as a conditional release prior to a hearing;
- 13 (3) as a part of a sentence of confinement of not more than one year;
- 14 (4) *in* a privately operated facility housing parolees;
- 15 (5) ~~received~~ as a deferred sentence ~~and~~ *when* placed in a facility
16 operated by community corrections;
- 17 (6) ~~required~~ as a requirement of court-ordered treatment services for
18 alcohol or drug abuse; or
- 19 (7) *as part of* voluntary treatment services for alcohol or drug abuse.

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

24 Sec. 12. K.S.A. 2010 Supp. 38-2312 is hereby amended to read as
25 follows: 38-2312. (a) Except as provided in subsection (b) *and* (c), any
26 records or files specified in this code concerning a juvenile may be
27 expunged upon application to a judge of the court of the county in which
28 the records or files are maintained. The application for expungement may
29 be made by the juvenile, if 18 years of age or older or, if the juvenile is
30 less than 18 years of age, by the juvenile's parent or next friend.

31 (b) There shall be no expungement of records or files
32 concerning acts committed by a juvenile which, if committed by an adult,
33 would constitute a violation of K.S.A. 21-3401, *prior to its repeal, or*
34 *section 37 of chapter 136 of the 2010 Session Laws of Kansas*, and
35 amendments thereto, murder in the first degree, K.S.A. 21-3402, *prior to*
36 *its repeal, or section 38 of chapter 136 of the 2010 Session Laws of*
37 *Kansas*, and amendments thereto, murder in the second degree, K.S.A. 21-
38 3403, *prior to its repeal, or section 39 of chapter 136 of the 2010 Session*
39 *Laws of Kansas*, and amendments thereto, voluntary manslaughter, K.S.A.
40 21-3404, *prior to its repeal, or section 40 of chapter 136 of the 2010*
41 *Session Laws of Kansas*, and amendments thereto, involuntary
42 manslaughter, K.S.A. 21-3439, *prior to its repeal, or section 36 of chapter*
43 *136 of the 2010 Session Laws of Kansas*, and amendments thereto, capital

1 murder, K.S.A. 21-3442, *prior to its repeal, and amendments thereto,*
2 involuntary manslaughter while driving under the influence of alcohol or
3 drugs, K.S.A. 21-3502, *prior to its repeal, or section 67 of chapter 136 of*
4 *the 2010 Session Laws of Kansas,* and amendments thereto, rape, K.S.A.
5 21-3503, *prior to its repeal, or subsection (a) of section 70 of chapter 136*
6 *of the 2010 Session Laws of Kansas,* and amendments thereto, indecent
7 liberties with a child, K.S.A. 21-3504, *prior to its repeal, or subsection (b)*
8 *of section 70 of chapter 136 of the 2010 Session Laws of Kansas,* and
9 amendments thereto, aggravated indecent liberties with a child, K.S.A. 21-
10 3506, *prior to its repeal, or subsection (b) of section 68 of chapter 136 of*
11 *the 2010 Session Laws of Kansas,* and amendments thereto, aggravated
12 criminal sodomy, K.S.A. 21-3510, *prior to its repeal, or subsection (a) of*
13 *section 72 of chapter 136 of the 2010 Session Laws of Kansas,* and
14 amendments thereto, indecent solicitation of a child, K.S.A. 21-3511,
15 *prior to its repeal, or subsection (b) of section 72 of chapter 136 of the*
16 *2010 Session Laws of Kansas,* and amendments thereto, aggravated
17 indecent solicitation of a child, K.S.A. 21-3516, *prior to its repeal, or*
18 *section 74 of chapter 136 of the 2010 Session Laws of Kansas,* and
19 amendments thereto, sexual exploitation, K.S.A. 21-3603, *prior to its*
20 *repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session*
21 *Laws of Kansas,* and amendments thereto, aggravated incest, K.S.A. 21-
22 3608, *prior to its repeal, or subsection (a) of section 78 of chapter 136 of*
23 *the 2010 Session Laws of Kansas,* and amendments thereto, endangering a
24 child, K.S.A. 21-3608a, *prior to its repeal, or subsection (b) of section 78*
25 *of chapter 136 of the 2010 Session Laws of Kansas,* and amendments
26 *thereto, aggravated endangering a child,* K.S.A. 21-3609, *prior to its*
27 *repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas,*
28 and amendments thereto, abuse of a child, or which would constitute an
29 attempt to commit a violation of any of the offenses specified in this
30 subsection.

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

37 (e)(d) When a petition for expungement is filed, the court shall set a
38 date for a hearing on the petition and shall give notice thereof to the
39 county or district attorney. The petition shall state: (1) The juvenile's full
40 name; (2) the full name of the juvenile as reflected in the court record, if
41 different than (1); (3) the juvenile's sex and date of birth; (4) the offense
42 for which the juvenile was adjudicated; (5) the date of the trial; and (6) the
43 identity of the trial court. Except as otherwise provided by law, a petition

1 for expungement shall be accompanied by a docket fee in the amount of
2 \$100. On and after the effective date of this act through June 30, 2011, the
3 supreme court may impose a charge, not to exceed \$15 per case, to fund
4 the costs of non-judicial personnel. All petitions for expungement shall be
5 docketed in the original action. Any person who may have relevant
6 information about the petitioner may testify at the hearing. The court may
7 inquire into the background of the petitioner.

8 ~~(d)~~(e) (1) After hearing, the court shall order the expungement of the
9 records and files if the court finds that:

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

12 (B) since the final discharge of the juvenile, the juvenile has not been
13 convicted of a felony or of a misdemeanor other than a traffic offense or
14 adjudicated as a juvenile offender under the revised Kansas juvenile justice
15 code and no proceedings are pending seeking such a conviction or
16 adjudication; and

17 (C) the circumstances and behavior of the petitioner warrant
18 expungement.

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

21 ~~(e)~~(f) Upon entry of an order expunging records or files, the offense
22 which the records or files concern shall be treated as if it never occurred,
23 except that upon conviction of a crime or adjudication in a subsequent
24 action under this code the offense may be considered in determining the
25 sentence to be imposed. The petitioner, the court and all law enforcement
26 officers and other public offices and agencies shall properly reply on
27 inquiry that no record or file exists with respect to the juvenile. Inspection
28 of the expunged files or records thereafter may be permitted by order of
29 the court upon petition by the person who is the subject thereof. The
30 inspection shall be limited to inspection by the person who is the subject of
31 the files or records and the person's designees.

32 ~~(f)~~(g) Copies of any order made pursuant to subsection (a) or (c) shall
33 be sent to each public officer and agency in the county having possession
34 of any records or files ordered to be expunged. If the officer or agency
35 fails to comply with the order within a reasonable time after its receipt, the
36 officer or agency may be adjudged in contempt of court and punished
37 accordingly.

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

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

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

4 (+) (k) Whenever the records or files of any adjudication have been
5 expunged under the provisions of this section, the custodian of the records
6 or files of adjudication relating to that offense shall not disclose the
7 existence of such records or files, except when requested by:

8 (1) The person whose record was expunged;

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

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

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

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

22 (6) the Kansas lottery, and the request is accompanied by a statement
23 that the request is being made to aid in determining qualifications for
24 employment with the Kansas lottery or for work in sensitive areas within
25 the Kansas lottery as deemed appropriate by the executive director of the
26 Kansas lottery;

27 (7) the governor or the Kansas racing commission, or a designee of
28 the commission, and the request is accompanied by a statement that the
29 request is being made to aid in determining qualifications for executive
30 director of the commission, for employment with the commission, for
31 work in sensitive areas in parimutuel racing as deemed appropriate by the
32 executive director of the commission or for licensure, renewal of licensure
33 or continued licensure by the commission; or

34 (8) the Kansas sentencing commission.

35 Sec. 13. Section 254 of chapter 136 of the 2010 Session Laws of
36 Kansas is hereby amended to read as follows: Sec. 254. (a) (1) Except as
37 provided in subsections (b) ~~and~~, (c) *and* (d), any person convicted in this
38 state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or
39 a class D or E felony, or for crimes committed on or after July 1, 1993,
40 nondrug crimes ranked in severity levels 6 through 10 or any felony
41 ranked in severity level 4 of the drug grid, may petition the convicting
42 court for the expungement of such conviction or related arrest records if
43 three or more years have elapsed since the person: (A) Satisfied the

1 sentence imposed; or (B) was discharged from probation, a community
2 correctional services program, parole, postrelease supervision, conditional
3 release or a suspended sentence.

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

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

18 (1) Vehicular homicide, as defined ~~by~~ *in K.S.A. 21-3405, prior to its*
19 *repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas,*
20 *and amendments thereto, or as prohibited by any law of another state*
21 *which is in substantial conformity with that statute;*

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

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

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

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

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

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

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

43 (c) There shall be no expungement of convictions for the following

1 offenses or of convictions for an attempt to commit any of the following
2 offenses:

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

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

10 (3) criminal sodomy as defined in *subsection (a)(2) or (a)(3) of*
11 *K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section*
12 *68 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments
13 thereto;

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

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

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

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

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

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

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

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

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

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

1 and amendments thereto;

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

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

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

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

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

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

19 (d) *Notwithstanding any other law to the contrary, for any offender*
20 *who is required to register as provided in the Kansas offender registration*
21 *act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no*
22 *expungement of any conviction or any part of the offender's criminal*
23 *record while the offender is required to register as provided in the Kansas*
24 *offender registration act.*

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

29 (A) Defendant's full name;

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

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

33 (D) crime for which the defendant was arrested, convicted or
34 diverted;

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

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

38 (2) Except as *otherwise* provided ~~further, there shall be no docket fee~~
39 ~~for filing a petition pursuant to this section~~ *by law, a petition for*
40 *expungement shall be accompanied by a docket fee in the amount of \$100.*
41 ~~On and after July 1, 2009 through June 30, 2010~~ *April 15, 2010 through*
42 *June 30, 2011,* the supreme court may impose a charge, not to exceed
43 ~~\$10~~ *\$15* per case, to fund the costs of non-judicial personnel. The charge

1 established in this section shall be the only fee collected or moneys in the
2 nature of a fee collected for the case. Such charge shall only be established
3 by an act of the legislature and no other authority is established by law or
4 otherwise to collect a fee.

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

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

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

17 (2) the circumstances and behavior of the petitioner warrant the
18 expungement;

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

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

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

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

34 (A) In any application for licensure as a private detective, private
35 detective agency, certification as a firearms trainer pursuant to K.S.A.
36 ~~2009~~2010 Supp. 75-7b21, and amendments thereto, or employment as a
37 detective with a private detective agency, as defined by K.S.A. 75-7b01,
38 and amendments thereto; as security personnel with a private patrol
39 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
40 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
41 the department of social and rehabilitation services;

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

1 (C) to aid in determining the petitioner's qualifications for
2 employment with the Kansas lottery or for work in sensitive areas within
3 the Kansas lottery as deemed appropriate by the executive director of the
4 Kansas lottery;

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

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

16 (F) upon application for a commercial driver's license under K.S.A.
17 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

28 (K) for applications received on and after July 1, 2006, to aid in
29 determining the petitioner's qualifications for a license to carry a concealed
30 weapon pursuant to the personal and family protection act, K.S.A.
31 ~~2009~~2010 Supp. 75-7c01 et seq., and amendments thereto;

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

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

37 (5) upon commitment to the custody of the secretary of corrections,
38 any previously expunged record in the possession of the secretary of
39 corrections may be reinstated and the expungement disregarded, and the
40 record continued for the purpose of the new commitment.

41 ~~(g)~~(h) Whenever a person is convicted of a crime, pleads guilty and
42 pays a fine for a crime, is placed on parole, postrelease supervision or
43 probation, is assigned to a community correctional services program, is

1 granted a suspended sentence or is released on conditional release, the
2 person shall be informed of the ability to expunge the arrest records or
3 conviction. Whenever a person enters into a diversion agreement, the
4 person shall be informed of the ability to expunge the diversion.

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

13 ~~(h)~~(j) Whenever the record of any arrest, conviction or diversion has
14 been expunged under the provisions of this section or under the provisions
15 of any other existing or former statute, the custodian of the records of
16 arrest, conviction, diversion and incarceration relating to that crime shall
17 not disclose the existence of such records, except when requested by:

18 (1) The person whose record was expunged;

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

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

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

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

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

35 (7) the supreme court, the clerk or disciplinary administrator thereof,
36 the state board for admission of attorneys or the state board for discipline
37 of attorneys, and the request is accompanied by a statement that the
38 request is being made in conjunction with an application for admission, or
39 for an order of reinstatement, to the practice of law in this state by the
40 person whose record has been expunged;

41 (8) the Kansas lottery, and the request is accompanied by a statement
42 that the request is being made to aid in determining qualifications for
43 employment with the Kansas lottery or for work in sensitive areas within

1 the Kansas lottery as deemed appropriate by the executive director of the
2 Kansas lottery;

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

10 (10) the Kansas racing and gaming commission, or a designee of the
11 commission, and the request is accompanied by a statement that the
12 request is being made to aid in determining qualifications of the following
13 under the Kansas expanded lottery act: (A) Lottery gaming facility
14 managers and prospective managers, racetrack gaming facility managers
15 and prospective managers, licensees and certificate holders; and (B) their
16 officers, directors, employees, owners, agents and contractors;

17 (11) the Kansas sentencing commission;

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

23 (13) the Kansas securities commissioner or a designee of the
24 commissioner, and the request is accompanied by a statement that the
25 request is being made in conjunction with an application for registration as
26 a broker-dealer, agent, investment adviser or investment adviser
27 representative by such agency and the application was submitted by the
28 person whose record has been expunged;

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

33 (15) a law enforcement agency and the request is accompanied by a
34 statement that the request is being made to aid in determining eligibility
35 for employment as a law enforcement officer as defined by K.S.A. 22-
36 2202, and amendments thereto; or

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

41 Sec. 14. K.S.A. 22-4901, 22-4903, 22-4908, 22-4909, 22-4911 and
42 22-4912 and K.S.A. 2010 Supp. 21-4619, 22-4902, 22-4904, 22-4905, 22-
43 4906, 22-4907, 22-4913 and 38-2312 and section 254 of chapter 136 of the

1 2010 Session Laws of Kansas are hereby repealed.

2 Sec. 15. This act shall take effect and be in force from and after its
3 publication in the statute book.