

## Substitute for SENATE BILL No. 39

By Committee on Judiciary

2-6

1 AN ACT concerning the Kansas offender registration act; relating to  
2 aggravated sex offenders; amending K.S.A. 2011 Supp. 22-4902, 22-  
3 4904 and 22-4913 and repealing the existing sections; also repealing  
4 K.S.A. 2011 Supp. 22-4902a.  
5

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

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

10 (a) "Offender" means:

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

12 (2) *an aggravated sex offender;*

13 ~~(2) (3) a violent offender, as defined in subsection (e);~~

14 ~~(3) (4) a drug offender, as defined in subsection (f);~~

15 ~~(4) (5) any person who has been required to register under out of state~~  
16 ~~law or is otherwise required to be registered; and~~

17 ~~(5) (6) any person required by court order to register for an offense~~  
18 ~~not otherwise required as provided in the Kansas offender registration act.~~

19 (b)(1) "Sex offender" includes any person who:

20 ~~(1)(A) On or after April 14, 1994, and prior to July 1, 2012, is~~  
21 ~~convicted of any sexually violent crime set forth in subsection (e);~~

22 ~~(B) on or after July 1, 2012, is convicted of any sexually violent~~  
23 ~~crime, if none of the parties involved are less than 16 years of age;~~

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

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

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

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

36 ~~(B)(ii) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-~~

- 1 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2011  
2 Supp. 21-5504, and amendments thereto;
- 3 ~~(C)~~(iii) promoting prostitution, as defined in K.S.A. 21-3513, prior to  
4 its repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto;
- 5 ~~(D)~~(iv) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to  
6 its repeal, or K.S.A. 2011 Supp. 21-6421, and amendments thereto; or
- 7 ~~(E)~~(v) lewd and lascivious behavior, as defined in K.S.A. 21-3508,  
8 prior to its repeal, or K.S.A. 2011 Supp. 21-5513, and amendments  
9 thereto;
- 10 ~~(F)~~(F) is convicted of sexual battery, as defined in K.S.A. 21-3517,  
11 prior to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5505, and  
12 amendments thereto;
- 13 ~~(G)~~(G) is convicted of an attempt, conspiracy or criminal solicitation,  
14 as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
15 K.S.A. 2011 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,  
16 of an offense defined in this subsection; or
- 17 ~~(H)~~(H) has been convicted of an offense in effect at any time prior to  
18 July 1, 2011, that is comparable to any crime defined in this subsection, or  
19 any out of state conviction for an offense that under the laws of this state  
20 would be an offense defined in this subsection.
- 21 (2) *"Aggravated sex offender" includes any person who, on or after*  
22 *July 1, 2012, is convicted of any sexually violent crime, if any of the*  
23 *parties involved is less than 16 years of age.*
- 24 (c) "Sexually violent crime" means:
- 25 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
26 2011 Supp. 21-5503, and amendments thereto;
- 27 (2) indecent liberties with a child as defined in K.S.A. 21-3503, prior  
28 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5506, and  
29 amendments thereto;
- 30 (3) aggravated indecent liberties with a child as defined in K.S.A. 21-  
31 3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5506,  
32 and amendments thereto;
- 33 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of  
34 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.  
35 2011 Supp. 21-5504, and amendments thereto;
- 36 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior  
37 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5504, and  
38 amendments thereto;
- 39 (6) indecent solicitation of a child as defined in K.S.A. 21-3510, prior  
40 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5508, and  
41 amendments thereto;
- 42 (7) aggravated indecent solicitation of a child as defined in K.S.A.  
43 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-

1 5508, and amendments thereto;

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

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

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

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

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

16 (13) any conviction for an offense in effect at any time prior to July 1,  
17 2011, that is comparable to a sexually violent crime as defined in this  
18 subsection, or any out of state conviction for an offense that under the laws  
19 of this state would be a sexually violent crime as defined in this  
20 subsection;

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

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

33 (d) "Sexually violent predator" means any person who, on or after  
34 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.  
35 59-29a01 *et seq.*, and amendments thereto.

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

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

39 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
40 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;

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

43 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior

- 1 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;
- 2 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its  
3 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;
- 4 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
5 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;
- 6 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
7 subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;
- 8 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
9 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments  
10 thereto;
- 11 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
12 repeal, or K.S.A. 2011 Supp. 21-5411, and amendments thereto, except by  
13 a parent, and only when the victim is less than 18 years of age; or
- 14 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
15 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5426, and  
16 amendments thereto;
- 17 (2) on or after July 1, 2006, is convicted of any person felony and the  
18 court makes a finding on the record that a deadly weapon was used in the  
19 commission of such person felony;
- 20 (3) has been convicted of an offense in effect at any time prior to  
21 July 1, 2011, that is comparable to any crime defined in this subsection, or  
22 any out of state conviction for an offense that under the laws of this state  
23 would be an offense defined in this subsection; or
- 24 (4) is convicted of an attempt, conspiracy or criminal solicitation, as  
25 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
26 K.S.A. 2011 Supp. 21-5301, 21-5302 and 21-5303, and amendments  
27 thereto, of an offense defined in this subsection.
- 28 (f) "Drug offender" means any person who has been convicted of:
- 29 (1) Unlawful manufacture or attempting such of any controlled  
30 substance or controlled substance analog as defined in K.S.A. 65-4159,  
31 prior to its repeal, ~~or~~ K.S.A. 2010 Supp. 21-36a03, *prior to its transfer, or*  
32 *K.S.A. 2011 Supp. 21-5703*, and amendments thereto;
- 33 (2) possession of ephedrine, pseudoephedrine, red phosphorus,  
34 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
35 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
36 isomers with intent to use the product to manufacture a controlled  
37 substance as defined in subsection (a) of K.S.A. 65-7006, prior to its  
38 repeal, ~~or~~ subsection (a) of K.S.A. 2010 Supp. 21-36a09, *prior to its*  
39 *transfer, or subsection (a) of K.S.A. 2011 Supp. 21-5709*, and amendments  
40 thereto;
- 41 (3) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A.  
42 2010 Supp. 21-36a05, *prior to its transfer, or subsection (a)(1) of K.S.A.*  
43 *2011 Supp. 21-5705*, and amendments thereto. The provisions of this

1 paragraph shall not apply to violations of subsections (a)(2) through (a)(6)  
2 or (b) of K.S.A. 2010 Supp. 21-36a05, ~~and amendments thereto~~, which  
3 occurred on or after July 1, 2009, through April 15, 2010;

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

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

12 (g) Convictions which result from or are connected with the same act,  
13 or result from crimes committed at the same time, shall be counted for the  
14 purpose of this section as one conviction. Any conviction set aside  
15 pursuant to law is not a conviction for purposes of this section. A  
16 conviction from any out of state court shall constitute a conviction for  
17 purposes of this section.

18 (h) "School" means any public or private educational institution,  
19 including, but not limited to, postsecondary school, college, university,  
20 community college, secondary school, high school, junior high school,  
21 middle school, elementary school, trade school, vocational school or  
22 professional school providing training or education to an offender.

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

25 (j) "Reside" means to stay, sleep or maintain with regularity one's  
26 person and property in a particular place other than a location where the  
27 offender is incarcerated. It shall be presumed that an offender resides at  
28 any and all locations where the offender stays, sleeps or maintains the  
29 offender's person for seven or more consecutive days or parts of days, or  
30 for seven or more non-consecutive days in a period of 30 consecutive  
31 days.

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

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

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

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

43 (o) "Registering entity" means any person, agency or other

1 governmental unit, or correctional facility, treatment facility or registering  
2 law enforcement agency responsible for obtaining the required information  
3 from, and explaining the required registration procedures to, any person  
4 required to register pursuant to the Kansas offender registration act.  
5 "Registering entity" shall include, but not be limited to, sheriff's offices,  
6 tribal police departments, correctional facilities and treatment facilities.

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

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

11 (r) "Out of state" means: the District of Columbia; any federal,  
12 military, or tribal jurisdiction, including those within this state; any foreign  
13 jurisdiction; or any state or territory within the United States, other than  
14 this state.

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

17 Sec. 2. K.S.A. 2011 Supp. 22-4904 is hereby amended to read as  
18 follows: 22-4904.

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

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

24 (2) if the offender is released on probation, receiving a suspended  
25 sentence, sentenced to community corrections or released on postrelease  
26 supervision:

27 (A) Complete the initial registration form with all information and  
28 updated information required for registration as provided in K.S.A. 22-  
29 4907, and amendments thereto;

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

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

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

1       (4) *if the offender is an aggravated sex offender, inform such offender*  
2 *of the residency restrictions in K.S.A. 22-4913, and amendments thereto;*  
3 *and*

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

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

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

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

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

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

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

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

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

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

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

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

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

41       (2) provide information upon request to any registering law  
42 enforcement agency having jurisdiction relevant to determining the  
43 presence of an offender within the treatment facility; and

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

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

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

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

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

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

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

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

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

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

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

42 (7) enter all offender information required by the national crime  
43 information center into the national sex offender registry system within



1 three days of completing the registration;

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

9 (9) forward any initial registration and updated registration  
10 information within three days to any out of state jurisdiction where the  
11 offender is expected to reside, maintain employment or attend school; *and*  
12 (10) *if the offender is an aggravated sex offender, inform such*  
13 *offender of the residency restrictions in K.S.A. 22-4913, and amendments*  
14 *thereto.*

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

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

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

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

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

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

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

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

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

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

15 Sec. 3. K.S.A. 2011 Supp. 22-4913 is hereby amended to read as  
16 follows: 22-4913. *(a) On and after July 1, 2012, an aggravated sex*  
17 *offender shall not reside within 500 feet of the real property of any school*  
18 *upon which is located a structure used by a unified school district or an*  
19 *accredited nonpublic school for student instruction or attendance or*  
20 *extracurricular activities of pupils enrolled in kindergarten or any grades*  
21 *one through 12. This subsection shall not apply to any state institution or*  
22 *facility.*

23 ~~(a)~~(b) Except as provided in subsection ~~(b)~~(c), on and after June 1,  
24 2006, cities and counties shall be prohibited from adopting or enforcing  
25 any ordinance, resolution or regulation establishing residential restrictions  
26 for offenders as defined by K.S.A. 22-4902, and amendments thereto.

27 ~~(b)~~(c) The prohibition in subsection ~~(a)~~(b), shall not apply to any city  
28 or county residential licensing or zoning program for correctional  
29 placement residences that includes regulations for the housing of such  
30 offenders.

31 ~~(e)~~(d) As used in this section, "correctional placement residence"  
32 means a facility that provides residential services for individuals or  
33 offenders who reside or have been placed in such facility due to any one of  
34 the following situations:

- 35 (1) Prior to, or instead of, being sentenced to prison;
- 36 (2) as a conditional release prior to a hearing;
- 37 (3) as a part of a sentence of confinement of not more than one year;
- 38 (4) in a privately operated facility housing parolees;
- 39 (5) as a deferred sentence when placed in a facility operated by  
40 community corrections;
- 41 (6) as a requirement of court-ordered treatment services for alcohol  
42 or drug abuse; or
- 43 (7) as part of voluntary treatment services for alcohol or drug abuse.

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

5 Sec. 4. K.S.A. 2011 Supp. 22-4902, 22-4902a, 22-4904 and 22-4913  
6 are hereby repealed.

7 Sec. 5. This act shall take effect and be in force from and after its  
8 publication in the statute book.