



Kansas Bureau of Investigation

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Testimony of Kyle Smith,
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In Support of HB 2209
Before the Senate Judiciary Committee
March 11, 2013

Chairman King and Members of the Committee,

On behalf of Director Thompson and the men and women of the Kansas Bureau of Investigation I appear today in support of HB 2209 making technical changes to the Kansas Offender Registration Act.

The proposed amendments are the product of the Offender Registration Working Group, a committee of practitioners the KBI utilizes to represent the various agencies impacted by the offender registration act, including sheriffs, corrections, prosecutors, judges and the KBI. The changes are mostly technical in nature, but should improve understanding and compliance of the act.

Kansas was one of the earliest states to require registration of offenders. The Kansas offender registry was created in 1993 as an investigative tool: all persons convicted of sex related felonies would be required to register at their local sheriff's office and provide information on their residency, work, vehicles, etc., as well as be photographed, fingerprinted and biological sample taken for DNA profiling purposes. The idea was that, since sex offenses have a relatively high recidivist rate, having this registry would provide law enforcement with leads whenever a sex offense occurred and provide a deterrent to the offenders as they would know they would be suspects and that we had a lot of their information on file.

However, the advantages of sharing such information with the public became obvious the very day the law went into effect: Stephanie Schmidt was raped and murdered that day when she accepted a ride from a former coworker who had a previous conviction for rape. Stephanie's family urged the legislature to make the registry public so citizens could be forewarned of such persons and such an amendment passed in 1994. Later amendments over the years added violent criminals, meth cooks, heroin and opiates dealers, human traffickers, and juvenile sex offenders.

The amendments in section 1 primarily deal with the varying effective dates of these added offenses. To clarify and simplify application, the beginning dates for the duty

to register is being set on the date that type of crime (sex, violence, drugs) was first codified under the statutes.

The changes in Sec. 2, K.S.A. 22-4904(b)(3) and Sec. 3, K.S.A. 22-4905(d), amend language to eliminate confusion, there is no need to register again if an offender is transferred to another institution or accompanied by a correctional officer.

The language in Section 4 on page 14, line 7 deserves a bit more attention. The statutory citations added to K.S.A. 22-4906 the crimes K.S.A.21-5405 (recodified statute for 21-3404 involuntary manslaughter). Previously, 21-3404 (involuntary manslaughter) required registration. However, 21-3442 (involuntary manslaughter while DUI) did not. It appears the Revisor combined both 21-3404 and 21-3442 into one statute number, but there is no record that it was the intent of the legislature to require registration for involuntary manslaughter while DUI. This is a public policy decision for the legislature to decide, it is merely brought up to get the question resolved.

The last line of section 4 is struck as it has caused confusion with the starting date language earlier in K.S.A. 22-4906. Registering for school or taking a job in a new county does not start the registration period over.

In Section 5, at the bottom of page 20, language regarding biological samples required for DNA profiling is updated to reflect that blood samples are no longer the method used.

Finally we would have a small amendment to propose. At the bottom of page 4 the paragraphs beginning in line 36 and in line 40 are numbered incorrectly: they should be paragraphs *(D)* and *(E)*, not *(2)* and *(3)*. This change would clarify that the starting date applies to both Kansas and out of state conviction. The Revisor's Office is already aware of this issue.

I would be happy to stand for questions.