

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2501

By Committee on Corrections and Juvenile Justice

1-24

1 AN ACT concerning ~~crimes, punishment and criminal procedure; relating~~
2 ~~to~~ human trafficking and related crimes; **relating to** court records and
3 reporting; fines; diversion; buying sexual relations; **staff secure facility**
4 **requirements**; amending K.S.A. 2013 Supp. 12-4106, 12-4416, 21-
5 6421, 21-6422, 22-2909 ~~and~~, 22-4704 **and 65-535** and repealing the
6 existing sections.
7

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

9 Section 1. K.S.A. 2013 Supp. 12-4106 is hereby amended to read as
10 follows: 12-4106.(a) The municipal judge shall have the power to
11 administer the oaths and enforce all orders, rules and judgments made by
12 such municipal judge, and may fine or imprison for contempt in the same
13 manner and to the same extent as a judge of the district court.

14 (b) The municipal judge shall have the power to hear and determine
15 all cases properly brought before such municipal judge to: Grant
16 continuances; sentence those found guilty to a fine or confinement in jail,
17 or both; commit accused persons to jail in default of bond; determine
18 applications for parole; release on probation; grant time in which a fine
19 may be paid; correct a sentence; suspend imposition of a sentence; set
20 aside a judgment; permit time for post trial motions; and discharge accused
21 persons.

22 (c) The municipal judge shall maintain a docket in which every cause
23 commenced before such municipal judge shall be entered. Such docket
24 shall contain the names of the accused persons and complainant, the nature
25 or character of the offense, the date of trial, the names of all witnesses
26 sworn and examined, the finding of the court, the judgment and sentence,
27 the date of payment, the date of issuing commitment, if any, and every
28 other fact necessary to show the full proceedings in each case.

29 (d) The municipal judge shall promptly make such reports and
30 furnish the information requested by any departmental justice or the
31 judicial administrator, in the manner and form prescribed by the supreme
32 court.

33 (e) The municipal judge shall ensure that information concerning
34 dispositions of city ordinance violations that result in convictions
35 comparable to convictions for offenses under Kansas criminal statutes is
36 forwarded to the Kansas bureau of investigation central repository. This

1 information shall be transmitted, on a form or in a format approved by the
2 attorney general, within 30 days of final disposition.

3 (f) In all cases alleging a violation of a city ordinance prohibiting the
4 acts prohibited by K.S.A. 8-2,144, 8-1567 or 32-1131 or K.S.A. 2013
5 Supp. 8-1025, *21-6419 or 21-6421*, and amendments thereto, the
6 municipal court judge shall ensure that the municipal court reports the
7 filing and disposition of such case to the Kansas bureau of investigation
8 central repository, and, on and after July 1, 2014, reports the filing and
9 disposition of such case electronically to the Kansas bureau of
10 investigation central repository.

11 (g) In all cases in which a fine is imposed for a violation of a city
12 ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 or
13 K.S.A. 2013 Supp. 8-1025 or 21-6421, and amendments thereto, the
14 municipal court judge shall ensure that the municipal court remits the
15 appropriate amount of such fine to the state treasurer as provided in K.S.A.
16 2013 Supp. 12-4120, and amendments thereto.

17 Sec. 2. K.S.A. 2013 Supp. 12-4416 is hereby amended to read as
18 follows: 12-4416. (a) A diversion agreement shall provide that if the
19 defendant fulfills the obligations of the program described therein, as
20 determined by the city attorney, the city attorney shall act to have the
21 criminal charges against the defendant dismissed with prejudice. The
22 diversion agreement shall include specifically the waiver of all rights
23 under the law or the constitution of Kansas or of the United States to
24 counsel, a speedy arraignment, a speedy trial, and the right to trial by jury.
25 The diversion agreement may include, but is not limited to, provisions
26 concerning payment of restitution, including court costs and diversion
27 costs, residence in a specified facility, maintenance of gainful employment,
28 and participation in programs offering medical, educational, vocational,
29 social and psychological services, corrective and preventive guidance and
30 other rehabilitative services. The diversion agreement shall state:

31 (1) The defendant's full name;

32 (2) the defendant's full name at the time the complaint was filed, if
33 different from the defendant's current name;

34 (3) the defendant's sex, race and date of birth;

35 (4) the crime with which the defendant is charged;

36 (5) the date the complaint was filed; and

37 (6) the municipal court with which the agreement is filed.

38 (b) *If a diversion agreement is entered into in lieu of further criminal*
39 *proceedings on a complaint alleging a violation of a city ordinance*
40 *prohibiting the acts prohibited by K.S.A. 2013 Supp. 21-6421, and*
41 *amendments thereto, the agreement:*

42 (1) *Shall include a requirement that the defendant pay a fine specified*
43 *by the agreement in an amount equal to an amount authorized by K.S.A.*

1 *2013 Supp. 21-6421, and amendments thereto; and*

2 *(2) may include a requirement that the defendant enter into and*
3 *complete a suitable educational or treatment program regarding*
4 *commercial sexual exploitation.*

5 ~~(b)~~ *(c)* If a diversion agreement is entered into in lieu of further
6 criminal proceedings on a complaint alleging an alcohol related offense,
7 the diversion agreement shall include a stipulation, agreed to by the
8 defendant and the city attorney, of the facts upon which the charge is based
9 and a provision that if the defendant fails to fulfill the terms of the specific
10 diversion agreement and the criminal proceedings on the complaint are
11 resumed, the proceedings, including any proceedings on appeal, shall be
12 conducted on the record of the stipulation of facts relating to the
13 complaint. In addition, the agreement shall include a requirement that the
14 defendant:

15 (1) Pay a fine specified by the agreement in an amount equal to an
16 amount authorized by K.S.A. 8-1567 or K.S.A. 2013 Supp. 8-1025, and
17 amendments thereto, for a first offense or, in lieu of payment of the fine,
18 perform community service specified by the agreement, consonant with
19 K.S.A. 8-1567 or K.S.A. 2013 Supp. 8-1025, and amendments thereto; and

20 (2) participate in an alcohol and drug evaluation conducted by a
21 licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and
22 follow any recommendation made by the provider after such evaluation.

23 ~~(c)~~ *(d)* If the person entering into a diversion agreement is a
24 nonresident, the city attorney shall transmit a copy of the diversion
25 agreement to the division. The division shall forward a copy of the
26 diversion agreement to the motor vehicle administrator of the person's
27 state of residence.

28 ~~(d)~~ *(e)* If the city attorney elects to offer diversion in lieu of further
29 criminal proceedings on the complaint and the defendant agrees to all of
30 the terms of the proposed agreement, the diversion agreement shall be
31 filed with the municipal court and the municipal court shall stay further
32 proceedings on the complaint. If the defendant declines to accept
33 diversion, the municipal court shall resume the criminal proceedings on
34 the complaint.

35 ~~(e)~~ *(f)* The city attorney shall forward to the division of vehicles of
36 the state department of revenue a copy of the diversion agreement at the
37 time such agreement is filed with the municipal court. The copy of the
38 agreement shall be made available upon request to any county, district or
39 city attorney or court.

40 Sec. 3. K.S.A. 2013 Supp. 21-6421 is hereby amended to read as
41 follows: 21-6421. (a) Buying sexual relations is knowingly:

42 (1) Entering or remaining in a place where sexual relations are being
43 sold or offered for sale with intent to engage in manual or other bodily

1 contact stimulation of the genitals of any person with the intent to arouse
2 or gratify the sexual desires of the offender or another, sexual intercourse,
3 sodomy or any unlawful sexual act with a person selling sexual relations
4 who is 18 years of age or older; or

5 (2) hiring a person selling sexual relations who is 18 years of age or
6 older to engage in manual or other bodily contact stimulation of the
7 genitals of any person with the intent to arouse or gratify the sexual desires
8 of the offender or another, sexual intercourse, sodomy or any unlawful
9 sexual act.

10 (b) (1) Buying sexual relations is a:

11 (A) Class A person misdemeanor, except as provided in subsection
12 (b)(1)(B); and

13 (B) severity level 9, person felony when committed by a person who
14 has, prior to the commission of the crime, been convicted of a violation of
15 this section, or any prior version of this section.

16 (2) In addition to any other sentence imposed, a person convicted
17 under subsection (b)(1)(A) shall be fined \$2,500. In addition to any other
18 sentence imposed, a person convicted under subsection (b)(1)(B) shall be
19 fined not less than \$5,000. All fines collected pursuant to this section shall
20 be remitted to the human trafficking victim assistance fund created by
21 K.S.A. 2013 Supp. 75-758, and amendments thereto.

22 (3) In addition to any other sentence imposed, for any conviction
23 under this section, the court may order the person convicted to enter into
24 and complete a suitable educational ~~and~~ or treatment program regarding
25 commercial sexual exploitation.

26 (c) *For the purpose of determining whether a conviction is a first,*
27 *second or subsequent conviction in sentencing under this section:*

28 (1) *Convictions for a violation of this section, or any prior version of*
29 *this section, or a violation of an ordinance of any city or resolution of any*
30 *county which prohibits the acts that this section prohibits, or entering into*
31 *a diversion agreement in lieu of further criminal proceedings on a*
32 *complaint alleging any such violations, shall be taken into account; and*

33 (2) *a person may enter into a diversion agreement in lieu of further*
34 *criminal proceedings for a violation of this section or an ordinance which*
35 *prohibits the acts of this section only once during the person's lifetime.*

36 (d) (1) Nothing contained in this section shall be construed as
37 preventing any city from enacting ordinances, or any county from adopting
38 resolutions, declaring acts prohibited or made unlawful by this act as
39 unlawful or prohibited in such city or county and prescribing penalties for
40 violation thereof.

41 (2) The minimum penalty prescribed by any such ordinance or
42 resolution shall not be less than the minimum penalty prescribed by this
43 section for the same violation, and the maximum penalty in any such

1 ordinance or resolution shall not exceed the maximum penalty prescribed
2 for the same violation.

3 Sec. 4. K.S.A. 2013 Supp. 21-6422 is hereby amended to read as
4 follows: 21-6422. (a) Commercial sexual exploitation of a child is
5 knowingly:

6 (1) Giving, receiving, offering or agreeing to give, or offering or
7 agreeing to receive anything of value to perform any of the following acts:

8 (A) Procuring, recruiting, inducing, soliciting, hiring or otherwise
9 obtaining any person younger than 18 years of age to engage in sexual
10 intercourse, sodomy or manual or other bodily contact stimulation of the
11 genitals of any person with the intent to arouse or gratify the sexual desires
12 of the offender or another; or

13 (B) procuring, recruiting, inducing, soliciting, hiring or otherwise
14 obtaining a patron where there is an exchange of value, for any person
15 younger than 18 years of age to engage in sexual intercourse, sodomy or
16 manual or other bodily contact stimulation of the genitals of any person
17 with the intent to arouse or gratify the sexual desires of the patron, the
18 offender or another;

19 (2) establishing, owning, maintaining or managing any property,
20 whether real or personal, where sexual relations are being sold or offered
21 for sale by a person younger than 18 years of age, or participating in the
22 establishment, ownership, maintenance or management thereof;

23 (3) permitting any property, whether real or personal, partially or
24 wholly owned or controlled by the defendant to be used as a place where
25 sexual relations are being sold or offered for sale by a person who is
26 younger than 18 years of age; or

27 (4) procuring transportation for, paying for the transportation of or
28 transporting any person younger than 18 years of age within this state with
29 the intent of causing, assisting or promoting that person's engaging in
30 selling sexual relations.

31 (b) (1) Commercial sexual exploitation of a child is a:

32 (A) Severity level 5, person felony, except as provided in subsections
33 (b)(1)(B) and (b)(2); and

34 (B) severity level 2, person felony when committed by a person who
35 has, prior to the commission of the crime, been convicted of a violation of
36 this section, except as provided in subsection (b)(2).

37 (2) Commercial sexual exploitation of a child or attempt, conspiracy
38 or criminal solicitation to commit commercial sexual exploitation of a
39 child is an off-grid person felony when the offender is 18 years of age or
40 older and the victim is less than 14 years of age.

41 (3) In addition to any other sentence imposed, a person convicted
42 under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more
43 than \$5,000. In addition to any other sentence imposed, a person convicted

1 under subsection (b)(1)(B) or subsection (b)(2) shall be fined not less than
2 \$5,000. All fines collected pursuant to this section shall be remitted to the
3 human trafficking victim assistance fund created by ~~section 3~~ *K.S.A. 2013*
4 *Supp. 75-758*, and amendments thereto.

5 (4) In addition to any other sentence imposed, for any conviction
6 under this section, the court may order the person convicted to enter into
7 and complete a suitable educational ~~and~~ *or* treatment program regarding
8 commercial sexual exploitation of a child.

9 (c) If the offender is 18 years of age or older and the victim is less
10 than 14 years of age, the provisions of:

11 (1) Subsection (c) of *K.S.A. 2013 Supp. 21-5301*, and amendments
12 thereto, shall not apply to a violation of attempting to commit the crime of
13 commercial sexual exploitation of a child pursuant to this section;

14 (2) subsection (c) of *K.S.A. 2013 Supp. 21-5302*, and amendments
15 thereto, shall not apply to a violation of conspiracy to commit the crime of
16 commercial sexual exploitation of a child pursuant to this section; and

17 (3) subsection (d) of *K.S.A. 2013 Supp. 21-5303*, and amendments
18 thereto, shall not apply to a violation of criminal solicitation to commit the
19 crime of commercial sexual exploitation of a child pursuant to this section.

20 (d) This section shall be part of and supplemental to the Kansas
21 criminal code.

22 Sec. 5. *K.S.A. 2013 Supp. 22-2909* is hereby amended to read as
23 follows: 22-2909. (a) A diversion agreement shall provide that if the
24 defendant fulfills the obligations of the program described therein, as
25 determined by the attorney general or county or district attorney, such
26 attorney shall act to have the criminal charges against the defendant
27 dismissed with prejudice. The diversion agreement shall include
28 specifically the waiver of all rights under the law or the constitution of
29 Kansas or of the United States to a speedy arraignment, preliminary
30 examinations and hearings, and a speedy trial, and in the case of diversion
31 under subsection (c) waiver of the rights to counsel and trial by jury. The
32 diversion agreement may include, but is not limited to, provisions
33 concerning payment of restitution, including court costs and diversion
34 costs, residence in a specified facility, maintenance of gainful employment,
35 and participation in programs offering medical, educational, vocational,
36 social and psychological services, corrective and preventive guidance and
37 other rehabilitative services. If a county creates a local fund under the
38 property crime restitution and compensation act, a county or district
39 attorney may require in all diversion agreements as a condition of
40 diversion the payment of a diversion fee in an amount not to exceed \$100.
41 Such fees shall be deposited into the local fund and disbursed pursuant to
42 recommendations of the local board under the property crime restitution
43 and victims compensation act.

1 (b) The diversion agreement shall state: (1) The defendant's full
2 name; (2) the defendant's full name at the time the complaint was filed, if
3 different from the defendant's current name; (3) the defendant's sex, race
4 and date of birth; (4) the crime with which the defendant is charged; (5)
5 the date the complaint was filed; and (6) the district court with which the
6 agreement is filed.

7 (c) If a diversion agreement is entered into in lieu of further criminal
8 proceedings on a complaint alleging a violation of K.S.A. 8-1567 or
9 K.S.A. 2013 Supp. 8-1025, and amendments thereto, the diversion
10 agreement shall include a stipulation, agreed to by the defendant, the
11 defendant's attorney if the defendant is represented by an attorney and the
12 attorney general or county or district attorney, of the facts upon which the
13 charge is based and a provision that if the defendant fails to fulfill the
14 terms of the specific diversion agreement and the criminal proceedings on
15 the complaint are resumed, the proceedings, including any proceedings on
16 appeal, shall be conducted on the record of the stipulation of facts relating
17 to the complaint. In addition, the agreement shall include a requirement
18 that the defendant:

19 (1) Pay a fine specified by the agreement in an amount equal to an
20 amount authorized by K.S.A. 8-1567 or K.S.A. 2013 Supp. 8-1025, and
21 amendments thereto, for a first offense or, in lieu of payment of the fine,
22 perform community service specified by the agreement, in accordance
23 with K.S.A. 8-1567 or K.S.A. 2013 Supp. 8-1025, and amendments
24 thereto; and

25 (2) participate in an alcohol and drug evaluation conducted by a
26 licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and
27 follow any recommendation made by the provider after such evaluation.

28 (d) If a diversion agreement is entered into in lieu of further criminal
29 proceedings on a complaint alleging a domestic violence offense, as
30 defined in K.S.A. 2013 Supp. 21-5111, and amendments thereto, the
31 diversion agreement shall include a requirement that the defendant
32 undergo a domestic violence offender assessment and follow all
33 recommendations unless otherwise agreed to with the prosecutor in the
34 diversion agreement. The defendant shall be required to pay for such
35 assessment and, unless otherwise agreed to with the prosecutor in the
36 diversion agreement, for completion of all recommendations.

37 (e) If a diversion agreement is entered into in lieu of further criminal
38 proceedings on a complaint alleging a violation other than K.S.A. 8-1567
39 or K.S.A. 2013 Supp. 8-1025, and amendments thereto, the diversion
40 agreement may include a stipulation, agreed to by the defendant, the
41 defendant's attorney if the defendant is represented by an attorney and the
42 attorney general or county or district attorney, of the facts upon which the
43 charge is based and a provision that if the defendant fails to fulfill the

1 terms of the specific diversion agreement and the criminal proceedings on
2 the complaint are resumed, the proceedings, including any proceedings on
3 appeal, shall be conducted on the record of the stipulation of facts relating
4 to the complaint.

5 (f) If the person entering into a diversion agreement is a nonresident,
6 the attorney general or county or district attorney shall transmit a copy of
7 the diversion agreement to the division. The division shall forward a copy
8 of the diversion agreement to the motor vehicle administrator of the
9 person's state of residence.

10 (g) If the attorney general or county or district attorney elects to offer
11 diversion in lieu of further criminal proceedings on the complaint and the
12 defendant agrees to all of the terms of the proposed agreement, the
13 diversion agreement shall be filed with the district court and the district
14 court shall stay further proceedings on the complaint. If the defendant
15 declines to accept diversion, the district court shall resume the criminal
16 proceedings on the complaint.

17 (h) Except as provided in subsection (i), if a diversion agreement is
18 entered into in lieu of further criminal proceedings alleging commission of
19 a misdemeanor by the defendant, while under 21 years of age, under
20 K.S.A. 2013 Supp. 21-5701 through 21-5717, and amendments thereto, or
21 K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments
22 thereto, the agreement shall require the defendant to participate in an
23 alcohol and drug evaluation conducted by a licensed provider pursuant to
24 K.S.A. 8-1008, and amendments thereto, and follow any recommendation
25 made by the provider after such evaluation.

26 (i) If the defendant is 18 or more years of age but less than 21 years
27 of age and allegedly committed a violation of K.S.A. 41-727, and
28 amendments thereto, involving cereal malt beverage, the provisions of
29 subsection (h) are permissive and not mandatory.

30 (j) *If a diversion agreement is entered into in lieu of further criminal*
31 *proceedings on a complaint alleging a violation of K.S.A. 2013 Supp. 21-*
32 *6421, and amendments thereto, the agreement:*

33 (1) *Shall include a requirement that the defendant pay a fine specified*
34 *by the agreement in an amount equal to an amount authorized by K.S.A.*
35 *2013 Supp. 21-6421, and amendments thereto; and*

36 (2) *may include a requirement that the defendant enter into and*
37 *complete a suitable educational or treatment program regarding*
38 *commercial sexual exploitation.*

39 ~~(j)~~ (k) Except diversion agreements reported under subsection ~~(l)~~ (l),
40 the attorney general or county or district attorney shall forward to the
41 Kansas bureau of investigation a copy of the diversion agreement at the
42 time such agreement is filed with the district court. The copy of the
43 agreement shall be made available upon request to the attorney general or

1 any county, district or city attorney or court.

2 ~~(k)~~ (l) At the time of filing the diversion agreement with the district
3 court, the attorney general or county or district attorney shall forward to
4 the division of vehicles of the state department of revenue a copy of any
5 diversion agreement entered into in lieu of further criminal proceedings on
6 a complaint alleging a violation of K.S.A. 8-1567, and amendments
7 thereto. The copy of the agreement shall be made available upon request to
8 the attorney general or any county, district or city attorney or court.

9 Sec. 6. K.S.A. 2013 Supp. 22-4704 is hereby amended to read as
10 follows: 22-4704. (a) In accordance with the provisions of K.S.A. 77-415
11 et seq., and amendments thereto, the director shall adopt appropriate rules
12 and regulations for agencies in the executive branch of government and for
13 criminal justice agencies other than those that are part of the judicial
14 branch of government to implement the provisions of this act.

15 (b) The director shall develop procedures to permit and encourage the
16 transfer of criminal history record information among and between courts
17 and affected agencies in the executive branch, and especially between
18 courts and the central repository.

19 (c) The rules and regulations adopted by the director shall include
20 those: (1) Governing the collection, reporting, and dissemination of
21 criminal history record information by criminal justice agencies;

22 (2) necessary to insure the security of all criminal history record
23 information reported, collected and disseminated by and through the
24 criminal justice information system;

25 (3) necessary for the coordination of all criminal justice data and
26 information processing activities as they relate to criminal history record
27 information;

28 (4) governing the dissemination of criminal history record
29 information;

30 (5) governing the procedures for inspection and challenging of
31 criminal history record information;

32 (6) governing the auditing of criminal justice agencies to insure that
33 criminal history record information is accurate and complete and that it is
34 collected, reported, and disseminated in accordance with this act;

35 (7) governing the development and content of agreements between
36 the central repository and criminal justice and noncriminal justice
37 agencies; and

38 (8) governing the exercise of the rights of inspection and challenge
39 provided in this act.

40 (d) The rules and regulations adopted by the director shall not include
41 any provision that allows the charging of a fee for information requests for
42 the purpose of participating in a block parent program, including, but not
43 limited to, the McGruff house program.

1 (e) Rules and regulations adopted by the director may not be
2 inconsistent with the provisions of this act.

3 ~~(f) (1) On or before July 1, 2013, the director shall adopt rules and~~
4 ~~regulations requiring district courts to report the filing and disposition of~~
5 ~~all cases alleging a violation of K.S.A. 8-1567 or K.S.A. 2013 Supp. 8-~~
6 ~~1025, and amendments thereto, to the central repository.~~

7 (2) On or before July 1, 2014, the director shall adopt rules and
8 regulations requiring district courts to electronically report all case filings
9 and dispositions for violations of K.S.A. 8-1567 or K.S.A. 2013 Supp. 8-
10 1025, 21-5426, 21-6419, 21-6420, 21-6421 or 21-6422, and amendments
11 thereto, to the central repository.

12 **Sec. 7. K.S.A. 2013 Supp. 65-535 is hereby amended to read as**
13 **follows: 65-535. (a) A staff secure facility shall:**

14 **(1) Not include construction features designed to physically**
15 **restrict the movements and activities of residents, but shall have a**
16 **design, structure, interior and exterior environment, and furnishings**
17 **to promote a safe, comfortable and therapeutic environment for the**
18 **residents;**

19 **(2) implement written policies and procedures that include the**
20 **use of a combination of supervision, inspection and accountability to**
21 **promote safe and orderly operations;**

22 **(3) rely on locked entrances and delayed-exit mechanisms to**
23 **secure the facility, and implement reasonable rules restricting**
24 **entrance to and egress from the facility;**

25 **(4) implement written policies and procedures for 24-hour-a-day**
26 **staff observation of all facility entrances and exits;**

27 **(5) implement written policies and procedures for the screening**
28 **and searching of both residents and visitors;**

29 **(6) implement written policies and procedures for knowing the**
30 **whereabouts of all residents at all times and for handling runaways**
31 **and unauthorized absences; and**

32 **(7) implement written policies and procedures for determining**
33 **when the movements and activities of individual residents may, for**
34 **treatment purposes, be restricted or subject to control through the use**
35 **of intensive staff supervision.**

36 **(b) A staff secure facility shall provide the following services to**
37 **children placed in such facility:**

38 **(1) Case management;**

39 **(2) life skills training;**

40 **(3) health care;**

41 **(4) mental health counseling;**

42 **(5) substance abuse screening and treatment; and**

43 **(6) any other appropriate services.**

1 **(c) Service providers in a staff secure facility shall be trained to**
2 **counsel and assist victims of human trafficking and sexual**
3 **exploitation.**

4 ~~(d) The person responsible for 24-hour-a-day staff observation of all~~
5 ~~facility entrances and exits shall be a retired or off-duty law enforcement~~
6 ~~officer.~~

7 ~~(1) As used in this subsection, "retired law enforcement officer"~~
8 ~~means any former member of any duly organized federal, state, county or~~
9 ~~municipal law enforcement organization who by virtue of office or public~~
10 ~~employment was vested by law with a duty to maintain public order or to~~
11 ~~make arrests for crimes, whether that duty extended to all crimes or was~~
12 ~~limited to specific crimes.~~

13 ~~(2) As used in this subsection, "off-duty law enforcement officer"~~
14 ~~means any off-duty member of any duly organized federal, state, county or~~
15 ~~municipal law enforcement organization who by virtue of office or public~~
16 ~~employment is vested by law with a duty to maintain public order or to~~
17 ~~make arrests for crimes, whether that duty extends to all crimes or is~~
18 ~~limited to specific crimes.~~

19 ~~(e) (d)~~ **If the staff secure facility is on the same premises as that of**
20 **another licensed facility, the living unit of the staff secure facility shall**
21 **be maintained in a separate, self-contained unit. No staff secure**
22 **facility shall be in a city or county jail.**

23 ~~(f) (e)~~ **The secretary of health and environment, in consultation**
24 **with the attorney general, shall promulgate rules and regulations to**
25 **implement the provisions of this section on or before January 1, 2014.**

26 ~~(g) (f)~~ **This section shall be part of and supplemental to article 5**
27 **of chapter 65 of the Kansas Statutes Annotated, and amendments**
28 **thereto.**

29 ~~Sec.-7.~~ **8.** K.S.A. 2013 Supp. 12-4106, 12-4416, 21-6421, 21-6422,
30 22-2909 ~~and~~, 22-4704 **and 65-535** are hereby repealed.

31 ~~Sec.-8.~~ **9.** This act shall take effect and be in force from and after its
32 publication in the statute book.