

SENATE BILL No. 391

By Committee on Corrections and Juvenile Justice

2-1

1 AN ACT concerning visual depictions of children; creating the crimes of
2 unlawful transmission of a visual depiction of a child and unlawful
3 possession of a visual depiction of a child; ***prohibiting offender***
4 ***registration for such crimes; also*** relating to sexual exploitation of a
5 child; amending K.S.A. 2015 Supp. 21-5510 ***and 22-4902*** and
6 repealing the existing ~~section~~ ***sections***.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Unlawful transmission of a visual depiction of a
10 child is knowingly transmitting a visual depiction of a child 12 or more
11 years of age but less than 18 years of age in a state of nudity when the
12 offender is less than 19 years of age.

13 (b) Aggravated unlawful transmission of a visual depiction of a child
14 is:

15 (1) Knowingly transmitting a visual depiction of a child 12 or more
16 years of age but less than 18 years of age in a state of nudity:

17 (A) With the intent to harass, embarrass, intimidate, defame or
18 otherwise inflict emotional, psychological or physical harm;

19 (B) for pecuniary or tangible gain; or

20 (C) with the intent to exhibit or transmit such visual depiction to more
21 than one person; and

22 (2) when the offender is less than 19 years of age.

23 (c) (1) Unlawful transmission of a visual depiction of a child is a:

24 (A) Class A person misdemeanor, except as provided in subsection (c)
25 (1)(B); and

26 (B) severity level 10, person felony upon a second or subsequent
27 conviction.

28 (2) Aggravated unlawful transmission of a visual depiction of a child
29 is a:

30 (A) Severity level 9, person felony, except as provided in subsection
31 (c)(2)(B); and

32 (B) severity level 7, person felony upon a second or subsequent
33 conviction.

34 (d) It shall be a rebuttable presumption that an offender had the intent
35 to harass, embarrass, intimidate, defame or otherwise inflict emotional,
36 psychological or physical harm if the offender transmitted a visual

1 depiction of a person other than such child in a state of nudity to more than
2 one person.

3 (e) The provisions of this section shall not apply to transmission of a
4 visual depiction of a child in a state of nudity by the child who is the
5 subject of such visual depiction.

6 (f) The provisions of this section shall not apply to a visual depiction
7 of a child engaged in sexually explicit conduct or a visual depiction that
8 constitutes obscenity as defined in K.S.A. 2015 Supp. 21-6401(f)(1), and
9 amendments thereto.

10 (g) As used in this section and section 2, and amendments thereto:

11 (1) "Sexually explicit conduct" means actual or simulated: Sexual
12 intercourse or sodomy, including genital-genital, oral-genital, anal-genital
13 or oral-anal contact, whether between persons of the same or opposite sex;
14 masturbation and sado-masochistic abuse for the purpose of sexual
15 stimulation;

16 (2) "state of nudity" means any state of undress in which the human
17 genitals, pubic region, buttock or female breast, at a point below the top of
18 the areola, is less than completely and opaquely covered;

19 (3) "transmission" means any form of communication, including, but
20 not limited to, physical transmission of paper and electronic transmission
21 that creates a record that may be retained and reviewed by a recipient
22 thereof, and that may be directly reproduced in paper form by such a
23 recipient through an automated process. Transmission also includes a
24 request to receive a transmission of a visual depiction; and

25 (4) "visual depiction" means any photograph, film, video picture,
26 digital or computer generated image or picture made or produced by
27 electronic, mechanical or other means.

28 New Sec. 2. (a) Unlawful possession of a visual depiction of a child
29 is knowingly possessing a visual depiction of a child 12 years of age or
30 older but less than 16 years of age in a state of nudity, if committed by a
31 person less than 19 years of age, and the possessor of such visual depiction
32 received such visual depiction directly and exclusively from the child who
33 is the subject of such visual depiction.

34 (b) Unlawful possession of a visual depiction of a child is a class B
35 person misdemeanor.

36 (c) It shall be an affirmative defense to any prosecution under this
37 section that the recipient of a visual depiction of a child in a state of
38 nudity:

39 (1) Received such visual depiction without requesting, coercing or
40 otherwise attempting to obtain such visual depiction;

41 (2) did not transmit, exhibit or disseminate such visual depiction; and

42 (3) made a good faith effort to erase, delete or otherwise destroy such
43 visual depiction.

1 (d) The provisions of this section shall not apply to possession of a
2 visual depiction of a child in a state of nudity if the person possessing such
3 visual depiction is the child who is the subject of such visual depiction.

4 (e) The provisions of this section shall not apply to a visual depiction
5 of a child engaged in sexually explicit conduct or a visual depiction that
6 constitutes obscenity as defined in of K.S.A. 2015 Supp. 21-6401(f)(1),
7 and amendments thereto.

8 Sec. 3. K.S.A. 2015 Supp. 21-5510 is hereby amended to read as
9 follows: 21-5510. (a) *Except as provided in sections 1 and 2, and*
10 *amendments thereto*, sexual exploitation of a child is:

11 (1) Employing, using, persuading, inducing, enticing or coercing a
12 child under 18 years of age, or a person whom the offender believes to be a
13 child under 18 years of age, to engage in sexually explicit conduct with the
14 intent to promote any performance;

15 (2) possessing any visual depiction of a child under 18 years of age
16 shown or heard engaging in sexually explicit conduct with intent to arouse
17 or satisfy the sexual desires or appeal to the prurient interest of the
18 offender or any other person;

19 (3) being a parent, guardian or other person having custody or control
20 of a child under 18 years of age and knowingly permitting such child to
21 engage in, or assist another to engage in, sexually explicit conduct for any
22 purpose described in subsection (a)(1) or (2); or

23 (4) promoting any performance that includes sexually explicit
24 conduct by a child under 18 years of age, or a person whom the offender
25 believes to be a child under 18 years of age, knowing the character and
26 content of the performance.

27 (b) (1) Sexual exploitation of a child as defined in:

28 (A) Subsection (a)(2) or (a)(3) is a severity level 5, person felony;
29 and

30 (B) subsection (a)(1) or (a)(4) is a severity level 5, person felony,
31 except as provided in subsection (b)(2).

32 (2) Sexual exploitation of a child as defined in subsection (a)(1) or (a)
33 (4) or attempt, conspiracy or criminal solicitation to commit sexual
34 exploitation of a child as defined in subsection (a)(1) or (a)(4) is an off-
35 grid person felony, when the offender is 18 years of age or older and the
36 child is under 14 years of age.

37 (c) If the offender is 18 years of age or older and the child is under 14
38 years of age, the provisions of:

39 (1) ~~Subsection (e) of K.S.A. 2015 Supp. 21-5301(c), and amendments~~
40 ~~thereto~~, shall not apply to a violation of attempting to commit the crime of
41 sexual exploitation of a child as defined in subsection (a)(1) or (a)(4);

42 (2) ~~subsection (e) of K.S.A. 2015 Supp. 21-5302(c), and amendments~~
43 ~~thereto~~, shall not apply to a violation of conspiracy to commit the crime of

1 sexual exploitation of a child as defined in subsection (a)(1) or (a)(4); and
2 (3) ~~subsection (d) of~~ K.S.A. 2015 Supp. 21-5303(d), and amendments
3 thereto, shall not apply to a violation of criminal solicitation to commit the
4 crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)
5 (4).

6 (d) As used in this section:

7 (1) "Sexually explicit conduct" means actual or simulated: Exhibition
8 in the nude; sexual intercourse or sodomy, including genital-genital, oral-
9 genital, anal-genital or oral-anal contact, whether between persons of the
10 same or opposite sex; masturbation; sado-masochistic abuse with the intent
11 of sexual stimulation; or lewd exhibition of the genitals, female breasts or
12 pubic area of any person;

13 (2) "promoting" means procuring, transmitting, distributing,
14 circulating, presenting, producing, directing, manufacturing, issuing,
15 publishing, displaying, exhibiting or advertising:

16 (A) For pecuniary profit; or

17 (B) with intent to arouse or gratify the sexual desire or appeal to the
18 prurient interest of the offender or any other person;

19 (3) "performance" means any film, photograph, negative, slide, book,
20 magazine or other printed or visual medium, any audio tape recording or
21 any photocopy, video tape, video laser disk, computer hardware, software,
22 floppy disk or any other computer related equipment or computer
23 generated image that contains or incorporates in any manner any film,
24 photograph, negative, photocopy, video tape or video laser disk or any
25 play or other live presentation;

26 (4) "nude" means any state of undress in which the human genitals,
27 pubic region, buttock or female breast, at a point below the top of the
28 areola, is less than completely and opaquely covered; and

29 (5) "visual depiction" means any photograph, film, video picture,
30 digital or computer-generated image or picture, whether made or produced
31 by electronic, mechanical or other means.

32 (e) *The provisions of this section shall not apply to possession of a*
33 *visual depiction of a child in a state of nudity if the person possessing such*
34 *visual depiction is the child who is the subject of such visual depiction.*

35 ***Sec. 4. K.S.A. 2015 Supp. 22-4902 is hereby amended to read as***
36 ***follows: 22-4902. As used in the Kansas offender registration act, unless***
37 ***the context otherwise requires:***

38 (a) ***"Offender" means:***

39 (1) ***A sex offender;***

40 (2) ***a violent offender;***

41 (3) ***a drug offender;***

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

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

3 (b) *"Sex offender" includes any person who:*

4 (1) *On or after April 14, 1994, is convicted of any sexually violent*
5 *crime;*

6 (2) *on or after July 1, 2002, is adjudicated as a juvenile offender for*
7 *an act which if committed by an adult would constitute the commission*
8 *of a sexually violent crime, unless the court, on the record, finds that the*
9 *act involved non-forcible sexual conduct, the victim was at least 14 years*
10 *of age and the offender was not more than four years older than the*
11 *victim;*

12 (3) *has been determined to be a sexually violent predator;*

13 (4) *on or after July 1, 1997, is convicted of any of the following*
14 *crimes when one of the parties involved is less than 18 years of age:*

15 (A) *Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or*
16 *K.S.A. 2015 Supp. 21-5511, and amendments thereto;*

17 (B) *criminal sodomy, as defined in ~~subsection (a)(1) of K.S.A. 21-~~*
18 *3505(a)(1), prior to its repeal, or ~~subsection (a)(1) or (a)(2) of K.S.A.~~*
19 *2015 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto;*

20 (C) *promoting prostitution, as defined in K.S.A. 21-3513, prior to its*
21 *repeal, or K.S.A. 2015 Supp. 21-6420, prior to its amendment by section*
22 *17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;*

23 (D) *patronizing a prostitute, as defined in K.S.A. 21-3515, prior to*
24 *its repeal, or K.S.A. 2015 Supp. 21-6421, prior to its amendment by*
25 *section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1,*
26 *2013; or*

27 (E) *lewd and lascivious behavior, as defined in K.S.A. 21-3508,*
28 *prior to its repeal, or K.S.A. 2015 Supp. 21-5513, and amendments*
29 *thereto;*

30 (5) *is convicted of sexual battery, as defined in K.S.A. 21-3517,*
31 *prior to its repeal, or subsection (a) of K.S.A. 2015 Supp. 21-5505, and*
32 *amendments thereto;*

33 (6) *is convicted of an attempt, conspiracy or criminal solicitation, as*
34 *defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or*
35 *K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,*
36 *of an offense defined in this subsection; or*

37 (7) *has been convicted of an offense that is comparable to any*
38 *crime defined in this subsection, or any out of state conviction for an*
39 *offense that under the laws of this state would be an offense defined in*
40 *this subsection.*

41 (c) *"Sexually violent crime" means:*

42 (1) *Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.*
43 *2015 Supp. 21-5503, and amendments thereto;*

1 (2) *indecent liberties with a child, as defined in K.S.A. 21-3503,*
2 *prior to its repeal, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5506(a), and~~*
3 *amendments thereto;*

4 (3) *aggravated indecent liberties with a child, as defined in K.S.A.*
5 *21-3504, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-~~*
6 *5506(b), and amendments thereto;*

7 (4) *criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of~~*
8 *K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or~~*
9 *(a)(4) of K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and amendments*
10 *thereto;*

11 (5) *aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior*
12 *to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5504(b), and~~*
13 *amendments thereto;*

14 (6) *indecent solicitation of a child, as defined in K.S.A. 21-3510,*
15 *prior to its repeal, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5508(a), and~~*
16 *amendments thereto;*

17 (7) *aggravated indecent solicitation of a child, as defined in K.S.A.*
18 *21-3511, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-~~*
19 *5508(b), and amendments thereto;*

20 (8) *sexual exploitation of a child, as defined in K.S.A. 21-3516,*
21 *prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments*
22 *thereto;*

23 (9) *aggravated sexual battery, as defined in K.S.A. 21-3518, prior to*
24 *its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5505(b), and~~*
25 *amendments thereto;*

26 (10) *aggravated incest, as defined in K.S.A. 21-3603, prior to its*
27 *repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5604(b), and~~*
28 *amendments thereto;*

29 (11) *electronic solicitation, as defined in K.S.A. 21-3523, prior to its*
30 *repeal, and K.S.A. 2015 Supp. 21-5509, and amendments thereto;*

31 (12) *unlawful sexual relations, as defined in K.S.A. 21-3520, prior*
32 *to its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto;*

33 (13) *aggravated human trafficking, as defined in K.S.A. 21-3447,*
34 *prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5426(b), and~~*
35 *amendments thereto, if committed in whole or in part for the purpose of*
36 *the sexual gratification of the defendant or another;*

37 (14) *commercial sexual exploitation of a child, as defined in K.S.A.*
38 *2015 Supp. 21-6422, and amendments thereto;*

39 (15) *any conviction or adjudication for an offense that is*
40 *comparable to a sexually violent crime as defined in this subsection, or*
41 *any out of state conviction or adjudication for an offense that under the*
42 *laws of this state would be a sexually violent crime as defined in this*
43 *subsection;*

1 ***(16) an attempt, conspiracy or criminal solicitation, as defined in***
2 ***K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015***
3 ***Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually***
4 ***violent crime, as defined in this subsection; or***

5 ***(17) any act which has been determined beyond a reasonable doubt***
6 ***to have been sexually motivated, unless the court, on the record, finds***
7 ***that the act involved non-forcible sexual conduct, the victim was at least***
8 ***14 years of age and the offender was not more than four years older***
9 ***than the victim. As used in this paragraph, "sexually motivated" means***
10 ***that one of the purposes for which the defendant committed the crime***
11 ***was for the purpose of the defendant's sexual gratification.***

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

15 ***(e) "Violent offender" includes any person who:***

16 ***(1) On or after July 1, 1997, is convicted of any of the following***
17 ***crimes:***

18 ***(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,***
19 ***or K.S.A. 2015 Supp. 21-5401, and amendments thereto;***

20 ***(B) murder in the first degree, as defined in K.S.A. 21-3401, prior***
21 ***to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;***

22 ***(C) murder in the second degree, as defined in K.S.A. 21-3402,***
23 ***prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments***
24 ***thereto;***

25 ***(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to***
26 ***its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;***

27 ***(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior***
28 ***to its repeal, or subsections (a)(1), (a)(2) or (a)(4) of K.S.A. 2015 Supp.***
29 ***21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto. The provisions***
30 ***of this paragraph shall not apply to violations of ~~subsection (a)(3) of~~***
31 ***K.S.A. 2015 Supp. 21-5405(a)(3), and amendments thereto, which***
32 ***occurred on or after July 1, 2011, through July 1, 2013;***

33 ***(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or***
34 ***subsection ~~(a)~~ of K.S.A. 2015 Supp. 21-5408(a), and amendments***
35 ***thereto;***

36 ***(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to***
37 ***its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5408(b), and***
38 ***amendments thereto;***

39 ***(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its***
40 ***repeal, or K.S.A. 2015 Supp. 21-5411, and amendments thereto, except***
41 ***by a parent, and only when the victim is less than 18 years of age; or***

42 ***(I) aggravated human trafficking, as defined in K.S.A. 21-3447,***
43 ***prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5426(b), and***

1 *amendments thereto, if not committed in whole or in part for the*
2 *purpose of the sexual gratification of the defendant or another;*

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

6 (3) *has been convicted of an offense that is comparable to any*
7 *crime defined in this subsection, any out of state conviction for an*
8 *offense that under the laws of this state would be an offense defined in*
9 *this subsection; or*

10 (4) *is convicted of an attempt, conspiracy or criminal solicitation, as*
11 *defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or*
12 *K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments*
13 *thereto, of an offense defined in this subsection.*

14 (f) *"Drug offender" includes any person who, on or after July 1,*
15 *2007:*

16 (1) *Is convicted of any of the following crimes:*

17 (A) *Unlawful manufacture or attempting such of any controlled*
18 *substance or controlled substance analog, as defined in K.S.A. 65-4159,*
19 *prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or*
20 *K.S.A. 2015 Supp. 21-5703, and amendments thereto;*

21 (B) *possession of ephedrine, pseudoephedrine, red phosphorus,*
22 *lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized*
23 *ammonia or phenylpropanolamine, or their salts, isomers or salts of*
24 *isomers with intent to use the product to manufacture a controlled*
25 *substance, as defined in ~~subsection (a) of~~ K.S.A. 65-7006(a), prior to its*
26 *repeal, ~~subsection (a) of~~ K.S.A. 2010 Supp. 21-36a09(a), prior to its*
27 *transfer, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5709(a), and*
28 *amendments thereto;*

29 (C) *K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of~~ K.S.A.*
30 *2010 Supp. 21-36a05(a)(1), prior to its transfer, or ~~subsection (a)(1) of~~*
31 *K.S.A. 2015 Supp. 21-5705(a)(1), and amendments thereto. The*
32 *provisions of this paragraph shall not apply to violations of ~~subsections~~*
33 *(a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05(a)(2) through*
34 *(a)(6) or (b) which occurred on or after July 1, 2009, through April 15,*
35 *2010;*

36 (2) *has been convicted of an offense that is comparable to any*
37 *crime defined in this subsection, any out of state conviction for an*
38 *offense that under the laws of this state would be an offense defined in*
39 *this subsection; or*

40 (3) *is or has been convicted of an attempt, conspiracy or criminal*
41 *solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to*
42 *their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and*
43 *amendments thereto, of an offense defined in this subsection.*

1 (g) *Convictions or adjudications which result from or are*
2 *connected with the same act, or result from crimes committed at the*
3 *same time, shall be counted for the purpose of this section as one*
4 *conviction or adjudication. Any conviction or adjudication set aside*
5 *pursuant to law is not a conviction or adjudication for purposes of this*
6 *section. A conviction or adjudication from any out of state court shall*
7 *constitute a conviction or adjudication for purposes of this section.*

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

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

19 (j) *"Reside" means to stay, sleep or maintain with regularity or*
20 *temporarily one's person and property in a particular place other than a*
21 *location where the offender is incarcerated. It shall be presumed that an*
22 *offender resides at any and all locations where the offender stays, sleeps*
23 *or maintains the offender's person for three or more consecutive days or*
24 *parts of days, or for ten or more nonconsecutive days in a period of 30*
25 *consecutive days.*

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

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

31 (m) *"Law enforcement agency having initial jurisdiction" means*
32 *the registering law enforcement agency of the county or location of*
33 *jurisdiction where the offender expects to most often reside upon the*
34 *offender's discharge, parole or release.*

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

37 (o) *"Registering entity" means any person, agency or other*
38 *governmental unit, correctional facility or registering law enforcement*
39 *agency responsible for obtaining the required information from, and*
40 *explaining the required registration procedures to, any person required*
41 *to register pursuant to the Kansas offender registration act. "Registering*
42 *entity" shall include, but not be limited to, sheriff's offices, tribal police*
43 *departments and correctional facilities.*

1 *(p) "Treatment facility" means any public or private facility or*
2 *institution providing inpatient mental health, drug or alcohol treatment*
3 *or counseling, but does not include a hospital, as defined in K.S.A. 65-*
4 *425, and amendments thereto.*

5 *(q) "Correctional facility" means any public or private correctional*
6 *facility, juvenile detention facility, prison or jail.*

7 *(r) "Out of state" means: the District of Columbia; any federal,*
8 *military or tribal jurisdiction, including those within this state; any*
9 *foreign jurisdiction; or any state or territory within the United States,*
10 *other than this state.*

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

14 *(t) (1) Notwithstanding any other provision of this section, "offender"*
15 *shall not include any person who is:*

16 *(A) Convicted of unlawful transmission of a visual depiction of a*
17 *child, as defined in section 1(a), and amendments thereto, aggravated*
18 *unlawful transmission of a visual depiction of a child, as defined in section*
19 *1(b), and amendments thereto, or unlawful possession of a visual*
20 *depiction of a child, as defined in section 2, and amendments thereto; or*

21 *(B) adjudicated as a juvenile offender for an act which if committed*
22 *by an adult would constitute the commission of a crime defined in*
23 *subsection (t)(1)(A).*

24 *(2) Notwithstanding any other provision of law, a court shall not*
25 *order any person to register under the Kansas offender registration act for*
26 *the offenses described in subsection (t)(1).*

27 ~~Sec.-4.~~ **5.** K.S.A. 2015 Supp. 21-5510 ~~is~~ **and 22-4902 are** hereby
28 repealed.

29 ~~Sec.-5.~~ **6.** This act shall take effect and be in force from and after its
30 publication in the statute book.