

SENATE BILL No. 179

By Committee on Judiciary

2-10

1 AN ACT concerning human trafficking and related crimes; creating the
2 crimes of unlawful use of a communication facility, promoting travel
3 for child exploitation, internet trading in child pornography and
4 aggravated internet trading in child pornography; relating to training for
5 commercial driver's license applicants; sexual exploitation of a child;
6 buying sexual relations; commercial sexual exploitation of a child;
7 offender registration; expungement of juvenile adjudications; victim
8 compensation; amending K.S.A. 2016 Supp. 12-4120, 21-5426, 21-
9 5510, 21-6421, 21-6422, 22-4902, 38-2312, 74-7305 and 75-759 and
10 repealing the existing sections.

22-4906,

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

12 New Section 1. (a) It shall be unlawful for any person to knowingly
13 or intentionally use any communication facility:

14 (1) In committing, causing, or facilitating the commission of any
15 felony under K.S.A. 2016 Supp. 21-5426, 21-6422 or 21-6420, and
16 amendments thereto;

17 (2) in any attempt to commit, any conspiracy to commit, or any
18 criminal solicitation of any felony under K.S.A. 2016 Supp. 21-5426, 21-
19 6422 or 21-6420, and amendments thereto; or

20 (3) in committing, causing, or facilitating the commission of any
21 felony or misdemeanor under K.S.A. 2016 Supp. 21-6421, and
22 amendments thereto, or in any attempt to commit, any conspiracy to
23 commit, or any criminal solicitation of any felony or misdemeanor under
24 K.S.A. 2016 Supp. 21-6421, and amendments thereto.

25 Each separate use of a communication facility may be charged as a
26 separate offense under this subsection.

27 (b) (1) Violation of subsection (a)(1) or (a)(2) is a severity level 7,
28 person felony.

29 (2) Violation of subsection (a)(3) is a class A person misdemeanor.

30 (c) As used in this section, "communication facility" means any and
31 all public and private instrumentalities used or useful in the transmission
32 of writing, signs, signals, pictures or sounds of all kinds and includes
33 telephone, wire, radio, computer, computer networks, beepers, pagers and
34 all other means of communication.

35 (d) It shall be an affirmative defense to any prosecution under this
36

1 section that the defendant committed the violation of this section because
2 such defendant was subjected to human trafficking or aggravated human
3 trafficking, as defined by K.S.A. 2016 Supp. 21-5426, and amendments
4 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.
5 2016 Supp. 21-6422, and amendments thereto.

6 (e) This section shall be part of and supplemental to the Kansas
7 criminal code.

8 New Sec. 2. (a) Promoting travel for child exploitation is knowingly
9 selling or offering to sell travel services that include or facilitate travel for
10 the purpose of any person engaging in conduct that would constitute a
11 violation of K.S.A. 2016 Supp. ~~21-5510 or 21-6422~~, and amendments
12 thereto, if such conduct occurred in this state.

21-5426(b)(4) or (5) or

Strike in line 11

13 (b) Promoting travel for child exploitation is a severity level 5, person
14 felony.

15 (c) As used in this section, "travel services" means transportation by
16 air, sea or ground, hotel or any lodging accommodations, package tours, or
17 vouchers or coupons to be redeemed for future travel or accommodations
18 for a fee, commission or other valuable consideration.

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

21 New Sec. 3. (a) Internet trading in child pornography is sexual
22 exploitation of a child, as defined in K.S.A. 2016 Supp. 21-5510(a)(2), and
23 amendments thereto, when the offender is 18 years of age or older, and the
24 offender knowingly causes or permits the visual depiction to be viewed, by
25 use of any electronic device connected to the internet, by any person other
26 than the offender or a person depicted in the visual depiction.

27 (b) Aggravated internet trading in child pornography is sexual
28 exploitation of a child, as defined in K.S.A. 2016 Supp. 21-5510(a)(1) or
29 (4), and amendments thereto, when the offender is 18 years of age or older
30 and the offender knowingly causes or permits the performance to be
31 viewed, by use of any electronic device connected to the internet, by any
32 person other than the offender or a person depicted in the performance.

33 (c) (1) Internet trading in child pornography is a severity level 5,
34 person felony.

35 (2) Aggravated internet trading in child pornography is a severity
36 level 3, person felony, except as provided in subsection (c)(3).

37 (3) Aggravated internet trading in child pornography or attempt,
38 conspiracy or criminal solicitation to commit aggravated internet trading in
39 child pornography is an off-grid person felony when the child is under 14
40 years of age.

41 (d) If the child is under 14 years of age, the provisions of:

42 (1) K.S.A. 2016 Supp. 21-5301(c), and amendments thereto, shall not
43 apply to a violation of attempting to commit the crime of aggravated

1 internet trading in child pornography pursuant to this section;
 2 (2) K.S.A. 2016 Supp. 21-5302(c), and amendments thereto, shall not
 3 apply to a violation of conspiracy to commit the crime of aggravated
 4 internet trading in child pornography pursuant to this section; and
 5 (3) K.S.A. 2016 Supp. 21-5303(d), and amendments thereto, shall not
 6 apply to a violation of criminal solicitation to commit the crime of
 7 aggravated internet trading in child pornography pursuant to this section.
 8 (e) In addition to the venue provided for under any other provision of
 9 law, a prosecution for internet trading in child pornography or aggravated
 10 internet trading in child pornography may be brought in the county where
 11 the visual depiction or performance may be viewed by any person other
 12 than the offender using any electronic device connected to the internet and
 13 is viewed by a law enforcement officer using an electronic device
 14 connected to the internet while engaged in such officer's official duties.
 15 (f) As used in this section, "the internet" has the meaning as provided
 16 in K.S.A. 66-2011, and amendments thereto.
 17 (g) This section shall be part of and supplemental to the Kansas
 18 criminal code.

19 New Sec. 4. ~~Not later than January 1, 2018, the secretary of revenue~~
 20 ~~shall, in consultation with the attorney general and the director of vehicles,~~
 21 ~~promulgate rules and regulations requiring that an~~ applicant for issuance or
 22 renewal of a commercial driver's license, prior to such issuance or renewal,
 23 complete training approved by the attorney general in human trafficking
 24 identification and prevention and provide satisfactory proof of such
 25 completion prior to such issuance or renewal.

An

shall

to the division of vehicles of the department of revenue

Not later than January 1, 2018, the attorney general shall, in consultation with the director of vehicles, promulgate rules and regulations to implement the provisions of this section.

26 Sec. 5. K.S.A. 2016 Supp. 12-4120 is hereby amended to read as
 27 follows: 12-4120. (a) On and after July 1, 2012, the amount of \$250 from
 28 each fine imposed for a violation of a city ordinance prohibiting the acts
 29 prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2016 Supp. 8-1025, and
 30 amendments thereto, shall be remitted by the judge or clerk of the
 31 municipal court to the state treasurer in accordance with the provisions of
 32 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
 33 remittance, the state treasurer shall credit the entire amount to the
 34 community corrections supervision fund established by K.S.A. 2016 Supp.
 35 75-52,113, and amendments thereto.

36 (b) ~~On and after July 1, 2013, the amount of \$2,500 from~~ *One-half of*
 37 each fine imposed for a violation of a city ordinance prohibiting the acts
 38 prohibited by K.S.A. 2016 Supp. 21-6421, and amendments thereto, shall
 39 be remitted by the judge or clerk of the municipal court to the state
 40 treasurer in accordance with the provisions of K.S.A. 75-4215, and
 41 amendments thereto, *and the remainder shall be remitted as otherwise*
 42 *provided by law.* Upon receipt of each such remittance, the state treasurer
 43 shall credit the entire amount to the human trafficking victim assistance

1 fund established by K.S.A. 2016 Supp. 75-758, and amendments thereto.

2 Sec. 6. K.S.A. 2016 Supp. 21-5426 is hereby amended to read as
3 follows: 21-5426. (a) Human trafficking is:

and (b)(5)

4 (1) *Except as provided in subsection (b)(4)*, the intentional
5 recruitment, harboring, transportation, provision or obtaining of a person
6 for labor or services, through the use of force, fraud or coercion for the
7 purpose of subjecting the person to involuntary servitude or forced labor;

8 (2) intentionally benefitting financially or by receiving anything of
9 value from participation in a venture that the person has reason to know
10 has engaged in acts set forth in subsection (a)(1);

11 (3) knowingly coercing employment by obtaining or maintaining
12 labor or services that are performed or provided by another person through
13 any of the following:

14 (A) Causing or threatening to cause physical injury to any person;

15 (B) physically restraining or threatening to physically restrain another
16 person;

17 (C) abusing or threatening to abuse the law or legal process;

18 (D) threatening to withhold food, lodging or clothing; or

19 (E) knowingly destroying, concealing, removing, confiscating or
20 possessing any actual or purported government identification document of
21 another person; or

22 (4) knowingly holding another person in a condition of peonage in
23 satisfaction of a debt owed the person who is holding such other person.

24 (b) Aggravated human trafficking is ~~human trafficking, as defined in~~
25 ~~subsection (a):~~

26 (1) *Human trafficking, as defined in subsection (a)*, involving the
27 commission or attempted commission of kidnapping, as defined in
28 ~~subsection (a) of K.S.A. 2016 Supp. 21-5408(a)~~, and amendments thereto;

29 (2) *human trafficking, as defined in subsection (a)*, committed in
30 whole or in part for the purpose of the sexual gratification of the defendant
31 or another;

32 (3) *human trafficking, as defined in subsection (a)*, resulting in a
33 death; ~~or~~

Strike in line 33

34 (4) ~~involving recruiting, harboring, transporting, providing or~~
35 ~~obtaining~~ *inducing*, by any means, a person under 18 years of age knowing
36 that the person, with or without force, fraud, threat or coercion, will be
37 used to engage in: (A) Forced labor; (B) involuntary servitude; or (C)
38 sexual gratification of the defendant or another *involving the exchange of*
39 *anything of value.*

obtaining

child

40 (c) (1) Human trafficking is a severity level 2, person felony.

41 (2) Aggravated human trafficking is a severity level 1, person felony,
42 except as provided in subsection (c)(3).

43 (3) Aggravated human trafficking or attempt, conspiracy or criminal

; or
(5) hiring a child by giving, or offering or agreeing to give, anything of value to any person, to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act, and the offender knows, should have known, is deliberately indifferent to, is willfully blind to, or recklessly disregards the age of the child

1 solicitation to commit aggravated human trafficking is an off-grid person
2 felony, when the offender is 18 years of age or older and the victim is less
3 than 14 years of age.

4 (4) In addition to any other sentence imposed, a person convicted
5 under subsection (c)(1) shall be fined not less than \$2,500 nor more than
6 \$5,000. In addition to any other sentence imposed, a person convicted
7 under subsection (c)(2) or (c)(3) shall be fined not less than \$5,000. All
8 fines collected pursuant to this section shall be remitted to the human
9 trafficking victim assistance fund created by K.S.A. 2016 Supp. 75-758,
10 and amendments thereto.

11 (5) In addition to any other sentence imposed, for any conviction
12 under this section, the court may order the person convicted to enter into
13 and complete a suitable educational or treatment program regarding
14 commercial sexual exploitation of a child.

15 (d) If the offender is 18 years of age or older and the victim is less
16 than 14 years of age, the provisions of:

17 (1) ~~Subsection (e) of~~ K.S.A. 2016 Supp. 21-5301(c), and amendments
18 thereto, shall not apply to a violation of attempting to commit the crime of
19 aggravated human trafficking pursuant to this section;

20 (2) ~~subsection (e) of~~ K.S.A. 2016 Supp. 21-5302(c), and amendments
21 thereto, shall not apply to a violation of conspiracy to commit the crime of
22 aggravated human trafficking pursuant to this section; and

23 (3) ~~subsection (d) of~~ K.S.A. 2016 Supp. 21-5303(d), and amendments
24 thereto, shall not apply to a violation of criminal solicitation to commit the
25 crime of aggravated human trafficking pursuant to this section.

26 (e) ~~The provisions of this section shall not apply to the use of the~~
27 ~~labor of any person incarcerated in a state or county correctional facility or~~
28 ~~city jail.~~

29 (f) As used in this section, "peonage" means a condition of
30 involuntary servitude in which the victim is forced to work for another
31 person by the use or threat of physical restraint or physical injury, or by the
32 use or threat of coercion through law or the legal process.

33 ~~(g) It shall not be a defense to a charge of aggravated human~~
34 ~~trafficking, as defined in subsection (b)(4), that the victim consented or~~
35 ~~willingly participated in the forced labor, involuntary servitude or sexual~~
36 ~~gratification of the defendant or another.~~

37 Sec. 7. K.S.A. 2016 Supp. 21-5510 is hereby amended to read as
38 follows: 21-5510. (a) Except as provided in K.S.A. 2016 Supp. 21-5610
39 and 21-5611, and amendments thereto, sexual exploitation of a child is:

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

It shall be an affirmative defense to any prosecution under subsection (b)(4) or (b)(5) that the defendant: (1) Was under 18 years of age at the time of the violation; and (2) committed the violation because such defendant, at the time of the violation, was subjected to human trafficking or aggravated human trafficking, as defined by this section.
(f) It shall not be a defense to a charge of aggravated human trafficking, as defined in subsection (b)(4) or (b)(5), that the victim consented or willingly participated in the forced labor, involuntary servitude or sexual gratification of the defendant or another.
(g) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for commercial sexual exploitation of a child, as defined by K.S.A. 2016 Supp. 21-6422, and amendments thereto, or for any form of homicide.
(h)

(i)
:
(1) "Child" means a person under 18 years of age; and
(2)

Strike lines 33-36

1 trafficking victim assistance fund created by K.S.A. 2016 Supp. 75-758,
2 and amendments thereto, *and the remainder shall be remitted as otherwise*
3 *provided by law.*

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

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

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

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

18 (d) (1) Nothing contained in this section shall be construed as
19 preventing any city from enacting ordinances, or any county from adopting
20 resolutions, declaring acts prohibited or made unlawful by this act as
21 unlawful or prohibited in such city or county and prescribing penalties for
22 violation thereof.

23 (2) The minimum penalty prescribed by any such ordinance or
24 resolution shall not be less than the minimum penalty prescribed by this
25 section for the same violation, and the maximum penalty in any such
26 ordinance or resolution shall not exceed the maximum penalty prescribed
27 for the same violation.

28 Sec. 9. K.S.A. 2016 Supp. 21-6422 is hereby amended to read as
29 follows: 21-6422. (a) Commercial sexual exploitation of a child is
30 knowingly:

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

33 ~~(A) Procuring, recruiting, inducing, soliciting, hiring or otherwise~~
34 ~~obtaining any person younger than 18 years of age to engage in sexual~~
35 ~~intercourse, sodomy or manual or other bodily contact stimulation of the~~
36 ~~genitals of any person with the intent to arouse or gratify the sexual desires~~
37 ~~of the offender or another; or~~

38 ~~(B) procuring, recruiting, inducing, soliciting, hiring or otherwise~~
39 ~~obtaining a patron where there is an exchange of value, for any person~~
40 ~~younger than 18 years of age to engage in sexual intercourse, sodomy, any~~
41 ~~unlawful sex act or manual or other bodily contact stimulation of the~~
42 ~~genitals of any person with the intent to arouse or gratify the sexual desires~~
43 ~~of the patron, the offender or another;~~

Strike in lines 31-32; 39-43

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

Strike in line 1

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

(2)

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

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

14 (A) Severity level ~~5~~ 4, person felony, except as provided in
 15 subsections (b)(1)(B) and (b)(2); and

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

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

23 (3) In addition to any other sentence imposed, a person convicted
 24 under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more
 25 than \$5,000. In addition to any other sentence imposed, a person convicted
 26 under subsection (b)(1)(B) or ~~subsection (b)(2)~~ shall be fined not less than
 27 \$5,000. All fines collected pursuant to this section shall be remitted to the
 28 human trafficking victim assistance fund created by K.S.A. 2016 Supp. 75-
 29 758, and amendments thereto.

30 (4) In addition to any other sentence imposed, for any conviction
 31 under this section, the court may order the person convicted to enter into
 32 and complete a suitable educational or treatment program regarding
 33 commercial sexual exploitation of a child.

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

36 (1) ~~Subsection (e) of K.S.A. 2016 Supp. 21-5301(c)~~, and amendments
 37 thereto, shall not apply to a violation of attempting to commit the crime of
 38 commercial sexual exploitation of a child pursuant to this section;

39 (2) ~~subsection (e) of K.S.A. 2016 Supp. 21-5302(c)~~, and amendments
 40 thereto, shall not apply to a violation of conspiracy to commit the crime of
 41 commercial sexual exploitation of a child pursuant to this section; and

42 (3) ~~subsection (d) of K.S.A. 2016 Supp. 21-5303(d)~~, and amendments
 43 thereto, shall not apply to a violation of criminal solicitation to commit the

1 facility, juvenile detention facility, prison or jail.

2 (r) "Out-of-state" means: the District of Columbia; any federal,
3 military or tribal jurisdiction, including those within this state; any foreign
4 jurisdiction; or any state or territory within the United States, other than
5 this state.

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

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

10 (A) Convicted of unlawful transmission of a visual depiction of a
11 child, as defined in K.S.A. 2016 Supp. 21-5611(a), and amendments
12 thereto, aggravated unlawful transmission of a visual depiction of a child,
13 as defined in K.S.A. 2016 Supp. 21-5611(b), and amendments thereto, or
14 unlawful possession of a visual depiction of a child, as defined in K.S.A.
15 2016 Supp. 21-5610, and amendments thereto; or

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

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

22 Sec. 11. K.S.A. 2016 Supp. 38-2312 is hereby amended to read as
23 follows: 38-2312. (a) Except as provided in ~~subsection~~ *subsections* (b) and
24 (c), any records or files specified in this code concerning a juvenile may be
25 expunged upon application to a judge of the court of the county in which
26 the records or files are maintained. The application for expungement may
27 be made by the juvenile, if 18 years of age or older or, if the juvenile is
28 less than 18 years of age, by the juvenile's parent or next friend.

29 (b) There shall be no expungement of records or files concerning acts
30 committed by a juvenile which, if committed by an adult, would constitute
31 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-
32 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
33 prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments
34 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
35 or K.S.A. 2016 Supp. 21-5404, and amendments thereto, voluntary
36 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2016 Supp.
37 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
38 3439, prior to its repeal, or K.S.A. 2016 Supp. 21-5401, and amendments
39 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2016
40 Supp. 21-5405(a)(3), and amendments thereto, involuntary manslaughter
41 while driving under the influence of alcohol or drugs; K.S.A. 21-3502,
42 prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments
43 thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A. 2016 Supp. 21-

Insert Attachment A
Renumber sections accordingly

1 (j) *Nothing in subsections (c)(2), (c)(3), (e) and (f) shall be construed*
 2 *to reduce or deny compensation to a victim of human trafficking or*
 3 *aggravated human trafficking, as defined in K.S.A. 2016 Supp. 21-5426,*
 4 *and amendments thereto, or commercial sexual exploitation of a child, as*
 5 *defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto, who was*
 6 *18 years of age or younger at the time the crime was committed and is*
 7 *otherwise qualified for compensation.*

8 Sec. 13. K.S.A. 2016 Supp. 75-759 is hereby amended to read as
 9 follows: 75-759. (a) A notice offering help to victims of human trafficking
 10 shall be accessible on the official website of the attorney general, the
 11 official website of the department for children and families and the official
 12 website of the department of labor, and may be posted in a prominent and
 13 accessible location in workplaces.

14 (b) The notice shall provide such information as the attorney general
 15 determines appropriate to help and support victims of human trafficking,
 16 including, but not limited to, information regarding the national human
 17 trafficking resource center (NHTRC) hotline as follows:

18 "If you or someone you know is being forced to engage in any activity
 19 and cannot leave — whether it is commercial sex, housework, farm work
 20 or any other activity — call the toll-free National Human Trafficking
 21 Resource Center Hotline at 1-888-373-7888 to access help and services.
 22 The toll-free hotline is:

- 23 • Available 24 hours a day, 7 days a week
- 24 • Operated by a nonprofit, nongovernmental organization
- 25 • Anonymous and confidential
- 26 • Accessible in 170 languages
- 27 • Able to provide help, referral to services, training, and general
- 28 information."

29 (c) The notice described in this section shall be made available in
 30 English, Spanish, and, if requested by an employer, another language.

31 (d) The secretary of labor, in consultation with the attorney general,
 32 shall develop and implement an education plan to raise awareness among
 33 Kansas employers about the problem of human trafficking, about the
 34 hotline described in this section, and about other resources that may be
 35 available to employers, employees, and potential victims of human
 36 trafficking. On or before February 1, 2014, the secretary shall report to the
 37 standing committees on judiciary in the senate and the house of
 38 representatives, respectively, on the progress achieved in developing and
 39 implementing the notice requirement and education plan required by this
 40 section.

41 Sec. 14. K.S.A. 2016 Supp. 12-4120, 21-5426, 21-5510, 21-6421, 21-
 42 6422, 22-4902, 38-2312, 74-7305 and 75-759 are hereby repealed.

43 Sec. 15. This act shall take effect and be in force from and after its

22-4906,

Attachment A

Sec. 11. K.S.A. 2016 Supp. 22-4906 is hereby amended to read as follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 15 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:

- (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5505(a), and amendments thereto;
 - (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2016 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;
 - (C) promoting the sale of sexual relations, as defined in K.S.A. 2016 Supp. 21-6420, and amendments thereto;
 - (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2016 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, when one of the parties involved is less than 18 years of age;
 - ~~(D)~~ (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2016 Supp. 21-5513, and amendments thereto, when one of the parties involved is less than 18 years of age;
 - ~~(E)~~ (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2016 Supp. 21-5401, and amendments thereto;
 - ~~(F)~~ (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;
 - ~~(G)~~ (H) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments thereto;
 - ~~(H)~~ (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;
 - ~~(I)~~ (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto;
 - ~~(J)~~ (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2016 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;
 - ~~(K)~~ (L) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;
 - ~~(L)~~ (M) conviction of any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act;
 - ~~(M)~~ (N) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;
 - ~~(N)~~ (O) unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2016 Supp. 21-5703, and amendments thereto;
 - ~~(O)~~ (P) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined by ~~subsection (a) of~~ K.S.A. 65-7006(a), prior to its repeal, ~~subsection (a) of~~ K.S.A. 2010 Supp. 21-36a09(a), prior to its transfer, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5709(a), and amendments thereto;
 - ~~(P)~~ (Q) K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of~~ K.S.A. 2010 Supp. 21-36a05(a)(1), prior to its transfer, or ~~subsection (a)(1) of~~ K.S.A. 2016 Supp. 21-5705(a)(1), and amendments thereto; or
 - ~~(Q)~~ (R) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.
- (2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 15 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.
- (b) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:
- (A) Criminal sodomy, as defined in ~~subsection (a)(1) of~~ K.S.A. 21-3505(a)(1), prior to its repeal, or ~~subsection (a)(1) or (a)(2) of~~ K.S.A. 2016 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto, when one of the parties involved is less than 18 years of age;
 - (B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5508(a), and amendments thereto;
 - (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or K.S.A. 2016 Supp. 21-5509, and amendments thereto;

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- (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5604**(b)**, and amendments thereto;
- (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5506**(a)**, and amendments thereto;
- (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2016 Supp. 21-5512, and amendments thereto;
- (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;
- (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5505**(b)**, and amendments thereto;
- (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2016 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is 14 or more years of age but less than 18 years of age; or
- (J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.
- (2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.
- (c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.
- (d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender's lifetime:
- (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments thereto;
- (2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5508**(b)**, and amendments thereto;
- (3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5506**(b)**, and amendments thereto;
- (4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of~~ K.S.A. 21-3505**(a)(2) or (a)(3)**, prior to its repeal, or ~~subsection (a)(3) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5504**(a)(3) or (a)(4)**, and amendments thereto;
- (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5504**(b)**, and amendments thereto;
- (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5426**(b)**, and amendments thereto;
- (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age;
- (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2016 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is less than 14 years of age;
- (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5408**(a)**, and amendments thereto;
- (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5408**(b)**, and amendments thereto;
- (11) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto; or
- (12) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.
- (e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person's lifetime.
- (f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in ~~subsection (c) of~~ K.S.A. 22-4902**(c)**, and amendments thereto, the court shall:
- (1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

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- (2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or
- (3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

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

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in ~~subsection (e) of~~ K.S.A. 22-4902(c), and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2016 Supp. 21-6804, and amendments thereto, the court shall:

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

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

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

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

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in ~~subsection (e) of~~ K.S.A. 22-4902(c), and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2016 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

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

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

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

(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out-of-state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act.