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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: February 15, 2018
Subject: Bill Brief for SB 407

SB 407 allows certain violent offenders to shorten the duration of registration required under the Kansas offender registration act.

Section 1 amends K.S.A. 22-4906, the offender registration statute that provides for duration of registration. Under subsection (a), certain offenders must register for 15 years. The offenders described in subsections (a)(1)(F), (G), (H), (I), (J), (K), and (N) are included in the definition of “violent offender” under the act and would be subject to the new provision for shortened duration of registration. The only amendment in this section adds a cross-reference to the exception in K.S.A. 22-4908.

Section 2 amends K.S.A. 22-4908, a statute that currently prohibits an order relieving any offender of registration requirements. New subsection (b) provides that after five or more years of registration any violent offender who is required to register for 15 years under K.S.A. 22-4906(a)(1) may petition the court in the county in which the conviction or adjudication occurred for which the offender is required to register for an order relieving the offender of further registration.

The court is required to set a hearing for the petition and give notice of the hearing to the prosecutor and any victim of the offender’s crime who is alive and whose address is known to the court or, if the victim is deceased, to the victim’s family, if the family’s address is known to the court. Any person who may have relevant information about the offender may testify at the hearing, including, but not limited to, the prosecutor, the victim and the victim’s family. The court shall inquire into the background of the offender and shall have access to any reports or records relating to the offender that are on file with the secretary of corrections or the prisoner review

board. The offender is required to provide a written waiver and authorization to the secretary of corrections and the prisoner review board to facilitate this review.

The court shall grant an order requested under this subsection only if the court finds that the: (1) offender has been subject to registration for five or more years, and during such time the offender has not been incarcerated in any jail or correctional facility and has complied with all requirements of the Kansas offender registration act; (2) offender did not have any prior convictions or adjudications before or after the conviction or adjudication for which the offender is required to be registered; (3) offender has not violated any protection order issued against such offender in the immediately preceding five years; (4) circumstances and behavior of the offender warrant the order; and (5) order is consistent with the public welfare.

If the court grants an order relieving the offender of further registration, the clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the registration required under this act. After the order is entered, the offender shall be relieved of all registration requirements under this act.