

HOUSE BILL No. 2546

By Representatives Owens, Croft, Erickson, Lynn, Waggoner, Warren and
Wasinger

2-3

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sex offenses; creating the crime of sexual extortion; offender
3 registration; amending K.S.A. 2019 Supp. 22-4902 and 22-4906 and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) Sexual extortion is communicating by any means
8 a threat to injure the property or reputation of a person, commit violence
9 against a person, or distribute an image or video of a person that is of a
10 sexual nature or depicts such person in a state of nudity:

11 (1) With the intent to coerce such person to: (A) Engage in sexual
12 contact, sexual intercourse or conduct that is of a sexual nature; or (B)
13 produce, provide or distribute an image, video or other recording of a
14 person in a state of nudity or engaging in conduct that is of a sexual nature;
15 or

16 (2) that causes such person to: (A) Engage in sexual contact, sexual
17 intercourse or conduct that is of a sexual nature; or (B) produce, provide or
18 distribute an image, video or other recording of a person in a state of
19 nudity or engaging in conduct that is of a sexual nature.

20 (b) Sexual extortion as defined in:

21 (1) Subsection (a)(1) is a severity level 7, person felony; and

22 (2) subsection (a)(2) is a severity level 4, person felony.

23 (c) This section shall be part of and supplemental to the Kansas
24 criminal code.

25 Sec. 2. K.S.A. 2019 Supp. 22-4902 is hereby amended to read as
26 follows: 22-4902. As used in the Kansas offender registration act, unless
27 the context otherwise requires:

28 (a) "Offender" means:

29 (1) A sex offender;

30 (2) a violent offender;

31 (3) a drug offender;

32 (4) any person who has been required to register under out-of-state
33 law or is otherwise required to be registered; and

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

1 (b) "Sex offender" includes any person who:

2 (1) On or after April 14, 1994, is convicted of any sexually violent
3 crime;

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

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

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

12 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
13 K.S.A. 2019 Supp. 21-5511, and amendments thereto;

14 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
15 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
16 thereto;

17 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
18 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
19 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

20 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
21 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
22 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

23 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
24 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto;

25 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
26 to its repeal, or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;

27 (6) *is convicted of sexual extortion, as defined in section 1, and*
28 *amendments thereto;*

29 (7) is convicted of an attempt, conspiracy or criminal solicitation, as
30 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
31 K.S.A. 2019 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
32 of an offense defined in this subsection; or

33 ~~(7)~~(8) has been convicted of an offense that is comparable to any
34 crime defined in this subsection, or any out-of-state conviction for an
35 offense that under the laws of this state would be an offense defined in this
36 subsection.

37 (c) "Sexually violent crime" means:

38 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
39 2019 Supp. 21-5503, and amendments thereto;

40 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
41 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;

42 (3) aggravated indecent liberties with a child, as defined in K.S.A.
43 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and

1 amendments thereto;

2 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
3 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
4 amendments thereto;

5 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
6 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;

7 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
8 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
9 thereto;

10 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
11 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
12 amendments thereto;

13 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
14 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto;

15 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
16 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;

17 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
18 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;

19 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
20 repeal, and K.S.A. 2019 Supp. 21-5509, and amendments thereto;

21 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
22 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;

23 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
24 prior to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments
25 thereto, if committed in whole or in part for the purpose of the sexual
26 gratification of the defendant or another;

27 (14) commercial sexual exploitation of a child, as defined in K.S.A.
28 2019 Supp. 21-6422, and amendments thereto;

29 (15) promoting the sale of sexual relations, as defined in K.S.A. 2019
30 Supp. 21-6420, and amendments thereto;

31 (16) any conviction or adjudication for an offense that is comparable
32 to a sexually violent crime as defined in this subsection, or any out-of-state
33 conviction or adjudication for an offense that under the laws of this state
34 would be a sexually violent crime as defined in this subsection;

35 (17) an attempt, conspiracy or criminal solicitation, as defined in
36 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
37 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
38 violent crime, as defined in this subsection; or

39 (18) any act which has been determined beyond a reasonable doubt to
40 have been sexually motivated, unless the court, on the record, finds that
41 the act involved non-forcible sexual conduct, the victim was at least 14
42 years of age and the offender was not more than four years older than the
43 victim. As used in this paragraph, "sexually motivated" means that one of

1 the purposes for which the defendant committed the crime was for the
2 purpose of the defendant's sexual gratification.

3 (d) "Sexually violent predator" means any person who, on or after
4 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
5 59-29a01 et seq., and amendments thereto.

6 (e) "Violent offender" includes any person who:

7 (1) On or after July 1, 1997, is convicted of any of the following
8 crimes:

9 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
10 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;

11 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
12 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;

13 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
14 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;

15 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
16 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;

17 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
18 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
19 amendments thereto. The provisions of this paragraph shall not apply to
20 violations of K.S.A. 2019 Supp. 21-5405(a)(3), and amendments thereto,
21 which occurred on or after July 1, 2011, through July 1, 2013;

22 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
23 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

24 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
25 repeal, or K.S.A. 2019 Supp. 21-5408(b), and amendments thereto;

26 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
27 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
28 a parent, and only when the victim is less than 18 years of age; or

29 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
30 to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments thereto, if
31 not committed in whole or in part for the purpose of the sexual
32 gratification of the defendant or another;

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

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

40 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
41 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
42 K.S.A. 2019 Supp. 21-5301, 21-5302 and 21-5303, and amendments
43 thereto, of an offense defined in this subsection.

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

2 (1) Is convicted of any of the following crimes:

3 (A) Unlawful manufacture or attempting such of any controlled
4 substance or controlled substance analog, as defined in K.S.A. 65-4159,
5 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
6 K.S.A. 2019 Supp. 21-5703, and amendments thereto;

7 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
8 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
9 ammonia or phenylpropanolamine, or their salts, isomers or salts of
10 isomers with intent to use the product to manufacture a controlled
11 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
12 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-5709(a),
13 and amendments thereto;

14 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
15 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
16 amendments thereto. The provisions of this paragraph shall not apply to
17 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
18 which occurred on or after July 1, 2009, through April 15, 2010;

19 (2) has been convicted of an offense that is comparable to any crime
20 defined in this subsection, any out-of-state conviction for an offense that
21 under the laws of this state would be an offense defined in this subsection;
22 or

23 (3) is or has been convicted of an attempt, conspiracy or criminal
24 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
25 their repeal, or K.S.A. 2019 Supp. 21-5301, 21-5302 and 21-5303, and
26 amendments thereto, of an offense defined in this subsection.

27 (g) Convictions or adjudications which result from or are connected
28 with the same act, or result from crimes committed at the same time, shall
29 be counted for the purpose of this section as one conviction or
30 adjudication. Any conviction or adjudication set aside pursuant to law is
31 not a conviction or adjudication for purposes of this section. A conviction
32 or adjudication from any out-of-state court shall constitute a conviction or
33 adjudication for purposes of this section.

34 (h) "School" means any public or private educational institution,
35 including, but not limited to, postsecondary school, college, university,
36 community college, secondary school, high school, junior high school,
37 middle school, elementary school, trade school, vocational school or
38 professional school providing training or education to an offender for three
39 or more consecutive days or parts of days, or for 10 or more
40 nonconsecutive days in a period of 30 consecutive days.

41 (i) "Employment" means any full-time, part-time, transient, day-labor
42 employment or volunteer work, with or without compensation, for three or
43 more consecutive days or parts of days, or for 10 or more nonconsecutive

1 days in a period of 30 consecutive days.

2 (j) "Reside" means to stay, sleep or maintain with regularity or
3 temporarily one's person and property in a particular place other than a
4 location where the offender is incarcerated. It shall be presumed that an
5 offender resides at any and all locations where the offender stays, sleeps or
6 maintains the offender's person for three or more consecutive days or parts
7 of days, or for ten or more nonconsecutive days in a period of 30
8 consecutive days.

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

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

14 (m) "Law enforcement agency having initial jurisdiction" means the
15 registering law enforcement agency of the county or location of
16 jurisdiction where the offender expects to most often reside upon the
17 offender's discharge, parole or release.

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

20 (o) "Registering entity" means any person, agency or other
21 governmental unit, correctional facility or registering law enforcement
22 agency responsible for obtaining the required information from, and
23 explaining the required registration procedures to, any person required to
24 register pursuant to the Kansas offender registration act. "Registering
25 entity" shall include, but not be limited to, sheriff's offices, tribal police
26 departments and correctional facilities.

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

31 (q) "Correctional facility" means any public or private correctional
32 facility, juvenile detention facility, prison or jail.

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

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

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

41 (A) Convicted of unlawful transmission of a visual depiction of a
42 child, as defined in K.S.A. 2019 Supp. 21-5611(a), and amendments
43 thereto, aggravated unlawful transmission of a visual depiction of a child,

1 as defined in K.S.A. 2019 Supp. 21-5611(b), and amendments thereto, or
2 unlawful possession of a visual depiction of a child, as defined in K.S.A.
3 2019 Supp. 21-5610, and amendments thereto; or

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

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

10 Sec. 3. K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
11 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
12 of any of the following offenses, an offender's duration of registration shall
13 be, if confined, 15 years after the date of parole, discharge or release,
14 whichever date is most recent, or, if not confined, 15 years from the date of
15 conviction:

16 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
17 or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;

18 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
19 K.S.A. 2019 Supp. 21-5511, and amendments thereto, when one of the
20 parties involved is less than 18 years of age;

21 (C) promoting the sale of sexual relations, as defined in K.S.A. 2019
22 Supp. 21-6420, and amendments thereto;

23 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
24 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
25 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
26 when one of the parties involved is less than 18 years of age;

27 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
28 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto,
29 when one of the parties involved is less than 18 years of age;

30 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
31 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;

32 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
33 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;

34 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
35 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;

36 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
37 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;

38 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
39 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
40 amendments thereto;

41 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
42 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
43 a parent, and only when the victim is less than 18 years of age;

1 (L) *sexual extortion, as defined in section 1, and amendments thereto,*
2 *when one of the parties involved is less than 18 years of age;*

3 (M) any act which has been determined beyond a reasonable doubt to
4 have been sexually motivated, unless the court, on the record, finds that
5 the act involved non-forcible sexual conduct, the victim was at least 14
6 years of age and the offender was not more than four years older than the
7 victim;

8 ~~(M)~~(N) conviction of any person required by court order to register
9 for an offense not otherwise required as provided in the Kansas offender
10 registration act;

11 ~~(N)~~(O) conviction of any person felony and the court makes a finding
12 on the record that a deadly weapon was used in the commission of such
13 person felony;

14 ~~(O)~~(P) unlawful manufacture or attempting such of any controlled
15 substance or controlled substance analog, as defined in K.S.A. 65-4159,
16 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
17 K.S.A. 2019 Supp. 21-5703, and amendments thereto;

18 ~~(P)~~(Q) possession of ephedrine, pseudoephedrine, red phosphorus,
19 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
20 ammonia or phenylpropanolamine, or their salts, isomers or salts of
21 isomers with intent to use the product to manufacture a controlled
22 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
23 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-
24 5709(a), and amendments thereto;

25 ~~(Q)~~(R) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
26 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
27 amendments thereto; or

28 ~~(R)~~(S) any attempt, conspiracy or criminal solicitation, as defined in
29 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
30 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
31 offense defined in this subsection.

32 (2) Except as otherwise provided by the Kansas offender registration
33 act, the duration of registration terminates, if not confined, at the
34 expiration of 15 years from the date of conviction. Any period of time
35 during which any offender is incarcerated in any jail or correctional
36 facility or during which the offender does not comply with any and all
37 requirements of the Kansas offender registration act shall not count toward
38 the duration of registration.

39 (b) (1) Except as provided in subsection (c), if convicted of any of the
40 following offenses, an offender's duration of registration shall be, if
41 confined, 25 years after the date of parole, discharge or release, whichever
42 date is most recent, or, if not confined, 25 years from the date of
43 conviction:

1 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
2 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
3 thereto, when one of the parties involved is less than 18 years of age;

4 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
5 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
6 thereto;

7 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
8 repeal, or K.S.A. 2019 Supp. 21-5509, and amendments thereto;

9 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
10 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;

11 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
12 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;

13 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
14 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;

15 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
16 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if
17 the victim is 14 or more years of age but less than 18 years of age;

18 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
19 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;

20 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
21 repeal, or K.S.A. 2019 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, if
23 the person selling sexual relations is 14 or more years of age but less than
24 18 years of age; or

25 (J) any attempt, conspiracy or criminal solicitation, as defined in
26 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
27 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
28 offense defined in this subsection.

29 (2) Except as otherwise provided by the Kansas offender registration
30 act, the duration of registration terminates, if not confined, at the
31 expiration of 25 years from the date of conviction. Any period of time
32 during which any offender is incarcerated in any jail or correctional
33 facility or during which the offender does not comply with any and all
34 requirements of the Kansas offender registration act shall not count toward
35 the duration of registration.

36 (c) Upon a second or subsequent conviction of an offense requiring
37 registration, an offender's duration of registration shall be for such
38 offender's lifetime.

39 (d) The duration of registration for any offender who has been
40 convicted of any of the following offenses shall be for such offender's
41 lifetime:

42 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
43 2019 Supp. 21-5503, and amendments thereto;

1 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
2 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), 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 K.S.A. 2019 Supp. 21-5506(b), and
6 amendments thereto;

7 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
8 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
9 amendments thereto;

10 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
11 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;

12 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
13 to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments thereto;

14 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
15 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if
16 the victim is less than 14 years of age;

17 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
18 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
19 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
20 the person selling sexual relations is less than 14 years of age;

21 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
22 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

23 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
24 repeal, or K.S.A. 2019 Supp. 21-5408(b), and amendments thereto;

25 (11) commercial sexual exploitation of a child, as defined in K.S.A.
26 2019 Supp. 21-6422, and amendments thereto; or

27 (12) any attempt, conspiracy or criminal solicitation, as defined in
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
29 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
30 offense defined in this subsection.

31 (e) Any person who has been declared a sexually violent predator
32 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall
33 register for such person's lifetime.

34 (f) Notwithstanding any other provisions of this section, for an
35 offender less than 14 years of age who is adjudicated as a juvenile offender
36 for an act which if committed by an adult would constitute a sexually
37 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the
38 court shall:

39 (1) Require registration until such offender reaches 18 years of age, at
40 the expiration of five years from the date of adjudication or, if confined,
41 from release from confinement, whichever date occurs later. Any period of
42 time during which the offender is incarcerated in any jail, juvenile facility
43 or correctional facility or during which the offender does not comply with

1 any and all requirements of the Kansas offender registration act shall not
2 count toward the duration of registration;

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

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

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

16 (g) Notwithstanding any other provisions of this section, for an
17 offender 14 years of age or more who is adjudicated as a juvenile offender
18 for an act which if committed by an adult would constitute a sexually
19 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
20 such crime is not an off-grid felony or a felony ranked in severity level 1
21 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
22 K.S.A. 2019 Supp. 21-6804, and amendments thereto, the court shall:

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

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

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

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

43 (h) Notwithstanding any other provisions of this section, an offender

1 14 years of age or more who is adjudicated as a juvenile offender for an
2 act which, if committed by an adult, would constitute a sexually violent
3 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
4 crime is an off-grid felony or a felony ranked in severity level 1 of the
5 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
6 2019 Supp. 21-6804, and amendments thereto, shall be required to register
7 for such offender's lifetime.

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

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

19 (k) For any person moving to Kansas who has been convicted or
20 adjudicated in an out-of-state court, or who was required to register under
21 an out-of-state law, the duration of registration shall be the length of time
22 required by the out-of-state jurisdiction or by the Kansas offender
23 registration act, whichever length of time is longer. The provisions of this
24 subsection shall apply to convictions or adjudications prior to June 1,
25 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
26 convictions or adjudications on or after June 1, 2006, and to persons who
27 moved to Kansas on or after June 1, 2006.

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

35 Sec. 4. K.S.A. 2019 Supp. 22-4902 and 22-4906 are hereby repealed.

36 Sec. 5. This act shall take effect and be in force from and after its
37 publication in the statute book.