

SENATE BILL No. 373

By Committee on Judiciary

2-6

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sex offenses; **unlawful voluntary sexual relations**; selling sexual
3 relations; promoting the sale of sexual relations; buying sexual
4 relations; **offender registration**; amending K.S.A. 68-2255 and K.S.A.
5 2019 Supp. 21-5401, **21-5507**, 21-6328, 21-6419, 21-6420, 21-6421,
6 21-6422, 22-2515, 22-2530, 22-3901, 22-4902, 22-4906, 38-2202, 38-
7 2287, 41-311, 41-2601, 60-31a02 and 60-4104 and repealing the
8 existing sections.
9

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

11 **New Section 1. (a) The provisions of this section shall apply only**
12 **in a prosecution for:**

13 **(1) Rape, as defined in K.S.A. 2019 Supp. 21-5503, and**
14 **amendments thereto;**

15 **(2) indecent liberties with a child, as defined in K.S.A. 2019 Supp.**
16 **21-5506(a), and amendments thereto;**

17 **(3) aggravated indecent liberties with a child, as defined in K.S.A.**
18 **2019 Supp. 21-5506(b), and amendments thereto;**

19 **(4) criminal sodomy, as defined in K.S.A. 2019 Supp. 21-5504(a)**
20 **(3) and (4), and amendments thereto;**

21 **(5) aggravated criminal sodomy, as defined in K.S.A. 2019 Supp.**
22 **21-5504(b), and amendments thereto;**

23 **(6) aggravated indecent solicitation of a child, as defined in**
24 **K.S.A. 2019 Supp. 21-5508(b), and amendments thereto;**

25 **(7) sexual exploitation of a child, as defined in K.S.A. 2019 Supp.**
26 **21-5510, and amendments thereto;**

27 **(8) aggravated sexual battery, as defined in K.S.A. 2019 Supp. 21-**
28 **5505(b), and amendments thereto;**

29 **(9) incest, as defined in K.S.A. 2019 Supp. 21-5604(a), and**
30 **amendments thereto;**

31 **(10) aggravated incest, as defined in K.S.A. 2019 Supp. 21-**
32 **5604(b), and amendments thereto;**

33 **(11) indecent solicitation of a child, as defined in K.S.A. 2019**
34 **Supp. 21-5508(a), and amendments thereto;**

35 **(12) aggravated assault, as defined in K.S.A. 2019 Supp. 21-**
36 **5412(b), and amendments thereto, with intent to commit any crime**

1 specified above;

2 (13) sexual battery, as defined in K.S.A. 2019 Supp. 21-5505(a),
3 and amendments thereto;

4 (14) unlawful voluntary sexual relations, as defined in K.S.A.
5 2019 Supp. 21-5507, and amendments thereto;

6 (15) aggravated human trafficking, as defined in K.S.A. 2019
7 Supp. 21-5426(b)(2), (4) and (5), and amendments thereto;

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

10 (17) electronic solicitation, as defined in K.S.A. 2019 Supp. 21-
11 5509, and amendments thereto;

12 (18) internet trading in child pornography, as defined in K.S.A.
13 2019 Supp. 21-5514(a), and amendments thereto;

14 (19) aggravated internet trading in child pornography, as defined
15 in K.S.A. 2019 Supp. 21-5514(b), and amendments thereto; or

16 (20) attempt, as defined in K.S.A. 2019 Supp. 21-5301, and
17 amendments thereto, or conspiracy, as defined in K.S.A. 2019 Supp.
18 21-5302, and amendments thereto, to commit any crime specified
19 above.

20 (b) In any prosecution for a crime designated in subsection (a), a
21 court shall not require or order a complaining witness to submit to or
22 undergo either a psychiatric or psychological examination.

23 (c) As used in this section, "complaining witness" means an
24 alleged victim of any crime designated in subsection (a), the
25 prosecution of which is subject to this section.

26 (d) This section shall be a part of and supplemental to the Kansas
27 criminal code.

28 ~~Section 1.~~ **Sec. 2.** K.S.A. 2019 Supp. 21-5401 is hereby amended to
29 read as follows: 21-5401. (a) Capital murder is the:

30 (1) Intentional and premeditated killing of any person in the
31 commission of kidnapping, as defined in K.S.A. 2019 Supp. 21-5408(a),
32 and amendments thereto, or aggravated kidnapping, as defined in K.S.A.
33 2019 Supp. 21-5408(b), and amendments thereto, when the kidnapping or
34 aggravated kidnapping was committed with the intent to hold such person
35 for ransom;

36 (2) intentional and premeditated killing of any person pursuant to a
37 contract or agreement to kill such person or being a party to the contract or
38 agreement pursuant to which such person is killed;

39 (3) intentional and premeditated killing of any person by an inmate or
40 prisoner confined in a state correctional institution, community
41 correctional institution or jail or while in the custody of an officer or
42 employee of a state correctional institution, community correctional
43 institution or jail;

1 (4) intentional and premeditated killing of the victim of one of the
2 following crimes in the commission of, or subsequent to, such crime:
3 Rape, as defined in K.S.A. 2019 Supp. 21-5503, and amendments thereto,
4 criminal sodomy, as defined in K.S.A. 2019 Supp. 21-5504(a)(3) or (4),
5 and amendments thereto, or aggravated criminal sodomy, as defined in
6 K.S.A. 2019 Supp. 21-5504(b), and amendments thereto, or any attempt
7 thereof, as defined in K.S.A. 2019 Supp. 21-5301, and amendments
8 thereto;

9 (5) intentional and premeditated killing of a law enforcement officer;

10 (6) intentional and premeditated killing of more than one person as a
11 part of the same act or transaction or in two or more acts or transactions
12 connected together or constituting parts of a common scheme or course of
13 conduct; or

14 (7) intentional and premeditated killing of a child under the age of 14
15 in the commission of kidnapping, as defined in K.S.A. 2019 Supp. 21-
16 5408(a), and amendments thereto, or aggravated kidnapping, as defined in
17 K.S.A. 2019 Supp. 21-5408(b), and amendments thereto, when the
18 kidnapping or aggravated kidnapping was committed with intent to
19 commit a sex offense upon or with the child or with intent that the child
20 commit or submit to a sex offense.

21 (b) For purposes of this section, "sex offense" means: Rape, as
22 defined in K.S.A. 2019 Supp. 21-5503, and amendments thereto;
23 aggravated indecent liberties with a child, as defined in K.S.A. 2019 Supp.
24 21-5506(b), and amendments thereto; aggravated criminal sodomy, as
25 defined in K.S.A. 2019 Supp. 21-5504(b), and amendments thereto; selling
26 ~~sexual relations~~ a sex act, as defined in K.S.A. 2019 Supp. 21-6419, and
27 amendments thereto; promoting the sale of ~~sexual relations~~ a sex act, as
28 defined in K.S.A. 2019 Supp. 21-6420, and amendments thereto;
29 commercial sexual exploitation of a child, as defined in K.S.A. 2019 Supp.
30 21-6422, and amendments thereto; sexual exploitation of a child, as
31 defined in K.S.A. 2019 Supp. 21-5510, and amendments thereto; internet
32 trading in child pornography, as defined in K.S.A. 2019 Supp. 21-5514(a),
33 and amendments thereto; aggravated internet trading in child pornography,
34 as defined in K.S.A. 2019 Supp. 21-5514(b), and amendments thereto; or
35 aggravated human trafficking, as defined in K.S.A. 2019 Supp. 21-
36 5426(b), and amendments thereto, if committed in whole or in part for the
37 purpose of the sexual gratification of the defendant or another.

38 (c) Capital murder or attempt to commit capital murder is an off-grid
39 person felony.

40 (d) The provisions of K.S.A. 2019 Supp. 21-5301(c), and
41 amendments thereto, shall not apply to a violation of attempting to commit
42 the crime of capital murder pursuant to this section.

43 **Sec. 3. K.S.A. 2019 Supp. 21-5507 is hereby amended to read as**

- 1 follows: 21-5507. (a) Unlawful voluntary sexual relations is:
- 2 (1) Engaging in any of the following acts with a child who is ~~14~~ 10
- 3 or more years of age but less than 16 years of age:
- 4 (A) Voluntary sexual intercourse *or voluntary sodomy*; *or*
- 5 ~~(B) voluntary sodomy~~; *or*
- 6 ~~(C)(B) voluntary lewd fondling or touching~~;
- 7 (2) (A) when the offender is less than ~~19~~ 13 years of age; *or*
- 8 ~~(B) when the offender is less than four years of age older than the~~
- 9 ~~child~~ 13 years of age or older but less than 19 years of age, and the
- 10 offender and the child are less than 48 months apart in age; and
- 11 ~~(4)(3) when the child and the offender are the only parties~~
- 12 ~~involved~~; and
- 13 ~~(5) when the child and the offender are members of the opposite sex.~~
- 14 (b) Unlawful voluntary sexual relations as defined in:
- 15 (1) Subsection (a)(1)(A) is a severity level 8, person felony;:
- 16 (A) Class A person misdemeanor, except as provided in subsection (b)
- 17 (1)(B); and
- 18 (B) severity level 9, person felony if the offender and the child are 24
- 19 or more months but less than 48 months apart in age, and the offender is
- 20 13 or more years of age; and
- 21 (2) subsection (a)(1)(B) is a severity level 9, person felony; and:
- 22 (A) Class A person misdemeanor, except as provided in subsection (b)
- 23 (2)(B); and
- 24 (B) severity level 10, person felony if the offender and the child are
- 25 24 or more months but less than 48 months apart in age, and the offender
- 26 is 13 or more years of age
- 27 ~~(3) subsection (a)(1)(C) is a severity level 10, person felony.~~
- 28 Sec. ~~2~~ 4. K.S.A. 2019 Supp. 21-6328 is hereby amended to read as
- 29 follows: 21-6328. As used in the Kansas racketeer influenced and corrupt
- 30 organization act:
- 31 (a) (1) "Beneficial interest" means:
- 32 ~~(A)~~ (A) The interest of a person as a beneficiary under any trust
- 33 arrangement pursuant to which a trustee holds legal or record title to real
- 34 property for the benefit of such person; or
- 35 ~~(B)~~ (B) the interest of a person under any other form of express
- 36 fiduciary arrangement pursuant to which any other person holds legal or
- 37 record title to real property for the benefit of such person.
- 38 (2) The term "beneficial interest" does not include the interest of a
- 39 stock holder in a corporation or the interest of a partner in either a general
- 40 partnership or a limited partnership. A beneficial interest shall be deemed
- 41 to be located where the real property owned by the trustee is located.
- 42 (b) "Covered person" means any person who:
- 43 (1) Is a criminal street gang member or criminal street gang associate,

1 as defined in K.S.A. 2019 Supp. 21-6313, and amendments thereto;

2 (2) has engaged in or is engaging in any conduct prohibited by K.S.A.
3 2019 Supp. 21-5426, and amendments thereto, human trafficking or
4 aggravated human trafficking, or K.S.A. 2019 Supp. 21-6422, and
5 amendments thereto, commercial sexual exploitation of a child; or

6 (3) has engaged in or is engaging in any conduct prohibited by K.S.A.
7 2019 Supp. 21-5703, and amendments thereto, unlawful manufacturing of
8 controlled substances, or K.S.A. 2019 Supp. 21-5705, and amendments
9 thereto, unlawful cultivation or distribution of controlled substances.

10 (c) "Documentary material" means any book, paper, document,
11 writing, drawing, graph, chart, photograph, phonorecord, magnetic tape,
12 computer printout, other data compilation from which information can be
13 obtained or from which information can be translated into usable form, or
14 other tangible item.

15 (d) "Enterprise" means any individual, sole proprietorship,
16 partnership, corporation, business trust, union chartered under the laws of
17 this state, or other legal entity, or any unchartered union, association, or
18 group of individuals associated in fact although not a legal entity; and it
19 includes illicit as well as licit enterprises and governmental, as well as
20 other, entities. A criminal street gang, as defined in K.S.A. 2019 Supp. 21-
21 6313, and amendments thereto, constitutes an enterprise.

22 (e) "Pattern of racketeering activity" means engaging in at least two
23 incidents of racketeering activity that have the same or similar intents,
24 results, accomplices, victims or methods of commission or that otherwise
25 are interrelated by distinguishing characteristics and are not isolated
26 incidents, provided at least one of such incidents occurred after the
27 effective date of this act and that the last of such incidents occurred within
28 *5* five years, excluding any period of imprisonment, after a prior incident
29 of racketeering activity.

30 (f) "Racketeering activity" means to commit, attempt to commit,
31 conspire to commit or to solicit, coerce or intimidate another person to
32 commit:

33 (1) Any felony or misdemeanor violation of: The felony provisions of
34 K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a
35 police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas
36 money transmitter act; article 12a of chapter 17 of the Kansas Statutes
37 Annotated, and amendments thereto, Kansas uniform securities act; K.S.A.
38 2019 Supp. 21-5401, and amendments thereto, capital murder; K.S.A.
39 2019 Supp. 21-5402, and amendments thereto, murder in the first degree;
40 K.S.A. 2019 Supp. 21-5403, and amendments thereto, murder in the
41 second degree; K.S.A. 2019 Supp. 21-5408, and amendments thereto,
42 kidnapping or aggravated kidnapping; K.S.A. 2019 Supp. 21-5412, and
43 amendments thereto; K.S.A. 2019 Supp. 21-5413, and amendments

1 thereto; K.S.A. 2019 Supp. 21-5414, and amendments thereto, domestic
2 battery; K.S.A. 2019 Supp. 21-5415, and amendments thereto, criminal
3 threat or aggravated criminal threat; K.S.A. 2019 Supp. 21-5420, and
4 amendments thereto, robbery or aggravated robbery; K.S.A. 2019 Supp.
5 21-5421, and amendments thereto, terrorism; K.S.A. 2019 Supp. 21-5422,
6 and amendments thereto, illegal use of weapons of mass destruction;
7 K.S.A. 2019 Supp. 21-5423, and amendments thereto; K.S.A. 2019 Supp.
8 21-5426, and amendments thereto, human trafficking or aggravated human
9 trafficking; K.S.A. 2019 Supp. 21-5428, and amendments thereto,
10 blackmail; K.S.A. 2019 Supp. 21-5510, and amendments thereto, sexual
11 exploitation of a child; K.S.A. 2019 Supp. 21-5601, and amendments
12 thereto, endangering a child or aggravated endangering a child; K.S.A.
13 2019 Supp. 21-5602, and amendments thereto, abuse of a child; K.S.A.
14 2019 Supp. 21-5603, and amendments thereto, contributing to a child's
15 misconduct or deprivation; K.S.A. 2019 Supp. 21-5607(b), and
16 amendments thereto, furnishing alcoholic beverages to a minor for illicit
17 purposes; article 57 of chapter 21 of the Kansas Statutes Annotated, and
18 amendments thereto, crimes involving controlled substances; K.S.A. 2019
19 Supp. 21-5801, and amendments thereto, theft; K.S.A. 2019 Supp. 21-
20 5803, and amendments thereto, criminal deprivation of property; K.S.A.
21 2019 Supp. 21-5805, and amendments thereto; K.S.A. 2019 Supp. 21-
22 5807, and amendments thereto, burglary or aggravated burglary; K.S.A.
23 2019 Supp. 21-5812, and amendments thereto, arson or aggravated arson;
24 K.S.A. 2019 Supp. 21-5813, and amendments thereto, criminal damage to
25 property; K.S.A. 2019 Supp. 21-5814, and amendments thereto, criminal
26 use of an explosive; K.S.A. 2019 Supp. 21-5818, and amendments thereto,
27 tampering with a pipeline; K.S.A. 2019 Supp. 21-5821, and amendments
28 thereto, giving a worthless check; K.S.A. 2019 Supp. 21-5823, and
29 amendments thereto, forgery; K.S.A. 2019 Supp. 21-5824, and
30 amendments thereto, making false information; K.S.A. 2019 Supp. 21-
31 5825, and amendments thereto, counterfeiting; K.S.A. 2019 Supp. 21-
32 5826, and amendments thereto, destroying written instrument; K.S.A.
33 2019 Supp. 21-5828, and amendments thereto, criminal use of a financial
34 card; K.S.A. 2019 Supp. 21-5838, and amendments thereto, conducting a
35 pyramid promotional scheme; K.S.A. 2019 Supp. 21-5839, and
36 amendments thereto; K.S.A. 2019 Supp. 21-5903, and amendments
37 thereto, perjury; K.S.A. 2019 Supp. 21-5904, and amendments thereto,
38 interference with law enforcement; K.S.A. 2019 Supp. 21-5905, and
39 amendments thereto, interference with the judicial process; K.S.A. 2019
40 Supp. 21-5909, and amendments thereto, intimidation of a witness or
41 victim or aggravated intimidation of a witness or victim; K.S.A. 2019
42 Supp. 21-5912, and amendments thereto, aiding escape; K.S.A. 2019
43 Supp. 21-5913, and amendments thereto, obstructing apprehension or

1 prosecution; K.S.A. 2019 Supp. 21-5918, and amendments thereto; K.S.A.
2 2019 Supp. 21-6001, and amendments thereto, bribery; K.S.A. 2019 Supp.
3 21-6002, and amendments thereto, official misconduct; K.S.A. 2019 Supp.
4 21-6301, and amendments thereto, criminal use of weapons; K.S.A. 2019
5 Supp. 21-6302, and amendments thereto, criminal carrying of a weapon;
6 K.S.A. 2019 Supp. 21-6303, and amendments thereto, criminal
7 distribution of firearms to a felon; K.S.A. 2019 Supp. 21-6304, and
8 amendments thereto, criminal possession of a firearm by a convicted felon;
9 K.S.A. 2019 Supp. 21-6305, and amendments thereto, aggravated weapons
10 violation by a convicted felon; K.S.A. 2019 Supp. 21-6306, and
11 amendments thereto, defacing identification marks of a firearm; K.S.A.
12 2019 Supp. 21-6308, and amendments thereto, criminal discharge of a
13 firearm; K.S.A. 2019 Supp. 21-6310, and amendments thereto, unlawful
14 endangerment; K.S.A. 2019 Supp. 21-6312, and amendments thereto;
15 K.S.A. 2019 Supp. 21-6314, and *amendments thereto, recruiting criminal*
16 *street gang membership*; K.S.A. 2019 Supp. 21-6315, and amendments
17 thereto, *criminal street gang intimidation*; K.S.A. 2019 Supp. 21-6401,
18 and amendments thereto, promoting obscenity or promoting obscenity to
19 minors; K.S.A. 2019 Supp. 21-6404, and amendments thereto, gambling;
20 K.S.A. 2019 Supp. 21-6405, and amendments thereto, illegal bingo
21 operation; K.S.A. 2019 Supp. 21-6406, and amendments thereto,
22 commercial gambling; K.S.A. 2019 Supp. 21-6407, and amendments
23 thereto, dealing in gambling devices; K.S.A. 2019 Supp. 21-6408, and
24 amendments thereto; K.S.A. 2019 Supp. 21-6409, and amendments
25 thereto, installing communication facilities for gamblers; K.S.A. 2019
26 Supp. 21-6414(a) or (b), and amendments thereto, unlawful conduct of dog
27 fighting or unlawful possession of dog fighting paraphernalia; K.S.A. 2019
28 Supp. 21-6417(a) or (b), and amendments thereto, unlawful conduct of
29 cockfighting or unlawful possession of cockfighting paraphernalia; K.S.A.
30 2019 Supp. 21-6419, and amendments thereto, ~~selling sexual relations a~~
31 ~~sex act~~; K.S.A. 2019 Supp. 21-6420, and amendments thereto, promoting
32 the sale of ~~sexual relations a sex act~~; K.S.A. 2019 Supp. 21-6422, and
33 amendments thereto, commercial sexual exploitation of a child; K.S.A.
34 2019 Supp. 21-6501, and amendments thereto, extortion; K.S.A. 2019
35 Supp. 21-6502, and amendments thereto, debt adjusting; K.S.A. 2019
36 Supp. 21-6504, and amendments thereto, equity skimming; K.S.A. 2019
37 Supp. 21-6506, and amendments thereto, commercial bribery; K.S.A. 2019
38 Supp. 21-6507, and amendments thereto, sports bribery; K.S.A. 2019
39 Supp. 21-6508, and amendments thereto, tampering with a sports contest;
40 K.S.A. 39-720, and amendments thereto, social welfare service fraud;
41 K.S.A. 40-2,118, and amendments thereto, fraudulent insurance acts;
42 K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor control act;
43 K.S.A. 44-5,125, and amendments thereto, workers' compensation act;

1 K.S.A. 65-1657, and amendments thereto, nonresident pharmacy
2 registration; K.S.A. 65-3441, and amendments thereto, hazardous waste;
3 K.S.A. 65-4167, and amendments thereto, trafficking in counterfeit drugs;
4 article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments
5 thereto, Kansas parimutuel racing act; or K.S.A. 79-3321, and
6 amendments thereto, Kansas cigarette and tobacco products act; or

7 (2) any conduct defined as "racketeering activity" under 18 U.S.C. §
8 1961(1).

9 (g) "Real property" means any real property or any interest in such
10 real property, including, but not limited to, any lease of or mortgage upon
11 such real property.

12 (h) "Trustee" means:

13 (1) Any person acting as trustee pursuant to a trust in which the
14 trustee holds legal or record title to real property;

15 (2) any person who holds legal or record title to real property in
16 which any other person has a beneficial interest; or

17 (3) any successor trustee or trustees to any or all of the foregoing
18 persons.

19 The term "trustee" does not include any person appointed or acting as a
20 personal representative as defined in K.S.A. 59-102, and amendments
21 thereto, or appointed or acting as a trustee of any testamentary trust or as a
22 trustee of any indenture of trust under which any bonds have been or are to
23 be issued.

24 (i) "Unlawful debt" means any money or other thing of value
25 constituting principal or interest of a debt that is legally unenforceable in
26 this state in whole or in part because the debt was incurred or contracted:

27 (1) In violation of any of the following provisions of law: Article 88
28 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto,
29 Kansas parimutuel racing act; K.S.A. 2019 Supp. 21-6404, and
30 amendments thereto, gambling; K.S.A. 2019 Supp. 21-6405, and
31 amendments thereto, illegal bingo operation; K.S.A. 2019 Supp. 21-6406,
32 and amendments thereto, commercial gambling; K.S.A. 2019 Supp. 21-
33 6407, and amendments thereto, dealing in gambling devices; K.S.A. 2019
34 Supp. 21-6408, and amendments thereto, unlawful possession of a
35 gambling device; or K.S.A. 2019 Supp. 21-6409, and amendments thereto,
36 installing communication facilities for gamblers; or

37 (2) in gambling activity in violation of federal law or in the business
38 of lending money at a rate usurious under state or federal law.

39 Sec. ~~3~~ 5. K.S.A. 2019 Supp. 21-6419 is hereby amended to read as
40 follows: 21-6419. (a) ~~Selling sexual relations~~ *a sex act* is performing for
41 hire, or offering or agreeing to perform for hire where there is an exchange
42 of value, any of the following acts:

43 (1) Sexual intercourse;

1 (2) sodomy; or
2 (3) manual or other bodily contact stimulation of the genitals of any
3 person with the intent to arouse or gratify the sexual desires of the offender
4 or another.

5 (b) Selling ~~sexual relations~~ *a sex act* is a class B nonperson
6 misdemeanor.

7 (c) It shall be an affirmative defense to any prosecution under this
8 section that the defendant committed the violation of this section because
9 such defendant was subjected to human trafficking or aggravated human
10 trafficking, as defined by K.S.A. 2019 Supp. 21-5426, and amendments
11 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.
12 2019 Supp. 21-6422, and amendments thereto.

13 Sec. ~~4~~ 6. K.S.A. 2019 Supp. 21-6420 is hereby amended to read as
14 follows: 21-6420. (a) Promoting the sale of ~~sexual relations~~ *a sex act* is
15 knowingly:

16 (1) Establishing, owning, maintaining or managing any property,
17 whether real or personal, where ~~sexual relations are~~ *a sex act is* being sold
18 or offered for sale by a person who is 18 years of age or older, or
19 participating in the establishment, ownership, maintenance or management
20 thereof;

21 (2) permitting any property, whether real or personal, partially or
22 wholly owned or controlled by the defendant to be used as a place where
23 ~~sexual relations are~~ *a sex act is* being sold or offered for sale by a person
24 who is 18 years of age or older;

25 (3) procuring a person selling ~~sexual relations~~ *a sex act* who is 18
26 years of age or older for a place where ~~sexual relations are~~ *a sex act is*
27 being sold or offered for sale;

28 (4) inducing another who is 18 years of age or older to become a
29 person who sells ~~sexual relations~~ *a sex act*;

30 (5) soliciting a patron for a person 18 years of age or older who is
31 selling ~~sexual relations~~ *a sex act* or for a place where ~~sexual relations are~~ *a*
32 *sex act is* being sold or offered for sale;

33 (6) procuring a person 18 years of age or older who is selling ~~sexual~~
34 ~~relations~~ *a sex act* for a patron;

35 (7) procuring transportation for, paying for the transportation of; or
36 transporting a person 18 years of age or older within this state with the
37 intention of assisting or promoting that person's engaging in the sale of
38 ~~sexual relations~~ *a sex act*; or

39 (8) being employed to perform any act ~~which~~ *that* is prohibited by
40 this section.

41 (b) (1) Promoting the sale of ~~sexual relations~~ *a sex act* is a:

42 (A) Severity level 9, person felony, except as provided in subsection
43 (b)(1)(B); and

1 (B) severity level 7, person felony when committed by a person who
2 has, prior to the commission of the crime, been convicted of a violation of
3 this section, or any prior version of this section.

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

10 Sec. ~~5~~ 7. K.S.A. 2019 Supp. 21-6421 is hereby amended to read as
11 follows: 21-6421. (a) Buying ~~sexual relations~~ *a sex act* is knowingly:

12 (1) Entering or remaining in a place where ~~sexual relations are~~ *a sex*
13 *act is* being sold or offered for sale with intent to engage in manual or
14 other bodily contact stimulation of the genitals of any person with the
15 intent to arouse or gratify the sexual desires of the offender or another,
16 sexual intercourse, sodomy or any unlawful sexual act with a person
17 selling ~~sexual relations~~ *a sex act* who is 18 years of age or older; or

18 (2) hiring a person selling ~~sexual relations~~ *a sex act* who is 18 years
19 of age or older to engage in manual or other bodily contact stimulation of
20 the genitals of any person with the intent to arouse or gratify the sexual
21 desires of the offender or another, sexual intercourse, sodomy or any
22 unlawful sexual act.

23 (b) (1) Buying ~~sexual relations~~ *a sex act* is a:

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

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

29 (2) In addition to any other sentence imposed, a person convicted
30 under this section shall be fined not less than \$1,200 nor more than \$5,000.
31 One-half of all fines collected pursuant to this section shall be remitted to
32 the human trafficking victim assistance fund created by K.S.A. 75-758,
33 and amendments thereto, and the remainder shall be remitted as otherwise
34 provided by law.

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

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

41 (1) Convictions for a violation of this section, or any prior version of
42 this section, or a violation of an ordinance of any city or resolution of any
43 county ~~which that~~ prohibits the acts that this section prohibits, or entering

1 into a diversion agreement in lieu of further criminal proceedings on a
2 complaint alleging any such violations, shall be taken into account; and

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

6 (d) (1) Nothing contained in this section shall be construed as
7 preventing any city from enacting ordinances, or any county from adopting
8 resolutions, declaring acts prohibited or made unlawful by this act as
9 unlawful or prohibited in such city or county and prescribing penalties for
10 violation thereof.

11 (2) The minimum penalty prescribed by any such ordinance or
12 resolution shall not be less than the minimum penalty prescribed by this
13 section for the same violation, and the maximum penalty in any such
14 ordinance or resolution shall not exceed the maximum penalty prescribed
15 for the same violation.

16 ~~Sec. 6.~~ **8.** K.S.A. 2019 Supp. 21-6422 is hereby amended to read as
17 follows: 21-6422. (a) Commercial sexual exploitation of a child is
18 knowingly:

19 (1) Hiring a person younger than 18 years of age by giving, or
20 offering or agreeing to give, anything of value to any person, to engage in
21 a manual or other bodily contact stimulation of the genitals of any person
22 with the intent to arouse or gratify the sexual desires of the offender or
23 another, sexual intercourse, sodomy or any unlawful sexual act;

24 (2) establishing, owning, maintaining or managing any property,
25 whether real or personal, where ~~sexual relations are a sex act is~~ being sold
26 or offered for sale by a person younger than 18 years of age, or
27 participating in the establishment, ownership, maintenance or management
28 thereof; or

29 (3) permitting any property, whether real or personal, partially or
30 wholly owned or controlled by the defendant to be used as a place where
31 ~~sexual relations are a sex act is~~ being sold or offered for sale by a person
32 who is younger than 18 years of age.

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

34 (A) Severity level 4, person felony, except as provided in subsections
35 (b)(1)(B) and (b)(2); and

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

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

43 (3) In addition to any other sentence imposed, a person convicted

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

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

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

13 (1) K.S.A. 2019 Supp. 21-5301(c), and amendments thereto, shall not
14 apply to a violation of attempting to commit the crime of commercial
15 sexual exploitation of a child pursuant to this section;

16 (2) K.S.A. 2019 Supp. 21-5302(d), and amendments thereto, shall not
17 apply to a violation of conspiracy to commit the crime of commercial
18 sexual exploitation of a child pursuant to this section; and

19 (3) K.S.A. 2019 Supp. 21-5303(d), and amendments thereto, shall not
20 apply to a violation of criminal solicitation to commit the crime of
21 commercial sexual exploitation of a child pursuant to this section.

22 Sec. ~~7~~ 9. K.S.A. 2019 Supp. 22-2515 is hereby amended to read as
23 follows: 22-2515. (a) An ex parte order authorizing the interception of a
24 wire, oral or electronic communication may be issued by a judge of
25 competent jurisdiction. The attorney general, district attorney or county
26 attorney may make an application to any judge of competent jurisdiction
27 for an order authorizing the interception of a wire, oral or electronic
28 communication by an investigative or law enforcement officer and agency
29 having responsibility for the investigation of the offense regarding which
30 the application is made, when such interception may provide evidence of
31 the commission of any of the following offenses:

32 (1) Any crime directly and immediately affecting the safety of a
33 human life ~~which~~ that is a felony;

34 (2) murder;

35 (3) kidnapping;

36 (4) treason;

37 (5) sedition;

38 (6) racketeering;

39 (7) commercial bribery;

40 (8) robbery;

41 (9) theft, if the offense would constitute a felony;

42 (10) bribery;

43 (11) any felony violation of K.S.A. 2019 Supp. 21-5701 through 21-

- 1 5717, and amendments thereto;
- 2 (12) commercial gambling;
- 3 (13) sports bribery;
- 4 (14) tampering with a sports contest;
- 5 (15) aggravated escape;
- 6 (16) aggravated failure to appear;
- 7 (17) arson;
- 8 (18) terrorism;
- 9 (19) illegal use of weapons of mass destruction;
- 10 (20) human trafficking or aggravated human trafficking;
- 11 (21) sexual exploitation of a child;
- 12 (22) commercial sexual exploitation of a child;
- 13 (23) buying ~~sexual relations~~ *a sex act*, promoting the sale of ~~sexual~~
14 ~~relations~~ *a sex act* or selling ~~sexual relations~~ *a sex act*; or
- 15 (24) any conspiracy to commit any of the foregoing offenses.
- 16 (b) Any investigative or law enforcement officer who, by any means
17 authorized by this act or by chapter 119 of title 18 of the United States
18 code, has obtained knowledge of the contents of any wire, oral or
19 electronic communication, or evidence derived therefrom, may disclose
20 such contents to another investigative or law enforcement officer to the
21 extent that such disclosure is appropriate to the proper performance of the
22 official duties of the officer making or receiving the disclosure.
- 23 (c) Any investigative or law enforcement officer who, by any means
24 authorized by this act or by chapter 119 of title 18 of the United States
25 code, has obtained knowledge of the contents of any wire, oral or
26 electronic communication, or evidence derived therefrom, may use such
27 contents to the extent such use is appropriate to the proper performance of
28 such officer's official duties.
- 29 (d) Any person who has received, by any means authorized by this
30 act or by chapter 119 of title 18 of the United States code or by a like
31 statute of any other state, any information concerning a wire, oral or
32 electronic communication, or evidence derived therefrom, intercepted in
33 accordance with the provisions of this act, may disclose the contents of
34 such communication or such derivative evidence while giving testimony
35 under oath or affirmation in any criminal proceeding in any court, or
36 before any grand jury, of this state or of the United States or of any other
37 state.
- 38 (e) No otherwise privileged wire, oral or electronic communication
39 intercepted in accordance with, or in violation of, the provisions of this act
40 or of chapter 119 of title 18 of the United States code shall lose its
41 privileged character.
- 42 (f) When an investigative or law enforcement officer, while engaged
43 in intercepting wire, oral or electronic communications in the manner

1 authorized by this act, intercepts wire, oral or electronic communications
2 relating to offenses other than those specified in the order authorizing the
3 interception of the wire, oral or electronic communication, the contents
4 thereof and evidence derived therefrom may be disclosed or used as
5 provided in subsections (b) and (c) ~~of this section~~. Such contents and
6 evidence derived therefrom may be used under subsection (d) ~~of this~~
7 ~~section~~ when authorized or approved by a judge of competent jurisdiction,
8 where such judge finds on subsequent application, made as soon as
9 practicable, that the contents were otherwise intercepted in accordance
10 with the provisions of this act, or with chapter 119 of title 18 of the United
11 States code.

12 ~~Sec. 8.~~ **10.** K.S.A. 2019 Supp. 22-2530 is hereby amended to read as
13 follows: 22-2530. If a search warrant is executed ~~which~~ *that* authorizes a
14 search of real property based upon an alleged offense involving gambling,
15 obscenity, the sale of ~~sexual relations~~ *a sex act*, controlled substances or
16 liquor, a copy of the warrant shall be delivered to the last known address of
17 the owner of the property within two business days, excluding Saturdays,
18 Sundays and legal holidays, after execution of the warrant if such address
19 is different from the address of the property for which the warrant was
20 issued.

21 ~~Sec. 9.~~ **11.** K.S.A. 2019 Supp. 22-3901 is hereby amended to read as
22 follows: 22-3901. The following unlawful activities and the use of real or
23 personal property in maintaining and carrying on such activities are hereby
24 declared to be common nuisances:

- 25 (a) Commercial gambling;
- 26 (b) dealing in gambling devices;
- 27 (c) possession of gambling devices;
- 28 (d) promoting obscenity;
- 29 (e) promoting the sale of ~~sexual relations~~ *a sex act*;
- 30 (f) commercial sexual exploitation of a child;
- 31 (g) violations of any law regulating controlled substances;
- 32 (h) habitual violations of any law regulating the sale or exchange of
33 alcoholic liquor or cereal malt beverages, by any person not licensed
34 pursuant to chapter 41 of the Kansas Statutes Annotated, and amendments
35 thereto;
- 36 (i) habitual violations of any law regulating the sale or exchange of
37 cigarettes or tobacco products, by any person not licensed pursuant to
38 article 33 of chapter 79 of the Kansas Statutes Annotated, and amendments
39 thereto;
- 40 (j) any felony committed for the benefit of, at the direction of, or in
41 association with any criminal street gang, with the specific intent to
42 promote, further or assist in any criminal conduct by gang members. As
43 used in this subsection, "criminal street gang" means any organization,

1 association or group, whether formal or informal:

2 (1) Consisting of three or more persons;

3 (2) having as one of its primary activities the commission of one or
4 more person felonies, person misdemeanors, felony violations of K.S.A.
5 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, article 57
6 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
7 any felony violation of any provision of the uniform controlled substances
8 act prior to July 1, 2009, or the comparable juvenile offenses, which, if
9 committed by an adult, would constitute the commission of such felonies
10 or misdemeanors;

11 (3) ~~which~~ *that* has a common name or common identifying sign or
12 symbol; and

13 (4) whose members, individually or collectively engage in or have
14 engaged in the commission, attempted commission, conspiracy to commit
15 or solicitation of two or more person felonies, person misdemeanors,
16 felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior
17 to their transfer, article 57 of chapter 21 of the Kansas Statutes Annotated,
18 and amendments thereto, any felony violation of any provision of the
19 uniform controlled substances act prior to July 1, 2009, or the comparable
20 juvenile offenses, which, if committed by an adult, would constitute the
21 commission of such felonies or misdemeanors, or any substantially similar
22 offense from another jurisdiction; or

23 (k) use of pyrotechnics, pyrotechnic devices or pyrotechnic materials
24 in violation of K.S.A. 2019 Supp. 31-170, and amendments thereto.

25 Any real property used as a place where any such activities are carried
26 on or permitted to be carried on and any effects, equipment, paraphernalia,
27 fixtures, appliances, musical instruments or other personal property
28 designed for and used on such premises in connection with such unlawful
29 activities are subject to the provisions of K.S.A. 22-3902, 22-3903 and 22-
30 3904, and amendments thereto.

31 ~~Sec. 10.~~ **12.** K.S.A. 2019 Supp. 22-4902 is hereby amended to read as
32 follows: 22-4902. As used in the Kansas offender registration act, unless
33 the context otherwise requires:

34 (a) "Offender" means:

35 (1) A sex offender;

36 (2) a violent offender;

37 (3) a drug offender;

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

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

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

43 (1) On or after April 14, 1994, is convicted of any sexually violent

1 crime;

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

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

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

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

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

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

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

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

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

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

29 (7) has been convicted of an offense that is comparable to any crime
30 defined in this subsection, or any out-of-state conviction for an offense that
31 under the laws of this state would be an offense defined in this subsection.

32 (c) "Sexually violent crime" means:

33 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
34 2019 Supp. 21-5503, and amendments thereto;

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

37 (3) aggravated indecent liberties with a child, as defined in K.S.A.
38 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
39 amendments thereto;

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

43 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior

1 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;

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

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

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

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

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

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

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

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

22 (14) commercial sexual exploitation of a child, as defined in K.S.A.
23 2019 Supp. 21-6422, and amendments thereto;

24 (15) promoting the sale of ~~sexual relations~~ *a sex act*, as defined in
25 K.S.A. 2019 Supp. 21-6420, and amendments thereto;

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

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

34 (18) any act ~~which~~ *that* has been determined beyond a reasonable
35 doubt to have been sexually motivated, unless the court, on the record,
36 finds that the act involved non-forcible sexual conduct, the victim was at
37 least 14 years of age and the offender was not more than four years older
38 than the victim. As used in this paragraph, "sexually motivated" means that
39 one of the purposes for which the defendant committed the crime was for
40 the purpose of the defendant's sexual gratification.

41 (d) "Sexually violent predator" means any person who, on or after
42 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
43 59-29a01 et seq., and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (A) Unlawful manufacture or attempting such of any controlled
42 substance or controlled substance analog, as defined in K.S.A. 65-4159,
43 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or

1 K.S.A. 2019 Supp. 21-5703, and amendments thereto;

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

9 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
10 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
11 amendments thereto. The provisions of this paragraph shall not apply to
12 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
13 ~~which~~ *that* occurred on or after July 1, 2009, through April 15, 2010;

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

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

22 (g) Convictions or adjudications—~~which~~ *that* result from or are
23 connected with the same act, or result from crimes committed at the same
24 time, shall be counted for the purpose of this section as one conviction or
25 adjudication. Any conviction or adjudication set aside pursuant to law is
26 not a conviction or adjudication for purposes of this section. A conviction
27 or adjudication from any out-of-state court shall constitute a conviction or
28 adjudication for purposes of this section.

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

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

40 (j) "Reside" means to stay, sleep or maintain with regularity or
41 temporarily one's person and property in a particular place other than a
42 location where the offender is incarcerated. It shall be presumed that an
43 offender resides at any and all locations where the offender stays, sleeps or

1 maintains the offender's person for three or more consecutive days or parts
2 of days, or for ten or more nonconsecutive days in a period of 30
3 consecutive days.

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

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

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

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

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

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

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

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

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

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

36 (A) Convicted of unlawful transmission of a visual depiction of a
37 child, as defined in K.S.A. 2019 Supp. 21-5611(a), and amendments
38 thereto, aggravated unlawful transmission of a visual depiction of a child,
39 as defined in K.S.A. 2019 Supp. 21-5611(b), and amendments thereto, or
40 unlawful possession of a visual depiction of a child, as defined in K.S.A.
41 2019 Supp. 21-5610, and amendments thereto; or

42 (B) adjudicated as a juvenile offender for an act which, if committed
43 by an adult, would constitute the commission of a crime defined in

1 subsection (t)(1)(A); or

2 **(C) convicted of unlawful voluntary sexual relations, as defined in**
3 **K.S.A. 2019 Supp. 21-5507, and amendments thereto, or adjudicated**
4 **as a juvenile offender for an act which, if committed by an adult,**
5 **would constitute a violation of K.S.A. 2019 Supp. 21-5507, and**
6 **amendments thereto.**

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. ~~11~~ 13. 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~~ *a sex act*, as defined in
22 K.S.A. 2019 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) any act ~~which~~ *that* has been determined beyond a reasonable
2 doubt to have been sexually motivated, unless the court, on the record,
3 finds that the act involved non-forcible sexual conduct, the victim was at
4 least 14 years of age and the offender was not more than four years older
5 than the victim;

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

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

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

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

23 (Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
24 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
25 amendments thereto; or

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

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

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

42 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
43 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments

1 thereto, when one of the parties involved is less than 18 years of age;

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

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

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

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

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

13 (G) 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, if
15 the victim is 14 or more years of age but less than 18 years of age;

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

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

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

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

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

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

40 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
41 2019 Supp. 21-5503, and amendments thereto;

42 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
43 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and

1 amendments thereto;

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

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

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

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

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

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

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

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

23 (11) commercial sexual exploitation of a child, as defined in K.S.A.
24 2019 Supp. 21-6422, and amendments thereto; or

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

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

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

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

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

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

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

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

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

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

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

41 (h) Notwithstanding any other provisions of this section, an offender
42 14 years of age or more who is adjudicated as a juvenile offender for an
43 act which, if committed by an adult, would constitute a sexually violent

1 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
2 crime is an off-grid felony or a felony ranked in severity level 1 of the
3 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
4 2019 Supp. 21-6804, and amendments thereto, shall be required to register
5 for such offender's lifetime.

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

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

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

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

33 **Sec. ~~12~~ 14.** K.S.A. 2019 Supp. 38-2202 is hereby amended to read as
34 follows: 38-2202. As used in the revised Kansas code for care of children,
35 unless the context otherwise indicates:

36 (a) "Abandon" or "abandonment" means to forsake, desert or, without
37 making appropriate provision for substitute care, cease providing care for
38 the child.

39 (b) "Adult correction facility" means any public or private facility,
40 secure or nonsecure, that is used for the lawful custody of accused or
41 convicted adult criminal offenders.

42 (c) "Aggravated circumstances" means the abandonment, torture,
43 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

1 (d) "Child in need of care" means a person less than 18 years of age
2 at the time of filing of the petition or issuance of an ex parte protective
3 custody order pursuant to K.S.A. 2019 Supp. 38-2242, and amendments
4 thereto, who:

5 (1) Is without adequate parental care, control or subsistence and the
6 condition is not due solely to the lack of financial means of the child's
7 parents or other custodian;

8 (2) is without the care or control necessary for the child's physical,
9 mental or emotional health;

10 (3) has been physically, mentally or emotionally abused or neglected
11 or sexually abused;

12 (4) has been placed for care or adoption in violation of law;

13 (5) has been abandoned or does not have a known living parent;

14 (6) is not attending school as required by K.S.A. 72-977 or 72-1111,
15 and amendments thereto;

16 (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-
17 8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2019 Supp. 21-6301(a)(14),
18 and amendments thereto, or, except as provided in paragraph (12), does an
19 act which, when committed by a person under 18 years of age, is
20 prohibited by state law, city ordinance or county resolution, but which is
21 not prohibited when done by an adult;

22 (8) while less than 10 years of age, commits any act that if done by an
23 adult would constitute the commission of a felony or misdemeanor as
24 defined by K.S.A. 2019 Supp. 21-5102, and amendments thereto;

25 (9) is willfully and voluntarily absent from the child's home without
26 the consent of the child's parent or other custodian;

27 (10) is willfully and voluntarily absent at least a second time from a
28 court ordered or designated placement, or a placement pursuant to court
29 order, if the absence is without the consent of the person with whom the
30 child is placed or, if the child is placed in a facility, without the consent of
31 the person in charge of such facility or such person's designee;

32 (11) has been residing in the same residence with a sibling or another
33 person under 18 years of age, who has been physically, mentally or
34 emotionally abused or neglected, or sexually abused;

35 (12) while less than 10 years of age commits the offense defined in
36 K.S.A. 2019 Supp. 21-6301(a)(14), and amendments thereto;

37 (13) has had a permanent custodian appointed and the permanent
38 custodian is no longer able or willing to serve; or

39 (14) has been subjected to an act that would constitute human
40 trafficking or aggravated human trafficking, as defined by K.S.A. 2019
41 Supp. 21-5426, and amendments thereto, or commercial sexual
42 exploitation of a child, as defined by K.S.A. 2019 Supp. 21-6422, and
43 amendments thereto, or has committed an act which, if committed by an

1 adult, would constitute selling ~~sexual relations~~ *a sex act*, as defined by
2 K.S.A. 2019 Supp. 21-6419, and amendments thereto.

3 (e) "Citizen review board" is a group of community volunteers
4 appointed by the court and whose duties are prescribed by K.S.A. 2019
5 Supp. 38-2207 and 38-2208, and amendments thereto.

6 (f) "Civil custody case" includes any case filed under chapter 23 of
7 the Kansas Statutes Annotated, and amendments thereto, the Kansas
8 family law code, article 11 of chapter 38 of the Kansas Statutes Annotated,
9 and amendments thereto, determination of parentage, article 21 of chapter
10 59 of the Kansas Statutes Annotated, and amendments thereto, adoption
11 and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes
12 Annotated, and amendments thereto, guardians and conservators.

13 (g) "Court-appointed special advocate" means a responsible adult
14 other than an attorney guardian ad litem who is appointed by the court to
15 represent the best interests of a child, as provided in K.S.A. 2019 Supp.
16 38-2206, and amendments thereto, in a proceeding pursuant to this code.

17 (h) "Custody" whether temporary, protective or legal, means the
18 status created by court order or statute that vests in a custodian, whether an
19 individual or an agency, the right to physical possession of the child and
20 the right to determine placement of the child, subject to restrictions placed
21 by the court.

22 (i) "Extended out of home placement" means a child has been in the
23 custody of the secretary and placed with neither parent for 15 of the most
24 recent 22 months beginning 60 days after the date at which a child in the
25 custody of the secretary was removed from the child's home.

26 (j) "Educational institution" means all schools at the elementary and
27 secondary levels.

28 (k) "Educator" means any administrator, teacher or other professional
29 or paraprofessional employee of an educational institution who has
30 exposure to a pupil specified in K.S.A. ~~72-89b03(a)~~ 72-6143(a), and
31 amendments thereto.

32 (l) "Harm" means physical or psychological injury or damage.

33 (m) "Interested party" means the grandparent of the child, a person
34 with whom the child has been living for a significant period of time when
35 the child in need of care petition is filed, and any person made an
36 interested party by the court pursuant to K.S.A. 2019 Supp. 38-2241, and
37 amendments thereto, or Indian tribe seeking to intervene that is not a party.

38 (n) "Jail" means:

39 (1) An adult jail or lockup; or

40 (2) a facility in the same building or on the same grounds as an adult
41 jail or lockup, unless the facility meets all applicable standards and
42 licensure requirements under law and there is: (A) Total separation of the
43 juvenile and adult facility spatial areas such that there could be no

1 haphazard or accidental contact between juvenile and adult residents in the
2 respective facilities; (B) total separation in all juvenile and adult program
3 activities within the facilities, including recreation, education, counseling,
4 health care, dining, sleeping and general living activities; and (C) separate
5 juvenile and adult staff, including management, security staff and direct
6 care staff such as recreational, educational and counseling.

7 (o) "Juvenile detention facility" means any secure public or private
8 facility used for the lawful custody of accused or adjudicated juvenile
9 offenders that must not be a jail.

10 (p) "Juvenile intake and assessment worker" means a responsible
11 adult authorized to perform intake and assessment services as part of the
12 intake and assessment system established pursuant to K.S.A. 75-7023, and
13 amendments thereto.

14 (q) "Kinship care placement" means the placement of a child in the
15 home of an adult with whom the child or the child's parent already has
16 close emotional ties.

17 (r) "Law enforcement officer" means any person who by virtue of
18 office or public employment is vested by law with a duty to maintain
19 public order or to make arrests for crimes, whether that duty extends to all
20 crimes or is limited to specific crimes.

21 (s) "Multidisciplinary team" means a group of persons, appointed by
22 the court under K.S.A. 2019 Supp. 38-2228, and amendments thereto, that
23 has knowledge of the circumstances of a child in need of care.

24 (t) "Neglect" means acts or omissions by a parent, guardian or person
25 responsible for the care of a child resulting in harm to a child, or
26 presenting a likelihood of harm, and the acts or omissions are not due
27 solely to the lack of financial means of the child's parents or other
28 custodian. Neglect may include, but shall not be limited to:

29 (1) Failure to provide the child with food, clothing or shelter
30 necessary to sustain the life or health of the child;

31 (2) failure to provide adequate supervision of a child or to remove a
32 child from a situation that requires judgment or actions beyond the child's
33 level of maturity, physical condition or mental abilities and that results in
34 bodily injury or a likelihood of harm to the child; or

35 (3) failure to use resources available to treat a diagnosed medical
36 condition if such treatment will make a child substantially more
37 comfortable, reduce pain and suffering, or correct or substantially diminish
38 a crippling condition from worsening. A parent legitimately practicing
39 religious beliefs who does not provide specified medical treatment for a
40 child because of religious beliefs shall, not for that reason, be considered a
41 negligent parent; however, this exception shall not preclude a court from
42 entering an order pursuant to K.S.A. 2019 Supp. 38-2217(a)(2), and
43 amendments thereto.

1 (u) "Parent" when used in relation to a child or children, includes a
2 guardian and every person who is by law liable to maintain, care for or
3 support the child.

4 (v) "Party" means the state, the petitioner, the child, any parent of the
5 child and an Indian child's tribe intervening pursuant to the Indian child
6 welfare act.

7 (w) "Permanency goal" means the outcome of the permanency
8 planning process, which may be reintegration, adoption, appointment of a
9 permanent custodian or another planned permanent living arrangement.

10 (x) "Permanent custodian" means a judicially approved permanent
11 guardian of a child pursuant to K.S.A. 2019 Supp. 38-2272, and
12 amendments thereto.

13 (y) "Physical, mental or emotional abuse" means the infliction of
14 physical, mental or emotional harm or the causing of a deterioration of a
15 child and may include, but shall not be limited to, maltreatment or
16 exploiting a child to the extent that the child's health or emotional well-
17 being is endangered.

18 (z) "Placement" means the designation by the individual or agency
19 having custody of where and with whom the child will live.

20 (aa) "Qualified residential treatment program" means a program
21 designated by the secretary for children and families as a qualified
22 residential treatment program pursuant to federal law.

23 (bb) "Reasonable and prudent parenting standard" means the standard
24 characterized by careful and sensible parental decisions that maintain the
25 health, safety and best interests of a child while at the same time
26 encouraging the emotional and developmental growth of the child, that a
27 caregiver shall use when determining whether to allow a child in foster
28 care under the responsibility of the state to participate in extracurricular,
29 enrichment, cultural and social activities.

30 (cc) "Relative" means a person related by blood, marriage or
31 adoption.

32 (dd) "Runaway" means a child who is willfully and voluntarily absent
33 from the child's home without the consent of the child's parent or other
34 custodian.

35 (ee) "Secretary" means the secretary for children and families or the
36 secretary's designee.

37 (ff) "Secure facility" means a facility, other than a staff secure facility
38 or juvenile detention facility, that is operated or structured so as to ensure
39 that all entrances and exits from the facility are under the exclusive control
40 of the staff of the facility, whether or not the person being detained has
41 freedom of movement within the perimeters of the facility, or that relies on
42 locked rooms and buildings, fences or physical restraint in order to control
43 behavior of its residents. No secure facility shall be in a city or county jail.

1 (gg) "Sexual abuse" means any contact or interaction with a child in
2 which the child is being used for the sexual stimulation of the perpetrator,
3 the child or another person. Sexual abuse shall include, but is not limited
4 to, allowing, permitting or encouraging a child to:

5 (1) Be photographed, filmed or depicted in pornographic material; or

6 (2) be subjected to aggravated human trafficking, as defined in
7 K.S.A. 2019 Supp. 21-5426(b), and amendments thereto, if committed in
8 whole or in part for the purpose of the sexual gratification of the offender
9 or another, or be subjected to an act that would constitute conduct
10 proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated,
11 *and amendments thereto*, or K.S.A. 2019 Supp. 21-6419 or 21-6422, and
12 amendments thereto.

13 (hh) "Shelter facility" means any public or private facility or home,
14 other than a juvenile detention facility or staff secure facility, that may be
15 used in accordance with this code for the purpose of providing either
16 temporary placement for children in need of care prior to the issuance of a
17 dispositional order or longer term care under a dispositional order.

18 (ii) "Staff secure facility" means a facility described in K.S.A. 65-
19 535, and amendments thereto: (1) That does not include construction
20 features designed to physically restrict the movements and activities of
21 juvenile residents who are placed therein; (2) that may establish reasonable
22 rules restricting entrance to and egress from the facility; and (3) in which
23 the movements and activities of individual juvenile residents may, for
24 treatment purposes, be restricted or subject to control through the use of
25 intensive staff supervision. No staff secure facility shall be in a city or
26 county jail.

27 (jj) "Transition plan" means, when used in relation to a youth in the
28 custody of the secretary, an individualized strategy for the provision of
29 medical, mental health, education, employment and housing supports as
30 needed for the adult and, if applicable, for any minor child of the adult, to
31 live independently and specifically provides for the supports and any
32 services for which an adult with a disability is eligible including, but not
33 limited to, funding for home and community based services waivers.

34 (kk) "Youth residential facility" means any home, foster home or
35 structure that provides 24-hour-a-day care for children and that is licensed
36 pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and
37 amendments thereto.

38 ~~Sec. 13.~~ **15.** K.S.A. 2019 Supp. 38-2287 is hereby amended to read as
39 follows: 38-2287. (a) Whenever a child is in custody, as defined in K.S.A.
40 2019 Supp. 38-2202, and amendments thereto, and there is reason to
41 believe such child has been subjected to an act which would constitute
42 human trafficking or aggravated human trafficking, as defined by K.S.A.
43 2019 Supp. 21-5426, and amendments thereto, or commercial sexual

1 exploitation of a child, as defined by K.S.A. 2019 Supp. 21-6422, and
2 amendments thereto, or the child committed an act which, if committed by
3 an adult, would constitute selling ~~sexual relations~~ *a sex act*, as defined by
4 K.S.A. 2019 Supp. 21-6419, and amendments thereto, the court shall refer
5 the child to the secretary for children and families for an assessment to
6 determine safety, placement, treatment and service needs for the child. The
7 secretary shall use a validated, evidence-based assessment tool or
8 instrument to assess such needs and shall make appropriate
9 recommendations to the court. The secretary shall provide only a summary
10 of the results from the assessment tool or instrument, not the complete
11 assessment tool or instrument.

12 (b) When any law enforcement officer takes into custody any child as
13 provided in K.S.A. 2019 Supp. 38-2231(b)(3), and amendments thereto,
14 the law enforcement officer shall contact the department for children and
15 families to begin an assessment to determine safety, appropriate and timely
16 placement and appropriate services to meet the immediate needs of the
17 child.

18 (c) This section shall be *a* part of and supplemental to the revised
19 Kansas code for care of children.

20 ~~Sec. 14.~~ **16.** K.S.A. 2019 Supp. 41-311 is hereby amended to read as
21 follows: 41-311. (a) No license of any kind shall be issued pursuant to the
22 liquor control act to a person:

23 (1) Who is not a citizen of the United States;

24 (2) who has been convicted of a felony under the laws of this state,
25 any other state or the United States;

26 (3) who has had a license revoked for cause under the provisions of
27 the liquor control act, the beer and cereal malt beverage keg registration
28 act or who has had any license issued under the cereal malt beverage laws
29 of any state revoked for cause except that a license may be issued to a
30 person whose license was revoked for the conviction of a misdemeanor at
31 any time after the lapse of 10 years following the date of the revocation;

32 (4) who has been convicted of being the keeper or is keeping any
33 property, whether real or personal, where ~~sexual relations are~~ *a sex act is*
34 being sold or offered for sale by a person who is 18 years of age or older
35 or has forfeited bond to appear in court to answer charges of being a
36 keeper of any property, whether real or personal, where ~~sexual relations~~
37 ~~are~~ *a sex act is* being sold or offered for sale by a person who is 18 years
38 of age or older;

39 (5) who has been convicted of being a proprietor of a gambling
40 house, pandering or any other crime opposed to decency and morality or
41 has forfeited bond to appear in court to answer charges for any of those
42 crimes;

43 (6) who is not at least 21 years of age;

1 (7) who, other than as a member of the governing body of a city or
2 county, appoints or supervises any law enforcement officer, who is a law
3 enforcement official or who is an employee of the director;

4 (8) who intends to carry on the business authorized by the license as
5 agent of another;

6 (9) who at the time of application for renewal of any license issued
7 under this act would not be eligible for the license upon a first application,
8 except as provided by subsection (a)(12);

9 (10) who is the holder of a valid and existing license issued under
10 article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments
11 thereto, unless the person agrees to and does surrender the license to the
12 officer issuing the same upon the issuance to the person of a license under
13 this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and
14 amendments thereto, shall be eligible to receive a retailer's license under
15 the Kansas liquor control act;

16 (11) who does not own the premises for which a license is sought, or
17 does not, at the time of application, have a written lease thereon;

18 (12) whose spouse would be ineligible to receive a license under this
19 act for any reason other than citizenship, residence requirements or age,
20 except that this subsection (a)(12) shall not apply in determining eligibility
21 for a renewal license;

22 (13) whose spouse has been convicted of a felony or other crime
23 ~~which~~ *that* would disqualify a person from licensure under this section and
24 such felony or other crime was committed during the time that the spouse
25 held a license under this act;

26 (14) who does not provide any data or information required by
27 K.S.A. 2019 Supp. 41-311b, and amendments thereto; or

28 (15) who, after a hearing before the director, has been found to have
29 held an undisclosed beneficial interest in any license issued pursuant to the
30 liquor control act ~~which~~ *that* was obtained by means of fraud or any false
31 statement made on the application for such license.

32 (b) No retailer's license shall be issued to:

33 (1) A person who is not a resident of this state;

34 (2) a person who has not been a resident of this state for at least four
35 years immediately preceding the date of application;

36 (3) a person who has a beneficial interest in a manufacturer,
37 distributor, farm winery or microbrewery licensed under this act, except
38 that the spouse of an applicant for a retailer's license may own and hold a
39 farm winery license, microbrewery license, or both, if the spouse does not
40 hold a retailer's license issued under this act;

41 (4) a person who has a beneficial interest in any other retail
42 establishment licensed under this act, except that the spouse of a licensee
43 may own and hold a retailer's license for another retail establishment;

1 (5) a copartnership, unless all of the copartners are qualified to obtain
2 a license;

3 (6) a corporation; or

4 (7) a trust, if any grantor, beneficiary or trustee would be ineligible to
5 receive a license under this act for any reason, except that the provisions of
6 subsection (a)(6) shall not apply in determining whether a beneficiary
7 would be eligible for a license.

8 (c) No manufacturer's license shall be issued to:

9 (1) A corporation, if any officer or director thereof, or any
10 stockholder owning in the aggregate more than 25% of the stock of the
11 corporation would be ineligible to receive a manufacturer's license for any
12 reason other than citizenship and residence requirements;

13 (2) a copartnership, unless all of the copartners shall have been
14 residents of this state for at least five years immediately preceding the date
15 of application and unless all the members of the copartnership would be
16 eligible to receive a manufacturer's license under this act;

17 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
18 receive a license under this act for any reason, except that the provisions of
19 subsection (a)(6) shall not apply in determining whether a beneficiary
20 would be eligible for a license;

21 (4) an individual who is not a resident of this state;

22 (5) an individual who has not been a resident of this state for at least
23 five years immediately preceding the date of application; or

24 (6) a person who has a beneficial interest in a distributor, retailer,
25 farm winery or microbrewery licensed under this act, except as provided in
26 K.S.A. 41-305, and amendments thereto.

27 (d) No distributor's license shall be issued to:

28 (1) A corporation, if any officer, director or stockholder of the
29 corporation would be ineligible to receive a distributor's license for any
30 reason. It shall be unlawful for any stockholder of a corporation licensed
31 as a distributor to transfer any stock in the corporation to any person who
32 would be ineligible to receive a distributor's license for any reason, and
33 any such transfer shall be null and void, except that: (A) If any stockholder
34 owning stock in the corporation dies and an heir or devisee to whom stock
35 of the corporation descends by descent and distribution or by will is
36 ineligible to receive a distributor's license, the legal representatives of the
37 deceased stockholder's estate and the ineligible heir or devisee shall have
38 14 months from the date of the death of the stockholder within which to
39 sell the stock to a person eligible to receive a distributor's license, any such
40 sale by a legal representative to be made in accordance with the provisions
41 of the probate code; or (B) if the stock in any such corporation is the
42 subject of any trust and any trustee or beneficiary of the trust who is 21
43 years of age or older is ineligible to receive a distributor's license, the

1 trustee, within 14 months after the effective date of the trust, shall sell the
2 stock to a person eligible to receive a distributor's license and hold and
3 disburse the proceeds in accordance with the terms of the trust. If any legal
4 representatives, heirs, devisees or trustees fail, refuse or neglect to sell any
5 stock as required by this subsection, the stock shall revert to and become
6 the property of the corporation, and the corporation shall pay to the legal
7 representatives, heirs, devisees or trustees the book value of the stock.
8 During the period of 14 months prescribed by this subsection, the
9 corporation shall not be denied a distributor's license or have its
10 distributor's license revoked if the corporation meets all of the other
11 requirements necessary to have a distributor's license;

12 (2) a copartnership, unless all of the copartners are eligible to receive
13 a distributor's license;

14 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
15 receive a license under this act for any reason, except that the provisions of
16 subsection (a)(6) shall not apply in determining whether a beneficiary
17 would be eligible for a license; or

18 (4) a person who has a beneficial interest in a manufacturer, retailer,
19 farm winery or microbrewery licensed under this act.

20 (e) No nonbeverage user's license shall be issued to a corporation, if
21 any officer, manager or director of the corporation or any stockholder
22 owning in the aggregate more than 25% of the stock of the corporation
23 would be ineligible to receive a nonbeverage user's license for any reason
24 other than citizenship and residence requirements.

25 (f) No microbrewery license, microdistillery license or farm winery
26 license shall be issued to a:

27 (1) Person who is not a resident of this state;

28 (2) person who has a beneficial interest in a manufacturer or
29 distributor licensed under this act, except as provided in K.S.A. 41-305,
30 and amendments thereto;

31 (3) person, copartnership or association ~~which~~ *that* has a beneficial
32 interest in any retailer licensed under this act or under K.S.A. 41-2702, and
33 amendments thereto, except that the spouse of an applicant for a
34 microbrewery or farm winery license may own and hold a retailer's license
35 if the spouse does not hold a microbrewery or farm winery license issued
36 under this act;

37 (4) copartnership, unless all of the copartners are qualified to obtain a
38 license;

39 (5) corporation, unless stockholders owning in the aggregate 50% or
40 more of the stock of the corporation would be eligible to receive such
41 license and all other stockholders would be eligible to receive such license
42 except for reason of citizenship or residency; or

43 (6) a trust, if any grantor, beneficiary or trustee would be ineligible to

1 receive a license under this act for any reason, except that the provisions of
2 subsection (a)(6) shall not apply in determining whether a beneficiary
3 would be eligible for a license.

4 (g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),
5 (f)(1) and K.S.A. 2019 Supp. 41-311b, and amendments thereto, shall not
6 apply in determining eligibility for the 10th, or a subsequent, consecutive
7 renewal of a license if the applicant has appointed a citizen of the United
8 States who is a resident of Kansas as the applicant's agent and filed with
9 the director a duly authenticated copy of a duly executed power of
10 attorney, authorizing the agent to accept service of process from the
11 director and the courts of this state and to exercise full authority, control
12 and responsibility for the conduct of all business and transactions within
13 the state relative to alcoholic liquor and the business licensed. The agent
14 must be satisfactory to and approved by the director, except that the
15 director shall not approve as an agent any person who:

16 (1) Has been convicted of a felony under the laws of this state, any
17 other state or the United States;

18 (2) has had a license issued under the alcoholic liquor or cereal malt
19 beverage laws of this or any other state revoked for cause, except that a
20 person may be appointed as an agent if the person's license was revoked
21 for the conviction of a misdemeanor and 10 years have lapsed since the
22 date of the revocation;

23 (3) has been convicted of being the keeper or is keeping any property,
24 whether real or personal, where ~~sexual relations are a sex act~~ is being sold
25 or offered for sale by a person who is 18 years of age or older or has
26 forfeited bond to appear in court to answer charges of being a keeper of
27 any property, whether real or personal, where ~~sexual relations are a sex act~~
28 is being sold or offered for sale by a person who is 18 years of age or
29 older;

30 (4) has been convicted of being a proprietor of a gambling house,
31 pandering or any other crime opposed to decency and morality or has
32 forfeited bond to appear in court to answer charges for any of those
33 crimes; or

34 (5) is less than 21 years of age.

35 ~~Sec. 15.~~ 17. K.S.A. 2019 Supp. 41-2601 is hereby amended to read as
36 follows: 41-2601. As used in the club and drinking establishment act:

37 (a) The following terms shall have the meanings provided by K.S.A.
38 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3)
39 "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

40 (b) "Beneficial interest" shall not include any interest a person may
41 have as owner, operator, lessee or franchise holder of a licensed hotel or
42 motel on the premises of which a club or drinking establishment is located.

43 (c) "Caterer" means an individual, partnership or corporation ~~which~~

1 *that* sells alcoholic liquor by the individual drink, and provides services
2 related to the serving thereof, on unlicensed premises—~~which~~ *that* may be
3 open to the public, but does not include a holder of a temporary permit,
4 selling alcoholic liquor in accordance with the terms of such permit.

5 (d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-
6 2701, and amendments thereto.

7 (e) "Class A club" means a premises—~~which~~ *that* is owned or leased by
8 a corporation, partnership, business trust or association and—~~which~~ is
9 operated thereby as a bona fide nonprofit social, fraternal or war veterans'
10 club, as determined by the director, for the exclusive use of the corporate
11 stockholders, partners, trust beneficiaries or associates—~~(, hereinafter~~
12 referred to as members), and their families and guests accompanying them.

13 (f) "Class B club" means a premises operated for profit by a
14 corporation, partnership or individual, to which members of such club may
15 resort for the consumption of food or alcoholic beverages and for
16 entertainment.

17 (g) "Club" means a class A or class B club.

18 (h) "Drinking establishment" means premises—~~which~~ *that* may be
19 open to the general public, where alcoholic liquor by the individual drink
20 is sold. "Drinking establishment" includes a railway car.

21 (i) "Food" means any raw, cooked or processed edible substance or
22 ingredient, other than alcoholic liquor or cereal malt beverage, used or
23 intended for use or for sale, in whole or in part, for human consumption.

24 (j) "Food service establishment" has the meaning provided by K.S.A.
25 36-501, and amendments thereto.

26 (k) "Hotel" has the meaning provided by K.S.A. 36-501, and
27 amendments thereto.

28 (l) "Individual drink" means a beverage containing alcoholic liquor or
29 cereal malt beverage served to an individual for consumption by such
30 individual or another individual, but which is not intended to be consumed
31 by two or more individuals. The term "individual drink" includes
32 beverages containing not more than: (1) Eight ounces of wine; (2) thirty-
33 two ounces of beer or cereal malt beverage; or (3) four ounces of a single
34 spirit or a combination of spirits.

35 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or
36 wholly or partially refrigerated, access to the interior of which is restricted
37 by means of a locking device which requires the use of a key, magnetic
38 card or similar device.

39 (n) "Minor" means a person under 21 years of age.

40 (o) "Morals charge" means a charge involving the sale of—~~sexual~~
41 ~~relations~~ *a sex act*; procuring any person; soliciting of a child under 18
42 years of age for any immoral act involving sex; possession or sale of
43 narcotics, marijuana, amphetamines or barbiturates; rape; incest;

1 gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

2 (p) "Municipal corporation" means the governing body of any county
3 or city.

4 (q) "Public venue" means an arena, stadium, hall or theater, used
5 primarily for athletic or sporting events, live concerts, live theatrical
6 productions or similar seasonal entertainment events, not operated on a
7 daily basis, and containing:

8 (1) Not less than 4,000 permanent seats; and

9 (2) not less than two private suites, which are enclosed or semi-
10 enclosed seating areas, having controlled access and separated from the
11 general admission areas by a permanent barrier.

12 (r) "Railway car" means a locomotive drawn conveyance used for the
13 transportation and accommodation of human passengers that is confined to
14 a fixed rail route and which derives from sales of food for consumption on
15 the railway car not less than 30% of its gross receipts from all sales of food
16 and beverages in a 12-month period.

17 (s) "Restaurant" means:

18 (1) In the case of a club, a licensed food service establishment ~~which~~
19 *that*, as determined by the director, derives from sales of food for
20 consumption on the licensed club premises not less than 50% of its gross
21 receipts from all sales of food and beverages on such premises in a 12-
22 month period;

23 (2) in the case of a drinking establishment subject to a food sales
24 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
25 food service establishment ~~which~~ *that*, as determined by the director,
26 derives from sales of food for consumption on the licensed drinking
27 establishment premises not less than 30% of its gross receipts from all
28 sales of food and beverages on such premises in a 12-month period; and

29 (3) in the case of a drinking establishment subject to no food sales
30 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
31 food service establishment.

32 (t) "RV resort" means premises where a place to park recreational
33 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered
34 for pay, primarily to transient guests, for overnight or longer use while
35 such recreational vehicles are used as sleeping or living accommodations.

36 (u) "Sample" means a serving of alcoholic liquor that contains not
37 more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or
38 (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed
39 alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

40 (v) "Secretary" means the secretary of revenue.

41 (w) "Temporary permit" means a temporary permit issued pursuant to
42 K.S.A. 2019 Supp. 41-1201, and amendments thereto.

43 Sec. ~~16~~ **18**. K.S.A. 2019 Supp. 60-31a02 is hereby amended to read

1 as follows: 60-31a02. As used in the protection from stalking, sexual
2 assault or human trafficking act:

3 (a) "Human trafficking" means any act that would constitute human
4 trafficking or aggravated human trafficking, as defined by K.S.A. 2019
5 Supp. 21-5426, and amendments thereto, or commercial sexual
6 exploitation of a child, as defined by K.S.A. 2019 Supp. 21-6422, and
7 amendments thereto, or an act that, if committed by an adult, would
8 constitute selling ~~sexual relations~~ *a sex act*, as defined by K.S.A. 2019
9 Supp. 21-6419, and amendments thereto.

10 (b) "Human trafficking victim" means a person who has been
11 subjected to an act that would constitute human trafficking or aggravated
12 human trafficking, as defined by K.S.A. 2019 Supp. 21-5426, and
13 amendments thereto, or commercial sexual exploitation of a child, as
14 defined by K.S.A. 2019 Supp. 21-6422, and amendments thereto, or has
15 committed an act that, if committed by an adult, would constitute selling
16 ~~sexual relations~~ *a sex act*, as defined by K.S.A. 2019 Supp. 21-6419, and
17 amendments thereto.

18 (c) "Sexual assault" means:

19 (1) A nonconsensual sexual act; or

20 (2) an attempted sexual act against another by force, threat of force,
21 duress or when the person is incapable of giving consent.

22 (d) "Stalking" means an intentional harassment of another person that
23 places the other person in reasonable fear for that person's safety.

24 (1) "Harassment" means a knowing and intentional course of conduct
25 directed at a specific person that seriously alarms, annoys, torments or
26 terrorizes the person, and that serves no legitimate purpose. "Harassment"
27 ~~shall include~~ ~~includes~~ **includes** any course of conduct carried out through
28 the use of an unmanned aerial system over or near any dwelling, occupied
29 vehicle or other place where one may reasonably expect to be safe from
30 uninvited intrusion or surveillance.

31 (2) "Course of conduct" means conduct consisting of two or more
32 separate acts over a period of time, however short, evidencing a continuity
33 of purpose ~~which~~ *that* would cause a reasonable person to suffer
34 substantial emotional distress. Constitutionally protected activity is not
35 included within the meaning of "course of conduct."

36 (e) "Unmanned aerial system" means a powered, aerial vehicle that:

37 (1) Does not carry a human operator;

38 (2) uses aerodynamic forces to provide vehicle lift;

39 (3) may fly autonomously or be piloted remotely;

40 (4) may be expendable or recoverable; and

41 (5) may carry a lethal or nonlethal payload.

42 Sec. ~~17~~ **19**. K.S.A. 2019 Supp. 60-4104 is hereby amended to read as
43 follows: 60-4104. Conduct and offenses giving rise to forfeiture under this

1 act, whether or not there is a prosecution or conviction related to the
2 offense, are:

3 (a) All offenses—~~which~~ *that* statutorily and specifically authorize
4 forfeiture;

5 (b) violations involving controlled substances, as described in K.S.A.
6 2019 Supp. 21-5701 through 21-5717, and amendments thereto;

7 (c) theft, as defined in K.S.A. 2019 Supp. 21-5801, and amendments
8 thereto;

9 (d) criminal discharge of a firearm, as defined in K.S.A. 2019 Supp.
10 21-6308(a)(1) and (a)(2), and amendments thereto;

11 (e) gambling, as defined in K.S.A. 2019 Supp. 21-6404, and
12 amendments thereto, and commercial gambling, as defined in K.S.A. 2019
13 Supp. 21-6406(a)(1), and amendments thereto;

14 (f) counterfeiting, as defined in K.S.A. 2019 Supp. 21-5825, and
15 amendments thereto;

16 (g) unlawful possession or use of a scanning device or reencoder, as
17 described in K.S.A. 2019 Supp. 21-6108, and amendments thereto;

18 (h) medicaid fraud, as described in K.S.A. 2019 Supp. 21-5925
19 through 21-5934, and amendments thereto;

20 (i) an act or omission occurring outside this state, ~~which~~ *that* would
21 be a violation in the place of occurrence and would be described in this
22 section if the act occurred in this state, whether or not it is prosecuted in
23 any state;

24 (j) an act or omission committed in furtherance of any act or omission
25 described in this section including any inchoate or preparatory offense,
26 whether or not there is a prosecution or conviction related to the act or
27 omission;

28 (k) any solicitation or conspiracy to commit any act or omission
29 described in this section, whether or not there is a prosecution or
30 conviction related to the act or omission;

31 (l) terrorism, as defined in K.S.A. 2019 Supp. 21-5421, and
32 amendments thereto, illegal use of weapons of mass destruction, as
33 defined in K.S.A. 2019 Supp. 21-5422, and amendments thereto, and
34 furtherance of terrorism or illegal use of weapons of mass destruction, as
35 described in K.S.A. 2019 Supp. 21-5423, and amendments thereto;

36 (m) unlawful conduct of dog fighting and unlawful possession of dog
37 fighting paraphernalia, as defined in K.S.A. 2019 Supp. 21-6414(a) and
38 (b), and amendments thereto;

39 (n) unlawful conduct of cockfighting and unlawful possession of
40 cockfighting paraphernalia, as defined in K.S.A. 2019 Supp. 21-6417(a)
41 and (b), and amendments thereto;

42 (o) selling ~~sexual relations~~ *a sex act*, as defined in K.S.A. 2019 Supp.
43 21-6419, and amendments thereto, promoting the sale of ~~sexual relations~~ *a*

- 1 *sex act*, as defined in K.S.A. 2019 Supp. 21-6420, and amendments
2 thereto, and buying ~~sexual relations~~ *a sex act*, as defined in K.S.A. 2019
3 Supp. 21-6421, and amendments thereto;
- 4 (p) human trafficking and aggravated human trafficking, as defined in
5 K.S.A. 2019 Supp. 21-5426, and amendments thereto;
- 6 (q) violations of the banking code, as described in K.S.A. 9-2012, and
7 amendments thereto;
- 8 (r) mistreatment of a dependent adult, as defined in K.S.A. 2019
9 Supp. 21-5417, and amendments thereto;
- 10 (s) giving a worthless check, as defined in K.S.A. 2019 Supp. 21-
11 5821, and amendments thereto;
- 12 (t) forgery, as defined in K.S.A. 2019 Supp. 21-5823, and
13 amendments thereto;
- 14 (u) making false information, as defined in K.S.A. 2019 Supp. 21-
15 5824, and amendments thereto;
- 16 (v) criminal use of a financial card, as defined in K.S.A. 2019 Supp.
17 21-5828, and amendments thereto;
- 18 (w) unlawful acts concerning computers, as described in K.S.A. 2019
19 Supp. 21-5839, and amendments thereto;
- 20 (x) identity theft and identity fraud, as defined in K.S.A. 2019 Supp.
21 21-6107(a) and (b), and amendments thereto;
- 22 (y) electronic solicitation, as defined in K.S.A. 2019 Supp. 21-5509,
23 and amendments thereto;
- 24 (z) felony violations of fleeing or attempting to elude a police officer,
25 as described in K.S.A. 8-1568, and amendments thereto;
- 26 (aa) commercial sexual exploitation of a child, as defined in K.S.A.
27 2019 Supp. 21-6422, and amendments thereto;
- 28 (bb) violations of the Kansas racketeer influenced and corrupt
29 organization act, as described in K.S.A. 2019 Supp. 21-6329, and
30 amendments thereto;
- 31 (cc) indecent solicitation of a child and aggravated indecent
32 solicitation of a child, as defined in K.S.A. 2019 Supp. 21-5508, and
33 amendments thereto;
- 34 (dd) sexual exploitation of a child, as defined in K.S.A. 2019 Supp.
35 21-5510, and amendments thereto; and
- 36 (ee) violation of a consumer protection order as defined in K.S.A.
37 2019 Supp. 21-6423, and amendments thereto.
- 38 ~~Sec. 18.~~ **20.** K.S.A. 68-2255 is hereby amended to read as follows:
39 68-2255. (a) As used in this section:
- 40 (1) "Adult cabaret" means a nightclub, bar, restaurant or similar
41 commercial establishment ~~which~~ *that* regularly features:
- 42 (A) Persons who appear in a state of nudity or semi-nudity;
- 43 (B) live performances ~~which~~ *that* are characterized by the exposure of

1 specified anatomical areas or by specified sexual activities; or

2 (C) films, motion pictures, video cassettes, slides or other
3 photographic reproductions—~~which~~ *that* are characterized by the depiction
4 or description of specified sexual activities or specified anatomical areas;

5 (2) "nudity" or a "state of nudity" means the showing of the human
6 male or female genitals, pubic area, vulva, anus, anal cleft or cleavage
7 with less than a fully opaque covering, the showing of the female breast
8 with less than a fully opaque covering of any part of the nipple or the
9 showing of the covered male genitals in a discernibly turgid state;

10 (3) "semi-nudity" means a state of dress in which opaque clothing
11 fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva,
12 nipple and areola of the female breast below a horizontal line across the
13 top of the areola at its highest point. Semi-nudity shall include the entire
14 lower portion of the female breast, but shall not include any portion of the
15 cleavage of the human female breast exhibited by wearing apparel
16 provided the areola is not exposed in whole or part;

17 (4) "sexually-oriented business" means any business—~~which~~ *that* offers
18 its patrons goods of which a substantial portion are sexually-oriented
19 materials. Any business where more than 10% of display space is used for
20 sexually-oriented materials shall be presumed to be a sexually-oriented
21 business;

22 (5) "sexually-oriented materials" means any textual, pictorial or three
23 dimensional material that depicts nudity, sexual conduct, sexual
24 excitement or sadomasochistic abuse in a way—~~which~~ *that* is patently
25 offensive to the average person applying contemporary adult community
26 standards with respect to what is suitable for minors;

27 (6) "sign" or "outdoor advertising" means any outdoor sign, display,
28 device, notice, bulletin, figure, painting, drawing, message, placard, poster,
29 billboard or other thing—~~which~~ *that* is designed, intended or used to
30 advertise or inform, any part of the advertising or informative contents of
31 which is located within an adjacent area, and is visible from the state
32 highway.

33 (b) No sign or other outdoor advertising, for an adult cabaret or
34 sexually-oriented business shall be located within one mile of any state
35 highway except if such business is located within one mile of a state
36 highway then the business may display a maximum of two exterior signs
37 on the premises of the business, consisting of one identification sign and
38 one sign solely giving notice that the premises are off limits to minors. The
39 identification sign shall be no more than 40 square feet in size and shall
40 include no more than the following information: Name, street address,
41 telephone number and operating hours of the business.

42 (c) Signs existing at the time of the effective date of this act,—~~which~~
43 *that* did not conform to the requirements of this section, and amendments

1 thereto, may be allowed to continue as a nonconforming use, but should be
2 made to conform within three years from July 1, 2006.

3 (d) Any owner of such a business who violates the provisions of this
4 section shall be guilty of a class C misdemeanor. Each week a violation of
5 this section continues to exist shall constitute a separate offense.

6 (e) This section is designed to protect the following public policy
7 interests of this state, including, but not limited to:

8 (1) To mitigate the adverse secondary effects of sexually-oriented
9 businesses; (2) to improve traffic safety; (3) to limit harm to minors; and
10 (4) to reduce the sale of ~~sexual relations~~ *sex acts*, crime, juvenile
11 delinquency, deterioration in property values and lethargy in neighborhood
12 improvement efforts.

13 (f) The attorney general shall represent the state in all actions and
14 proceedings arising from this section, and amendments thereto. All costs
15 incurred by the attorney general to defend or prosecute this section,
16 including payment of all court costs, civil judgments and, if necessary, any
17 attorneys fees, shall be paid from the state general fund.

18 Sec. ~~19~~ **21**. K.S.A. 68-2255 and K.S.A. 2019 Supp. 21-5401, **21-**
19 **5507**, 21-6328, 21-6419, 21-6420, 21-6421, 21-6422, 22-2515, 22-2530,
20 22-3901, 22-4902, 22-4906, 38-2202, 38-2287, 41-311, 41-2601, 60-31a02
21 and 60-4104 are hereby repealed.

22 Sec. ~~20~~ **22**. This act shall take effect and be in force from and after
23 its publication in the statute book.