

SENATE BILL No. 420

By Committee on Judiciary

2-12

1 AN ACT concerning the Kansas offender registration act; requiring
2 registration for certain violations of breach of privacy; amending
3 K.S.A. 2019 Supp. 22-4902 and 22-4906 and repealing the existing
4 sections.

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

7 Section 1. K.S.A. 2019 Supp. 22-4902 is hereby amended to read as
8 follows: 22-4902. As used in the Kansas offender registration act, unless
9 the context otherwise requires:

10 (a) "Offender" means:

11 (1) A sex offender;

12 (2) a violent offender;

13 (3) a drug offender;

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

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

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

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

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

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

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

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

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

34 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
35 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
36 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

1 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
2 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
3 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

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

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

8 (6) *is convicted of breach of privacy, as defined in K.S.A. 2019 Supp.*
9 *21-6101(a)(6) or (a)(7), and amendments thereto;*

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

14 ~~(7)~~(8) has been convicted of an offense that is comparable to any
15 crime defined in this subsection, or any out-of-state conviction for an
16 offense that under the laws of this state would be an offense defined in this
17 subsection.

18 (c) "Sexually violent crime" means:

19 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
20 2019 Supp. 21-5503, and amendments thereto;

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

23 (3) aggravated indecent liberties with a child, as defined in K.S.A.
24 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
25 amendments thereto;

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

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

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

34 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
35 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
36 amendments thereto;

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

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

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

43 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its

1 repeal, and K.S.A. 2019 Supp. 21-5509, and amendments thereto;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
42 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
43 amendments thereto. The provisions of this paragraph shall not apply to

1 violations of K.S.A. 2019 Supp. 21-5405(a)(3), and amendments thereto,
2 ~~which~~ that occurred on or after July 1, 2011, through July 1, 2013;

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

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

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

10 (I) 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, if
12 not committed in whole or in part for the purpose of the sexual
13 gratification of the defendant or another;

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

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

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

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

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

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

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

38 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
39 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
40 amendments thereto. The provisions of this paragraph shall not apply to
41 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
42 which occurred on or after July 1, 2009, through April 15, 2010;

43 (2) has been convicted of an offense that is comparable to any crime

1 defined in this subsection, any out-of-state conviction for an offense that
2 under the laws of this state would be an offense defined in this subsection;
3 or

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

8 (g) Convictions or adjudications—~~which~~ *that* result from or are
9 connected with the same act, or result from crimes committed at the same
10 time, shall be counted for the purpose of this section as one conviction or
11 adjudication. Any conviction or adjudication set aside pursuant to law is
12 not a conviction or adjudication for purposes of this section. A conviction
13 or adjudication from any out-of-state court shall constitute a conviction or
14 adjudication for purposes of this section.

15 (h) "School" means any public or private educational institution,
16 including, but not limited to, postsecondary school, college, university,
17 community college, secondary school, high school, junior high school,
18 middle school, elementary school, trade school, vocational school or
19 professional school providing training or education to an offender for three
20 or more consecutive days or parts of days, or for 10 or more
21 nonconsecutive days in a period of 30 consecutive days.

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

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

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

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

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

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

1 (o) "Registering entity" means any person, agency or other
2 governmental unit, correctional facility or registering law enforcement
3 agency responsible for obtaining the required information from, and
4 explaining the required registration procedures to, any person required to
5 register pursuant to the Kansas offender registration act. "Registering
6 entity" ~~shall include~~ *includes*, but *is not* ~~be~~ limited to, sheriff's offices,
7 tribal police departments and correctional facilities.

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

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

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

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

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

22 (A) Convicted of unlawful transmission of a visual depiction of a
23 child, as defined in K.S.A. 2019 Supp. 21-5611(a), and amendments
24 thereto, aggravated unlawful transmission of a visual depiction of a child,
25 as defined in K.S.A. 2019 Supp. 21-5611(b), and amendments thereto, or
26 unlawful possession of a visual depiction of a child, as defined in K.S.A.
27 2019 Supp. 21-5610, and amendments thereto; or

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

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

34 Sec. 2. K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
35 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
36 of any of the following offenses, an offender's duration of registration shall
37 be, if confined, 15 years after the date of parole, discharge or release,
38 whichever date is most recent, or, if not confined, 15 years from the date of
39 conviction:

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

42 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
43 K.S.A. 2019 Supp. 21-5511, and amendments thereto, when one of the

- 1 parties involved is less than 18 years of age;
- 2 (C) promoting the sale of sexual relations, as defined in K.S.A. 2019
3 Supp. 21-6420, and amendments thereto;
- 4 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
5 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
6 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
7 when one of the parties involved is less than 18 years of age;
- 8 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
9 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto,
10 when one of the parties involved is less than 18 years of age;
- 11 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
12 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;
- 13 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
14 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;
- 15 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
16 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;
- 17 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
18 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;
- 19 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
20 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
21 amendments thereto;
- 22 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
23 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
24 a parent, and only when the victim is less than 18 years of age;
- 25 (L) *breach of privacy, as defined in K.S.A. 2019 Supp. 21-6101(a)(6)*
26 *or (a)(7), and amendments thereto;*
- 27 (M) any act ~~which~~ *that* has been determined beyond a reasonable
28 doubt to have been sexually motivated, unless the court, on the record,
29 finds that the act involved non-forcible sexual conduct, the victim was at
30 least 14 years of age and the offender was not more than four years older
31 than the victim;
- 32 ~~(M)~~(N) conviction of any person required by court order to register
33 for an offense not otherwise required as provided in the Kansas offender
34 registration act;
- 35 ~~(N)~~(O) conviction of any person felony and the court makes a finding
36 on the record that a deadly weapon was used in the commission of such
37 person felony;
- 38 ~~(O)~~(P) unlawful manufacture or attempting such of any controlled
39 substance or controlled substance analog, as defined in K.S.A. 65-4159,
40 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
41 K.S.A. 2019 Supp. 21-5703, and amendments thereto;
- 42 ~~(P)~~(Q) possession of ephedrine, pseudoephedrine, red phosphorus,
43 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized

1 ammonia or phenylpropanolamine, or their salts, isomers or salts of
2 isomers with intent to use the product to manufacture a controlled
3 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
4 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-
5 5709(a), and amendments thereto;

6 ~~(Q)~~(R) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
7 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
8 amendments thereto; or

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

13 (2) Except as otherwise provided by the Kansas offender registration
14 act, the duration of registration terminates, if not confined, at the
15 expiration of 15 years from the date of conviction. Any period of time
16 during which any offender is incarcerated in any jail or correctional
17 facility or during which the offender does not comply with any and all
18 requirements of the Kansas offender registration act shall not count toward
19 the duration of registration.

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

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

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

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

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

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

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

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

1 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
2 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
3 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
4 the person selling sexual relations is 14 or more years of age but less than
5 18 years of age; or

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

10 (2) Except as otherwise provided by the Kansas offender registration
11 act, the duration of registration terminates, if not confined, at the
12 expiration of 25 years from the date of conviction. Any period of time
13 during which any offender is incarcerated in any jail or correctional
14 facility or during which the offender does not comply with any and all
15 requirements of the Kansas offender registration act shall not count toward
16 the duration of registration.

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

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

23 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
24 2019 Supp. 21-5503, and amendments thereto;

25 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
26 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
27 amendments thereto;

28 (3) aggravated indecent liberties with a child, as defined in K.S.A.
29 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
30 amendments thereto;

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

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

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

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

41 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
42 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
43 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if

1 the person selling sexual relations is less than 14 years of age;

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

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

6 (11) commercial sexual exploitation of a child, as defined in K.S.A.
7 2019 Supp. 21-6422, and amendments thereto; or

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

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

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

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

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

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

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

40 (g) Notwithstanding any other provisions of this section, for an
41 offender 14 years of age or more who is adjudicated as a juvenile offender
42 for an act which, if committed by an adult, would constitute a sexually
43 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and

1 such crime is not an off-grid felony or a felony ranked in severity level 1
2 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
3 K.S.A. 2019 Supp. 21-6804, and amendments thereto, the court shall:

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

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

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

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

24 (h) Notwithstanding any other provisions of this section, an offender
25 14 years of age or more who is adjudicated as a juvenile offender for an
26 act which, if committed by an adult, would constitute a sexually violent
27 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
28 crime is an off-grid felony or a felony ranked in severity level 1 of the
29 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
30 2019 Supp. 21-6804, and amendments thereto, shall be required to register
31 for such offender's lifetime.

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

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

43 (k) For any person moving to Kansas who has been convicted or

1 adjudicated in an out-of-state court, or who was required to register under
2 an out-of-state law, the duration of registration shall be the length of time
3 required by the out-of-state jurisdiction or by the Kansas offender
4 registration act, whichever length of time is longer. The provisions of this
5 subsection shall apply to convictions or adjudications prior to June 1,
6 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
7 convictions or adjudications on or after June 1, 2006, and to persons who
8 moved to Kansas on or after June 1, 2006.

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

16 Sec. 3. K.S.A. 2019 Supp. 22-4902 and 22-4906 are hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its
18 publication in the statute book.