

**As Amended by House Committee**

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*As Amended by Senate Committee*

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*Session of 2022*

**SENATE BILL No. 385**

By Senators Warren, Alley, Baumgardner, Billinger, Bowers, Claeys, Corson,  
Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley,  
Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson,  
O'Shea, Peck, Petersen, Pettey, Ryckman, Steffen, Straub, Suellentrop, Sykes,  
Thompson, Ware and Wilborn

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1 AN ACT concerning the Kansas offender registration act; requiring  
2 registration for certain violations of breach of privacy, **internet trading**  
3 **in child pornography and aggravated internet trading in child**  
4 **pornography**; amending K.S.A. 2021 Supp. 22-4902 and 22-4906 and  
5 repealing the existing sections.  
6

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

8 Section 1. K.S.A. 2021 Supp. 22-4902 is hereby amended to read as  
9 follows: 22-4902. As used in the Kansas offender registration act, unless  
10 the context otherwise requires:

11 (a) "Offender" means:

12 (1) A sex offender;

13 (2) a violent offender;

14 (3) a drug offender;

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

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

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

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

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

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

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

30 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
31 K.S.A. 2021 Supp. 21-5511, and amendments thereto;

1 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its  
2 repeal, or K.S.A. 2021 Supp. 21-5504(a)(1) or (a)(2), and amendments  
3 thereto;

4 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
5 repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by section  
6 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

7 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
8 repeal, or K.S.A. 2021 Supp. 21-6421, prior to its amendment by section  
9 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

10 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
11 to its repeal, or K.S.A. 2021 Supp. 21-5513, and amendments thereto;

12 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior  
13 to its repeal, or K.S.A. 2021 Supp. 21-5505(a), and amendments thereto;

14 (6) is convicted of sexual extortion, as defined in K.S.A. 2021 Supp.  
15 21-5515, and amendments thereto;

16 (7) *is convicted of breach of privacy, as defined in K.S.A. 2021 Supp.*  
17 *21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto;*

18 (8) is convicted of an attempt, conspiracy or criminal solicitation, as  
19 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
20 K.S.A. 2021 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,  
21 of an offense defined in this subsection; or

22 ~~(8)~~(9) has been convicted of an offense that is comparable to any  
23 crime defined in this subsection, or any out-of-state conviction for an  
24 offense that under the laws of this state would be an offense defined in this  
25 subsection.

26 (c) "Sexually violent crime" means:

27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
28 2021 Supp. 21-5503, and amendments thereto;

29 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
30 to its repeal, or K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;

31 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
32 21-3504, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(b), and  
33 amendments thereto;

34 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
35 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and  
36 amendments thereto;

37 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
38 to its repeal, or K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;

39 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
40 prior to its repeal, or K.S.A. 2021 Supp. 21-5508(a), and amendments  
41 thereto;

42 (7) aggravated indecent solicitation of a child, as defined in K.S.A.  
43 21-3511, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(b), and

1 amendments thereto;

2 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
3 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto;

4 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
5 its repeal, or K.S.A. 2021 Supp. 21-5505(b), and amendments thereto;

6 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
7 repeal, or K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;

8 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
9 repeal, and K.S.A. 2021 Supp. 21-5509, and amendments thereto;

10 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
11 its repeal, or K.S.A. 2021 Supp. 21-5512, and amendments thereto;

12 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,  
13 prior to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments  
14 thereto, if committed in whole or in part for the purpose of the sexual  
15 gratification of the defendant or another;

16 (14) commercial sexual exploitation of a child, as defined in K.S.A.  
17 2021 Supp. 21-6422, and amendments thereto;

18 (15) promoting the sale of sexual relations, as defined in K.S.A. 2021  
19 Supp. 21-6420, and amendments thereto;

20 (16) **internet trading in child pornography or aggravated internet**  
21 **trading in child pornography, as defined in K.S.A. 2021 Supp. 21-**  
22 **5514, and amendments thereto;**

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

27 ~~(17)~~(18) an attempt, conspiracy or criminal solicitation, as defined in  
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021  
29 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually  
30 violent crime, as defined in this subsection; or

31 ~~(18)~~(19) any act ~~which~~ that has been determined beyond a reasonable  
32 doubt to have been sexually motivated, unless the court, on the record,  
33 finds that the act involved non-forcible sexual conduct, the victim was at  
34 least 14 years of age and the offender was not more than four years older  
35 than the victim. As used in this paragraph, "sexually motivated" means that  
36 one of the purposes for which the defendant committed the crime was for  
37 the purpose of the defendant's sexual gratification.

38 (d) "Sexually violent predator" means any person who, on or after  
39 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.  
40 59-29a01 et seq., and amendments thereto.

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

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

1 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
2 or K.S.A. 2021 Supp. 21-5401, and amendments thereto;

3 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
4 its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;

5 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior  
6 to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments thereto;

7 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its  
8 repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;

9 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
10 its repeal, or K.S.A. 2021 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and  
11 amendments thereto. The provisions of this paragraph shall not apply to  
12 violations of K.S.A. 2021 Supp. 21-5405(a)(3), and amendments thereto,  
13 ~~which~~ *that* occurred on or after July 1, 2011, through July 1, 2013;

14 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
15 K.S.A. 2021 Supp. 21-5408(a), and amendments thereto;

16 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
17 repeal, or K.S.A. 2021 Supp. 21-5408(b), and amendments thereto;

18 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
19 repeal, or K.S.A. 2021 Supp. 21-5411, and amendments thereto, except by  
20 a parent, and only when the victim is less than 18 years of age; or

21 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
22 to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments thereto, if  
23 not committed in whole or in part for the purpose of the sexual  
24 gratification of the defendant or another;

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

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

32 (4) is convicted of an attempt, conspiracy or criminal solicitation, as  
33 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
34 K.S.A. 2021 Supp. 21-5301, 21-5302 and 21-5303, and amendments  
35 thereto, of an offense defined in this subsection.

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

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

38 (A) 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. 2021 Supp. 21-5703, and amendments thereto;

42 (B) 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 in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010  
4 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2021 Supp. 21-5709(a),  
5 and amendments thereto;

6 (C) 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. 2021 Supp. 21-5705(a)(1), and  
8 amendments thereto. The provisions of this paragraph shall not apply to  
9 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)  
10 ~~which~~ that occurred on or after July 1, 2009, through April 15, 2010;

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

15 (3) is or has been convicted of an attempt, conspiracy or criminal  
16 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to  
17 their repeal, or K.S.A. 2021 Supp. 21-5301, 21-5302 and 21-5303, and  
18 amendments thereto, of an offense defined in this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (A) Convicted of unlawful transmission of a visual depiction of a  
34 child, as defined in K.S.A. 2021 Supp. 21-5611(a), and amendments  
35 thereto, aggravated unlawful transmission of a visual depiction of a child,  
36 as defined in K.S.A. 2021 Supp. 21-5611(b), and amendments thereto, or  
37 unlawful possession of a visual depiction of a child, as defined in K.S.A.  
38 2021 Supp. 21-5610, and amendments thereto;

39 (B) adjudicated as a juvenile offender for an act which, if committed  
40 by an adult, would constitute the commission of a crime defined in  
41 subsection (t)(1)(A); ~~or~~

42 (C) adjudicated as a juvenile offender for an act which, if committed  
43 by an adult, would constitute the commission of sexual extortion as

1 defined in K.S.A. 2021 Supp. 21-5515, and amendments thereto; *or*

2 ***(D) adjudicated as a juvenile offender for an act which, if***  
3 ***committed by an adult, would constitute a violation of K.S.A. 2021 Supp.***  
4 ***21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto.***

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

8 Sec. 2. K.S.A. 2021 Supp. 22-4906 is hereby amended to read as  
9 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted  
10 of any of the following offenses, an offender's duration of registration shall  
11 be, if confined, 15 years after the date of parole, discharge or release,  
12 whichever date is most recent, or, if not confined, 15 years from the date of  
13 conviction:

14 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
15 or K.S.A. 2021 Supp. 21-5505(a), and amendments thereto;

16 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
17 K.S.A. 2021 Supp. 21-5511, and amendments thereto, when one of the  
18 parties involved is less than 18 years of age;

19 (C) promoting the sale of sexual relations, as defined in K.S.A. 2021  
20 Supp. 21-6420, and amendments thereto;

21 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
22 repeal, or K.S.A. 2021 Supp. 21-6421, prior to its amendment by section  
23 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,  
24 when one of the parties involved is less than 18 years of age;

25 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
26 to its repeal, or K.S.A. 2021 Supp. 21-5513, and amendments thereto,  
27 when one of the parties involved is less than 18 years of age;

28 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
29 or K.S.A. 2021 Supp. 21-5401, and amendments thereto;

30 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
31 its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;

32 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior  
33 to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments thereto;

34 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its  
35 repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;

36 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
37 its repeal, or K.S.A. 2021 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and  
38 amendments thereto;

39 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
40 repeal, or K.S.A. 2021 Supp. 21-5411, and amendments thereto, except by  
41 a parent, and only when the victim is less than 18 years of age;

42 (L) sexual extortion, as defined in K.S.A. 2021 Supp. 21-5515, and  
43 amendments thereto, when one of the parties involved is less than 18 years

1 of age;

2 (M) *breach of privacy, as defined in K.S.A. 2021 Supp. 21-6101(a)*  
3 *(6), (a)(7) or (a)(8), and amendments thereto;*

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

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

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

15 ~~(P)(Q)~~ unlawful manufacture or attempting such of any controlled  
16 substance or controlled substance analog, as defined in K.S.A. 65-4159,  
17 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or  
18 K.S.A. 2021 Supp. 21-5703, and amendments thereto;

19 ~~(Q)(R)~~ possession of ephedrine, pseudoephedrine, red phosphorus,  
20 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
21 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
22 isomers with intent to use the product to manufacture a controlled  
23 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.  
24 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2021 Supp. 21-  
25 5709(a), and amendments thereto;

26 ~~(R)(S)~~ K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-  
27 36a05(a)(1), prior to its transfer, or K.S.A. 2021 Supp. 21-5705(a)(1), and  
28 amendments thereto; or

29 ~~(S)(T)~~ any attempt, conspiracy or criminal solicitation, as defined in  
30 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021  
31 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
32 offense defined in this subsection.

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

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



1 conviction:

- 2 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its  
3 repeal, or K.S.A. 2021 Supp. 21-5504(a)(1) or (a)(2), and amendments  
4 thereto, when one of the parties involved is less than 18 years of age;
- 5 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
6 prior to its repeal, or K.S.A. 2021 Supp. 21-5508(a), and amendments  
7 thereto;
- 8 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
9 repeal, or K.S.A. 2021 Supp. 21-5509, and amendments thereto;
- 10 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
11 repeal, or K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;
- 12 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
13 to its repeal, or K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;
- 14 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
15 its repeal, or K.S.A. 2021 Supp. 21-5512, and amendments thereto;
- 16 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
17 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto, if  
18 the victim is 14 or more years of age but less than 18 years of age;
- 19 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
20 its repeal, or K.S.A. 2021 Supp. 21-5505(b), and amendments thereto;
- 21 (I) **internet trading in child pornography, as defined in K.S.A.**  
22 **2021 Supp. 21-5514, and amendments thereto;**
- 23 (J) **aggravated internet trading in child pornography, as defined**  
24 **in K.S.A. 2021 Supp. 21-5514, and amendments thereto, if the victim is**  
25 **14 or more years of age but less than 18 years of age;**
- 26 (K) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
27 repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by section  
28 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if  
29 the person selling sexual relations is 14 or more years of age but less than  
30 18 years of age; or
- 31 ~~(L)~~ (L) any attempt, conspiracy or criminal solicitation, as defined in  
32 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021  
33 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
34 offense defined in this subsection.
- 35 (2) Except as otherwise provided by the Kansas offender registration  
36 act, the duration of registration terminates, if not confined, at the  
37 expiration of 25 years from the date of conviction. Any period of time  
38 during which any offender is incarcerated in any jail or correctional  
39 facility or during which the offender does not comply with any and all  
40 requirements of the Kansas offender registration act shall not count toward  
41 the duration of registration.
- 42 (c) Upon a second or subsequent conviction of an offense requiring  
43 registration, an offender's duration of registration shall be for such

1 offender's lifetime.

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

5 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
6 2021 Supp. 21-5503, and amendments thereto;

7 (2) aggravated indecent solicitation of a child, as defined in K.S.A.  
8 21-3511, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(b), and  
9 amendments thereto;

10 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
11 21-3504, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(b), and  
12 amendments thereto;

13 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
14 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and  
15 amendments thereto;

16 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
17 to its repeal, or K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;

18 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
19 to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments thereto;

20 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
21 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto, if  
22 the victim is less than 14 years of age;

23 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
24 repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by section  
25 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if  
26 the person selling sexual relations is less than 14 years of age;

27 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
28 K.S.A. 2021 Supp. 21-5408(a), and amendments thereto;

29 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
30 repeal, or K.S.A. 2021 Supp. 21-5408(b), and amendments thereto;

31 **(11) aggravated internet trading in child pornography, as defined**  
32 **in K.S.A. 2021 Supp. 21-5514, and amendments thereto, if the victim is**  
33 **less than 14 years of age;**

34 **(12) commercial sexual exploitation of a child, as defined in K.S.A.**  
35 **2021 Supp. 21-6422, and amendments thereto; or**

36 ~~(12)~~**(13) any attempt, conspiracy or criminal solicitation, as defined**  
37 **in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A.**  
38 **2021 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an**  
39 **offense defined in this subsection.**

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

43 (f) Notwithstanding any other provisions of this section, for an

1 offender less than 14 years of age who is adjudicated as a juvenile offender  
2 for an act which, if committed by an adult, would constitute a sexually  
3 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the  
4 court shall:

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

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

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

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

25 (g) Notwithstanding any other provisions of this section, for an  
26 offender 14 years of age or more who is adjudicated as a juvenile offender  
27 for an act which, if committed by an adult, would constitute a sexually  
28 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and  
29 such crime is not an off-grid felony or a felony ranked in severity level 1  
30 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or  
31 K.S.A. 2021 Supp. 21-6804, and amendments thereto, the court shall:

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

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

41 (3) require registration, but such registration information shall not be  
42 open to inspection by the public or posted on any internet website, as  
43 provided in K.S.A. 22-4909, and amendments thereto. If the court requires

1 registration but such registration is not open to the public, such offender  
2 shall provide a copy of such court order to the registering law enforcement  
3 agency at the time of registration. The registering law enforcement agency  
4 shall forward a copy of such court order to the Kansas bureau of  
5 investigation.

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

9 (h) Notwithstanding any other provisions of this section, an offender  
10 14 years of age or more who is adjudicated as a juvenile offender for an  
11 act which, if committed by an adult, would constitute a sexually violent  
12 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such  
13 crime is an off-grid felony or a felony ranked in severity level 1 of the  
14 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.  
15 2021 Supp. 21-6804, and amendments thereto, shall be required to register  
16 for such offender's lifetime.

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

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

28 (k) For any person moving to Kansas who has been convicted or  
29 adjudicated in an out-of-state court, or who was required to register under  
30 an out-of-state law, the duration of registration shall be the length of time  
31 required by the out-of-state jurisdiction or by the Kansas offender  
32 registration act, whichever length of time is longer. The provisions of this  
33 subsection shall apply to convictions or adjudications prior to June 1,  
34 2006, and to persons who moved to Kansas prior to June 1, 2006, and to  
35 convictions or adjudications on or after June 1, 2006, and to persons who  
36 moved to Kansas on or after June 1, 2006.

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

- 1       Sec. 3. K.S.A. 2021 Supp. 22-4902 and 22-4906 are hereby repealed.
- 2       Sec. 4. This act shall take effect and be in force from and after its
- 3       publication in the statute book.