

SENATE BILL No. 59

By Committee on Judiciary

1-21

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sex offenses; changing terminology; selling sexual relations;
3 promoting the sale of sexual relations; buying sexual relations;
4 amending K.S.A. 68-2255 and K.S.A. 2020 Supp. 21-5401, 21-6328,
5 21-6419, 21-6420, 21-6421, 21-6422, 22-2515, 22-2530, 22-3901, 22-
6 4902, 22-4906, 38-2202, 38-2287, 41-311, 41-2601, 60-31a02 and 60-
7 4104 and repealing the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2020 Supp. 21-5401 is hereby amended to read as
11 follows: 21-5401. (a) Capital murder is the:

12 (1) Intentional and premeditated killing of any person in the
13 commission of kidnapping, as defined in K.S.A. 2020 Supp. 21-5408(a),
14 and amendments thereto, or aggravated kidnapping, as defined in K.S.A.
15 2020 Supp. 21-5408(b), and amendments thereto, when the kidnapping or
16 aggravated kidnapping was committed with the intent to hold such person
17 for ransom;

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

21 (3) intentional and premeditated killing of any person by an inmate or
22 prisoner confined in a state correctional institution, community
23 correctional institution or jail or while in the custody of an officer or
24 employee of a state correctional institution, community correctional
25 institution or jail;

26 (4) intentional and premeditated killing of the victim of one of the
27 following crimes in the commission of, or subsequent to, such crime:
28 Rape, as defined in K.S.A. 2020 Supp. 21-5503, and amendments thereto,
29 criminal sodomy, as defined in K.S.A. 2020 Supp. 21-5504(a)(3) or (4),
30 and amendments thereto, or aggravated criminal sodomy, as defined in
31 K.S.A. 2020 Supp. 21-5504(b), and amendments thereto, or any attempt
32 thereof, as defined in K.S.A. 2020 Supp. 21-5301, and amendments
33 thereto;

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

35 (6) intentional and premeditated killing of more than one person as a
36 part of the same act or transaction or in two or more acts or transactions

1 connected together or constituting parts of a common scheme or course of
2 conduct; or

3 (7) intentional and premeditated killing of a child under the age of 14
4 in the commission of kidnapping, as defined in K.S.A. 2020 Supp. 21-
5 5408(a), and amendments thereto, or aggravated kidnapping, as defined in
6 K.S.A. 2020 Supp. 21-5408(b), and amendments thereto, when the
7 kidnapping or aggravated kidnapping was committed with intent to
8 commit a sex offense upon or with the child or with intent that the child
9 commit or submit to a sex offense.

10 (b) For purposes of this section, "sex offense" means: Rape, as
11 defined in K.S.A. 2020 Supp. 21-5503, and amendments thereto;
12 aggravated indecent liberties with a child, as defined in K.S.A. 2020 Supp.
13 21-5506(b), and amendments thereto; aggravated criminal sodomy, as
14 defined in K.S.A. 2020 Supp. 21-5504(b), and amendments thereto; selling
15 ~~sexual relations~~ a sex act, as defined in K.S.A. 2020 Supp. 21-6419, and
16 amendments thereto; promoting the sale of ~~sexual relations~~ a sex act, as
17 defined in K.S.A. 2020 Supp. 21-6420, and amendments thereto;
18 commercial sexual exploitation of a child, as defined in K.S.A. 2020 Supp.
19 21-6422, and amendments thereto; sexual exploitation of a child, as
20 defined in K.S.A. 2020 Supp. 21-5510, and amendments thereto; internet
21 trading in child pornography, as defined in K.S.A. 2020 Supp. 21-5514(a),
22 and amendments thereto; aggravated internet trading in child pornography,
23 as defined in K.S.A. 2020 Supp. 21-5514(b), and amendments thereto; or
24 aggravated human trafficking, as defined in K.S.A. 2020 Supp. 21-
25 5426(b), and amendments thereto, if committed in whole or in part for the
26 purpose of the sexual gratification of the defendant or another.

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

29 (d) The provisions of K.S.A. 2020 Supp. 21-5301(c), and
30 amendments thereto, shall not apply to a violation of attempting to commit
31 the crime of capital murder pursuant to this section.

32 Sec. 2. K.S.A. 2020 Supp. 21-6328 is hereby amended to read as
33 follows: 21-6328. As used in the Kansas racketeer influenced and corrupt
34 organization act:

35 (a) (1) "Beneficial interest" means:

36 (†) (A) The interest of a person as a beneficiary under any trust
37 arrangement pursuant to which a trustee holds legal or record title to real
38 property for the benefit of such person; or

39 (↔) (B) the interest of a person under any other form of express
40 fiduciary arrangement pursuant to which any other person holds legal or
41 record title to real property for the benefit of such person.

42 (2) The term "beneficial interest" does not include the interest of a
43 stock holder in a corporation or the interest of a partner in either a general

1 partnership or a limited partnership. A beneficial interest shall be deemed
2 to be located where the real property owned by the trustee is located.

3 (b) "Covered person" means any person who:

4 (1) Is a criminal street gang member or criminal street gang associate,
5 as defined in K.S.A. 2020 Supp. 21-6313, and amendments thereto;

6 (2) has engaged in or is engaging in any conduct prohibited by K.S.A.
7 2020 Supp. 21-5426, and amendments thereto, human trafficking or
8 aggravated human trafficking, or K.S.A. 2020 Supp. 21-6422, and
9 amendments thereto, commercial sexual exploitation of a child; or

10 (3) has engaged in or is engaging in any conduct prohibited by K.S.A.
11 2020 Supp. 21-5703, and amendments thereto, unlawful manufacturing of
12 controlled substances, or K.S.A. 2020 Supp. 21-5705, and amendments
13 thereto, unlawful cultivation or distribution of controlled substances.

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

19 (d) "Enterprise" means any individual, sole proprietorship,
20 partnership, corporation, business trust, union chartered under the laws of
21 this state, or other legal entity, or any unchartered union, association, or
22 group of individuals associated in fact although not a legal entity; and it
23 includes illicit as well as licit enterprises and governmental, as well as
24 other, entities. A criminal street gang, as defined in K.S.A. 2020 Supp. 21-
25 6313, and amendments thereto, constitutes an enterprise.

26 (e) "Pattern of racketeering activity" means engaging in at least two
27 incidents of racketeering activity that have the same or similar intents,
28 results, accomplices, victims or methods of commission or that otherwise
29 are interrelated by distinguishing characteristics and are not isolated
30 incidents, provided at least one of such incidents occurred after the
31 effective date of this act and that the last of such incidents occurred within
32 *5 five* years, excluding any period of imprisonment, after a prior incident
33 of racketeering activity.

34 (f) "Racketeering activity" means to commit, attempt to commit,
35 conspire to commit or to solicit, coerce or intimidate another person to
36 commit:

37 (1) Any felony or misdemeanor violation of: The felony provisions of
38 K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a
39 police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas
40 money transmitter act; article 12a of chapter 17 of the Kansas Statutes
41 Annotated, and amendments thereto, Kansas uniform securities act; K.S.A.
42 2020 Supp. 21-5401, and amendments thereto, capital murder; K.S.A.
43 2020 Supp. 21-5402, and amendments thereto, murder in the first degree;

1 K.S.A. 2020 Supp. 21-5403, and amendments thereto, murder in the
2 second degree; K.S.A. 2020 Supp. 21-5408, and amendments thereto,
3 kidnapping or aggravated kidnapping; K.S.A. 2020 Supp. 21-5412, and
4 amendments thereto; K.S.A. 2020 Supp. 21-5413, and amendments
5 thereto; K.S.A. 2020 Supp. 21-5414, and amendments thereto, domestic
6 battery; K.S.A. 2020 Supp. 21-5415, and amendments thereto, criminal
7 threat or aggravated criminal threat; K.S.A. 2020 Supp. 21-5420, and
8 amendments thereto, robbery or aggravated robbery; K.S.A. 2020 Supp.
9 21-5421, and amendments thereto, terrorism; K.S.A. 2020 Supp. 21-5422,
10 and amendments thereto, illegal use of weapons of mass destruction;
11 K.S.A. 2020 Supp. 21-5423, and amendments thereto; K.S.A. 2020 Supp.
12 21-5426, and amendments thereto, human trafficking or aggravated human
13 trafficking; K.S.A. 2020 Supp. 21-5428, and amendments thereto,
14 blackmail; K.S.A. 2020 Supp. 21-5510, and amendments thereto, sexual
15 exploitation of a child; K.S.A. 2020 Supp. 21-5601, and amendments
16 thereto, endangering a child or aggravated endangering a child; K.S.A.
17 2020 Supp. 21-5602, and amendments thereto, abuse of a child; K.S.A.
18 2020 Supp. 21-5603, and amendments thereto, contributing to a child's
19 misconduct or deprivation; K.S.A. 2020 Supp. 21-5607(b), and
20 amendments thereto, furnishing alcoholic beverages to a minor for illicit
21 purposes; article 57 of chapter 21 of the Kansas Statutes Annotated, and
22 amendments thereto, crimes involving controlled substances; K.S.A. 2020
23 Supp. 21-5801, and amendments thereto, theft; K.S.A. 2020 Supp. 21-
24 5803, and amendments thereto, criminal deprivation of property; K.S.A.
25 2020 Supp. 21-5805, and amendments thereto; K.S.A. 2020 Supp. 21-
26 5807, and amendments thereto, burglary or aggravated burglary; K.S.A.
27 2020 Supp. 21-5812, and amendments thereto, arson or aggravated arson;
28 K.S.A. 2020 Supp. 21-5813, and amendments thereto, criminal damage to
29 property; K.S.A. 2020 Supp. 21-5814, and amendments thereto, criminal
30 use of an explosive; K.S.A. 2020 Supp. 21-5818, and amendments thereto,
31 tampering with a pipeline; K.S.A. 2020 Supp. 21-5821, and amendments
32 thereto, giving a worthless check; K.S.A. 2020 Supp. 21-5823, and
33 amendments thereto, forgery; K.S.A. 2020 Supp. 21-5824, and
34 amendments thereto, making false information; K.S.A. 2020 Supp. 21-
35 5825, and amendments thereto, counterfeiting; K.S.A. 2020 Supp. 21-
36 5826, and amendments thereto, destroying written instrument; K.S.A.
37 2020 Supp. 21-5828, and amendments thereto, criminal use of a financial
38 card; K.S.A. 2020 Supp. 21-5838, and amendments thereto, conducting a
39 pyramid promotional scheme; K.S.A. 2020 Supp. 21-5839, and
40 amendments thereto; K.S.A. 2020 Supp. 21-5903, and amendments
41 thereto, perjury; K.S.A. 2020 Supp. 21-5904, and amendments thereto,
42 interference with law enforcement; K.S.A. 2020 Supp. 21-5905, and
43 amendments thereto, interference with the judicial process; K.S.A. 2020

1 Supp. 21-5909, and amendments thereto, intimidation of a witness or
2 victim or aggravated intimidation of a witness or victim; K.S.A. 2020
3 Supp. 21-5912, and amendments thereto, aiding escape; K.S.A. 2020
4 Supp. 21-5913, and amendments thereto, obstructing apprehension or
5 prosecution; K.S.A. 2020 Supp. 21-5918, and amendments thereto; K.S.A.
6 2020 Supp. 21-6001, and amendments thereto, bribery; K.S.A. 2020 Supp.
7 21-6002, and amendments thereto, official misconduct; K.S.A. 2020 Supp.
8 21-6301, and amendments thereto, criminal use of weapons; K.S.A. 2020
9 Supp. 21-6302, and amendments thereto, criminal carrying of a weapon;
10 K.S.A. 2020 Supp. 21-6303, and amendments thereto, criminal
11 distribution of firearms to a felon; K.S.A. 2020 Supp. 21-6304, and
12 amendments thereto, criminal possession of a firearm by a convicted felon;
13 K.S.A. 2020 Supp. 21-6305, and amendments thereto, aggravated weapons
14 violation by a convicted felon; K.S.A. 2020 Supp. 21-6306, and
15 amendments thereto, defacing identification marks of a firearm; K.S.A.
16 2020 Supp. 21-6308, and amendments thereto, criminal discharge of a
17 firearm; K.S.A. 2020 Supp. 21-6310, and amendments thereto, unlawful
18 endangerment; K.S.A. 2020 Supp. 21-6312, and amendments thereto;
19 K.S.A. 2020 Supp. 21-6314, and *amendments thereto, recruiting criminal*
20 *street gang membership*; K.S.A. 2020 Supp. 21-6315, and amendments
21 thereto, *criminal street gang intimidation*; K.S.A. 2020 Supp. 21-6401,
22 and amendments thereto, promoting obscenity or promoting obscenity to
23 minors; K.S.A. 2020 Supp. 21-6404, and amendments thereto, gambling;
24 K.S.A. 2020 Supp. 21-6405, and amendments thereto, illegal bingo
25 operation; K.S.A. 2020 Supp. 21-6406, and amendments thereto,
26 commercial gambling; K.S.A. 2020 Supp. 21-6407, and amendments
27 thereto, dealing in gambling devices; K.S.A. 2020 Supp. 21-6408, and
28 amendments thereto; K.S.A. 2020 Supp. 21-6409, and amendments
29 thereto, installing communication facilities for gamblers; K.S.A. 2020
30 Supp. 21-6414(a) or (b), and amendments thereto, unlawful conduct of dog
31 fighting or unlawful possession of dog fighting paraphernalia; K.S.A. 2020
32 Supp. 21-6417(a) or (b), and amendments thereto, unlawful conduct of
33 cockfighting or unlawful possession of cockfighting paraphernalia; K.S.A.
34 2020 Supp. 21-6419, and amendments thereto, ~~selling sexual relations a~~
35 ~~sex act~~; K.S.A. 2020 Supp. 21-6420, and amendments thereto, promoting
36 the sale of ~~sexual relations a sex act~~; K.S.A. 2020 Supp. 21-6422, and
37 amendments thereto, commercial sexual exploitation of a child; K.S.A.
38 2020 Supp. 21-6501, and amendments thereto, extortion; K.S.A. 2020
39 Supp. 21-6502, and amendments thereto, debt adjusting; K.S.A. 2020
40 Supp. 21-6504, and amendments thereto, equity skimming; K.S.A. 2020
41 Supp. 21-6506, and amendments thereto, commercial bribery; K.S.A. 2020
42 Supp. 21-6507, and amendments thereto, sports bribery; K.S.A. 2020
43 Supp. 21-6508, and amendments thereto, tampering with a sports contest;

1 K.S.A. 39-720, and amendments thereto, social welfare service fraud;
 2 K.S.A. 40-2,118, and amendments thereto, fraudulent insurance acts;
 3 K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor control act;
 4 K.S.A. 44-5,125, and amendments thereto, workers' compensation act;
 5 K.S.A. 65-1657, and amendments thereto, nonresident pharmacy
 6 registration; K.S.A. 65-3441, and amendments thereto, hazardous waste;
 7 K.S.A. 65-4167, and amendments thereto, trafficking in counterfeit drugs;
 8 article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments
 9 thereto, Kansas parimutuel racing act; or K.S.A. 79-3321, and
 10 amendments thereto, Kansas cigarette and tobacco products act; or

11 (2) any conduct defined as "racketeering activity" under 18 U.S.C. §
 12 1961(1).

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

16 (h)(1) "Trustee" means:

17 (A) Any person acting as trustee pursuant to a trust in which the
 18 trustee holds legal or record title to real property;

19 (B) any person who holds legal or record title to real property in
 20 which any other person has a beneficial interest; or

21 (C) any successor trustee or trustees to any or all of the foregoing
 22 persons.

23 (2) The term "trustee" does not include any person appointed or
 24 acting as a personal representative as defined in K.S.A. 59-102, and
 25 amendments thereto, or appointed or acting as a trustee of any
 26 testamentary trust or as a trustee of any indenture of trust under which any
 27 bonds have been or are to be issued.

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

31 (1) In violation of any of the following provisions of law: Article 88
 32 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto,
 33 Kansas parimutuel racing act; K.S.A. 2020 Supp. 21-6404, and
 34 amendments thereto, gambling; K.S.A. 2020 Supp. 21-6405, and
 35 amendments thereto, illegal bingo operation; K.S.A. 2020 Supp. 21-6406,
 36 and amendments thereto, commercial gambling; K.S.A. 2020 Supp. 21-
 37 6407, and amendments thereto, dealing in gambling devices; K.S.A. 2020
 38 Supp. 21-6408, and amendments thereto, unlawful possession of a
 39 gambling device; or K.S.A. 2020 Supp. 21-6409, and amendments thereto,
 40 installing communication facilities for gamblers; or

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

43 Sec. 3. K.S.A. 2020 Supp. 21-6419 is hereby amended to read as

1 follows: 21-6419. (a) Selling ~~sexual relations~~ *a sex act* is performing for
2 hire, or offering or agreeing to perform for hire where there is an exchange
3 of value, any of the following acts:

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

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

11 (c) It shall be an affirmative defense to any prosecution under this
12 section that the defendant committed the violation of this section because
13 such defendant was subjected to human trafficking or aggravated human
14 trafficking, as defined by K.S.A. 2020 Supp. 21-5426, and amendments
15 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.
16 2020 Supp. 21-6422, and amendments thereto.

17 Sec. 4. K.S.A. 2020 Supp. 21-6420 is hereby amended to read as
18 follows: 21-6420. (a) Promoting the sale of ~~sexual relations~~ *a sex act* is
19 knowingly:

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

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

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

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

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

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

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

43 (8) being employed to perform any act ~~which~~ *that* is prohibited by

1 this section.

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

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

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

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

14 Sec. 5. K.S.A. 2020 Supp. 21-6421 is hereby amended to read as
15 follows: 21-6421. (a) Buying ~~sexual relations~~ *a sex act* is knowingly:

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

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

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

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

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

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

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

43 (c) For the purpose of determining whether a conviction is a first,

1 second or subsequent conviction in sentencing under this section:

2 (1) Convictions for a violation of this section, or any prior version of
3 this section, or a violation of an ordinance of any city or resolution of any
4 county ~~which~~ *that* prohibits the acts that this section prohibits, or entering
5 into a diversion agreement in lieu of further criminal proceedings on a
6 complaint alleging any such violations, shall be taken into account; and

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

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

15 (2) The minimum penalty prescribed by any such ordinance or
16 resolution shall not be less than the minimum penalty prescribed by this
17 section for the same violation, and the maximum penalty in any such
18 ordinance or resolution shall not exceed the maximum penalty prescribed
19 for the same violation.

20 Sec. 6. K.S.A. 2020 Supp. 21-6422 is hereby amended to read as
21 follows: 21-6422. (a) Commercial sexual exploitation of a child is
22 knowingly:

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

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

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

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

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

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

43 (2) Commercial sexual exploitation of a child or attempt, conspiracy

1 or criminal solicitation to commit commercial sexual exploitation of a
2 child is an off-grid person felony when the offender is 18 years of age or
3 older and the victim is less than 14 years of age.

4 (3) 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) or (b)(2) shall be fined not less than \$5,000. All
8 fines collected pursuant to this section shall be remitted to the human
9 trafficking victim assistance fund created by K.S.A. 75-758, and
10 amendments thereto.

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

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

17 (1) K.S.A. 2020 Supp. 21-5301(c), and amendments thereto, shall not
18 apply to a violation of attempting to commit the crime of commercial
19 sexual exploitation of a child pursuant to this section;

20 (2) K.S.A. 2020 Supp. 21-5302(d), and amendments thereto, shall not
21 apply to a violation of conspiracy to commit the crime of commercial
22 sexual exploitation of a child pursuant to this section; and

23 (3) K.S.A. 2020 Supp. 21-5303(d), and amendments thereto, shall not
24 apply to a violation of criminal solicitation to commit the crime of
25 commercial sexual exploitation of a child pursuant to this section.

26 Sec. 7. K.S.A. 2020 Supp. 22-2515 is hereby amended to read as
27 follows: 22-2515. (a) An ex parte order authorizing the interception of a
28 wire, oral or electronic communication may be issued by a judge of
29 competent jurisdiction. The attorney general, district attorney or county
30 attorney may make an application to any judge of competent jurisdiction
31 for an order authorizing the interception of a wire, oral or electronic
32 communication by an investigative or law enforcement officer and agency
33 having responsibility for the investigation of the offense regarding which
34 the application is made, when such interception may provide evidence of
35 the commission of any of the following offenses:

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

38 (2) murder;

39 (3) kidnapping;

40 (4) treason;

41 (5) sedition;

42 (6) racketeering;

43 (7) commercial bribery;

- 1 (8) robbery;
 - 2 (9) theft, if the offense would constitute a felony;
 - 3 (10) bribery;
 - 4 (11) any felony violation of K.S.A. 2020 Supp. 21-5701 through 21-
 - 5 5717, and amendments thereto;
 - 6 (12) commercial gambling;
 - 7 (13) sports bribery;
 - 8 (14) tampering with a sports contest;
 - 9 (15) aggravated escape;
 - 10 (16) aggravated failure to appear;
 - 11 (17) arson;
 - 12 (18) terrorism;
 - 13 (19) illegal use of weapons of mass destruction;
 - 14 (20) human trafficking or aggravated human trafficking;
 - 15 (21) sexual exploitation of a child;
 - 16 (22) commercial sexual exploitation of a child;
 - 17 (23) ~~buying sexual relations a sex act~~, promoting the sale of ~~sexual~~
 - 18 ~~relations a sex act~~ or selling ~~sexual relations a sex act~~; or
 - 19 (24) any conspiracy to commit any of the foregoing offenses.
- 20 (b) Any investigative or law enforcement officer who, by any means
21 authorized by this act or by chapter 119 of title 18 of the United States
22 code, has obtained knowledge of the contents of any wire, oral or
23 electronic communication, or evidence derived therefrom, may disclose
24 such contents to another investigative or law enforcement officer to the
25 extent that such disclosure is appropriate to the proper performance of the
26 official duties of the officer making or receiving the disclosure.
- 27 (c) Any investigative or law enforcement officer who, by any means
28 authorized by this act or by chapter 119 of title 18 of the United States
29 code, has obtained knowledge of the contents of any wire, oral or
30 electronic communication, or evidence derived therefrom, may use such
31 contents to the extent such use is appropriate to the proper performance of
32 such officer's official duties.
- 33 (d) Any person who has received, by any means authorized by this
34 act or by chapter 119 of title 18 of the United States code or by a like
35 statute of any other state, any information concerning a wire, oral or
36 electronic communication, or evidence derived therefrom, intercepted in
37 accordance with the provisions of this act, may disclose the contents of
38 such communication or such derivative evidence while giving testimony
39 under oath or affirmation in any criminal proceeding in any court, or
40 before any grand jury, of this state or of the United States or of any other
41 state.
- 42 (e) No otherwise privileged wire, oral or electronic communication
43 intercepted in accordance with, or in violation of, the provisions of this act

1 or of chapter 119 of title 18 of the United States code shall lose its
2 privileged character.

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

16 Sec. 8. K.S.A. 2020 Supp. 22-2530 is hereby amended to read as
17 follows: 22-2530. If a search warrant is executed ~~which~~ *that* authorizes a
18 search of real property based upon an alleged offense involving gambling,
19 obscenity, the sale of ~~sexual relations~~ *a sex act*, controlled substances or
20 liquor, a copy of the warrant shall be delivered to the last known address of
21 the owner of the property within two business days, excluding Saturdays,
22 Sundays and legal holidays, after execution of the warrant if such address
23 is different from the address of the property for which the warrant was
24 issued.

25 Sec. 9. K.S.A. 2020 Supp. 22-3901 is hereby amended to read as
26 follows: 22-3901. The following unlawful activities and the use of real or
27 personal property in maintaining and carrying on such activities are hereby
28 declared to be common nuisances:

- 29 (a) Commercial gambling;
- 30 (b) dealing in gambling devices;
- 31 (c) possession of gambling devices;
- 32 (d) promoting obscenity;
- 33 (e) promoting the sale of ~~sexual relations~~ *a sex act*;
- 34 (f) commercial sexual exploitation of a child;
- 35 (g) violations of any law regulating controlled substances;
- 36 (h) habitual violations of any law regulating the sale or exchange of
37 alcoholic liquor or cereal malt beverages, by any person not licensed
38 pursuant to chapter 41 of the Kansas Statutes Annotated, and amendments
39 thereto;
- 40 (i) habitual violations of any law regulating the sale or exchange of
41 cigarettes or tobacco products, by any person not licensed pursuant to
42 article 33 of chapter 79 of the Kansas Statutes Annotated, and amendments
43 thereto;

1 (j) any felony committed for the benefit of, at the direction of, or in
2 association with any criminal street gang, with the specific intent to
3 promote, further or assist in any criminal conduct by gang members. As
4 used in this subsection, "criminal street gang" means any organization,
5 association or group, whether formal or informal:

6 (1) Consisting of three or more persons;

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

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

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

27 (k) use of pyrotechnics, pyrotechnic devices or pyrotechnic materials
28 in violation of K.S.A. 2020 Supp. 31-170, and amendments thereto.

29 Any real property used as a place where any such activities are carried
30 on or permitted to be carried on and any effects, equipment, paraphernalia,
31 fixtures, appliances, musical instruments or other personal property
32 designed for and used on such premises in connection with such unlawful
33 activities are subject to the provisions of K.S.A. 22-3902, 22-3903 and 22-
34 3904, and amendments thereto.

35 Sec. 10. K.S.A. 2020 Supp. 22-4902 is hereby amended to read as
36 follows: 22-4902. As used in the Kansas offender registration act, unless
37 the context otherwise requires:

38 (a) "Offender" means:

39 (1) A sex offender;

40 (2) a violent offender;

41 (3) a drug offender;

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

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

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

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

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

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

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

14 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
15 K.S.A. 2020 Supp. 21-5511, and amendments thereto;

16 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
17 repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) or (a)(2), and amendments
18 thereto;

19 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
20 repeal, or K.S.A. ~~2020~~2012 Supp. 21-6420, prior to its amendment by
21 section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
22 2013;

23 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
24 repeal, or K.S.A. ~~2020~~2012 Supp. 21-6421, prior to its amendment by
25 section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
26 2013; or

27 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
28 to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto;

29 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
30 to its repeal, or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;

31 (6) is convicted of an attempt, conspiracy or criminal solicitation, as
32 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
33 K.S.A. 2020 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
34 of an offense defined in this subsection; or

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

38 (c) "Sexually violent crime" means:

39 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
40 2020 Supp. 21-5503, and amendments thereto;

41 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
42 to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

43 (3) aggravated indecent liberties with a child, as defined in K.S.A.

- 1 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
2 amendments thereto;
- 3 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
4 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
5 amendments thereto;
- 6 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
7 to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;
- 8 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
9 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
10 thereto;
- 11 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
12 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and
13 amendments thereto;
- 14 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
15 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;
- 16 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
17 its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;
- 18 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
19 repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;
- 20 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
21 repeal, and K.S.A. 2020 Supp. 21-5509, and amendments thereto;
- 22 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
23 its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;
- 24 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
25 prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments
26 thereto, if committed in whole or in part for the purpose of the sexual
27 gratification of the defendant or another;
- 28 (14) commercial sexual exploitation of a child, as defined in K.S.A.
29 2020 Supp. 21-6422, and amendments thereto;
- 30 (15) promoting the sale of ~~sexual relations~~ *a sex act*, as defined in
31 K.S.A. 2020 Supp. 21-6420, and amendments thereto;
- 32 (16) any conviction or adjudication for an offense that is comparable
33 to a sexually violent crime as defined in this subsection, or any out-of-state
34 conviction or adjudication for an offense that under the laws of this state
35 would be a sexually violent crime as defined in this subsection;
- 36 (17) an attempt, conspiracy or criminal solicitation, as defined in
37 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
38 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
39 violent crime, as defined in this subsection; or
- 40 (18) any act ~~which~~ *that* has been determined beyond a reasonable
41 doubt to have been sexually motivated, unless the court, on the record,
42 finds that the act involved non-forcible sexual conduct, the victim was at
43 least 14 years of age and the offender was not more than four years older

1 than the victim. As used in this paragraph, "sexually motivated" means that
2 one of the purposes for which the defendant committed the crime was for
3 the purpose of the defendant's sexual gratification.

4 (d) "Sexually violent predator" means any person who, on or after
5 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
6 59-29a01 et seq., and amendments thereto.

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

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

10 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
11 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

12 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
13 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

14 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
15 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

16 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
17 repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

18 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
19 its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
20 amendments thereto. The provisions of this paragraph shall not apply to
21 violations of K.S.A. 2020 Supp. 21-5405(a)(3), and amendments thereto,
22 ~~which~~ that occurred on or after July 1, 2011, through July 1, 2013;

23 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
24 K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;

25 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
26 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

27 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
28 repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by
29 a parent, and only when the victim is less than 18 years of age; or

30 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
31 to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto, if
32 not committed in whole or in part for the purpose of the sexual
33 gratification of the defendant or another;

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

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

41 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
42 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
43 K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments

1 thereto, of an offense defined in this subsection.

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

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

4 (A) Unlawful manufacture or attempting such of any controlled
5 substance or controlled substance analog, as defined in K.S.A. 65-4159,
6 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
7 K.S.A. 2020 Supp. 21-5703, and amendments thereto;

8 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
9 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
10 ammonia or phenylpropanolamine, or their salts, isomers or salts of
11 isomers with intent to use the product to manufacture a controlled
12 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
13 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-5709(a),
14 and amendments thereto;

15 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
16 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and
17 amendments thereto. The provisions of this paragraph shall not apply to
18 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
19 ~~which~~ that occurred on or after July 1, 2009, through April 15, 2010;

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

24 (3) is or has been convicted of an attempt, conspiracy or criminal
25 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
26 their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and
27 amendments thereto, of an offense defined in this subsection.

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

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

42 (i) "Employment" means any full-time, part-time, transient, day-labor
43 employment or volunteer work, with or without compensation, for three or

1 more consecutive days or parts of days, or for 10 or more nonconsecutive
2 days in a period of 30 consecutive days.

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

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

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

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

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

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

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

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

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

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

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

42 (A) Convicted of unlawful transmission of a visual depiction of a
43 child, as defined in K.S.A. 2020 Supp. 21-5611(a), and amendments

1 thereto, aggravated unlawful transmission of a visual depiction of a child,
2 as defined in K.S.A. 2020 Supp. 21-5611(b), and amendments thereto, or
3 unlawful possession of a visual depiction of a child, as defined in K.S.A.
4 2020 Supp. 21-5610, and amendments thereto; or

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

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

11 Sec. 11. K.S.A. 2020 Supp. 22-4906 is hereby amended to read as
12 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
13 of any of the following offenses, an offender's duration of registration shall
14 be, if confined, 15 years after the date of parole, discharge or release,
15 whichever date is most recent, or, if not confined, 15 years from the date of
16 conviction:

17 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
18 or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;

19 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
20 K.S.A. 2020 Supp. 21-5511, and amendments thereto, when one of the
21 parties involved is less than 18 years of age;

22 (C) promoting the sale of ~~sexual relations~~ *a sex act*, as defined in
23 K.S.A. 2020 Supp. 21-6420, and amendments thereto;

24 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
25 repeal, or K.S.A. ~~2020~~2012 Supp. 21-6421, prior to its amendment by
26 section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
27 2013, when one of the parties involved is less than 18 years of age;

28 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
29 to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto,
30 when one of the parties involved is less than 18 years of age;

31 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
32 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

33 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
34 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

35 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
36 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

37 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
38 repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

39 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
40 its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
41 amendments thereto;

42 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
43 repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by

1 a parent, and only when the victim is less than 18 years of age;

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

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

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

13 (O) unlawful manufacture or attempting such of any controlled
14 substance or controlled substance analog, as defined in K.S.A. 65-4159,
15 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
16 K.S.A. 2020 Supp. 21-5703, and amendments thereto;

17 (P) possession of ephedrine, pseudoephedrine, red phosphorus,
18 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
19 ammonia or phenylpropanolamine, or their salts, isomers or salts of
20 isomers with intent to use the product to manufacture a controlled
21 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
22 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-
23 5709(a), and amendments thereto;

24 (Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
25 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and
26 amendments thereto; or

27 (R) any attempt, conspiracy or criminal solicitation, as defined in
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
29 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
30 offense defined in this subsection.

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

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

43 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its

1 repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) or (a)(2), and amendments
2 thereto, when one of the parties involved is less than 18 years of age;

3 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
4 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
5 thereto;

6 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
7 repeal, or K.S.A. 2020 Supp. 21-5509, and amendments thereto;

8 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
9 repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;

10 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
11 to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

12 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
13 its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;

14 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
15 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if
16 the victim is 14 or more years of age but less than 18 years of age;

17 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
18 its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;

19 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
20 repeal, or K.S.A. ~~2020~~2012 Supp. 21-6420, prior to its amendment by
21 section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
22 2013, if the person selling ~~sexual relations~~ *a sex act* is 14 or more years of
23 age but less than 18 years of age; or

24 (J) any attempt, conspiracy or criminal solicitation, as defined in
25 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
26 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
27 offense defined in this subsection.

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

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

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

41 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
42 2020 Supp. 21-5503, and amendments thereto;

43 (2) aggravated indecent solicitation of a child, as defined in K.S.A.

1 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and
2 amendments thereto;

3 (3) aggravated indecent liberties with a child, as defined in K.S.A.
4 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
5 amendments thereto;

6 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
7 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
8 amendments thereto;

9 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
10 to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;

11 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
12 to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto;

13 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
14 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if
15 the victim is less than 14 years of age;

16 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
17 repeal, or K.S.A. ~~2020~~2012 Supp. 21-6420, prior to its amendment by
18 section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
19 2013, if the person selling ~~sexual relations~~ *a sex act* is less than 14 years of
20 age;

21 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
22 K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;

23 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
24 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

25 (11) commercial sexual exploitation of a child, as defined in K.S.A.
26 2020 Supp. 21-6422, and amendments thereto; or

27 (12) any attempt, conspiracy or criminal solicitation, as defined in
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
29 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
30 offense defined in this subsection.

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

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

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

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

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

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

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

16 (g) Notwithstanding any other provisions of this section, for an
17 offender 14 years of age or more who is adjudicated as a juvenile offender
18 for an act which, if committed by an adult, would constitute a sexually
19 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
20 such crime is not an off-grid felony or a felony ranked in severity level 1
21 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
22 K.S.A. 2020 Supp. 21-6804, and amendments thereto, the court shall:

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

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

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

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

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

1 14 years of age or more who is adjudicated as a juvenile offender for an
2 act which, if committed by an adult, would constitute a sexually violent
3 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
4 crime is an off-grid felony or a felony ranked in severity level 1 of the
5 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
6 2020 Supp. 21-6804, and amendments thereto, shall be required to register
7 for such offender's lifetime.

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

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

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

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

35 Sec. 12. K.S.A. 2020 Supp. 38-2202 is hereby amended to read as
36 follows: 38-2202. As used in the revised Kansas code for care of children,
37 unless the context otherwise indicates:

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

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

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

3 (d) "Child in need of care" means a person less than 18 years of age
4 at the time of filing of the petition or issuance of an ex parte protective
5 custody order pursuant to K.S.A. 2020 Supp. 38-2242, and amendments
6 thereto, who:

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

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

12 (3) has been physically, mentally or emotionally abused or neglected
13 or sexually abused;

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

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

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

18 (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-
19 8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2020 Supp. 21-6301(a)(14),
20 and amendments thereto, or, except as provided in paragraph (12), does an
21 act which, when committed by a person under 18 years of age, is
22 prohibited by state law, city ordinance or county resolution, but which is
23 not prohibited when done by an adult;

24 (8) while less than 10 years of age, commits any act that if done by an
25 adult would constitute the commission of a felony or misdemeanor as
26 defined by K.S.A. 2020 Supp. 21-5102, and amendments thereto;

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

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

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

37 (12) while less than 10 years of age commits the offense defined in
38 K.S.A. 2020 Supp. 21-6301(a)(14), and amendments thereto;

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

41 (14) has been subjected to an act that would constitute human
42 trafficking or aggravated human trafficking, as defined by K.S.A. 2020
43 Supp. 21-5426, and amendments thereto, or commercial sexual

1 exploitation of a child, as defined by K.S.A. 2020 Supp. 21-6422, and
2 amendments thereto, or has committed an act which, if committed by an
3 adult, would constitute selling ~~sexual relations~~ *a sex act*, as defined by
4 K.S.A. 2020 Supp. 21-6419, and amendments thereto.

5 (e) "Citizen review board" is a group of community volunteers
6 appointed by the court and whose duties are prescribed by K.S.A. 2020
7 Supp. 38-2207 and 38-2208, and amendments thereto.

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

15 (g) "Court-appointed special advocate" means a responsible adult
16 other than an attorney guardian ad litem who is appointed by the court to
17 represent the best interests of a child, as provided in K.S.A. 2020 Supp.
18 38-2206, and amendments thereto, in a proceeding pursuant to this code.

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

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

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

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

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

35 (m) "Interested party" means the grandparent of the child, a person
36 with whom the child has been living for a significant period of time when
37 the child in need of care petition is filed, and any person made an
38 interested party by the court pursuant to K.S.A. 2020 Supp. 38-2241, and
39 amendments thereto, or Indian tribe seeking to intervene that is not a party.

40 (n) "Jail" means:

41 (1) An adult jail or lockup; or

42 (2) a facility in the same building or on the same grounds as an adult
43 jail or lockup, unless the facility meets all applicable standards and

1 licensure requirements under law and there is: (A) Total separation of the
2 juvenile and adult facility spatial areas such that there could be no
3 haphazard or accidental contact between juvenile and adult residents in the
4 respective facilities; (B) total separation in all juvenile and adult program
5 activities within the facilities, including recreation, education, counseling,
6 health care, dining, sleeping and general living activities; and (C) separate
7 juvenile and adult staff, including management, security staff and direct
8 care staff such as recreational, educational and counseling.

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

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

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

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

23 (s) "Multidisciplinary team" means a group of persons, appointed by
24 the court under K.S.A. 2020 Supp. 38-2228, and amendments thereto, that
25 has knowledge of the circumstances of a child in need of care.

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

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

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

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

1 entering an order pursuant to K.S.A. 2020 Supp. 38-2217(a)(2), and
2 amendments thereto.

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

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

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

12 (x) "Permanent custodian" means a judicially approved permanent
13 guardian of a child pursuant to K.S.A. 2020 Supp. 38-2272, and
14 amendments thereto.

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

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

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

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

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

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

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

39 (ff) "Secure facility" means a facility, other than a staff secure facility
40 or juvenile detention facility, that is operated or structured so as to ensure
41 that all entrances and exits from the facility are under the exclusive control
42 of the staff of the facility, whether or not the person being detained has
43 freedom of movement within the perimeters of the facility, or that relies on

1 locked rooms and buildings, fences or physical restraint in order to control
2 behavior of its residents. No secure facility shall be in a city or county jail.

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

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

8 (2) be subjected to aggravated human trafficking, as defined in
9 K.S.A. 2020 Supp. 21-5426(b), and amendments thereto, if committed in
10 whole or in part for the purpose of the sexual gratification of the offender
11 or another, or be subjected to an act that would constitute conduct
12 proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated,
13 *and amendments thereto*, or K.S.A. 2020 Supp. 21-6419 or 21-6422, and
14 amendments thereto.

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

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

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

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

40 Sec. 13. K.S.A. 2020 Supp. 38-2287 is hereby amended to read as
41 follows: 38-2287. (a) Whenever a child is in custody, as defined in K.S.A.
42 2020 Supp. 38-2202, and amendments thereto, and there is reason to
43 believe such child has been subjected to an act which would constitute

1 human trafficking or aggravated human trafficking, as defined by K.S.A.
2 2020 Supp. 21-5426, and amendments thereto, or commercial sexual
3 exploitation of a child, as defined by K.S.A. 2020 Supp. 21-6422, and
4 amendments thereto, or the child committed an act which, if committed by
5 an adult, would constitute ~~selling sexual relations~~ *a sex act*, as defined by
6 K.S.A. 2020 Supp. 21-6419, and amendments thereto, the court shall refer
7 the child to the secretary for children and families for an assessment to
8 determine safety, placement, treatment and service needs for the child. The
9 secretary shall use a validated, evidence-based assessment tool or
10 instrument to assess such needs and shall make appropriate
11 recommendations to the court. The secretary shall provide only a summary
12 of the results from the assessment tool or instrument, not the complete
13 assessment tool or instrument.

14 (b) When any law enforcement officer takes into custody any child as
15 provided in K.S.A. 2020 Supp. 38-2231(b)(3), and amendments thereto,
16 the law enforcement officer shall contact the department for children and
17 families to begin an assessment to determine safety, appropriate and timely
18 placement and appropriate services to meet the immediate needs of the
19 child.

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

22 Sec. 14. K.S.A. 2020 Supp. 41-311 is hereby amended to read as
23 follows: 41-311. (a) No license of any kind shall be issued pursuant to the
24 liquor control act to a person:

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

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

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

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

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

1 crimes;

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

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

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

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

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

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

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

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

28 (14) who does not provide any data or information required by
29 K.S.A. 2020 Supp. 41-311b, and amendments thereto; or

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

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

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

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

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

43 (4) a person who has a beneficial interest in any other retail

1 establishment licensed under this act, except that the spouse of a licensee
2 may own and hold a retailer's license for another retail establishment;

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

5 (6) a corporation; or

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

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

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

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

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

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

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

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

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

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

1 subject of any trust and any trustee or beneficiary of the trust who is 21
2 years of age or older is ineligible to receive a distributor's license, the
3 trustee, within 14 months after the effective date of the trust, shall sell the
4 stock to a person eligible to receive a distributor's license and hold and
5 disburse the proceeds in accordance with the terms of the trust. If any legal
6 representatives, heirs, devisees or trustees fail, refuse or neglect to sell any
7 stock as required by this subsection, the stock shall revert to and become
8 the property of the corporation, and the corporation shall pay to the legal
9 representatives, heirs, devisees or trustees the book value of the stock.
10 During the period of 14 months prescribed by this subsection, the
11 corporation shall not be denied a distributor's license or have its
12 distributor's license revoked if the corporation meets all of the other
13 requirements necessary to have a distributor's license;

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

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

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

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

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

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

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

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

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

41 (5) corporation, unless stockholders owning in the aggregate 50% or
42 more of the stock of the corporation would be eligible to receive such
43 license and all other stockholders would be eligible to receive such license

1 except for reason of citizenship or residency; or

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

6 (g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),
7 (f)(1) and K.S.A. 2020 Supp. 41-311b, and amendments thereto, shall not
8 apply in determining eligibility for the 10th, or a subsequent, consecutive
9 renewal of a license if the applicant has appointed a citizen of the United
10 States who is a resident of Kansas as the applicant's agent and filed with
11 the director a duly authenticated copy of a duly executed power of
12 attorney, authorizing the agent to accept service of process from the
13 director and the courts of this state and to exercise full authority, control
14 and responsibility for the conduct of all business and transactions within
15 the state relative to alcoholic liquor and the business licensed. The agent
16 must be satisfactory to and approved by the director, except that the
17 director shall not approve as an agent any person who:

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

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

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

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

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

37 Sec. 15. K.S.A. 2020 Supp. 41-2601 is hereby amended to read as
38 follows: 41-2601. As used in the club and drinking establishment act:

39 (a) The following terms shall have the meanings provided by K.S.A.
40 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3)
41 "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

42 (b) "Beneficial interest" shall not include any interest a person may
43 have as owner, operator, lessee or franchise holder of a licensed hotel or

1 motel on the premises of which a club or drinking establishment is located.

2 (c) "Caterer" means an individual, partnership or corporation ~~which~~
3 *that* sells alcoholic liquor by the individual drink, and provides services
4 related to the serving thereof, on unlicensed premises ~~which that~~ may be
5 open to the public, but does not include a holder of a temporary permit,
6 selling alcoholic liquor in accordance with the terms of such permit.

7 (d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-
8 2701, and amendments thereto.

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

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

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

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

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

26 (j) "Food service establishment" has the meaning provided by K.S.A.
27 36-501, and amendments thereto.

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

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

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

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

42 (o) "Morals charge" means a charge involving the sale of ~~sexual~~
43 *relations a sex act*; procuring any person; soliciting of a child under 18

1 years of age for any immoral act involving sex; possession or sale of
2 narcotics, marijuana, amphetamines or barbiturates; rape; incest;
3 gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

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

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

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

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

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

19 (s) "Restaurant" means:

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

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

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

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

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

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

43 (w) "Temporary permit" means a temporary permit issued pursuant to

1 K.S.A. 2020 Supp. 41-1201, and amendments thereto.

2 Sec. 16. K.S.A. 2020 Supp. 60-31a02 is hereby amended to read as
3 follows: 60-31a02. As used in the protection from stalking, sexual assault
4 or human trafficking act:

5 (a) "Human trafficking" means any act that would constitute human
6 trafficking or aggravated human trafficking, as defined by K.S.A. 2020
7 Supp. 21-5426, and amendments thereto, or commercial sexual
8 exploitation of a child, as defined by K.S.A. 2020 Supp. 21-6422, and
9 amendments thereto, or an act that, if committed by an adult, would
10 constitute selling ~~sexual relations~~ *a sex act*, as defined by K.S.A. 2020
11 Supp. 21-6419, and amendments thereto.

12 (b) "Human trafficking victim" means a person who has been
13 subjected to an act that would constitute human trafficking or aggravated
14 human trafficking, as defined by K.S.A. 2020 Supp. 21-5426, and
15 amendments thereto, or commercial sexual exploitation of a child, as
16 defined by K.S.A. 2020 Supp. 21-6422, and amendments thereto, or has
17 committed an act that, if committed by an adult, would constitute selling
18 ~~sexual relations~~ *a sex act*, as defined by K.S.A. 2020 Supp. 21-6419, and
19 amendments thereto.

20 (c) "Sexual assault" means:

21 (1) A nonconsensual sexual act; or
22 (2) an attempted sexual act against another by force, threat of force,
23 duress or when the person is incapable of giving consent.

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

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

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

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

39 (1) Does not carry a human operator;
40 (2) uses aerodynamic forces to provide vehicle lift;
41 (3) may fly autonomously or be piloted remotely;
42 (4) may be expendable or recoverable; and
43 (5) may carry a lethal or nonlethal payload.

1 Sec. 17. K.S.A. 2020 Supp. 60-4104 is hereby amended to read as
2 follows: 60-4104. Conduct and offenses giving rise to forfeiture under this
3 act, whether or not there is a prosecution or conviction related to the
4 offense, are:

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

7 (b) violations involving controlled substances, as described in K.S.A.
8 2020 Supp. 21-5701 through 21-5717, and amendments thereto;

9 (c) theft, as defined in K.S.A. 2020 Supp. 21-5801, and amendments
10 thereto;

11 (d) criminal discharge of a firearm, as defined in K.S.A. 2020 Supp.
12 21-6308(a)(1) and (a)(2), and amendments thereto;

13 (e) gambling, as defined in K.S.A. 2020 Supp. 21-6404, and
14 amendments thereto, and commercial gambling, as defined in K.S.A. 2020
15 Supp. 21-6406(a)(1), and amendments thereto;

16 (f) counterfeiting, as defined in K.S.A. 2020 Supp. 21-5825, and
17 amendments thereto;

18 (g) unlawful possession or use of a scanning device or reencoder, as
19 described in K.S.A. 2020 Supp. 21-6108, and amendments thereto;

20 (h) medicaid fraud, as described in K.S.A. 2020 Supp. 21-5925
21 through 21-5934, and amendments thereto;

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

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

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

33 (l) terrorism, as defined in K.S.A. 2020 Supp. 21-5421, and
34 amendments thereto, illegal use of weapons of mass destruction, as
35 defined in K.S.A. 2020 Supp. 21-5422, and amendments thereto, and
36 furtherance of terrorism or illegal use of weapons of mass destruction, as
37 described in K.S.A. 2020 Supp. 21-5423, and amendments thereto;

38 (m) unlawful conduct of dog fighting and unlawful possession of dog
39 fighting paraphernalia, as defined in K.S.A. 2020 Supp. 21-6414(a) and
40 (b), and amendments thereto;

41 (n) unlawful conduct of cockfighting and unlawful possession of
42 cockfighting paraphernalia, as defined in K.S.A. 2020 Supp. 21-6417(a)
43 and (b), and amendments thereto;

- 1 (o) ~~selling sexual relations~~ *a sex act*, as defined in K.S.A. 2020 Supp.
2 21-6419, and amendments thereto, promoting the sale of ~~sexual relations~~ *a*
3 *sex act*, as defined in K.S.A. 2020 Supp. 21-6420, and amendments
4 thereto, and buying ~~sexual relations~~ *a sex act*, as defined in K.S.A. 2020
5 Supp. 21-6421, and amendments thereto;
- 6 (p) human trafficking and aggravated human trafficking, as defined in
7 K.S.A. 2020 Supp. 21-5426, and amendments thereto;
- 8 (q) violations of the banking code, as described in K.S.A. 9-2012, and
9 amendments thereto;
- 10 (r) mistreatment of a dependent adult, as defined in K.S.A. 2020
11 Supp. 21-5417, and amendments thereto;
- 12 (s) giving a worthless check, as defined in K.S.A. 2020 Supp. 21-
13 5821, and amendments thereto;
- 14 (t) forgery, as defined in K.S.A. 2020 Supp. 21-5823, and
15 amendments thereto;
- 16 (u) making false information, as defined in K.S.A. 2020 Supp. 21-
17 5824, and amendments thereto;
- 18 (v) criminal use of a financial card, as defined in K.S.A. 2020 Supp.
19 21-5828, and amendments thereto;
- 20 (w) unlawful acts concerning computers, as described in K.S.A. 2020
21 Supp. 21-5839, and amendments thereto;
- 22 (x) identity theft and identity fraud, as defined in K.S.A. 2020 Supp.
23 21-6107(a) and (b), and amendments thereto;
- 24 (y) electronic solicitation, as defined in K.S.A. 2020 Supp. 21-5509,
25 and amendments thereto;
- 26 (z) felony violations of fleeing or attempting to elude a police officer,
27 as described in K.S.A. 8-1568, and amendments thereto;
- 28 (aa) commercial sexual exploitation of a child, as defined in K.S.A.
29 2020 Supp. 21-6422, and amendments thereto;
- 30 (bb) violations of the Kansas racketeer influenced and corrupt
31 organization act, as described in K.S.A. 2020 Supp. 21-6329, and
32 amendments thereto;
- 33 (cc) indecent solicitation of a child and aggravated indecent
34 solicitation of a child, as defined in K.S.A. 2020 Supp. 21-5508, and
35 amendments thereto;
- 36 (dd) sexual exploitation of a child, as defined in K.S.A. 2020 Supp.
37 21-5510, and amendments thereto; and
- 38 (ee) violation of a consumer protection order as defined in K.S.A.
39 2020 Supp. 21-6423, and amendments thereto.
- 40 Sec. 18. K.S.A. 68-2255 is hereby amended to read as follows: 68-
41 2255. (a) As used in this section:
- 42 (1) "Adult cabaret" means a nightclub, bar, restaurant or similar
43 commercial establishment ~~which~~ *that* regularly features:

- 1 (A) Persons who appear in a state of nudity or semi-nudity;
2 (B) live performances ~~which~~ *that* are characterized by the exposure of
3 specified anatomical areas or by specified sexual activities; or
4 (C) films, motion pictures, video cassettes, slides or other
5 photographic reproductions ~~which~~ *that* are characterized by the depiction
6 or description of specified sexual activities or specified anatomical areas;
- 7 (2) "nudity" or a "state of nudity" means the showing of the human
8 male or female genitals, pubic area, vulva, anus, anal cleft or cleavage
9 with less than a fully opaque covering, the showing of the female breast
10 with less than a fully opaque covering of any part of the nipple or the
11 showing of the covered male genitals in a discernibly turgid state;
- 12 (3) "semi-nudity" means a state of dress in which opaque clothing
13 fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva,
14 nipple and areola of the female breast below a horizontal line across the
15 top of the areola at its highest point. Semi-nudity shall include the entire
16 lower portion of the female breast, but shall not include any portion of the
17 cleavage of the human female breast exhibited by wearing apparel
18 provided the areola is not exposed in whole or part;
- 19 (4) "sexually-oriented business" means any business ~~which~~ *that* offers
20 its patrons goods of which a substantial portion are sexually-oriented
21 materials. Any business where more than 10% of display space is used for
22 sexually-oriented materials shall be presumed to be a sexually-oriented
23 business;
- 24 (5) "sexually-oriented materials" means any textual, pictorial or three
25 dimensional material that depicts nudity, sexual conduct, sexual
26 excitement or sadomasochistic abuse in a way ~~which~~ *that* is patently
27 offensive to the average person applying contemporary adult community
28 standards with respect to what is suitable for minors;
- 29 (6) "sign" or "outdoor advertising" means any outdoor sign, display,
30 device, notice, bulletin, figure, painting, drawing, message, placard, poster,
31 billboard or other thing ~~which~~ *that* is designed, intended or used to
32 advertise or inform, any part of the advertising or informative contents of
33 which is located within an adjacent area, and is visible from the state
34 highway.
- 35 (b) No sign or other outdoor advertising, for an adult cabaret or
36 sexually-oriented business shall be located within one mile of any state
37 highway except if such business is located within one mile of a state
38 highway then the business may display a maximum of two exterior signs
39 on the premises of the business, consisting of one identification sign and
40 one sign solely giving notice that the premises are off limits to minors. The
41 identification sign shall be no more than 40 square feet in size and shall
42 include no more than the following information: Name, street address,
43 telephone number and operating hours of the business.

1 (c) Signs existing at the time of the effective date of this act, ~~which~~
2 *that* did not conform to the requirements of this section, and amendments
3 thereto, may be allowed to continue as a nonconforming use, but should be
4 made to conform within three years from July 1, 2006.

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

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

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

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

20 Sec. 19. K.S.A. 68-2255 and K.S.A. 2020 Supp. 21-5401, 21-6328,
21 21-6419, 21-6420, 21-6421, 21-6422, 22-2515, 22-2530, 22-3901, 22-
22 4902, 22-4906, 38-2202, 38-2287, 41-311, 41-2601, 60-31a02 and 60-
23 4104 are hereby repealed.

24 Sec. 20. This act shall take effect and be in force from and after its
25 publication in the statute book.
26