

February 13, 2023

The Honorable Stephen Owens, Chairperson  
House Committee on Corrections and Juvenile Justice  
300 SW 10th Avenue, Room 546-S  
Topeka, Kansas 66612

Dear Representative Owens:

**SUBJECT:** Fiscal Note for HB 2212 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2212 is respectfully submitted to your committee.

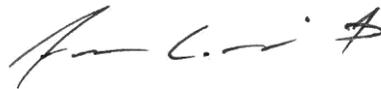
HB 2212 would amend the Kansas Offender Registration Act as it relates to juveniles. The bill would change the definition of “sex offender” to exclude juvenile offenders adjudicated for a sexually violent crime. The definition of “sexually violent crime” would be amended to include juvenile offenders who have been adjudicated in another state for an offense that requires registration in that state. The definition of “offender” would be amended to exclude juvenile offenders adjudicated for the commission of sexual extortion or of a breach of privacy. Statutes regarding the duration of sexual offender registration would be amended to delete the registration requirement for any juvenile offender of less than 14 years old. If a person adjudicated as a juvenile in another state was required to register in that state, the juvenile would be required to register in Kansas for the period required in the other state.

The Kansas Bureau of Investigation (KBI) indicates enactment of the bill would take Kansas out of compliance with the national Sex Offender and Notification Act (SORNA), which requires registration of juveniles that were adjudicated to be delinquent of an offense equivalent to or more severe than aggravated sexual abuse who were at least 14 years of age at the time of the offense. The KBI states that the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) in the Department of Justice requires each state to review state statutes to ensure they are in compliance with SORNA. The KBI must submit a copy of their review to the SMART Office to show the changes in laws during the last year. The SMART Office sends a letter to the KBI and the Governor notifying the state of compliance or noncompliance. Noncompliance would trigger a 10.0 percent reduction in the Edward Byrne Justice Assistance

Grant, which would affect state and local law enforcement, victim advocacy groups, and other entities receiving such funds. However, a precise fiscal effect cannot be estimated. The KBI notes that it currently has 795 registered juvenile offenders and removing them from the registry could be done with existing staff. It would take five Administrative Officers four to six weeks to complete the project of removing the juvenile offenders in addition to daily work. The KBI would end the registrations and notify the sheriff's offices and the offenders of their registration requirements.

The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. Any fiscal effect associated with HB 2212 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Brendan Yorkey, Department of Transportation  
Vicki Jacobsen, Judiciary