

**HOUSE BILL No. 2322**

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning the Kansas offender registration act; amending  
2 K.S.A. 22-4901, 22-4903, 22-4908, 22-4909 and 22-4911 and K.S.A.  
3 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907 and 22-  
4 4913 and repealing the existing sections; also repealing K.S.A. 22-  
5 4912.

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

8 Section 1. K.S.A. 22-4901 is hereby amended to read as follows: 22-  
9 4901. K.S.A. 22-4901 through ~~22-4910~~ *22-4911 and 22-4913*, and  
10 amendments thereto, shall be known and may be cited as the Kansas  
11 offender registration act.

12 Sec. 2. K.S.A. 2010 Supp. 22-4902 is hereby amended to read as  
13 follows: 22-4902. As used in the Kansas offender registration act, unless  
14 the context otherwise requires:

15 (a) "Offender" means:

16 (1) A sex offender, as defined in subsection (b);

17 (2) a violent offender, as defined in subsection ~~(d)~~ *(e)*;

18 ~~(3) a sexually violent predator as defined in subsection (f);~~

19 ~~(4) any person who, on and after May 29, 1997, is convicted of any~~  
20 ~~of the following crimes when the victim is less than 18 years of age:~~

21 ~~(A) Kidnapping as defined in K.S.A. 21-3420 and amendments~~  
22 ~~thereto, except by a parent;~~

23 ~~(B) aggravated kidnapping as defined in K.S.A. 21-3421 and~~  
24 ~~amendments thereto; or~~

25 ~~(C) criminal restraint as defined in K.S.A. 21-3424 and amendments~~  
26 ~~thereto, except by a parent;~~

27 ~~(5) any person convicted of any of the following criminal sexual~~  
28 ~~conduct if one of the parties involved is less than 18 years of age:~~

29 ~~(A) Adultery as defined by K.S.A. 21-3507, and amendments~~  
30 ~~thereto;~~

31 ~~(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-~~  
32 ~~3505, and amendments thereto;~~

33 ~~(C) promoting prostitution as defined by K.S.A. 21-3513, and~~  
34 ~~amendments thereto;~~

35 ~~(D) patronizing a prostitute as defined by K.S.A. 21-3515, and~~  
36 ~~amendments thereto; or~~

1       ~~(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and~~  
2 ~~amendments thereto;~~

3       ~~(3) a drug offender, as defined in subsection (f);~~

4       ~~(6) (4) any person who has been required to register under any~~  
5 ~~federal, military or other state's out of state law or is otherwise required to~~  
6 ~~be registered; and~~

7       ~~(7) any person who, on or after July 1, 2006, is convicted of any~~  
8 ~~person felony and the court makes a finding on the record that a deadly~~  
9 ~~weapon was used in the commission of such person felony;~~

10       ~~(8) any person who has been convicted of an offense in effect at any~~  
11 ~~time prior to May 29, 1997, that is comparable to any crime defined in~~  
12 ~~subsection (4), (5), (7) or (11), or any federal, military or other state~~  
13 ~~conviction for an offense that under the laws of this state would be an~~  
14 ~~offense defined in subsection (4), (5), (7) or (11);~~

15       ~~(9) any person who has been convicted of an attempt, conspiracy or~~  
16 ~~criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303~~  
17 ~~and amendments thereto, of an offense defined in subsection (4), (5), (7)~~  
18 ~~or (10);~~

19       ~~(10) any person who has been convicted of aggravated human~~  
20 ~~trafficking as defined in K.S.A. 21-3447, and amendments thereto; or~~

21       ~~(11) any person who has been convicted of: (A) Unlawful~~  
22 ~~manufacture or attempting such of any controlled substance or controlled~~  
23 ~~substance analog as defined by K.S.A. 65-4159, prior to its repeal or~~  
24 ~~K.S.A. 2010 Supp. 21-36a03, and amendments thereto, unless the court~~  
25 ~~makes a finding on the record that the manufacturing or attempting to~~  
26 ~~manufacture such controlled substance was for such person's personal~~  
27 ~~use;~~

28       ~~(B) possession of ephedrine, pseudoephedrine, red phosphorus,~~  
29 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~  
30 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~  
31 ~~isomers with intent to use the product to manufacture a controlled~~  
32 ~~substance as defined by subsection (a) of K.S.A. 65-7006, prior to its~~  
33 ~~repeal or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments~~  
34 ~~thereto, unless the court makes a finding on the record that the possession~~  
35 ~~of such product was intended to be used to manufacture a controlled~~  
36 ~~substance for such person's personal use; or~~

37       ~~(C) K.S.A. 65-4161, prior to its repeal or subsection (a)(1) of K.S.A.~~  
38 ~~2010 Supp. 21-36a05, and amendments thereto. The provisions of this~~  
39 ~~paragraph shall not apply to violations of subsections (a)(2) through (a)~~  
40 ~~(6) or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto,~~  
41 ~~which occurred on and after July 1, 2009, through the effective date of~~  
42 ~~this act.~~

43       ~~Convictions which result from or are connected with the same act, or~~

1 ~~result from crimes committed at the same time, shall be counted for the~~  
2 ~~purpose of this section as one conviction. Any conviction set aside~~  
3 ~~pursuant to law is not a conviction for purposes of this section. A~~  
4 ~~conviction from another state shall constitute a conviction for purposes of~~  
5 ~~this section.~~

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

8 (b) "Sex offender" includes any person who; :

9 (1) On or after April 14, 1994, is convicted of any sexually violent  
10 crime set forth in subsection (c) or is adjudicated as a juvenile offender  
11 for an act which if committed by an adult would constitute the  
12 commission of a sexually violent crime set forth in subsection (c); ;

13 (2) *has been determined to be a sexually violent predator, as defined*  
14 *in subsection (d);*

15 (3) *on or after May 29, 1997, is convicted of any of the following*  
16 *crimes when one of the parties involved is less than 18 years of age:*

17 (A) *Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or*  
18 *section 75 of chapter 136 of the 2010 Session Laws of Kansas, and*  
19 *amendments thereto;*

20 (B) *criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-*  
21 *3505, prior to its repeal, or subsection (a)(1) or (a)(2) of section 68 of*  
22 *chapter 136 of the 2010 Session Laws of Kansas, and amendments*  
23 *thereto;*

24 (C) *promoting prostitution, as defined in K.S.A. 21-3513, prior to its*  
25 *repeal, or section 230 of chapter 136 of the 2010 Session Laws of*  
26 *Kansas, and amendments thereto;*

27 (D) *patronizing a prostitute, as defined in K.S.A. 21-3515, prior to*  
28 *its repeal, or section 231 of chapter 136 of the 2010 Session Laws of*  
29 *Kansas, and amendments thereto; or*

30 (E) *lewd and lascivious behavior, as defined in K.S.A. 21-3508,*  
31 *prior to its repeal, or section 77 of chapter 136 of the 2010 Session Laws*  
32 *of Kansas, and amendments thereto;*

33 (4) *is convicted of sexual battery, as defined in K.S.A. 21-3517,*  
34 *prior to its repeal, or subsection (a) of section 69 of chapter 136 of the*  
35 *2010 Session Laws of Kansas, and amendments thereto;*

36 (5) *is convicted of an attempt, conspiracy or criminal solicitation, as*  
37 *defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or*  
38 *section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas,*  
39 *and amendments thereto, of an offense defined in this subsection; or*

40 (6) *has been convicted of an offense in effect at any time prior to*  
41 *July 1, 2011, that is comparable to any crime defined in this subsection,*  
42 *or any out of state conviction for an offense that under the laws of this*  
43 *state would be an offense defined in this subsection.*

1 (c) "Sexually violent crime" means:

2 (1) Rape as defined in K.S.A. 21-3502, *prior to its repeal, or section*  
3 *67 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
4 thereto;

5 (2) indecent liberties with a child as defined in K.S.A. 21-3503,  
6 *prior to its repeal, or subsection (a) of section 70 of chapter 136 of the*  
7 *2010 Session Laws of Kansas*, and amendments thereto;

8 (3) aggravated indecent liberties with a child as defined in K.S.A.  
9 *21-3504, prior to its repeal, or subsection (b) of section 70 of chapter*  
10 *136 of the 2010 Session Laws of Kansas*, and amendments thereto;

11 (4) criminal sodomy as defined in subsection (a)(2) ~~and~~ (a)(3) of  
12 K.S.A. 21-3505, *prior to its repeal, or subsection (a)(3) or (a)(4) of*  
13 *section 68 of chapter 136 of the 2010 Session Laws of Kansas*, and  
14 amendments thereto;

15 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, *prior*  
16 *to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010*  
17 *Session Laws of Kansas*, and amendments thereto;

18 (6) indecent solicitation of a child as defined ~~by~~ *in* K.S.A. 21-3510,  
19 *prior to its repeal, or subsection (a) of section 72 of chapter 136 of the*  
20 *2010 Session Laws of Kansas*, and amendments thereto;

21 (7) aggravated indecent solicitation of a child as defined ~~by~~ *in*  
22 K.S.A. 21-3511, *prior to its repeal, or subsection (b) of section 72 of*  
23 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
24 thereto;

25 (8) sexual exploitation of a child as defined ~~by~~ *in* K.S.A. 21-3516,  
26 *prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws*  
27 *of Kansas*, and amendments thereto;

28 ~~(9) sexual battery as defined by K.S.A. 21-3517 and amendments~~  
29 ~~thereto;~~

30 ~~(10) (9) aggravated sexual battery as defined by~~ *in* K.S.A. 21-3518,  
31 *prior to its repeal, or subsection (b) of section 69 of chapter 136 of the*  
32 *2010 Session Laws of Kansas*, and amendments thereto;

33 ~~(11) (10) aggravated incest as defined by~~ *in* K.S.A. 21-3603, *prior*  
34 *to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010*  
35 *Session Laws of Kansas*, and amendments thereto;

36 ~~(12) (11) electronic solicitation as defined by~~ *in* K.S.A. 21-3523,  
37 *prior to its repeal, and section 73 of chapter 136 of the 2010 Session*  
38 *Laws of Kansas*, and amendments thereto, committed on or after April 17,  
39 2008;

40 ~~(13) (12) unlawful sexual relations as defined by~~ *in* K.S.A. 21-3520,  
41 *prior to its repeal, or section 76 of chapter 136 of the 2010 Session Laws*  
42 *of Kansas*, and amendments thereto, committed on or after July 1, 2010;

43 ~~(14) (13) any conviction for an offense in effect at any time prior to~~

1 ~~April 29, 1993~~ *July 1, 2011*, that is comparable to a sexually violent crime  
2 as defined in ~~subparagraphs (1) through (11) this subsection~~, or any  
3 ~~federal, military or other out of state~~ conviction for an offense that under  
4 the laws of this state would be a sexually violent crime as defined in this  
5 ~~section subsection~~;

6 ~~(15)~~ (14) an attempt, conspiracy or criminal solicitation, as defined  
7 in K.S.A. 21-3301, 21-3302 or 21-3303, *prior to their repeal, or section*  
8 *33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas*, and  
9 amendments thereto, of a sexually violent crime, as defined in this ~~section~~  
10 ~~subsection~~; or

11 ~~(16)~~ (15) any act which at the time of sentencing for the offense has  
12 been determined beyond a reasonable doubt to have been sexually  
13 motivated. As used in this ~~subparagraph~~ *paragraph*, "sexually motivated"  
14 means that one of the purposes for which the defendant committed the  
15 crime was for the purpose of the defendant's sexual gratification.

16 (d) "*Sexually violent predator*" means any person who, on or after  
17 *July 1, 2001*, is found to be a sexually violent predator pursuant to K.S.A.  
18 *59-29a01 et seq.*, and amendments thereto.

19 ~~(d)~~ (e) "Violent offender" includes any person who; :

20 (1) On or after May 29, 1997, is convicted of any of the following  
21 crimes:

22 ~~(1)~~ (A) Capital murder, as defined ~~by~~ *in K.S.A. 21-3439, prior to its*  
23 *repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas*,  
24 and amendments thereto;

25 ~~(2)~~ (B) murder in the first degree, as defined ~~by~~ *in K.S.A. 21-3401,*  
26 *prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws*  
27 *of Kansas*, and amendments thereto;

28 ~~(3)~~ (C) murder in the second degree, as defined ~~by~~ *in K.S.A. 21-*  
29 *3402, prior to its repeal, or section 38 of chapter 136 of the 2010*  
30 *Session Laws of Kansas*, and amendments thereto;

31 ~~(4)~~ (D) voluntary manslaughter, as defined ~~by~~ *in K.S.A. 21-3403,*  
32 *prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws*  
33 *of Kansas*, and amendments thereto;

34 ~~(5)~~ (E) involuntary manslaughter, as defined ~~by~~ *in K.S.A. 21-3404,*  
35 *prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws*  
36 *of Kansas*, and amendments thereto;

37 (F) *kidnapping*, as defined in K.S.A. 21-3420, *prior to its repeal, or*  
38 *subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of*  
39 *Kansas*, and amendments thereto;

40 (G) *aggravated kidnapping*, as defined in K.S.A. 21-3421, *prior to*  
41 *its repeal, or subsection (b) of section 43 of chapter 136 of the 2010*  
42 *Session Laws of Kansas*, and amendments thereto;

43 (H) *criminal restraint*, as defined in K.S.A. 21-3424, *prior to its*

1 *repeal, or section 46 of chapter 136 of the 2010 Session Laws of Kansas,*  
2 *and amendments thereto, except by a parent, and only when the victim is*  
3 *less than 18 years of age; or*

4 *(I) aggravated human trafficking, as defined in K.S.A. 21-3447,*  
5 *prior to its repeal, or subsection (b) of section 61 of chapter 136 of the*  
6 *2010 Session Laws of Kansas, and amendments thereto;*

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

10 ~~*(6) (3) any conviction for an offense in effect at any time prior to*~~  
11 ~~*May 29, 1997 has been convicted of an offense in effect at any time prior*~~  
12 ~~*to July 1, 2011, that is comparable to any crime defined in this subsection,*~~  
13 ~~*or any federal, military or other out of state conviction for an offense that*~~  
14 ~~*under the laws of this state would be an offense defined in this*~~  
15 ~~*subsection; or*~~

16 ~~*(7) (4) is convicted of an attempt, conspiracy or criminal solicitation,*~~  
17 ~~*as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal,*~~  
18 ~~*or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of*~~  
19 ~~*Kansas, and amendments thereto, of an offense defined in this subsection.*~~

20 ~~*(f) "Drug offender" means any person who has been convicted of:*~~

21 ~~*(1) Unlawful manufacture or attempting such of any controlled*~~  
22 ~~*substance or controlled substance analog as defined in K.S.A. 65-4159,*~~  
23 ~~*prior to its repeal, or K.S.A. 2010 Supp. 21-36a03, and amendments*~~  
24 ~~*thereto;*~~

25 ~~*(2) possession of ephedrine, pseudoephedrine, red phosphorus,*~~  
26 ~~*lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized*~~  
27 ~~*ammonia or phenylpropanolamine, or their salts, isomers or salts of*~~  
28 ~~*isomers with intent to use the product to manufacture a controlled*~~  
29 ~~*substance as defined in subsection (a) of K.S.A. 65-7006, prior to its*~~  
30 ~~*repeal, or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and*~~  
31 ~~*amendments thereto;*~~

32 ~~*(3) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A.*~~  
33 ~~*2010 Supp. 21-36a05, and amendments thereto. The provisions of this*~~  
34 ~~*paragraph shall not apply to violations of subsections (a)(2) through (a)*~~  
35 ~~*(6) or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto, which*~~  
36 ~~*occurred on or after July 1, 2009, through April 15, 2010;*~~

37 ~~*(4) an offense in effect at any time prior to July 1, 2011, that is*~~  
38 ~~*comparable to any crime defined in this subsection, or any out of state*~~  
39 ~~*conviction for an offense that under the laws of this state would be an*~~  
40 ~~*offense defined in this subsection; or*~~

41 ~~*(5) an attempt, conspiracy or criminal solicitation, as defined in*~~  
42 ~~*K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33,*~~  
43 ~~*34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and*~~

1 *amendments thereto, of an offense defined in this subsection.*

2 (g) *Convictions which result from or are connected with the same*  
3 *act, or result from crimes committed at the same time, shall be counted*  
4 *for the purpose of this section as one conviction. Any conviction set aside*  
5 *pursuant to law is not a conviction for purposes of this section. A*  
6 *conviction from any out of state court shall constitute a conviction for*  
7 *purposes of this section.*

8 (e) ~~"Law enforcement agency having jurisdiction" means the sheriff~~  
9 ~~of the county in which the offender expects to reside upon the offender's~~  
10 ~~discharge, parole or release.~~

11 (f) ~~"Sexually violent predator" means any person who, on or after~~  
12 ~~July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.~~  
13 ~~59-29a01 et seq. and amendments thereto.~~

14 (g) ~~"Nonresident student or worker" includes any offender who~~  
15 ~~crosses into the state or county for more than 14 days, or for an aggregate~~  
16 ~~period exceeding 30 days in a calendar year, for the purposes of~~  
17 ~~employment, with or without compensation, or to attend school as a~~  
18 ~~student.~~

19 (h) ~~"Aggravated offenses" means engaging in sexual acts involving~~  
20 ~~penetration with victims of any age through the use of force or the threat~~  
21 ~~of serious violence, or engaging in sexual acts involving penetration with~~  
22 ~~victims less than 14 years of age, and includes the following offenses:~~

23 (1) ~~Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of~~  
24 ~~K.S.A. 21-3502, and amendments thereto;~~

25 (2) ~~aggravated criminal sodomy as defined in subsection (a)(1) and~~  
26 ~~subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and~~

27 (3) ~~any attempt, conspiracy or criminal solicitation, as defined in~~  
28 ~~K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an~~  
29 ~~offense defined in this subsection.~~

30 (i) ~~"Institution of higher education" means any postsecondary school~~  
31 ~~under the supervision of the Kansas board of regents.~~

32 (h) *"School" means any public or private educational institution,*  
33 *including, but not limited to, postsecondary school, college, university,*  
34 *community college, secondary school, high school, junior high school,*  
35 *middle school, elementary school, trade school, vocational school or*  
36 *professional school providing training or education to an offender.*

37 (i) *"Employment" means any full-time, part-time, transient or day-*  
38 *labor employment, with or without compensation.*

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

1 *for seven or more non-consecutive days in a period of 30 consecutive*  
2 *days.*

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

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

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

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

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

22 *(p) "Treatment facility" means any public or private facility, hospital*  
23 *or institution providing inpatient treatment or counseling.*

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

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

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

32 *Sec. 3. K.S.A. 22-4903 is hereby amended to read as follows: 22-*  
33 *4903. ~~(a) Any person who is required to register as provided in the~~*  
34 *~~Kansas offender registration act who violates any of the provisions of~~*  
35 *~~such act, including all duties set out in K.S.A. 22-4904 through 22-4907,~~*  
36 *~~and amendments thereto, is guilty of a severity level 5, person felony.~~*  
37 *~~Any violation of any provision of such act, including a violation of the~~*  
38 *~~duties set forth in K.S.A. 22-4904 through K.S.A. 22-4907, and~~*  
39 *~~amendments thereto, which continues for more than 30 consecutive days~~*  
40 *~~shall, upon the 31st consecutive day, constitute a new and separate~~*  
41 *~~offense and shall continue to constitute a new and separate offense upon~~*  
42 *~~completion of every 30 days thereafter for as long as the offense~~*  
43 *~~continues.~~*



1 ~~(b) Prosecution of violations under subsection (a), shall be held: (1)~~  
2 ~~In the county in which the offender resides; (2) if the offender is~~  
3 ~~temporarily domiciled in a county and is required to be registered, in such~~  
4 ~~county; or (3) in the county in which the offender is required to be~~  
5 ~~registered under this act.~~

6 *(a) Violation of the Kansas offender registration act is the failure by*  
7 *an offender, as defined in K.S.A. 22-4902, and amendments thereto, to*  
8 *comply with any and all provisions of such act, including any and all*  
9 *duties set forth in K.S.A. 22-4905 through 22-4907, and amendments*  
10 *thereto. Any violation of the Kansas offender registration act which*  
11 *continues for more than 30 consecutive days shall, upon the 31st*  
12 *consecutive day, constitute a new and separate offense, and shall*  
13 *continue to constitute a new and separate offense every 30 days*  
14 *thereafter for as long as the violation continues.*

15 *(b) Aggravated violation of the Kansas offender registration act is*  
16 *violation of the Kansas offender registration act which continues for*  
17 *more than 180 consecutive days. Any aggravated violation of the Kansas*  
18 *offender registration act which continues for more than 180 consecutive*  
19 *days shall, upon the 181st consecutive day, constitute a new and separate*  
20 *offense, and shall continue to constitute a new and separate violation of*  
21 *the Kansas offender registration act every 30 days thereafter, or a new*  
22 *and separate aggravated violation of the Kansas offender registration act*  
23 *every 180 days thereafter, for as long as the violation continues.*

24 *(c) (1) Violation of the Kansas offender registration act is:*

25 *(A) Upon a first conviction, a severity level 6, person felony;*

26 *(B) upon a second conviction, a severity level 5, person felony; and*

27 *(C) upon a third or subsequent conviction, a severity level 3, person*  
28 *felony.*

29 *(2) Aggravated violation of the Kansas offender registration act is a*  
30 *severity level 3, person felony.*

31 *(d) No plea bargaining agreement shall be entered into nor shall*  
32 *any judge approve a plea bargaining agreement entered into for the*  
33 *purpose of permitting a person charged with violation or aggravated*  
34 *violation of the Kansas offender registration act to avoid the severity*  
35 *level of the offense and the mandated penalties established by law.*

36 *(e) Prosecution of violations of this section may be held:*

37 *(1) In any county in which the offender resides;*

38 *(2) in any county in which the offender is required to be registered*  
39 *under the Kansas offender registration act;*

40 *(3) in any county in which the offender is located during which time*  
41 *the offender is not in compliance with the Kansas offender registration*  
42 *act; or*

43 *(4) in the county in which any conviction occurred for which the*

1 *offender is required to be registered under the Kansas offender*  
2 *registration act.*

3 Sec. 4. K.S.A. 2010 Supp. 22-4904 is hereby amended to read as  
4 follows: 22-4904. (a) ~~(1) Except as provided in subsection (a)(2), within~~  
5 ~~14 days of the offender coming into any county in which the offender~~  
6 ~~resides or is temporarily domiciled for more than 14 days, the offender~~  
7 ~~shall register with the sheriff of the county.~~

8 ~~(2) Within 14 days of the offender coming into any county in which~~  
9 ~~the offender resides or temporarily resides for more than 14 days, any~~  
10 ~~offender who has provided the information and completed and signed the~~  
11 ~~registration form as required in K.S.A. 22-4905, and amendments thereto,~~  
12 ~~shall verify with the sheriff of the county that the sheriff has received~~  
13 ~~such offender's information and registration form.~~

14 ~~(3) Upon registration with a school or educational institution, a~~  
15 ~~nonresident student attending such school or educational institution shall~~  
16 ~~register with the sheriff within 14 days of the commencement of the~~  
17 ~~school term.~~

18 ~~(4) Upon commencement of employment, a nonresident worker~~  
19 ~~shall register with the sheriff within 14 days of the commencement date~~  
20 ~~of employment.~~

21 ~~(5) For persons required to register as provided in subsections (a)(1);~~  
22 ~~(a)(3) and (a)(4), the sheriff shall: (A) Explain the duty to register and the~~  
23 ~~procedure for registration;~~

24 ~~(B) obtain the information required for registration as provided in~~  
25 ~~K.S.A. 22-4907, and amendments thereto;~~

26 ~~(C) inform the offender that the offender must give written notice of~~  
27 ~~any change of address within 14 days of a change in residence to the law~~  
28 ~~enforcement agency where last registered and the Kansas bureau of~~  
29 ~~investigation;~~

30 ~~(D) inform the nonresident student offender that the offender must~~  
31 ~~give written notice to the sheriff and the Kansas bureau of investigation~~  
32 ~~of any change or termination of attendance at the school or educational~~  
33 ~~institution the offender is attending, within 14 days of such change or~~  
34 ~~termination;~~

35 ~~(E) inform the nonresident worker offender that the offender must~~  
36 ~~give written notice to the sheriff and the Kansas bureau of investigation~~  
37 ~~of any termination of employment at the offender's place of employment,~~  
38 ~~within 14 days of such termination;~~

39 ~~(F) inform the offender that if the offender changes residence to~~  
40 ~~another state, the offender must inform the law enforcement agency~~  
41 ~~where last registered and the Kansas bureau of investigation of such~~  
42 ~~change in residence and must register in the new state within 14 days of~~  
43 ~~such change in residence;~~

1 ~~(G) inform the offender that the offender must also register in any~~  
2 ~~state or county where the offender is employed, carries on a vocation or is~~  
3 ~~a student;~~

4 ~~(H) inform the offender that if the offender expects to or~~  
5 ~~subsequently becomes enrolled in any institution of higher education in~~  
6 ~~the state of Kansas on a full-time or part-time basis or have any full-time~~  
7 ~~or part-time employment at an institution of higher education in the state~~  
8 ~~of Kansas, with or without compensation, for more than 14 days, or for~~  
9 ~~an aggregate period exceeding 30 days in one calendar year, the offender~~  
10 ~~must provide written notice to the Kansas bureau of investigation within~~  
11 ~~14 days upon commencement of enrollment or employment;~~

12 ~~(I) inform the offender that if there is any change or termination in~~  
13 ~~attendance or employment at an institution of higher education, the~~  
14 ~~offender must provide written notice to the Kansas bureau of~~  
15 ~~investigation within 14 days of the change or termination;~~

16 ~~(J) inform the offender of the requirement of an annual driver's~~  
17 ~~license renewal pursuant to K.S.A. 8-247, and amendments thereto, and~~  
18 ~~an annual identification card renewal pursuant to K.S.A. 8-1325a, and~~  
19 ~~amendments thereto; and~~

20 ~~(K) require the offender to read and sign the registration form which~~  
21 ~~shall include a statement that the requirements provided in this subsection~~  
22 ~~have been explained to the offender.~~

23 ~~(6) Such sheriff, within seven days of receipt of the initial~~  
24 ~~registration shall forward this information to the Kansas bureau of~~  
25 ~~investigation.~~

26 ~~(7) Notwithstanding any other provision of law, if a diversionary~~  
27 ~~agreement or probation order, either adult or juvenile, or a juvenile~~  
28 ~~offender sentencing order, requires registration under the Kansas offender~~  
29 ~~registration act then all provisions of that act shall apply, except that the~~  
30 ~~term of registration shall be controlled by such diversionary agreement,~~  
31 ~~probation order or juvenile offender sentencing order.~~

32 ~~(b) If any person required to register as provided in this act changes~~  
33 ~~the address of the person's residence, the offender, within 14 days, shall~~  
34 ~~inform in writing the law enforcement agency where such offender last~~  
35 ~~registered and the Kansas bureau of investigation of the new address.~~

36 ~~(e) Any person who is required to register under this act shall report~~  
37 ~~in person three times each year to the sheriff's office in the county in~~  
38 ~~which the person resides or is otherwise located. The person shall be~~  
39 ~~required to report once during the month of the person's birthday and~~  
40 ~~every four months thereafter. The sheriff's office may determine the~~  
41 ~~appropriate times and days for reporting by the person, consistent with~~  
42 ~~this subsection. The person shall verify:~~

43 ~~(1) Whether the person still resides at the address last reported;~~

1 ~~(2) whether the person still attends the school or educational~~  
2 ~~institution last reported;~~

3 ~~(3) whether the person is still employed at the place of employment~~  
4 ~~last reported; and~~

5 ~~(4) whether the person's vehicle registration information is the same~~  
6 ~~as last reported.~~

7 ~~Nothing contained in this subsection shall be construed to alleviate~~  
8 ~~any person required to register as provided in this act from meeting the~~  
9 ~~requirements prescribed in subsections (a)(1), (a)(2) and (b).~~

10 ~~The sheriff's office shall forward any updated information and current~~  
11 ~~photograph required under subsection (d), to the Kansas bureau of~~  
12 ~~investigation.~~

13 ~~(d) Every person who is required to register under this act shall~~  
14 ~~submit to the taking of an updated photograph by the sheriff's office on~~  
15 ~~each occasion when the person reports to the sheriff's office in the county~~  
16 ~~in which the person resides or is otherwise located.~~

17 ~~(e) Every person who is required to register under this act shall remit~~  
18 ~~payment to the sheriff in the amount of \$20 on each occasion when the~~  
19 ~~person reports to the sheriff's office in the county in which the person~~  
20 ~~resides or is otherwise located. All funds retained by the sheriff pursuant~~  
21 ~~to the provisions of this section shall be credited to a special fund of the~~  
22 ~~sheriff's office which shall be used solely for law enforcement and~~  
23 ~~criminal prosecution purposes and which shall not be used as a source of~~  
24 ~~revenue to reduce the amount of funding otherwise made available to the~~  
25 ~~sheriff's office.~~

26 *(a) At the time of conviction or adjudication for an offense requiring*  
27 *registration as provided in K.S.A. 22-4902, and amendments thereto, the*  
28 *court shall:*

29 *(1) Inform any offender, on the record, of the procedure to register*  
30 *and the requirements of K.S.A. 22-4905, and amendments thereto;*

31 *(2) if the offender is released on probation, receiving a suspended*  
32 *sentence, sentenced to community corrections or released on postrelease*  
33 *supervision:*

34 *(A) Complete the initial registration form with all information and*  
35 *updated information required for registration as provided in K.S.A. 22-*  
36 *4907, and amendments thereto;*

37 *(B) require the offender to read and sign the registration form,*  
38 *which shall include a statement that the requirements provided in this*  
39 *subsection have been explained to the offender; and*

40 *(C) order the offender to report within three business days to the*  
41 *registering law enforcement agency in the county or tribal land of*  
42 *conviction or adjudication and to the registering law enforcement agency*  
43 *in any place where the offender resides, maintains employment or attends*

1 school, to complete the registration form with all information and any  
2 updated information required for registration as provided in K.S.A. 22-  
3 4907, and amendments thereto;

4 (3) if the offender is to remain in custody until sentencing, direct the  
5 correctional facility to complete the initial registration form within three  
6 business days for submission to the Kansas bureau of investigation, as set  
7 forth in subsection (b);

8 (4) ensure the age of the victim is documented in the journal entry of  
9 conviction or adjudication; and

10 (5) not allow the expungement of any part of an offender's criminal  
11 record while the offender is required to register as provided in the Kansas  
12 offender registration act.

13 (b) The staff of any correctional facility shall:

14 (1) Notify the Kansas bureau of investigation of the incarceration of  
15 any offender and of the location or any change in location of the offender  
16 while in custody;

17 (2) prior to any offender being discharged, paroled, furloughed or  
18 released on work or school release from a correctional facility, or  
19 otherwise released from incarceration:

20 (A) Inform the offender of the procedure for registration and of the  
21 offender's registration requirements as provided in K.S.A. 22-4905, and  
22 amendments thereto;

23 (B) complete the registration form with all information and updated  
24 information required for registration as provided in K.S.A. 22-4907, and  
25 amendments thereto; and

26 (C) require the offender to read and sign the registration form,  
27 which shall include a statement that the requirements provided in this  
28 subsection have been explained to the offender;

29 (3) photograph the offender's face and any identifying marks;

30 (4) provide one copy of the form to the offender and, within three  
31 days, send a copy of the form and of the photograph or photographs to  
32 the law enforcement agency having initial jurisdiction and to the Kansas  
33 bureau of investigation;

34 (5) notify the law enforcement agency having initial jurisdiction and  
35 the Kansas bureau of investigation seven business days prior to any  
36 offender being discharged, paroled, furloughed or released on work or  
37 school release; and

38 (6) enter all offender information required by the national crime  
39 information center into the national sex offender registry system.

40 (c) The staff of any treatment facility shall:

41 (1) Within three days of an offender's arrival for inpatient treatment,  
42 inform the registering law enforcement agency of the county or location  
43 of jurisdiction in which the treatment facility is located of the offender's

1 *presence at the treatment facility and the expected duration of the*  
2 *treatment, and immediately notify the registering law enforcement agency*  
3 *of an unauthorized or unexpected absence of the offender during the*  
4 *offender's treatment;*

5 *(2) provide information upon request to any registering law*  
6 *enforcement agency having jurisdiction relevant to determining the*  
7 *presence of an offender within the treatment facility; and*

8 *(3) prior to any offender receiving court ordered treatment being*  
9 *discharged or otherwise released:*

10 *(A) Inform the offender of the procedure for registration and the*  
11 *offender's registration requirements, as provided in K.S.A. 22-4905, and*  
12 *amendments thereto;*

13 *(B) obtain the information required for registration as provided in*  
14 *K.S.A. 22-4907, and amendments thereto; and*

15 *(C) require the offender to read and sign the registration form which*  
16 *shall include a statement that the requirements provided in this*  
17 *subsection have been explained to the offender.*

18 *(d) The registering law enforcement agency, upon the reporting of*  
19 *any offender, shall:*

20 *(1) Inform the offender of the duty to register as provided by the*  
21 *Kansas offender registration act;*

22 *(2) (A) Explain the procedure for registration and the offender's*  
23 *registration requirements as provided in K.S.A. 22-4905, and*  
24 *amendments thereto;*

25 *(B) obtain the information required for registration as provided in*  
26 *K.S.A. 22-4907, and amendments thereto; and*

27 *(C) require the offender to read and sign the registration form,*  
28 *which shall include a statement that the requirements provided in this*  
29 *subsection have been explained to the offender;*

30 *(3) complete the registration form with all information and updated*  
31 *information required for registration, as provided in K.S.A. 22-4907, and*  
32 *amendments thereto, each time the offender reports to the registering law*  
33 *enforcement agency. All additions or changes in the information reported*  
34 *by an offender shall be forwarded to the Kansas bureau of investigation*  
35 *within three business days;*

36 *(4) maintain the original signed registration form, provide one copy*  
37 *of the completed registration form to the offender and, within three*  
38 *business days, send one copy of the completed form to the Kansas bureau*  
39 *of investigation;*

40 *(5) obtain registration information from every offender required to*  
41 *register regardless of whether or not the offender remits payment. Failure*  
42 *of the offender to remit payment is a violation of the Kansas offender*  
43 *registration act and is subject to prosecution pursuant to K.S.A. 22-4903,*

1 *and amendments thereto;*

2 *(6) upon every required reporting, update the photograph or*  
3 *photographs of the offender's face and any new identifying marks and*  
4 *immediately forward copies or electronic files of the photographs to the*  
5 *Kansas bureau of investigation;*

6 *(7) enter all offender information required by the national crime*  
7 *information center into the national sex offender registry system within*  
8 *three days of completing the registration;*

9 *(8) maintain a special fund for the deposit and maintenance of fees*  
10 *paid by offenders. All funds retained by the registering law enforcement*  
11 *agency pursuant to the provisions of this section shall be credited to a*  
12 *special fund of the registering law enforcement agency which shall be*  
13 *used solely for law enforcement and criminal prosecution purposes and*  
14 *which shall not be used as a source of revenue to reduce the amount of*  
15 *funding otherwise made available to the registering law enforcement*  
16 *agency; and*

17 *(9) forward any initial registration and updated registration*  
18 *information within three days to any out of state jurisdiction where the*  
19 *offender is expected to reside, maintain employment or attend school.*

20 *(e) (1) The Kansas bureau of investigation shall:*

21 *(A) Forward all additions or changes in information to any*  
22 *registering law enforcement agency, other than the agency that submitted*  
23 *the form, where the offender expects to reside, maintain employment or*  
24 *attend school;*

25 *(B) ensure that offender information is immediately entered in the*  
26 *state registered offender database and the Kansas registered offender*  
27 *website, as provided in K.S.A. 22-4909, and amendments thereto; and*

28 *(C) transmit offender conviction or adjudication data and*  
29 *fingerprints to the federal bureau of investigation.*

30 *(2) The director of the Kansas bureau of investigation may adopt*  
31 *rules and regulations necessary to implement the provisions of the*  
32 *Kansas offender registration act.*

33 *(f) The attorney general shall, within 10 business days of an*  
34 *offender being declared a sexually violent predator, forward to the*  
35 *Kansas bureau of investigation all relevant court documentation*  
36 *declaring an offender a sexually violent predator.*

37 *(g) The state department of education shall annually notify any*  
38 *school of the Kansas bureau of investigation internet website, and any*  
39 *internet website containing information on the Kansas offender*  
40 *registration act sponsored or created by the registering law enforcement*  
41 *agency of the county or location of jurisdiction in which the school is*  
42 *located, for the purpose of locating offenders who reside near such*  
43 *school. Such notification shall include information that the registering*

1 law enforcement agency of the county or location of jurisdiction where  
2 such school is located is available to the school to assist in using the  
3 registry and providing additional information on registered offenders.

4 (h) The secretary of health and environment shall annually notify  
5 any licensed child care facility of the Kansas bureau of investigation  
6 internet website, and any internet website containing information on the  
7 Kansas offender registration sponsored or created by the registering law  
8 enforcement agency of the county in which the facility is located, for the  
9 purpose of locating offenders who reside near such facility. Such  
10 notification shall include information that the registering law  
11 enforcement agency of the county or location of jurisdiction where such  
12 child care facility is located is available to the child care facilities to  
13 assist in using the registry and providing additional information on  
14 registered offenders.

15 (i) Upon request, the clerk of any court of record shall provide the  
16 Kansas bureau of investigation copies of complaints, indictments,  
17 information, journal entries, commitment orders or any other documents  
18 necessary to the performance of the duties of the Kansas bureau of  
19 investigation under the Kansas offender registration act. No fees or  
20 charges for providing such documents may be assessed.

21 Sec. 5. K.S.A. 2010 Supp. 22-4905 is hereby amended to read as  
22 follows: 22-4905. (a) ~~(1) Any offender, who is discharged or paroled from~~  
23 ~~a prison, hospital or other institution or facility involving a violation of~~  
24 ~~any crime or confinement as provided in subsection (a), (b), (d) or (f) of~~  
25 ~~K.S.A. 22-4902, and amendments thereto, prior to discharge, parole or~~  
26 ~~release, shall be informed by the staff of the facility in which the offender~~  
27 ~~was confined of the duty to register as provided in this act.~~

28 ~~(2) (A) The staff of the facility shall: (i) Explain the duty to register~~  
29 ~~and the procedure for registration;~~

30 ~~(ii) obtain the information required for registration as provided in~~  
31 ~~K.S.A. 22-4907, and amendments thereto;~~

32 ~~(iii) inform the offender that the offender must give written notice of~~  
33 ~~any change of address within 14 days of a change in residence to the law~~  
34 ~~enforcement agency where last registered and the Kansas bureau of~~  
35 ~~investigation;~~

36 ~~(iv) inform the offender that if the offender changes residence to~~  
37 ~~another state, the offender must inform the law enforcement agency~~  
38 ~~where last registered and the Kansas bureau of investigation of such~~  
39 ~~change in residence and must register in the new state within 14 days of~~  
40 ~~such change in residence;~~

41 ~~(v) inform the offender that the offender must also register in any~~  
42 ~~state or county where the offender is employed, carries on a vocation or is~~  
43 ~~a student;~~



1 ~~(vi) inform the offender that if the offender expects to or~~  
2 ~~subsequently becomes enrolled in any institution of higher education in~~  
3 ~~the state of Kansas on a full-time or part-time basis or have any full-time~~  
4 ~~or part-time employment at an institution of higher education in the state~~  
5 ~~of Kansas, with or without compensation, for more than 14 days or an~~  
6 ~~aggregate period exceeding 30 days in one calendar year, the offender~~  
7 ~~must provide written notice to the Kansas bureau of investigation within~~  
8 ~~14 days upon commencement of enrollment or employment;~~

9 ~~(vii) inform the offender that if there is any change or termination in~~  
10 ~~attendance or employment, at an institution of higher education, the~~  
11 ~~offender must provide written notice to the Kansas bureau of~~  
12 ~~investigation within 14 days of the change or termination;~~

13 ~~(viii) inform the offender of the requirement of an annual driver's~~  
14 ~~license renewal pursuant to K.S.A. 8-247, and amendments thereto, and~~  
15 ~~an annual identification card renewal pursuant to K.S.A. 2010 Supp. 8-~~  
16 ~~1325a, and amendments thereto; and~~

17 ~~(ix) require the offender to read and sign the registration form which~~  
18 ~~shall include a statement that the requirements provided in this subsection~~  
19 ~~have been explained to the offender.~~

20 ~~(B) The staff of the facility shall give one copy of the form to the~~  
21 ~~person, within seven days, and shall send two copies of the form provided~~  
22 ~~by subsection (2)(A)(v) to the Kansas bureau of investigation, which shall~~  
23 ~~then forward one copy to the law enforcement agency having jurisdiction~~  
24 ~~where the person expects to reside upon discharge, parole or release. The~~  
25 ~~Kansas bureau of investigation must immediately ensure that such~~  
26 ~~information is entered in the state law enforcement record system. The~~  
27 ~~Kansas bureau of investigation shall transmit such conviction data and~~  
28 ~~fingerprints to the federal bureau of investigation.~~

29 ~~(b) (1) Any offender who is released on probation, receives a~~  
30 ~~suspended sentence, sentenced to community corrections or released on~~  
31 ~~postrelease supervision because of the commission of any crime as~~  
32 ~~provided in subsection (a), (b) or (d) of K.S.A. 22-4902, and amendments~~  
33 ~~thereto, prior to release, shall be informed of the offenders duty to register~~  
34 ~~as provided in this act by the court in which the offender is convicted.~~

35 ~~(2) (A) The court shall: (i) Explain the duty to register and the~~  
36 ~~procedure for registration;~~

37 ~~(ii) obtain the information required for registration as provided in~~  
38 ~~K.S.A. 22-4907, and amendments thereto;~~

39 ~~(iii) inform the offender that the offender must give written notice of~~  
40 ~~any change of address within 14 days of a change in residence to the law~~  
41 ~~enforcement agency where last registered and the Kansas bureau of~~  
42 ~~investigation;~~

43 ~~(iv) inform the offender that if the offender changes residence to~~

1 another state, the offender must inform the law enforcement agency  
2 where last registered and the Kansas bureau of investigation of such  
3 change in residence and must register in the new state within 14 days of  
4 such change in residence;

5 (v) ~~inform the offender that the offender must also register in any~~  
6 ~~state or county where the offender is employed, carries on a vocation or is~~  
7 ~~a student;~~

8 (vi) ~~inform the offender that if the offender expects to or~~  
9 ~~subsequently becomes enrolled in any institution of higher education in~~  
10 ~~the state of Kansas on a full-time or part-time basis or have any full-time~~  
11 ~~or part-time employment at an institution of higher education in the state~~  
12 ~~of Kansas, with or without compensation, for more than 14 days or for an~~  
13 ~~aggregate period exceeding 30 days in one calendar year, the offender~~  
14 ~~must provide written notice to the Kansas bureau of investigation within~~  
15 ~~14 days upon commencement of enrollment or employment;~~

16 (vii) ~~inform the offender that if there is any change or termination in~~  
17 ~~attendance or employment at an institution of higher education, the~~  
18 ~~offender must provide written notice to the Kansas bureau of~~  
19 ~~investigation within 14 days of the change or termination;~~

20 (viii) ~~inform the offender of the requirement of an annual driver's~~  
21 ~~license renewal pursuant to K.S.A. 8-247, and amendments thereto, and~~  
22 ~~an annual identification card renewal pursuant to K.S.A. 2010 Supp. 8-~~  
23 ~~1325a, and amendments thereto; and~~

24 (ix) ~~require the offender to read and sign the registration form which~~  
25 ~~shall include a statement that the requirements provided in this subsection~~  
26 ~~have been explained to the offender.~~

27 (B) ~~The court shall give one copy of the form to the person and,~~  
28 ~~within seven days, shall send two copies of the form provided by~~  
29 ~~subsection (2)(A)(v) to the Kansas bureau of investigation which shall~~  
30 ~~then forward one copy to the law enforcement agency having jurisdiction~~  
31 ~~where the person expects to reside upon release. The Kansas bureau of~~  
32 ~~investigation must immediately ensure that such information is entered in~~  
33 ~~the state law enforcement record system. The Kansas bureau of~~  
34 ~~investigation shall transmit such conviction data and fingerprints to the~~  
35 ~~federal bureau of investigation.~~

36 *Any offender required to register as provided in the Kansas offender*  
37 *registration act shall:*

38 (a) *Except as otherwise provided in this subsection, register in*  
39 *person with the registering law enforcement agency within three business*  
40 *days of coming into any county or location of jurisdiction in which the*  
41 *offender resides or intends to reside, maintains employment or intends to*  
42 *maintain employment, or attends school or intends to attend school. Any*  
43 *such offender who cannot physically register in person with the*

1 registering law enforcement agency for such reasons including, but not  
2 limited to, incapacitation or hospitalization, as determined by a person  
3 licensed to practice medicine or surgery, shall be subject to verification  
4 requirements other than in-person registration, as determined by the  
5 registering law enforcement agency having jurisdiction;

6 (b) report in person four times each year to the registering law  
7 enforcement agency in the county or location of jurisdiction in which the  
8 offender resides, maintains employment or is attending a school. The  
9 offender shall be required to report once during the month of the  
10 offender's birthday and every third, sixth and ninth month occurring  
11 before and after the month of the offender's birthday. The registering law  
12 enforcement agency may determine the appropriate times and days for  
13 reporting by the offender, consistent with this subsection. Nothing  
14 contained in this subsection shall be construed to alleviate any offender  
15 from meeting the requirements prescribed in the Kansas offender  
16 registration act;

17 (c) provide the information required for registration as provided in  
18 K.S.A. 22-4907, and amendments thereto, and verify all information  
19 previously provided is accurate;

20 (d) if in the custody of a correctional facility or in the care or  
21 custody of any treatment facility, register with the correctional facility or  
22 treatment facility within three business days of initial care or custody and  
23 shall not be required to update such registration until released from care  
24 or custody, granted work release or otherwise allowed to leave the  
25 grounds of the correctional facility or treatment facility;

26 (e) notwithstanding subsections (a) and (b), if the offender is  
27 transient, report in person to the registering law enforcement agency of  
28 such county or location of jurisdiction in which the offender is physically  
29 present within three business days of arrival in the county or location of  
30 jurisdiction. Such offender shall be required to register in person with the  
31 registering law enforcement agency every 30 days, or more often at the  
32 discretion of the registering law enforcement agency. Such offender shall  
33 comply with the provisions of the Kansas offender registration act and, in  
34 addition, shall:

35 (1) Provide a list of places where the offender has slept and  
36 otherwise frequented during the period of time since the last date of  
37 registration; and

38 (2) provide a list of places where the offender may be contacted and  
39 where the offender intends to sleep and otherwise frequent during the  
40 period of time prior to the next required date of registration;

41 (f) if required by out of state law, register in any out of state  
42 jurisdiction, where the offender resides, maintains employment or attends  
43 school;

1 (g) register in person upon any commencement, change or  
2 termination of residence location, employment status, school attendance  
3 or other information as provided in K.S.A. 22-4907, and amendments  
4 thereto, within three days of such commencement, change or termination,  
5 to the registering law enforcement agency or agencies where last  
6 registered and provide written notice to the Kansas bureau of  
7 investigation;

8 (h) report in person to the registering law enforcement agency or  
9 agencies within three days of any change in name;

10 (i) if receiving inpatient treatment at any treatment facility, inform  
11 the treatment facility of the offender's status as an offender and inform  
12 the registering law enforcement agency of the county or location of  
13 jurisdiction in which the treatment facility is located of the offender's  
14 presence at the treatment facility and the expected duration of the  
15 treatment;

16 (j) submit to the taking of an updated photograph by the registering  
17 law enforcement agency on each occasion when the offender registers  
18 with or reports to the registering law enforcement agency in the county or  
19 location of jurisdiction in which the offender resides, maintains  
20 employment or attends school. In addition, such offender shall submit to  
21 the taking of a photograph to document any changes in identifying  
22 characteristics, including, but not limited to, scars, marks and tattoos;

23 (k) remit payment to the sheriff's office in the amount of \$20 during  
24 the month of the offender's birthday and every third, sixth and ninth  
25 month occurring before and after the month of the offender's birthday in  
26 each county in which the offender resides, maintains employment or is  
27 attending school. Notwithstanding other provisions herein, payment of  
28 this fee is not required:

29 (1) When an offender provides updates or changes in information or  
30 during an initial registration unless such updates, changes or initial  
31 registration is during the month of such offender's birthday and every  
32 third, sixth and ninth month occurring before and after the month of the  
33 offender's birthday;

34 (2) when an offender is transient and is required to register every 30  
35 days, or more frequently as ordered by the registering law enforcement  
36 agency, except during the month of the offender's birthday and every  
37 third, sixth and ninth month occurring before and after the month of the  
38 offender's birthday; or

39 (3) if an offender has, prior to the required reporting and within the  
40 last three years, been determined to be indigent by a court of law, and the  
41 basis for that finding is recorded by the court;

42 (l) annually renew any driver's license pursuant to K.S.A. 8-247,  
43 and amendments thereto, and annually renew any identification card

1 pursuant to K.S.A. 2010 Supp. 8-1325a, and amendments thereto;

2 (m) if maintaining primary residence in this state and not presently  
3 serving and maintaining active duty in any branch of the United States  
4 military, surrender all driver's licenses and identification cards from  
5 other states, territories and the District of Columbia;

6 (n) read and sign the registration form noting whether the  
7 requirements provided in this section have been explained to the  
8 offender; and

9 (o) notify the registering law enforcement agency in the jurisdiction  
10 of the offender's residence and the Kansas bureau of investigation 21  
11 days prior to any travel outside of the United States, or if under  
12 emergency circumstances, within three days of making travel  
13 arrangements.

14 Sec. 6. K.S.A. 2010 Supp. 22-4906 is hereby amended to read as  
15 follows: 22-4906. (a) Except as provided in subsection (d), any person  
16 required to register as provided in this act shall be required to register: (1)  
17 Upon the first conviction of a sexually violent crime as defined in  
18 subsection (c) of K.S.A. 22-4902, and amendments thereto, any offense  
19 as defined in subsection (a) of K.S.A. 22-4902, and amendments thereto,  
20 or any offense as defined in subsection (d) of K.S.A. 22-4902, and  
21 amendments thereto, if not confined, for a period of 10 years after  
22 conviction, or, if confined, for a period of 10 years after paroled,  
23 discharged or released, whichever date is most recent. The ten-year  
24 period shall not apply to any person while the person is incarcerated in  
25 any jail or correctional facility. The ten-year registration requirement does  
26 not include any time period when any person who is required to register  
27 under this act knowingly or willfully fails to comply with the registration  
28 requirement; or (2) upon a second or subsequent conviction for such  
29 person's lifetime.

30 (b) Upon the first conviction, liability for registration terminates, if  
31 not confined, at the expiration of 10 years from the date of conviction, or,  
32 if confined, at the expiration of 10 years from the date of parole,  
33 discharge or release, whichever date is most recent. The ten-year period  
34 shall not apply to any person while the person is incarcerated in any jail  
35 or correctional facility. The ten-year registration requirement does not  
36 include any time period when any person who is required to register  
37 under this act knowingly or willfully fails to comply with the registration  
38 requirement. Liability for registration does not terminate if the convicted  
39 offender again becomes liable to register as provided by this act during  
40 that period.

41 (c) Any person who has been convicted of an aggravated offense  
42 shall be required to register for such person's lifetime.

43 (d) Any person who has been convicted of any of the following

1 offenses shall be required to register for such person's lifetime:

2 (1) ~~Aggravated human trafficking, as defined in K.S.A. 21-3447,~~  
3 ~~and amendments thereto, if the victim is less than 14 years of age;~~

4 (2) ~~rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and~~  
5 ~~amendments thereto;~~

6 (3) ~~aggravated indecent liberties with a child, as defined in~~  
7 ~~subsection (a)(3) of K.S.A. 21-3504, and amendments thereto;~~

8 (4) ~~aggravated criminal sodomy, as defined in subsection (a)(1) or~~  
9 ~~(a)(2) of K.S.A. 21-3506, and amendments thereto;~~

10 (5) ~~promoting prostitution, as defined in K.S.A. 21-3513, and~~  
11 ~~amendments thereto, if the prostitute is less than 14 years of age;~~

12 (6) ~~sexual exploitation of a child, as defined in subsection (a)(5) or~~  
13 ~~(a)(6) of K.S.A. 21-3516, and amendments thereto; or~~

14 (7) ~~any attempt, conspiracy or criminal solicitation, as defined in~~  
15 ~~K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an~~  
16 ~~offense defined in this subsection.~~

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

20 (f) ~~Any nonresident worker shall register for the duration of such~~  
21 ~~person's employment. The provisions of this subsection are in addition to~~  
22 ~~subsections (a) and (b).~~

23 (g) ~~Any nonresident student shall register for the duration of such~~  
24 ~~person's attendance at a school or educational institution as provided in~~  
25 ~~this act. The provisions of this subsection are in addition to subsections~~  
26 ~~(a) and (b).~~

27 (h) (1) ~~Notwithstanding any other provisions of this section, a~~  
28 ~~person who is adjudicated as a juvenile offender for an act which if~~  
29 ~~committed by an adult would constitute the commission of a sexually~~  
30 ~~violent crime set forth in subsection (c) of K.S.A. 22-4902, and~~  
31 ~~amendments thereto, and such crime is an off-grid felony or a felony~~  
32 ~~ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-~~  
33 ~~4704, and amendments thereto, shall be required to register until such~~  
34 ~~person reaches 18 years of age, at the expiration of five years from the~~  
35 ~~date of adjudication or, if confined, from release from confinement,~~  
36 ~~whichever date occurs later. The five-year period shall not apply to any~~  
37 ~~person while that person is incarcerated in any jail, juvenile facility or~~  
38 ~~correctional facility. The five-year registration requirement does not~~  
39 ~~include any time period when any person who is required to register~~  
40 ~~under this act knowingly or willfully fails to comply with the registration~~  
41 ~~requirement.~~

42 (2) (A) ~~A person who is adjudicated as a juvenile offender for an act~~  
43 ~~which if committed by an adult would constitute the commission of a~~

1 sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and  
2 amendments thereto, and such crime is not an off-grid felony or a felony  
3 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-  
4 4704, and amendments thereto, may, by the court:

5 (i) ~~Be required to register pursuant to the provisions of paragraph~~  
6 ~~(1);~~

7 (ii) ~~not be required to register if the judge, on the record, finds~~  
8 ~~substantial and compelling reasons therefor; or~~

9 (iii) ~~be required to register with the sheriff pursuant to K.S.A. 22-~~  
10 ~~4904, and amendments thereto, but such registration information shall not~~  
11 ~~be open to inspection by the public or posted on any internet website, as~~  
12 ~~provided in K.S.A. 22-4909, and amendments thereto. If the court~~  
13 ~~requires the juvenile to register but such registration is not open to the~~  
14 ~~public, the juvenile shall provide a copy of such court order to the sheriff~~  
15 ~~at the time of registration. The sheriff shall forward a copy of such court~~  
16 ~~order to the Kansas bureau of investigation.~~

17 (B) ~~If such juvenile offender violates a condition of release during~~  
18 ~~the term of the conditional release, the judge may require the juvenile~~  
19 ~~offender to register pursuant to paragraph (1).~~

20 (3) ~~Liability for registration does not terminate if the adjudicated-~~  
21 ~~offender again becomes liable to register as provided by this act during~~  
22 ~~the required period.~~

23 (4) ~~The provisions of paragraph (2)(A)(ii) shall apply to~~  
24 ~~adjudications on and after July 1, 2007, and retroactively to adjudications~~  
25 ~~prior to July 1, 2007.~~

26 (i) ~~Any person moving to the state of Kansas who has been~~  
27 ~~convicted in another state, and who was required to register under that~~  
28 ~~state's laws, shall register for the same length of time required by that~~  
29 ~~state or Kansas, whichever length of time is longer. The provisions of this~~  
30 ~~subsection shall apply to convictions prior to June 1, 2006, and to persons~~  
31 ~~who moved to Kansas prior to June 1, 2006.~~

32 (a) *Except as otherwise provided in this section, an offender's*  
33 *duration of registration is:*

34 (1) *If confined, 15 years after the date of parole, discharge or*  
35 *release, whichever date is most recent. The 15-year duration of*  
36 *registration shall not apply to any offender while the offender is*  
37 *incarcerated in any jail or correctional facility. The 15-year duration of*  
38 *registration does not include any time period when any offender fails to*  
39 *comply with the registration requirement; and*

40 (2) *upon a second or subsequent conviction of an offense requiring*  
41 *registration, for such offender's lifetime.*

42 (b) *Except as otherwise provided by the Kansas offender*  
43 *registration act, the duration of registration terminates, if not confined, at*

1 *the expiration of 15 years from the date of conviction. Any period of time*  
2 *during which any offender is incarcerated in any jail or correctional*  
3 *facility or during which the offender does not comply with any and all*  
4 *requirements of the Kansas offender registration act shall not count*  
5 *toward the duration of registration.*

6 *(c) The duration of registration for any offender who has been*  
7 *convicted of any of the following offenses shall be for such offender's*  
8 *lifetime:*

9 *(1) Any sexually violent crime, as defined in subsection (c) of K.S.A.*  
10 *22-4902, and amendments thereto;*

11 *(2) aggravated human trafficking, as defined in K.S.A. 21-3447,*  
12 *prior to its repeal, or subsection (b) of section 61 of chapter 136 of the*  
13 *2010 Session Laws of Kansas, and amendments thereto;*

14 *(3) promoting prostitution, as defined in K.S.A. 21-3513, prior to its*  
15 *repeal, or section 230 of chapter 136 of the 2010 Session Laws of*  
16 *Kansas, and amendments thereto;*

17 *(4) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or*  
18 *subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of*  
19 *Kansas, and amendments thereto;*

20 *(5) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its*  
21 *repeal, or subsection (b) of section 43 of chapter 136 of the 2010 Session*  
22 *Laws of Kansas, and amendments thereto; or*

23 *(6) any attempt, conspiracy or criminal solicitation, as defined in*  
24 *K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33,*  
25 *34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and*  
26 *amendments thereto, of an offense defined in this subsection.*

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

30 *(e) Notwithstanding any other provisions of this section, for an*  
31 *offender less than 14 years of age who is adjudicated as a juvenile*  
32 *offender for an act which if committed by an adult would constitute a*  
33 *sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and*  
34 *amendments thereto, the duration of registration shall be until such*  
35 *offender reaches 18 years of age, at the expiration of five years from the*  
36 *date of adjudication or, if confined, at the expiration of five years from*  
37 *the date of release from confinement, whichever date occurs later. Any*  
38 *period of time during which the offender is incarcerated in any jail or*  
39 *correctional facility or during which the offender does not comply with*  
40 *any and all requirements of the Kansas offender registration act shall not*  
41 *count toward the duration of registration.*

42 *(f) Notwithstanding any other provisions of this section, for an*  
43 *offender 14 years of age or more who is adjudicated as a juvenile*



1 offender for an act which if committed by an adult would constitute a  
2 sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and  
3 amendments thereto, and such crime is not an off-grid felony or a felony  
4 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-  
5 4704, prior to its repeal, or section 285 of chapter 136 of the 2010  
6 Session Laws of Kansas, and amendments thereto, the duration of  
7 registration shall be 15 years from the date of adjudication or, if  
8 confined, at the expiration of five years from the date of release from  
9 confinement, whichever date occurs later. Any period of time during  
10 which the offender is incarcerated in any jail or correctional facility or  
11 during which the offender does not comply with any and all requirements  
12 of the Kansas offender registration act shall not count toward the  
13 duration of registration.

14 (g) Notwithstanding any other provisions of this section, an offender  
15 14 years of age or more who is adjudicated as a juvenile offender for an  
16 act which if committed by an adult would constitute a sexually violent  
17 crime set forth in subsection (c) of K.S.A. 22-4902, and amendments  
18 thereto, and such crime is an off-grid felony or a felony ranked in  
19 severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior  
20 to its repeal, or section 285 of chapter 136 of the 2010 Session Laws of  
21 Kansas, and amendments thereto, shall be required to register for such  
22 offender's lifetime.

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

32 (i) The duration of registration does not terminate if the convicted  
33 or adjudicated offender again becomes liable to register as provided by  
34 the Kansas offender registration act during the required period of  
35 registration.

36 (j) The provisions of subsection (e), (f) and (g) shall apply to  
37 adjudications on and after July 1, 2007, and retroactively to  
38 adjudications prior to July 1, 2007.

39 (k) For any person moving to Kansas who has been convicted or  
40 adjudicated in an out of state court, and who was required to register  
41 under an out of state law, the duration of registration shall be the length  
42 of time required by the out of state jurisdiction or by the Kansas offender  
43 registration act, whichever length of time is longer. The provisions of this

1 subsection shall apply to convictions prior to June 1, 2006, and to  
2 persons who moved to Kansas prior to June 1, 2006, and to convictions  
3 on or after June 1, 2006, and to persons who moved to Kansas on or  
4 after June 1, 2006.

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

14 Sec. 7. K.S.A. 2010 Supp. 22-4907 is hereby amended to read as  
15 follows: 22-4907. (a) Registration as required by ~~this~~ the Kansas offender  
16 registration act shall consist of a form ~~prepared~~ approved by the Kansas  
17 bureau of investigation, which shall include a statement that the  
18 requirements provided in this section have been reviewed and explained  
19 to the ~~person~~ offender, and shall be signed by the ~~person~~ offender and  
20 witnessed by the person registering the offender. Such registration form  
21 shall include the following offender information:

22 (1) Name and all alias names;

23 (2) date and ~~place of birth~~ city, state and country of birth, and any  
24 alias dates or places of birth;

25 (3) title and statute number of each offense or offenses committed,  
26 date of each conviction or ~~convictions obtained~~ adjudication and court  
27 case numbers for each conviction or adjudication;

28 (4) city, county, state or ~~county~~ country of conviction or ~~convictions~~  
29 ~~obtained~~ adjudication;

30 (5) sex and ~~age~~ date of birth or purported age of each victim of all  
31 offenses requiring registration;

32 (6) current residential address, any anticipated future residence and  
33 any temporary lodging information including, but not limited to, address,  
34 telephone number and dates of travel for any place in which the offender  
35 is staying for seven or more days; and, if transient, the locations where  
36 the offender has stayed and frequented since last reporting for  
37 registration;

38 (7) all telephone numbers at which the offender may be contacted  
39 including, but not limited to, all mobile telephone numbers;

40 ~~(7)~~ (8) social security number, and all alias social security numbers;

41 ~~(8)~~ (9) identifying characteristics such as race, ethnicity, skin tone,  
42 sex, age, height, weight, hair and eye color, scars, tattoos and blood type;

43 ~~(9)~~ (10) occupation and name, address or addresses and telephone

- 1 *number of employer or employers, and name of any anticipated employer*  
2 *and place of employment;*
- 3 ~~(10)~~ *(11) drivers license and all current driver's licenses or*  
4 *identification cards, including a photocopy of all such driver's licenses or*  
5 *identification cards and their numbers, states of issuance and expiration*  
6 *dates;*
- 7 *(12) all vehicle information, including the license plate number,*  
8 *registration number of each license plate assigned to any motor vehicle*  
9 *normally operated by the offender and any other identifier and*  
10 *description of any vehicle owned or operated by the offender, or any*  
11 *vehicle the offender regularly drives, either for personal use or in the*  
12 *course of employment, and information concerning the location or*  
13 *locations such vehicle or vehicles are habitually parked or otherwise*  
14 *kept;*
- 15 *(13) license plate number, registration number or other identifier*  
16 *and description of any aircraft or watercraft owned or operated by the*  
17 *offender, and information concerning the location or locations such*  
18 *aircraft or watercraft are habitually parked, docked or otherwise kept;*
- 19 *(14) all professional licenses, designations and certifications;*
- 20 ~~(11)~~ *(15) documentation of any treatment received for a mental*  
21 *abnormality or personality disorder of the offender; for purposes of*  
22 *documenting the treatment received, sheriffs, prison officials and courts*  
23 *registering law enforcement agencies, correctional facility officials,*  
24 *treatment facility officials and courts may rely on information that is*  
25 *readily available to them from existing records and the offender;*
- 26 ~~(12)~~ *anticipated future residence;*
- 27 ~~(13)~~ *(16) a photograph or photographs;*
- 28 ~~(14)~~ *(17) fingerprints and palm prints;*
- 29 ~~(15)~~ *(18) school; and any and all schools and satellite schools*  
30 *attended or expected to be attended and the locations of attendance and*  
31 *telephone number;*
- 32 ~~(16)~~ *(19) any and all e-mail addresses and , any and all online*  
33 *identities used by the offender on the internet: and any information*  
34 *relating to membership in any online social networks;*
- 35 *(20) all travel and immigration documents; and*
- 36 *(21) name and telephone number of the offender's probation, parole*  
37 *or community corrections officer.*
- 38 (b) (1) The offender shall also provide to the registering law  
39 enforcement agency DNA exemplars, unless already on file *at the Kansas*  
40 *bureau of investigation.*
- 41 (2) If the exemplars to be taken require the withdrawal of blood,  
42 such withdrawal may be performed only by:
- 43 (A) A person licensed to practice medicine ~~and~~ or surgery, or a

1 person acting under the supervision of any such licensed person;

2 (B) a registered nurse or a licensed practical nurse;

3 (C) any qualified medical technician; or

4 (D) a licensed phlebotomist.

5 ~~(e) Unless the person has provided the information and completed~~  
6 ~~and signed the registration form as provided in K.S.A. 22-4905, and~~  
7 ~~amendments thereto, within seven days, the registering law enforcement~~  
8 ~~agency shall forward the registration form to the Kansas bureau of~~  
9 ~~investigation.~~

10 ~~(d) The Kansas bureau of investigation may participate in the federal~~  
11 ~~bureau of investigation's NCIC 2000.~~

12 Sec. 8. K.S.A. 22-4908 is hereby amended to read as follows: 22-  
13 4908. No person required to register as an offender pursuant to the  
14 Kansas offender registration act shall be granted an order relieving the  
15 offender of further registration under this act. *This section shall include*  
16 *any person with any out of state conviction or adjudication for an offense*  
17 *that would require registration under the laws of this state.*

18 Sec. 9. K.S.A. 22-4909 is hereby amended to read as follows: 22-  
19 4909. (a) Except as prohibited by ~~subsection (h)~~ *subsections (c) and (d)*  
20 *of this section and subsections (e) and (f) of K.S.A. 22-4906, and*  
21 *amendments thereto, the statements or any other information required by*  
22 *this the Kansas offender registration act shall be open to inspection by*  
23 *the public at the sheriff's office registering law enforcement agency, at the*  
24 *headquarters of the Kansas bureau of investigation and on any internet*  
25 *website sponsored or created by a sheriff's department registering law*  
26 *enforcement agency or the Kansas bureau of investigation that contains*  
27 *such statements or information, and specifically are subject to the*  
28 *provisions of the Kansas open records act, K.S.A. 45-215 et seq., and*  
29 *amendments thereto, except that the name, address, telephone number, or*  
30 *any other information which specifically and individually identifies the*  
31 *victim of any offender required to register as provided in this act shall not*  
32 *be disclosed other than to law enforcement agencies.*

33 (b) Any information posted on an internet website sponsored or  
34 created by a ~~sheriff's office~~ *registering law enforcement agency* or the  
35 Kansas bureau of investigation shall identify, in a prominent manner,  
36 whether an offender is ~~or is not~~ *a sex offender, a violent offender or a*  
37 *drug offender. Such internet websites shall include the following*  
38 *information for each offender:*

39 (1) *Name of the offender, including any aliases;*

40 (2) *address of each residence at which the offender resides or will*  
41 *reside and, if the offender does not have any present or expected*  
42 *residence address, other information about where the offender has their*  
43 *home or habitually lives. If current information of this type is not*

1 available because the offender is in violation of the requirement to  
2 register or cannot be located, the website must so note;

3 (3) temporary lodging information;

4 (4) address of any place where the offender is an employee or will  
5 be an employee and, if the offender is employed but does not have a  
6 definite employment address, other information about where the offender  
7 works;

8 (5) address of any place where the offender is a student or will be a  
9 student;

10 (6) license plate number and a description of any vehicle owned or  
11 operated by the offender, including any aircraft or watercraft;

12 (7) physical description of the offender;

13 (8) the offense or offenses for which the offender is registered and  
14 any other offense for which the offender has been convicted or  
15 adjudicated;

16 (9) a current photograph of the offender; and

17 (10) all professional licenses, designations and certifications.

18 (c) Notwithstanding subsection (a), pursuant to a court finding  
19 petitioned by the prosecutor, any offender who is required to register  
20 pursuant to the Kansas offender registration act, but has been provided a  
21 new identity and relocated under the federal witness security program or  
22 who has worked as a confidential informant, or is otherwise a protected  
23 witness, shall be required to register pursuant to the Kansas offender  
24 registration act, but shall not be subject to public registration.

25 (d) Notwithstanding subsection (a), the following information shall  
26 not be disclosed other than to law enforcement agencies:

27 (1) The name, address, telephone number or any other information  
28 which specifically and individually identifies the identity of any victim of  
29 a registerable offense;

30 (2) the social security number of the offender;

31 (3) the offender's criminal history arrests that did not result in  
32 convictions;

33 (4) travel and immigration document numbers of the offender;

34 (5) internet identifiers of the offender; and

35 (6) any information pertaining to a juvenile offender as provided in  
36 subsection (e) or (f) of K.S.A. 22-4906, and amendments thereto.

37 ~~(e) The state department of education shall annually notify any~~  
38 ~~school upon which is located a structure used by a unified school district~~  
39 ~~or an accredited nonpublic school for student instruction or attendance or~~  
40 ~~extracurricular activities of pupils enrolled in kindergarten or any grades~~  
41 ~~one through 12 of the Kansas bureau of investigation internet website and~~  
42 ~~any internet website containing information on the Kansas offender~~  
43 ~~registration sponsored or created by the sheriff of the county in which the~~

1 school is located for the purposes of locating offenders who reside near  
2 such school.

3 ~~(d) The secretary of health and environment shall annually notify~~  
4 ~~any licensed child care facility of the Kansas bureau of investigation~~  
5 ~~internet website and any internet website containing information on the~~  
6 ~~Kansas offender registration sponsored or created by the sheriff of the~~  
7 ~~county in which the facility is located for the purposes of locating~~  
8 ~~offenders who reside near such facility.~~

9 ~~(e) Such notification required in subsections (c) and (d) shall include~~  
10 ~~information that the sheriff of the county where such school or child care~~  
11 ~~facility is located is available to the school and child care facilities to~~  
12 ~~assist in using the registry and providing additional information on the~~  
13 ~~registered offenders.~~

14 Sec. 10. K.S.A. 22-4911 is hereby amended to read as follows: 22-  
15 4911. Nothing in the Kansas offender registration act shall create a cause  
16 of action against the state or an employee of the state acting within the  
17 scope of the employee's employment as a result of requiring an offender  
18 to register or an offender's failure to register. *This includes, but is not*  
19 *limited to, the person or persons assigned to a registering law*  
20 *enforcement agency to register offenders, and the person or persons*  
21 *assigned to enter all offender information required by the national crime*  
22 *information center into the national sex offender registry system.*

23 Sec. 11. K.S.A. 2010 Supp. 22-4913 is hereby amended to read as  
24 follows: 22-4913. (a) Except as provided in subsection (b), on and after  
25 ~~the effective date of this act June 1, 2006~~, cities and counties shall be  
26 prohibited from adopting or enforcing any ordinance, resolution or  
27 regulation establishing residential restrictions for offenders as defined by  
28 K.S.A. 22-4902, and amendments thereto.

29 (b) The prohibition in subsection (a), shall not apply to any city or  
30 county residential licensing or zoning program for correctional placement  
31 residences that includes regulations for the housing of such offenders.

32 (c) As used in this section, "correctional placement residence"  
33 means a facility that provides residential services for individuals or  
34 offenders who reside or have been placed in such facility due to any one  
35 of the following situations:

- 36 (1) Prior to, or instead of, being sentenced to prison;
- 37 (2) ~~received as~~ a conditional release prior to a hearing;
- 38 (3) as a part of a sentence of confinement of not more than one year;
- 39 (4) *in* a privately operated facility housing parolees;
- 40 (5) ~~received as~~ a deferred sentence ~~and~~ *when* placed in a facility  
41 operated by community corrections;
- 42 (6) ~~required as a requirement of~~ court-ordered treatment services for  
43 alcohol or drug abuse; or

1       (7) *as part of* voluntary treatment services for alcohol or drug abuse.  
2       Correctional placement residence shall not include a single or multi-  
3 family dwelling or commercial residential building that provides a  
4 residence to staff and persons other than those described in paragraphs (1)  
5 through (7).

6       Sec. 12. K.S.A. 22-4901, 22-4903, 22-4908, 22-4909, 22-4911 and  
7 22-4912 and K.S.A. 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906,  
8 22-4907 and 22-4913 are hereby repealed.

9       Sec. 13. This act shall take effect and be in force from and after its  
10 publication in the statute book.

11  
12