

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2568

By Committee on Corrections and Juvenile Justice

1-27

1 AN ACT concerning the Kansas offender registration act; amending  
2 K.S.A. 2011 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-  
3 4907, 22-4908 and 22-4909 and repealing the existing sections; also  
4 repealing K.S.A. 2011 Supp. 22-4902a and 22-4906a.

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

7 Section 1. K.S.A. 2011 Supp. 22-4902 is hereby amended to read as  
8 follows: 22-4902. As used in the Kansas offender registration act, unless  
9 the context otherwise requires:

10 (a) "Offender" means:

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

12 (2) a violent offender, ~~as defined in subsection (c);~~

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

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

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

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

19 (1) On or after April 14, 1994, is convicted of any sexually violent  
20 crime ~~set forth in subsection (e);~~

21 (2) On or after April 14, 1994, is adjudicated as a juvenile offender  
22 for an act which if committed by an adult would constitute the commission  
23 of a sexually violent crime ~~set forth in subsection (e)~~, unless the court, on  
24 the record, finds that the act involved non-forcible sexual conduct, the  
25 victim was at least 14 years of age and the offender was not more than four  
26 years older than the victim;

27 (3) has been determined to be a sexually violent predator, ~~as defined  
28 in subsection (d);~~

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

31 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
32 K.S.A. 2011 Supp. 21-5511, and amendments thereto;

33 (B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-  
34 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2011  
35 Supp. 21-5504, and amendments thereto;

36 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its

1 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto;

2 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
3 repeal, or K.S.A. 2011 Supp. 21-6421, and amendments thereto; or

4 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
5 to its repeal, or K.S.A. 2011 Supp. 21-5513, and amendments thereto;

6 ~~(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior  
7 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5505, and  
8 amendments thereto;~~

9 **(5) is convicted of sexual battery, as defined in K.S.A. 21-3517,  
10 prior to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5505, and  
11 amendments thereto;**

12 ~~(6) (5)(6)~~ is convicted of an attempt, conspiracy or criminal  
13 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to  
14 their repeal, or K.S.A. 2011 Supp. 21-5301, 21-5302, 21-5303, and  
15 amendments thereto, of an offense defined in this subsection; or

16 ~~(7) (6)(7)~~ has been convicted of an offense ~~in effect at any time prior~~  
17 ~~to July 1, 2011,~~ that is comparable to any crime defined in this subsection,  
18 ~~or any out of state conviction or any municipal conviction~~ for an offense  
19 that under the laws of this state would be an offense defined in this  
20 subsection.

21 (c) "Sexually violent crime" means:

22 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
23 2011 Supp. 21-5503, and amendments thereto;

24 (2) indecent liberties with a child as defined in K.S.A. 21-3503, prior  
25 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5506, and  
26 amendments thereto;

27 (3) aggravated indecent liberties with a child as defined in K.S.A. 21-  
28 3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5506,  
29 and amendments thereto;

30 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of  
31 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.  
32 2011 Supp. 21-5504, and amendments thereto;

33 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior  
34 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5504, and  
35 amendments thereto;

36 (6) indecent solicitation of a child as defined in K.S.A. 21-3510, prior  
37 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5508, and  
38 amendments thereto;

39 (7) aggravated indecent solicitation of a child as defined in K.S.A.  
40 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-  
41 5508, and amendments thereto;

42 (8) sexual exploitation of a child as defined in K.S.A. 21-3516, prior  
43 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto;

1 (9) aggravated sexual battery as defined in K.S.A. 21-3518, prior to  
2 its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5505, and  
3 amendments thereto;

4 (10) aggravated incest as defined in K.S.A. 21-3603, prior to its  
5 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5605, and amendments  
6 thereto;

7 (11) electronic solicitation as defined in K.S.A. 21-3523, prior to its  
8 repeal, and K.S.A. 2011 Supp. 21-5509, and amendments thereto,  
9 committed on or after April 17, 2008;

10 (12) unlawful sexual relations as defined in K.S.A. 21-3520, prior to  
11 its repeal, or K.S.A. 2011 Supp. 21-5512, and amendments thereto,  
12 committed on or after July 1, 2010;

13 ~~(13) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,~~  
14 ~~or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments thereto;~~

15 (13) ~~(14)~~(13) any conviction *or adjudication* for an offense ~~in effect~~  
16 ~~at any time prior to July 1, 2011~~, that is comparable to a sexually violent  
17 crime as defined in this subsection, or any out of state conviction *or*  
18 *adjudication* for an offense that under the laws of this state would be a  
19 sexually violent crime as defined in this subsection;

20 ~~(14)~~ ~~(15)~~(14) an attempt, conspiracy or criminal solicitation, as  
21 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
22 K.S.A. 2011 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,  
23 of a sexually violent crime, as defined in this subsection; or

24 ~~(15)~~ ~~(16)~~(15) any act which ~~at the time of sentencing for the offense~~  
25 has been determined beyond a reasonable doubt to have been sexually  
26 motivated, unless the court, on the record, finds that the act involved non-  
27 forcible sexual conduct, the victim was at least 14 years of age and the  
28 offender was not more than four years older than the victim. As used in  
29 this paragraph, "sexually motivated" means that one of the purposes for  
30 which the defendant committed the crime was for the purpose of the  
31 defendant's sexual gratification.

32 (d) "Sexually violent predator" means any person who, on or after  
33 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.  
34 59-29a01 et seq., and amendments thereto.

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

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

38 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
39 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;

40 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
41 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;

42 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior  
43 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;

1 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its  
2 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;

3 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
4 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;

5 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
6 subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

7 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
8 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments  
9 thereto;

10 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
11 repeal, or K.S.A. 2011 Supp. 21-5411, and amendments thereto, except by  
12 a parent, and only when the victim is less than 18 years of age; or

13 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
14 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5426, and  
15 amendments thereto;

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

19 (3) has been convicted of an offense ~~in effect at any time prior to~~  
20 ~~July 1, 2011,~~ that is comparable to any crime defined in this subsection, ~~or~~  
21 ~~any out of state conviction or any municipal conviction~~ for an offense that  
22 under the laws of this state would be an offense defined in this subsection;  
23 or

24 (4) is convicted of an attempt, conspiracy or criminal solicitation, as  
25 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
26 K.S.A. 2011 Supp. 21-5301, 21-5302 and 21-5303, and amendments  
27 thereto, of an offense defined in this subsection.

28 (f) "Drug offender" means any person who has been convicted of:

29 (1) Unlawful manufacture or attempting such of any controlled  
30 substance or controlled substance analog as defined in K.S.A. 65-4159,  
31 prior to its repeal, ~~or~~ K.S.A. 2010 Supp. 21-36a03, *prior to its transfer,* ~~or~~  
32 *K.S.A. 2011 Supp. 21-5703,* and amendments thereto;

33 (2) possession of ephedrine, pseudoephedrine, red phosphorus,  
34 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
35 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
36 isomers with intent to use the product to manufacture a controlled  
37 substance as defined in subsection (a) of K.S.A. 65-7006, prior to its  
38 repeal, ~~or~~ subsection (a) of K.S.A. 2010 Supp. 21-36a09, *prior to its*  
39 *transfer, or subsection (a) of K.S.A. 2011 Supp. 21-5709,* and amendments  
40 thereto;

41 (3) K.S.A. 65-4161, prior to its repeal, ~~or~~ subsection (a)(1) of K.S.A.  
42 2010 Supp. 21-36a05, *prior to its transfer, or subsection (a)(1) of K.S.A.*  
43 *2011 Supp. 21-5705,* and amendments thereto. The provisions of this

1 paragraph shall not apply to violations of subsections (a)(2) through (a)(6)  
2 or (b) of K.S.A. 2010 Supp. 21-36a05, ~~and amendments thereto~~, which  
3 occurred on or after July 1, 2009, through April 15, 2010;

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

8 (5) an attempt, conspiracy or criminal solicitation, as defined in  
9 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011  
10 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
11 offense defined in this subsection.

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

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

26 (i) "Employment" means any full-time, part-time, transient ~~or~~, day-  
27 labor employment *or volunteer work*, with or without compensation, *for*  
28 *three or more consecutive days or parts of days, or for 10 or more*  
29 *nonconsecutive days in a period of 30 consecutive days*.

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

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

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

42 (m) "Law enforcement agency having initial jurisdiction" means the  
43 registering law enforcement agency of the county or location of

1 jurisdiction where the offender expects to most often reside upon the  
2 offender's discharge, parole or release.

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

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

13 (p) "Treatment facility" means any public or private facility, ~~hospital~~  
14 or institution providing inpatient *mental health, drug or alcohol* treatment  
15 or counseling, **but does not include a hospital, as defined in K.S.A. 65-**  
16 **425, and amendments thereto.**

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

19 (r) "Out of state" means: the District of Columbia; any federal,  
20 military; or tribal jurisdiction, including those within this state; any foreign  
21 jurisdiction; or any state or territory within the United States, other than  
22 this state.

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

25 Sec. 2. K.S.A. 2011 Supp. 22-4903 is hereby amended to read as  
26 follows: 22-4903.

27 (a) Violation of the Kansas offender registration act is the failure by  
28 an offender, as defined in K.S.A. 22-4902, and amendments thereto, to  
29 comply with any and all provisions of such act, including any and all  
30 duties set forth in K.S.A. 22-4905 through 22-4907, and amendments  
31 thereto. Any violation of the Kansas offender registration act which  
32 continues for more than 30 consecutive days shall, upon the 31st  
33 consecutive day, constitute a new and separate offense, and shall continue  
34 to constitute a new and separate offense every 30 days thereafter for as  
35 long as the violation continues.

36 (b) Aggravated violation of the Kansas offender registration act is  
37 violation of the Kansas offender registration act which continues for more  
38 than 180 consecutive days. Any aggravated violation of the Kansas  
39 offender registration act which continues for more than 180 consecutive  
40 days shall, upon the 181st consecutive day, constitute a new and separate  
41 offense, and shall continue to constitute a new and separate violation of the  
42 Kansas offender registration act every 30 days thereafter, or a new and  
43 separate aggravated violation of the Kansas offender registration act every

1 180 days thereafter, for as long as the violation continues.

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

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

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

5 (C) upon a third or subsequent conviction, a severity level 3, person  
6 felony.

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

9 (d) Prosecution of violations of this section may be held:

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

11 (2) in any county in which the offender is required to be registered  
12 under the Kansas offender registration act;

13 (3) in any county in which the offender is located during which time  
14 the offender is not in compliance with the Kansas offender registration act;  
15 or

16 (4) in the county in which any conviction *or adjudication* occurred  
17 for which the offender is required to be registered under the Kansas  
18 offender registration act.

19 Sec. 3. K.S.A. 2011 Supp. 22-4904 is hereby amended to read as  
20 follows: 22-4904.

21 (a) At the time of ~~sentencing or disposition~~ *conviction or*  
22 *adjudication* for an offense requiring registration as provided in K.S.A. 22-  
23 4902, and amendments thereto, the court shall:

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

26 ~~(2) if the offender is released on probation, receiving a suspended~~  
27 ~~sentence, sentenced to community corrections or released on postrelease~~  
28 ~~supervision;~~

29 ~~(A) (2) Complete the initial registration form with all information and~~  
30 ~~updated information required for registration as provided in K.S.A. 22-~~  
31 ~~4907, and amendments thereto;~~

32 ~~(B) (3) require the offender to read and sign the registration form,~~  
33 ~~which shall include a statement that the requirements provided in this~~  
34 ~~subsection have been explained to the offender; and~~

35 ~~(4) provide one copy of the form to the offender and, within three~~  
36 ~~business days, send a copy of the form to the law enforcement agency~~  
37 ~~having initial jurisdiction and to the Kansas bureau of investigation;~~

38 ~~(C) (5) order the offender to report within three business days to the~~  
39 ~~registering law enforcement agency in the county or tribal land of~~  
40 ~~conviction or adjudication and to the registering law enforcement agency~~  
41 ~~in any place where the offender resides, maintains employment or attends~~  
42 ~~school, to complete the registration form with all information and any~~  
43 ~~updated information required for registration as provided in K.S.A. 22-~~

1 ~~4907, and amendments thereto; and~~

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

6 ~~(4) (6)(2) ensure the age of the victim is documented in the journal~~  
7 ~~entry of conviction or adjudication; and~~

8 **(3) if the offender is released, the court shall:**

9 **(A) Complete a notice of duty to register, which shall include title**  
10 **and statute number of conviction or adjudication, date of conviction**  
11 **or adjudication, case number, county of conviction or adjudication,**  
12 **and the following offender information: Name, address, date of birth,**  
13 **social security number, race, ethnicity and gender;**

14 **(B) require the offender to read and sign the notice of duty to**  
15 **register, which shall include a statement that the requirements**  
16 **provided in this subsection have been explained to the offender;**

17 **(C) order the offender to report within three business days to the**  
18 **registering law enforcement agency in the county or tribal land of**  
19 **conviction or adjudication and to the registering law enforcement**  
20 **agency in any place where the offender resides, maintains employment**  
21 **or attends school, to complete the registration form with all**  
22 **information and any updated information required for registration as**  
23 **provided in K.S.A. 22-4907, and amendments thereto; and**

24 **(D) provide one copy of the notice of duty to register to the**  
25 **offender and, within three business days, send a copy of the form to**  
26 **the law enforcement agency having initial jurisdiction and to the**  
27 **Kansas bureau of investigation.**

28 *(b) The staff of any correctional facility or the registering law*  
29 *enforcement agency's designee shall:*

30 *(1) At the time of initial custody, register any offender within three*  
31 *business days:*

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

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

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

41 *(D) provide one copy of the form to the offender and, within three*  
42 *business days, send a copy of the form to the Kansas bureau of*  
43 *investigation; and*



1       (E) *enter all offender information required by the national crime*  
2 *information center into the national sex offender registry system within*  
3 *three business days of completing the registration or electronically*  
4 **submit all information and updated information required for**  
5 **registration as provided in K.S.A. 22-4907, and amendments thereto,**  
6 **within three business days to the Kansas bureau of investigation;**

7       (+) (2) notify the Kansas bureau of investigation of the incarceration  
8 of any offender and of the location or any change in location of the  
9 offender while in custody;

10       (2) (3) prior to any offender being discharged, paroled, furloughed or  
11 released on work or school release from a correctional facility, or  
12 otherwise released from incarceration:

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

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

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

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

23       (E) *obtain fingerprint and palm prints of the offender; and*

24       (4) (F) provide one copy of the form to the offender and, within three  
25 *business days*, send a copy of the form and of the photograph or  
26 photographs to the law enforcement agency having initial jurisdiction and  
27 to the Kansas bureau of investigation; *and*

28       (5) (4) notify the law enforcement agency having initial jurisdiction  
29 and the Kansas bureau of investigation seven business days prior to any  
30 offender being discharged, paroled, furloughed or released on work or  
31 school release; ~~and~~

32       (6) ~~enter all offender information required by the national crime~~  
33 ~~information center into the national sex offender registry system.~~

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

35       (1) Within three *business days* of an offender's arrival for inpatient  
36 treatment, inform the registering law enforcement agency of the county or  
37 location of jurisdiction in which the treatment facility is located of the  
38 offender's presence at the treatment facility and the expected duration of  
39 the treatment, and immediately notify the registering law enforcement  
40 agency of an unauthorized or unexpected absence of the offender during  
41 the offender's treatment;

42       (2) *inform the registering law enforcement agency of the county or*  
43 *location of jurisdiction in which the treatment facility is located within*

1 *three business days of an offender's discharge or release; and*

2 ~~(2) (3) provide information upon request to any registering law~~  
3 ~~enforcement agency having jurisdiction relevant to determining the~~  
4 ~~presence of an offender within the treatment facility; and~~

5 ~~(3) prior to any offender receiving court ordered treatment being~~  
6 ~~discharged or otherwise released:~~

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

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

12 ~~(C) require the offender to read and sign the registration form which~~  
13 ~~shall include a statement that the requirements provided in this subsection~~  
14 ~~have been explained to the offender.~~

15 (d) The registering law enforcement agency, upon the reporting of  
16 any offender, shall:

17 (1) Inform the offender of the duty to register as provided by the  
18 Kansas offender registration act;

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

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

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

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

38 (5) *forward a copy of any certified letter used for reporting pursuant*  
39 *to K.S.A. 22-4905, and amendments thereto, when utilized, within three*  
40 *business days to the Kansas bureau of investigation;*

41 ~~(5) (6)~~ obtain registration information from every offender required to  
42 register regardless of whether or not the offender remits payment. Failure  
43 of the offender to remit payment is a violation of the Kansas offender

1 registration act and is subject to prosecution pursuant to K.S.A. 22-4903,  
2 and amendments thereto;

3 ~~(6)~~ (7) upon every required reporting, update the photograph or  
4 photographs of the offender's face and any new identifying marks and  
5 immediately forward copies or electronic files of the photographs to the  
6 Kansas bureau of investigation;

7 ~~(7)~~ (8) enter all offender information required by the national crime  
8 information center into the national sex offender registry system within  
9 three *business* days of completing the registration **or electronically**  
10 **submit all information and updated information required for**  
11 **registration as provided in K.S.A. 22-4907, and amendments thereto,**  
12 **within three business days to the Kansas bureau of investigation;**

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

21 ~~(9)~~ (10) forward any initial registration and updated registration  
22 information within three *business* days to any out of state jurisdiction  
23 where the offender is expected to reside, maintain employment or attend  
24 school.

25 (e) (1) The Kansas bureau of investigation shall:

26 (A) Forward all additions or changes in information to any registering  
27 law enforcement agency, other than the agency that submitted the form,  
28 where the offender expects to reside, maintain employment or attend  
29 school;

30 (B) ensure that offender information is immediately entered in the state  
31 registered offender database and the Kansas registered offender website, as  
32 provided in K.S.A. 22-4909, and amendments thereto; ~~and~~

33 (C) transmit offender conviction or adjudication data ~~and~~ ,  
34 fingerprints *and palm prints* to the federal bureau of investigation; *and*

35 ~~(D) transmit offender information required by the national crime~~  
36 ~~information center into the national sex offender registry system within~~  
37 ~~three business days~~ **ensure all offender information required by the**  
38 **national crime information center is transmitted into the national sex**  
39 **offender registry system within three business days of such**  
40 **information being electronically submitted to the Kansas bureau of**  
41 **investigation.**

42 (2) The director of the Kansas bureau of investigation may adopt  
43 rules and regulations necessary to implement the provisions of the Kansas

1 offender registration act.

2 (f) The attorney general shall, within 10 business days of an offender  
3 being declared a sexually violent predator, forward to the Kansas bureau of  
4 investigation all relevant court documentation declaring an offender a  
5 sexually violent predator.

6 (g) The state department of education shall annually notify any school  
7 of the Kansas bureau of investigation internet website, and any internet  
8 website containing information on the Kansas offender registration act  
9 sponsored or created by the registering law enforcement agency of the  
10 county or location of jurisdiction in which the school is located, for the  
11 purpose of locating offenders who reside near such school. Such  
12 notification shall include information that the registering law enforcement  
13 agency of the county or location of jurisdiction where such school is  
14 located is available to the school to assist in using the registry and  
15 providing additional information on registered offenders.

16 (h) The secretary of health and environment shall annually notify any  
17 licensed child care facility of the Kansas bureau of investigation internet  
18 website, and any internet website containing information on the Kansas  
19 offender registration sponsored or created by the registering law  
20 enforcement agency of the county in which the facility is located, for the  
21 purpose of locating offenders who reside near such facility. Such  
22 notification shall include information that the registering law enforcement  
23 agency of the county or location of jurisdiction where such child care  
24 facility is located is available to the child care facilities to assist in using  
25 the registry and providing additional information on registered offenders.

26 (i) Upon request, the clerk of any court of record shall provide the  
27 Kansas bureau of investigation copies of complaints, indictments,  
28 information, journal entries, commitment orders or any other documents  
29 necessary to the performance of the duties of the Kansas bureau of  
30 investigation under the Kansas offender registration act. No fees or  
31 charges for providing such documents may be assessed.

32 Sec. 4. K.S.A. 2011 Supp. 22-4905 is hereby amended to read as  
33 follows: 22-4905. Any offender required to register as provided in the  
34 Kansas offender registration act shall:

35 (a) Except as otherwise provided in this subsection, register in person  
36 with the registering law enforcement agency within three business days of  
37 coming into any county or location of jurisdiction in which the offender  
38 resides or intends to reside, maintains employment or intends to maintain  
39 employment, or attends school or intends to attend school. Any such  
40 offender who cannot physically register in person with the registering law  
41 enforcement agency for such reasons including, but not limited to,  
42 incapacitation or hospitalization, as determined by a person licensed to  
43 practice medicine or surgery, shall be subject to verification requirements

1 other than in-person registration, as determined by the registering law  
2 enforcement agency having jurisdiction;

3 (b) except as provided further, for any: (1) Sex offender, including a  
4 violent offender or drug offender who is also a sex offender, report in  
5 person four times each year to the registering law enforcement agency in  
6 the county or location of jurisdiction in which the offender resides,  
7 maintains employment or is attending a school; and (2) violent offender or  
8 drug offender, report in person four times each year to the registering law  
9 enforcement agency in the county or location of jurisdiction in which the  
10 offender resides, maintains employment or is attending a school, except  
11 that, at the discretion of the registering law enforcement agency, one of the  
12 four required reports may be conducted by certified letter. When utilized,  
13 the certified letter for reporting shall be sent by the registering law  
14 enforcement agency to the reported residence of the offender ~~and shall~~  
15 ~~require the offender to respond by returning the letter to the registering law~~  
16 ~~enforcement agency within 10 days, by certified mail, indicating any~~  
17 ~~changes in information as required for reporting in person. The offender~~  
18 ~~shall indicate any changes in information as required for reporting in~~  
19 ~~person. The offender shall respond by returning the certified letter to the~~  
20 ~~registering law enforcement agency within 10 business days by certified~~  
21 ~~mail.~~ The offender shall be required to report once during the month of the  
22 offender's birthday and every third, sixth and ninth month occurring before  
23 and after the month of the offender's birthday. The registering law  
24 enforcement agency may determine the appropriate times and days for  
25 reporting by the offender, consistent with this subsection. Nothing  
26 contained in this subsection shall be construed to alleviate any offender  
27 from meeting the requirements prescribed in the Kansas offender  
28 registration act;

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

32 (d) if in the custody of a correctional facility ~~or in the care or custody~~  
33 ~~of any treatment facility~~, register with the correctional facility ~~or treatment~~  
34 ~~facility~~ within three business days of initial ~~care or~~ custody and shall not  
35 be required to update such registration until released from ~~care or~~ custody,  
36 granted work release or otherwise allowed to leave the grounds of the  
37 correctional facility ~~or treatment facility~~;

38 (e) notwithstanding subsections (a) and (b), if the offender is  
39 transient, report in person to the registering law enforcement agency of  
40 such county or location of jurisdiction in which the offender is physically  
41 present within three business days of arrival in the county or location of  
42 jurisdiction. Such offender shall be required to register in person with the  
43 registering law enforcement agency every 30 days, or more often at the

1 discretion of the registering law enforcement agency. Such offender shall  
2 comply with the provisions of the Kansas offender registration act and, in  
3 addition, shall:

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

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

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

12 (g) register in person upon any commencement, change or  
13 termination of residence location, employment status, school attendance or  
14 other information as provided in K.S.A. 22-4907, and amendments thereto,  
15 within three *business* days of such commencement, change or termination,  
16 to the registering law enforcement agency or agencies where last  
17 registered and provide written notice to the Kansas bureau of  
18 investigation;

19 (h) report in person to the registering law enforcement agency or  
20 agencies within three *business* days of any change in name;

21 (i) if receiving inpatient treatment at any treatment facility, inform the  
22 treatment facility of the offender's status as an offender and inform the  
23 registering law enforcement agency of the county or location of  
24 jurisdiction in which the treatment facility is located of the offender's  
25 presence at the treatment facility and the expected duration of the  
26 treatment;

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

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

40 (1) When an offender provides updates or changes in information or  
41 during an initial registration unless such updates, changes or initial  
42 registration is during the month of such offender's birthday and every  
43 third, sixth and ninth month occurring before and after the month of the

1 offender's birthday;

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

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

10 (l) annually renew any driver's license pursuant to K.S.A. 8-247, and  
11 amendments thereto, and annually renew any identification card pursuant  
12 to K.S.A. 2011 Supp. 8-1325a, and amendments thereto;

13 (m) if maintaining primary residence in this state, surrender all  
14 driver's licenses and identification cards from other states, territories and  
15 the District of Columbia, except if the offender is presently serving and  
16 maintaining active duty in any branch of the United States military or the  
17 offender is an immediate family member of a person presently serving and  
18 maintaining active duty in any branch of the United States military;

19 (n) read and sign the registration form noting whether the  
20 requirements provided in this section have been explained to the offender;  
21 and

22 (o) ~~notify report in person to~~ the registering law enforcement agency  
23 in the jurisdiction of the offender's residence and *provide written notice to*  
24 *the Kansas bureau of investigation 21 days prior to any travel outside of*  
25 *the United States, and provide an itinerary including, but not limited to,*  
26 *destination, means of transport and duration of travel,* or if under  
27 emergency circumstances, within three *business* days of making travel  
28 arrangements.

29 Sec. 5. K.S.A. 2011 Supp. 22-4906 is hereby amended to read as  
30 follows: 22-4906.(a) (1) Except as provided in subsection (c), if convicted  
31 of any of the following offenses, an offender's duration of registration shall  
32 be, if confined, 15 years after the date of parole, discharge or release,  
33 whichever date is most recent, or, if not confined, 15 years from the date of  
34 conviction:

35 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
36 or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments thereto;  
37 ~~when one of the parties involved is less than 18 years of age;~~

38 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
39 K.S.A. 2011 Supp. 21-5511, and amendments thereto, when one of the  
40 parties involved is less than 18 years of age;

41 (C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
42 repeal, or K.S.A. 2011 Supp. 21-6421, and amendments thereto, when one  
43 of the parties involved is less than 18 years of age;

- 1 (D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
2 to its repeal, or K.S.A. 2011 Supp. 21-5513, and amendments thereto,  
3 when one of the parties involved is less than 18 years of age;
- 4 (E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
5 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;
- 6 (F) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
7 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;
- 8 (G) murder in the second degree, as defined in K.S.A. 21-3402, prior  
9 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;
- 10 (H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its  
11 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;
- 12 (I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
13 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;
- 14 (J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal,  
15 or K.S.A. 2011 Supp. 21-5411, and amendments thereto, except by a  
16 parent, and only when the victim is less than 18 years of age;
- 17 (K) any act which ~~at the time of sentencing for the offense~~ has been  
18 determined beyond a reasonable doubt to have been sexually motivated,  
19 unless the court, on the record, finds that the act involved non-forcible  
20 sexual conduct, the victim was at least 14 years of age and the offender  
21 was not more than four years older than the victim;
- 22 (L) *conviction of any person required by court order to register for*  
23 *an offense not otherwise required as provided in the Kansas offender*  
24 *registration act;*
- 25 ~~(L)~~ (M) conviction of any person felony and the court makes a  
26 finding on the record that a deadly weapon was used in the commission of  
27 such person felony;
- 28 ~~(M)~~ (N) unlawful manufacture or attempting such of any controlled  
29 substance or controlled substance analog as defined in K.S.A. 65-4159,  
30 prior to its repeal ~~or~~, K.S.A. 2010 Supp. 21-36a03, *prior to its transfer, or*  
31 *K.S.A. 2011 Supp. 21-5703*, and amendments thereto;
- 32 ~~(N)~~ (O) possession of ephedrine, pseudoephedrine, red phosphorus,  
33 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
34 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
35 isomers with intent to use the product to manufacture a controlled  
36 substance as defined by subsection (a) of K.S.A. 65-7006, prior to its  
37 repeal ~~or~~, subsection (a) of K.S.A. 2010 Supp. 21-36a09, *prior to its*  
38 *transfer, or subsection (a) of K.S.A. 2011 Supp. 21-5709*, and amendments  
39 thereto;
- 40 ~~(O)~~ (P) K.S.A. 65-4161, prior to its repeal, ~~or~~ subsection (a)(1) of  
41 K.S.A. 2010 Supp. 21-36a05, *prior to its transfer, or subsection (a)(1) of*  
42 *K.S.A. 2011 Supp. 21-5705*, and amendments thereto; or
- 43 ~~(P)~~ (Q) any attempt, conspiracy or criminal solicitation, as defined in



1 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011  
2 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
3 offense defined in this subsection.

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

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

16 (A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-  
17 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2011  
18 Supp. 21-5504, and amendments thereto, when one of the parties involved  
19 is less than 18 years of age;

20 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
21 prior to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5508, and  
22 amendments thereto;

23 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
24 repeal, or K.S.A. 2011 Supp. 21-5509, and amendments thereto;

25 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
26 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments  
27 thereto;

28 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
29 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5506, and  
30 amendments thereto;

31 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
32 its repeal, or K.S.A. 2011 Supp. 21-5512, and amendments thereto;

33 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
34 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto, if  
35 the victim is 14 or more years of age but less than 18 years of age;

36 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
37 its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5505, and  
38 amendments thereto;

39 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
40 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto, if the  
41 prostitute is 14 or more years of age but less than 18 years of age; or

42 (J) any attempt, conspiracy or criminal solicitation, as defined in  
43 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011

1 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
2 offense defined in this subsection.

3 (2) Except as otherwise provided by the Kansas offender registration  
4 act, the duration of registration terminates, if not confined, at the  
5 expiration of 25 years from the date of conviction. Any period of time  
6 during which any offender is incarcerated in any jail or correctional  
7 facility or during which the offender does not comply with any and all  
8 requirements of the Kansas offender registration act shall not count toward  
9 the duration of registration.

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

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

16 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
17 2011 Supp. 21-5503, and amendments thereto;

18 (2) aggravated indecent solicitation of a child, as defined in K.S.A.  
19 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-  
20 5508, and amendments thereto;

21 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
22 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-  
23 5506, and amendments thereto;

24 (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of  
25 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.  
26 2011 Supp. 21-5504, and amendments thereto;

27 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
28 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5504, and  
29 amendments thereto;

30 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
31 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5426, and  
32 amendments thereto; ~~if the victim is less than 18 years of age;~~

33 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
34 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto, if  
35 the victim is less than 14 years of age;

36 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
37 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto, if the  
38 prostitute is less than 14 years of age;

39 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
40 subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

41 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
42 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments  
43 thereto; or

1 (11) any attempt, conspiracy or criminal solicitation, as defined in  
2 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011  
3 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
4 offense defined in this subsection.

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

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

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

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

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

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

33 (g) Notwithstanding any other provisions of this section, for an  
34 offender 14 years of age or more who is adjudicated as a juvenile offender  
35 for an act which if committed by an adult would constitute a sexually  
36 violent crime set forth in subsection (c) of K.S.A. 22-4902, and  
37 amendments thereto, and such crime is not an off-grid felony or a felony  
38 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-  
39 4704, prior to its repeal, or K.S.A. 2011 Supp. 21-6804, and amendments  
40 thereto, the court shall:

41 (1) Require registration until such offender reaches 18 years of age, at  
42 the expiration of five years from the date of adjudication or, if confined,  
43 from release from confinement, whichever date occurs later. Any period of

1 time during which the offender is incarcerated in any jail, juvenile facility  
2 or correctional facility or during which the offender does not comply with  
3 any and all requirements of the Kansas offender registration act shall not  
4 count toward the duration of registration;

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

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

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

18 (h) Notwithstanding any other provisions of this section, an offender  
19 14 years of age or more who is adjudicated as a juvenile offender for an  
20 act which if committed by an adult would constitute a sexually violent  
21 crime set forth in subsection (c) of K.S.A. 22-4902, and amendments  
22 thereto, and such crime is an off-grid felony or a felony ranked in severity  
23 level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its  
24 repeal, or K.S.A. 2011 Supp. 21-6804, and amendments thereto, shall be  
25 required to register for such offender's lifetime.

26 (i) 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 for an offense that would not otherwise require registration  
30 as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments  
31 thereto, then all provisions of the Kansas offender registration act shall  
32 apply, except that the duration of registration shall be controlled by such  
33 diversionary agreement, probation order or juvenile offender sentencing  
34 order.

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

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

1 prior to June 1, 2006, and to persons who moved to Kansas prior to June 1,  
2 2006, and to convictions *or adjudications* on or after June 1, 2006, and to  
3 persons who moved to Kansas on or after June 1, 2006.

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

13 Sec. 6. K.S.A. 2011 Supp. 22-4907 is hereby amended to read as  
14 follows: 22-4907. (a) Registration as required by the Kansas offender  
15 registration act shall consist of a form approved by the Kansas bureau of  
16 investigation, which shall include a statement that the requirements  
17 provided in this section have been reviewed and explained to the offender,  
18 and shall be signed by the offender and, except when such reporting is  
19 conducted by certified letter as provided in subsection (b) of K.S.A. 22-  
20 4905, and amendments thereto, witnessed by the person registering the  
21 offender. Such registration form shall include the following offender  
22 information:

- 23 (1) Name and all alias names;
- 24 (2) date and city, state and country of birth, and any alias dates or  
25 places of birth;
- 26 (3) title and statute number of each offense or offenses committed,  
27 date of each conviction or adjudication and court case numbers for each  
28 conviction or adjudication;
- 29 (4) city, county, state or country of conviction or adjudication;
- 30 (5) sex and 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 is  
35 staying for seven or more days; and, if transient, the locations where the  
36 offender has stayed and frequented since last reporting for registration;
- 37 (7) all telephone numbers at which the offender may be contacted  
38 including, but not limited to, all mobile telephone numbers;
- 39 (8) social security number, and all alias social security numbers;
- 40 (9) identifying characteristics such as race, ethnicity, skin tone, sex,  
41 age, height, weight, hair and eye color, scars, tattoos and blood type;
- 42 (10) occupation and name, address or addresses and telephone  
43 number of employer or employers, and name of any anticipated employer

1 and place of employment;

2 (11) all current driver's licenses or identification cards, including a  
3 photocopy of all such driver's licenses or identification cards and their  
4 numbers, states of issuance and expiration dates;

5 (12) all vehicle information, including the license plate number,  
6 registration number and any other identifier and description of any vehicle  
7 owned or operated by the offender, or any vehicle the offender regularly  
8 drives, either for personal use or in the course of employment, and  
9 information concerning the location or locations such vehicle or vehicles  
10 are habitually parked or otherwise kept;

11 (13) license plate number, registration number or other identifier and  
12 description of any aircraft or watercraft owned or operated by the offender,  
13 and information concerning the location or locations such aircraft or  
14 watercraft are habitually parked, docked or otherwise kept;

15 (14) all professional licenses, designations and certifications;

16 (15) documentation of any treatment received for a mental  
17 abnormality or personality disorder of the offender; for purposes of  
18 documenting the treatment received, registering law enforcement agencies,  
19 correctional facility officials, treatment facility officials and courts may  
20 rely on information that is readily available to them from existing records  
21 and the offender;

22 (16) a photograph or photographs;

23 (17) fingerprints and palm prints;

24 (18) any and all schools and satellite schools attended or expected to  
25 be attended and the locations of attendance and telephone number;

26 (19) any and all: E-mail addresses, ~~any and all~~; online identities used  
27 by the offender on the internet ~~and any~~; information relating to  
28 membership in any *and all personal web pages or online social networks* ;  
29 *and internet screen names*;

30 (20) all travel and immigration documents; and

31 (21) name and telephone number of the offender's probation, parole  
32 or community corrections officer.

33 (b) (1) The offender shall also provide to the registering law  
34 enforcement agency DNA exemplars, unless already on file at the Kansas  
35 bureau of investigation.

36 (2) If the exemplars to be taken require the withdrawal of blood, such  
37 withdrawal may be performed only by:

38 (A) A person licensed to practice medicine or surgery, or a person  
39 acting under the supervision of any such licensed person;

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

41 (C) any qualified medical technician; or

42 (D) a licensed phlebotomist.

43 Sec. 7. K.S.A. 2011 Supp. 22-4908 is hereby amended to read as

1 follows: 22-4908. No person required to register as an offender pursuant to  
2 the Kansas offender registration act shall be granted an order relieving the  
3 offender of further registration under this act. This section shall include  
4 any person with any out of state ~~or municipal~~ conviction or adjudication  
5 for an offense that would require registration under the laws of this state.

6 Sec. 8. K.S.A. 2011 Supp. 22-4909 is hereby amended to read as  
7 follows: 22-4909. (a) Except as prohibited by subsections (c) ~~and (d)~~, **(d)**  
8 **and (e)** of this section and subsections ~~(e) and (f)~~ *and (g)* of K.S.A. 22-  
9 4906, and amendments thereto, the statements or any other information  
10 required by the Kansas offender registration act shall be open to inspection  
11 by the public at the registering law enforcement agency, at the  
12 headquarters of the Kansas bureau of investigation and on any internet  
13 website sponsored or created by a registering law enforcement agency or  
14 the Kansas bureau of investigation that contains such statements or  
15 information, and specifically are subject to the provisions of the Kansas  
16 open records act, K.S.A. 45-215 et seq., and amendments thereto.

17 (b) Any information posted on an internet website sponsored or  
18 created by a registering law enforcement agency or the Kansas bureau of  
19 investigation shall identify, in a prominent manner, whether an offender is  
20 a sex offender, a violent offender or a drug offender. Such internet  
21 websites shall include the following information for each offender:

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

23 (2) address of each residence at which the offender resides or will  
24 reside and, if the offender does not have any present or expected residence  
25 address, other information about where the offender has their home or  
26 habitually lives. If current information of this type is not available because  
27 the offender is in violation of the requirement to register or cannot be  
28 located, the website must so note;

29 (3) temporary lodging information;

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

33 ~~(5)~~ **(4)** address of any place where the offender is a student or will be  
34 a student;

35 ~~(6)~~ **(5)** license plate number and a description of any vehicle owned  
36 or operated by the offender, including any aircraft or watercraft;

37 ~~(7)~~ **(6)** physical description of the offender;

38 ~~(8)~~ **(7)** the offense or offenses for which the offender is registered and  
39 any other offense for which the offender has been convicted or  
40 adjudicated;

41 ~~(9)~~ **(8)** a current photograph of the offender; and

42 ~~(10)~~ **(9)** all professional licenses, designations and certifications.

43 **(c) Notwithstanding subsection (a), information posted on an**

1 internet website sponsored or created by a registering law  
2 enforcement agency or the Kansas bureau of investigation shall not  
3 contain the address of any place where the offender is an employee or  
4 any other information about where the offender works. Such internet  
5 website shall contain a statement that employment information is  
6 publicly available and may be obtained by contacting the appropriate  
7 registering law enforcement agency.

8 (e) (d) Notwithstanding subsection (a), pursuant to a court finding  
9 petitioned by the prosecutor, any offender who is required to register  
10 pursuant to the Kansas offender registration act, but has been provided a  
11 new identity and relocated under the federal witness security program or  
12 who has worked as a confidential informant, or is otherwise a protected  
13 witness, shall be required to register pursuant to the Kansas offender  
14 registration act, but shall not be subject to public registration.

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

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

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

21 (3) the offender's criminal history arrests that did not result in  
22 convictions *or adjudications*;

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

24 (5) internet identifiers of the offender.

25 Sec. 9. K.S.A. 2011 Supp. 22-4902, 22-4902a, 22-4903, 22-4904, 22-  
26 4905, 22-4906, 22-4906a, 22-4907, 22-4908 and 22-4909 are hereby  
27 repealed.

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

30