



Kansas County & District Attorneys Association

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To: Chairman Jennings and Members of the House Corrections and Juvenile Justice Committee

From: Kim Parker, Prosecutor Coordinator

Date: January 24, 2017

Re: Support for House Bill 2086 – WRITTEN ONLY

Chairman Jennings and members of the House Corrections and Juvenile Justice committee:

Thank you for the opportunity to provide testimony in support of HB2086. I am Kim Parker and I am addressing you on behalf of the Kansas County and District Attorney's Association and the many Kansas prosecutors they represent.

The Kansas County and District Attorneys Association wishes to offer its support for eliminating the felony penalty for failure to pay registration fees by an offender. The purpose of this Act is offenders maintaining current registration, not the payment of fees. When an offender is registered in compliance with the Act, but is unable to pay his/her registration fees, the graduated penalties to a felony for failure to pay does not serve the underlying intent of the Act.

Additionally, the KCDAA proposes the attached amendment which would provide that failure to pay registration fees would be a non-person crime in all instances. Regardless of the underlying offense, creating a person crime for failure to pay fees in some instances does not serve the intent of the Act.

Thank you for taking up this important matter. On behalf of the Kansas County and District Attorneys Association I encourage you to adopt our suggested amendment and pass this bill out of your committee favorably.

Respectfully submitted,

Kim Parker, Prosecutor Coordinator
Kansas County and District Attorneys Association

1 days shall, upon the 181st consecutive day, constitute a new and separate
2 offense, and shall continue to constitute a new and separate violation of the
3 Kansas offender registration act every 30 days thereafter, or a new and
4 separate aggravated violation of the Kansas offender registration act every
5 180 days thereafter, for as long as the violation continues.

6 (c) (1) Except as provided in subsection (c)(3), violation of the
7 Kansas offender registration act is:

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

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

10 (C) upon a third or subsequent conviction, a severity level 3 felony.

11 Such violation shall be designated as a person or nonperson crime in
12 accordance with the designation assigned to the underlying crime for
13 which the offender is required to be registered under the Kansas offender
14 registration act. If the offender is required to be registered under both a
15 person and nonperson underlying crime, the violation shall be designated
16 as a person crime.

17 (2) Except as provided in subsection (c)(3), aggravated violation of
18 the Kansas offender registration act is a severity level 3 felony.

19 Such violation shall be designated as a person or nonperson crime in
20 accordance with the designation assigned to the underlying crime for
21 which the offender is required to be registered under the Kansas offender
22 registration act. If the offender is required to be registered under both a
23 person and nonperson underlying crime, the violation shall be designated
24 as a person crime.

25 (3) Violation of the Kansas offender registration act or aggravated
26 violation of the Kansas offender registration act consisting only of failing
27 to remit payment to the sheriff's office as required in K.S.A. 22-4905(k)(l),
28 and amendments thereto, is:

29 ~~(A) Except as provided in subsection (c)(3)(B), a class A~~
30 ~~misdemeanor if, within 15 days of registration, full payment is not~~
31 ~~remitted to the sheriff's office;~~

32 ~~(B) a severity level 9 felony if, within 15 days of the most recent~~
33 ~~registration, two or more full payments have not been remitted to the~~
34 ~~sheriff's office.~~

35 Such violation shall be designated as a ~~person or nonperson crime, in~~
36 ~~accordance with the designation assigned to the underlying crime for~~
37 ~~which the offender is required to be registered under the Kansas offender~~
38 ~~registration act. If the offender is required to be registered under both a~~
39 ~~person and nonperson underlying crime, the violation shall be designated~~
40 ~~as a person crime.~~

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

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

43 (2) in any county in which the offender is required to be registered