

SENATE JUDICIARY COMMITTEE
Senator Richard E. Wilborn, Chairman

KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
February 15, 2018

Neutral Testimony – SB 407

On behalf of the Kansas Sentencing Commission, thank you for the opportunity to present neutral testimony regarding this legislation. This bill amends the Kansas offender registration act, specifically K.S.A. 2017 Supp. 22-4906 and 22-4908.

Under KORA, convictions for specific sex, drug and violent crimes subject offenders to registration on the public offender registry for 15 and 25 years. Some offenses require registration for the offender's lifetime. SB 407 proposes to amend K.S.A. 22-4908 by creating a process by which a violent offender who is required to register for 15 years pursuant to K.S.A. 22-4906(a)(1) may petition the court for an order relieving the offender of further registration under this act after five or more years of registration. Certain findings by the district court are required to be satisfied before the registration requirement can be terminated. Current law provides no such exception.

The KSSC findings for this group of offenders in our bed space impact assessment is as follows:

- In FY 2017, **545** offenders were required to register as a violent offender pursuant to K.S.A. 22-4906.
 - 368 (67%) of these offenders were sentenced to prison.
 - 177 (33%) of these offenders were sentenced to probation.
- According to KSSC data, in FY 2017:
 - 170 offenders who were sentenced to probation were required to register as a violent offender due to **use of a deadly weapon-first conviction**, for 15 years from their conviction date.
 - 256 offenders who were sentenced to prison were required to register as a violent offender due to **use of a deadly weapon-first conviction** for 15 years after their date of parole, discharge or release from prison.
 - 6 offenders were sentenced to probation had to register as a violent offender because of a conviction for a **selected violent offense-first conviction**, for 15 years from their conviction date.
 - 10 offenders who were sentenced to prison had to register as a violent offender because of a conviction for a **selected violent offense-first**

conviction, for 15 years after their date of parole, discharge or release from prison.

It is important to note that registration of violent offenders is not required by the Sex Offender Registration and Notification Act, the federal act in which Kansas receives federal funding for being in substantial compliance. SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. Kansas is one of only 18 states that participate. It is also one of a handful of states that maintain drug and violent offender registries. One of the questions needing to be asked is whether there are sufficient policy interests in tracking certain violent offenders for 15 years after they have already served the time imposed upon them for the underlying offense.

It is also an opportunity to determine whether the offender registry is a deterrent, provides public safety or is effective in decreasing recidivism. The Commission has not discovered any data that would support the contention that the offender registry serves as a deterrent to crime or decreases recidivism.

I appreciate your time and attention to the Kansas Sentencing Commission testimony and would be happy to answer questions. Thank you.