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**Testimony to the House Committee on Corrections & Juvenile Justice in Opposition to  
HB2349  
February 19, 2021**

**Chairman Jennings and Members of the Committee:**

The Johnson County Sheriff's Office opposes passage of **HB2349 - — Creating a mechanism to seek relief from the Kansas offender registration act requirements, decreasing criminal penalties for failure to register, allowing courts to waive fees associated with registration, reducing number of places a person is required to register and eliminating registration for most juvenile adjudications.**

How do we measure if offender registration is successful? Is it the number of offenders we have registered? Is it the number of offenders we have who do not reoffend? Is that measurement only for the crime they originally committed, or does it include a new crime not related to the crime that caused them to be on the registry? What types of registries should we have? Only sex offenders? Sex offenders and violent offenders? Serious drug crime offenders? All drug crime offenders?

There are other considerations as well – federal law. Failure to comply with the federal Sex Offender Registration and Notification Act or SORNA (Adam Walsh Act) results in a loss of federal funds for states. States lose 10 percent of their federal Byrne/JAG justice funding for each year they remain noncompliant.<sup>1</sup> Colleges and universities are required to comply with the Jeanne Clery Act. It requires each college and university to publish where information concerning registered sex offenders is located, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

Not every state is following SORNA and, to be frank, one of the issues in some states is the law requires inclusion of juvenile offenders in the registries. Juvenile registries can be controversial

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<sup>1</sup> <https://bja.ojp.gov/library/publications/justice-reinvestment-kansas-overview>

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for a few reasons but there are good reasons to keep juvenile registries. One is to comply with SORNA, which we feel is important. Kansas is complying.

Public safety is another reason for support of registries. People in our county appreciate being able to find information about sex offenders, drug dealers, and violent offenders from the registry. It provides a sense of safety and the public has a right to know who is living in their community. If something happens in a community and information about an offender was withheld from the public, there will be a public outcry.

We do not oppose thoughtful change to the offender registries in Kansas. For example, some of the juvenile registry requirements could be narrowed but complete removal of juveniles is something we are opposed to.

We are adamantly opposed to the huge drop in penalties that is proposed in the bill for failure to register. Page 25, Line 21-22 drops what is now a severity level 6 felony to a class B nonperson misdemeanor. Lines 23-24 on the same page drop a severity level 5 felony to a class A nonperson misdemeanor. We are not opposed to discussing a reduction in the severity level of the offense, but we see no evidence to support a drop of this magnitude.

We also would like to see an evidence-based approach to this topic. We realize the research on this issue has provided no definitive answer to the use of registries. There are studies that support registries and those that do not. A major study conducted in 2010 found **“evidence that registration reduces the frequency of sex offenses by providing law enforcement with information on local sex offenders.”** Another study using UCR data from 10 states found a **decrease in reported rapes in 3 states, no change in reported rapes in six states, and an increase in one state.**

There is anecdotal evidence in support and in opposition. For example, I have personally heard offenders say that being on the registry and in compliance has helped them get a job. They can demonstrate a commitment to change by being successful on the registry. I have also heard offenders say that they are not able to get a job because they are on the registry.

Another issue with registries is that plea deals are made so that a person does not have to be on a registry – they plead guilty to a lesser crime in exchange for not having to register. Not

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everyone who should be on the registry is. We understand that charging decisions are not in our jurisdiction, but it is an important point to consider when discussing registry changes.

We strongly oppose this bill as written and urge the committee not to move the bill forward in the current form. As stated earlier, we would be happy to engage in a discussion of registry modifications. We do not feel that one 60 – 90-minute hearing is enough time to fully vet such an important topic with a bill that proposes sweeping changes to the law.

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