

HOUSE BILL No. 2349

By Committee on Corrections and Juvenile Justice

2-10

Proposed Amendments to HB 2349 - agreement
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
February 24, 2021

1 AN ACT concerning the Kansas offender registration act; relating to relief
2 from registration; violation of act; decreasing criminal penalties;
3 providing for waiver of fees by the court; obstructing apprehension or
4 prosecution; reducing required registration locations; information
5 required to register; ~~eliminating registration for certain juvenile~~
6 ~~offenders~~; amending K.S.A. 74-7335 and K.S.A. 2020 Supp. 21-5913,
7 21-6614, 21-6804, 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-
8 4907, 22-4908 and 22-4909 and repealing the existing sections.
9

strike

10 *Be it enacted by the Legislature of the State of Kansas:*

11 New Section 1. (a) A person required to register as an offender
12 pursuant to the Kansas offender registration act may petition the district
13 court in the county where the offender resides to waive payment of the
14 registration fee required by K.S.A. 22-4905, and amendments thereto.
15 Such offender shall submit an affidavit to the court on a form that shall be
16 prescribed by the judicial council. There shall be no docket fee required.

17 (b) The court may:

18 (1) Question the offender under oath concerning the contents of the
19 affidavit; and

20 (2) require the offender to produce evidence on the issue of the
21 offender's financial inability to make the payment required by K.S.A. 22-
22 4905, and amendments thereto.

23 (c) If it appears to the satisfaction of the court that requiring the
24 payment will impose manifest hardship on the offender or the offender's
25 immediate family, the court may:

26 (1) Waive the current payment owed by the offender;

27 (2) extend the time in which the offender has to make the payment; or

28 (3) waive the payment for a ~~specified period of time, not to exceed~~
29 ~~three years.~~

one year

30 (d) If the court issues an order modifying an offender's obligation to
31 pay the registration fee required by K.S.A. 22-4905, and amendments
32 thereto, the court shall provide the offender with a copy of the order. Such
33 order shall be effective to modify the offender's obligation to pay the
34 registration fee in any county where the offender is required to register.

35 Sec. 2. K.S.A. 2020 Supp. 21-5913 is hereby amended to read as
36 follows: 21-5913. (a) Obstructing apprehension or prosecution is

1 knowingly harboring, concealing or aiding any person who:

2 (1) Has committed or who has been charged with committing a
3 felony or misdemeanor under the laws of this state, other than a violation
4 of K.S.A. 22-4903, and amendments thereto, or another state or the United
5 States with intent that such person shall avoid or escape from arrest, trial,
6 conviction or punishment for such felony or misdemeanor; or

7 (2) is required to register under the Kansas offender registration act,
8 K.S.A. 22-4901 et seq., and amendments thereto, and who is not in
9 compliance with the requirements of such act with intent that such person
10 shall avoid or escape from registration, arrest, trial, conviction, punishment
11 or any criminal charges arising from the person's failure to comply with
12 the requirements of such act.

13 (b) Obstructing apprehension or prosecution as defined in:

14 ~~(1) Subsection (a)(1) is a:~~

15 ~~(A)(1) Severity level 8, nonperson felony if the person who is~~
16 ~~harbored, concealed or aided has committed or has been charged with~~
17 ~~committing a felony; and~~

18 ~~(B)(2) class C misdemeanor if the person who is aided has committed~~
19 ~~or has been charged with committing a misdemeanor; and~~

20 ~~(2) subsection (a)(2) is a severity level 5, person felony.~~

21 Sec. 3. K.S.A. 2020 Supp. 21-6614 is hereby amended to read as
22 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),
23 (e) and (f), any person convicted in this state of a traffic infraction,
24 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
25 for crimes committed on or after July 1, 1993, any nongrid felony or
26 felony ranked in severity levels 6 through 10 of the nondrug grid, or for
27 crimes committed on or after July 1, 1993, but prior to July 1, 2012, any
28 felony ranked in severity level 4 of the drug grid, or for crimes committed
29 on or after July 1, 2012, any felony ranked in severity level 5 of the drug
30 grid may petition the convicting court for the expungement of such
31 conviction or related arrest records if three or more years have elapsed
32 since the person: (A) Satisfied the sentence imposed; or (B) was
33 discharged from probation, a community correctional services program,
34 parole, postrelease supervision, conditional release or a suspended
35 sentence.

36 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
37 person who has fulfilled the terms of a diversion agreement may petition
38 the district court for the expungement of such diversion agreement and
39 related arrest records if three or more years have elapsed since the terms of
40 the diversion agreement were fulfilled.

41 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
42 3512, prior to its repeal, convicted of a violation of K.S.A. 2020 Supp. 21-
43 6419, and amendments thereto, or who entered into a diversion agreement

1 in lieu of further criminal proceedings for such violation, may petition the
2 convicting court for the expungement of such conviction or diversion
3 agreement and related arrest records if:

4 (1) One or more years have elapsed since the person satisfied the
5 sentence imposed or the terms of a diversion agreement or was discharged
6 from probation, a community correctional services program, parole,
7 postrelease supervision, conditional release or a suspended sentence; and

8 (2) such person can prove they were acting under coercion caused by
9 the act of another. For purposes of this subsection, "coercion" means:
10 Threats of harm or physical restraint against any person; a scheme, plan or
11 pattern intended to cause a person to believe that failure to perform an act
12 would result in bodily harm or physical restraint against any person; or the
13 abuse or threatened abuse of the legal process.

14 (c) Except as provided in subsections (e) and (f), no person may
15 petition for expungement until five or more years have elapsed since the
16 person satisfied the sentence imposed or the terms of a diversion
17 agreement or was discharged from probation, a community correctional
18 services program, parole, postrelease supervision, conditional release or a
19 suspended sentence, if such person was convicted of a class A, B or C
20 felony, or for crimes committed on or after July 1, 1993, if convicted of an
21 off-grid felony or any felony ranked in severity levels 1 through 5 of the
22 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
23 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
24 grid, or for crimes committed on or after July 1, 2012, any felony ranked
25 in severity levels 1 through 4 of the drug grid, or:

26 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
27 repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, or as
28 prohibited by any law of another state which is in substantial conformity
29 with that statute;

30 (2) driving while the privilege to operate a motor vehicle on the
31 public highways of this state has been canceled, suspended or revoked, as
32 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
33 any law of another state which is in substantial conformity with that
34 statute;

35 (3) perjury resulting from a violation of K.S.A. 8-261a, and
36 amendments thereto, or resulting from the violation of a law of another
37 state which is in substantial conformity with that statute;

38 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
39 thereto, relating to fraudulent applications or violating the provisions of a
40 law of another state which is in substantial conformity with that statute;

41 (5) any crime punishable as a felony wherein a motor vehicle was
42 used in the perpetration of such crime;

43 (6) failing to stop at the scene of an accident and perform the duties

1 required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604,
2 and amendments thereto, or required by a law of another state ~~which~~ *that*
3 is in substantial conformity with those statutes;

4 (7) violating the provisions of K.S.A. 40-3104, and amendments
5 thereto, relating to motor vehicle liability insurance coverage; or

6 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

7 (d) (1) No person may petition for expungement until five or more
8 years have elapsed since the person satisfied the sentence imposed or the
9 terms of a diversion agreement or was discharged from probation, a
10 community correctional services program, parole, postrelease supervision,
11 conditional release or a suspended sentence, if such person was convicted
12 of a first violation of K.S.A. 8-1567, and amendments thereto, including
13 any diversion for such violation.

14 (2) No person may petition for expungement until 10 or more years
15 have elapsed since the person satisfied the sentence imposed or was
16 discharged from probation, a community correctional services program,
17 parole, postrelease supervision, conditional release or a suspended
18 sentence, if such person was convicted of a second or subsequent violation
19 of K.S.A. 8-1567, and amendments thereto.

20 (3) Except as provided further, the provisions of this subsection shall
21 apply to all violations committed on or after July 1, 2006. The provisions
22 of subsection (d)(2) shall not apply to violations committed on or after
23 July 1, 2014, but prior to July 1, 2015.

24 (e) There shall be no expungement of convictions for the following
25 offenses or of convictions for an attempt to commit any of the following
26 offenses:

27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
28 2020 Supp. 21-5503, and amendments thereto;

29 (2) indecent liberties with a child or aggravated indecent liberties
30 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
31 or K.S.A. 2020 Supp. 21-5506, and amendments thereto;

32 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
33 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
34 amendments thereto;

35 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
36 to its repeal, or K.S.A. 2020 Supp. 21-5504, and amendments thereto;

37 (5) indecent solicitation of a child or aggravated indecent solicitation
38 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
39 or K.S.A. 2020 Supp. 21-5508, and amendments thereto;

40 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
41 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;

42 (7) internet trading in child pornography or aggravated internet
43 trading in child pornography, as defined in K.S.A. 2020 Supp. 21-5514,

- 1 and amendments thereto;
- 2 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
3 repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto;
- 4 (9) endangering a child or aggravated endangering a child, as defined
5 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2020 Supp.
6 21-5601, and amendments thereto;
- 7 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
8 or K.S.A. 2020 Supp. 21-5602, and amendments thereto;
- 9 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
10 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;
- 11 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
12 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;
- 13 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
14 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;
- 15 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
16 its repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;
- 17 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
18 its repeal, or K.S.A. 2020 Supp. 21-5405, and amendments thereto;
- 19 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
20 or K.S.A. 2020 Supp. 21-5505, and amendments thereto, when the victim
21 was less than 18 years of age at the time the crime was committed;
- 22 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
23 its repeal, or K.S.A. 2020 Supp. 21-5505, and amendments thereto;
- 24 (18) a violation of K.S.A. 8-2,144, and amendments thereto,
25 including any diversion for such violation; or
- 26 (19) any conviction for any offense in effect at any time prior to July
27 1, 2011, that is comparable to any offense as provided in this subsection.
- 28 (f) ~~Notwithstanding any other law to the contrary, Except as provided~~
29 *in K.S.A. 22-4908, and amendments thereto*, for any offender who is
30 required to register as provided in the Kansas offender registration act,
31 K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
32 expungement of any conviction or any part of the offender's criminal
33 record while the offender is required to register as provided in the Kansas
34 offender registration act.
- 35 (g) (1) When a petition for expungement is filed, the court shall set a
36 date for a hearing of such petition and shall cause notice of such hearing to
37 be given to the prosecutor and the arresting law enforcement agency. The
38 petition shall state the:
- 39 (A) Defendant's full name;
- 40 (B) full name of the defendant at the time of arrest, conviction or
41 diversion, if different than the defendant's current name;
- 42 (C) defendant's sex, race and date of birth;
- 43 (D) crime for which the defendant was arrested, convicted or

- 1 diverted;
- 2 (E) date of the defendant's arrest, conviction or diversion; and
- 3 (F) identity of the convicting court, arresting law enforcement
- 4 authority or diverting authority.
- 5 (2) Except as otherwise provided by law, a petition for expungement
- 6 shall be accompanied by a docket fee in the amount of \$176. On and after
- 7 July 1, 2019, through June 30, 2025, the supreme court may impose a
- 8 charge, not to exceed \$19 per case, to fund the costs of non-judicial
- 9 personnel. The charge established in this section shall be the only fee
- 10 collected or moneys in the nature of a fee collected for the case. Such
- 11 charge shall only be established by an act of the legislature and no other
- 12 authority is established by law or otherwise to collect a fee.
- 13 (3) All petitions for expungement shall be docketed in the original
- 14 criminal action. Any person who may have relevant information about the
- 15 petitioner may testify at the hearing. The court may inquire into the
- 16 background of the petitioner and shall have access to any reports or
- 17 records relating to the petitioner that are on file with the secretary of
- 18 corrections or the prisoner review board.
- 19 (h) At the hearing on the petition, the court shall order the petitioner's
- 20 arrest record, conviction or diversion expunged if the court finds that:
- 21 (1) The petitioner has not been convicted of a felony in the past two
- 22 years and no proceeding involving any such crime is presently pending or
- 23 being instituted against the petitioner;
- 24 (2) the circumstances and behavior of the petitioner warrant the
- 25 expungement; and
- 26 (3) the expungement is consistent with the public welfare.
- 27 (i) When the court has ordered an arrest record, conviction or
- 28 diversion expunged, the order of expungement shall state the information
- 29 required to be contained in the petition. The clerk of the court shall send a
- 30 certified copy of the order of expungement to the Kansas bureau of
- 31 investigation which shall notify the federal bureau of investigation, the
- 32 secretary of corrections and any other criminal justice agency which may
- 33 have a record of the arrest, conviction or diversion. If the case was
- 34 appealed from municipal court, the clerk of the district court shall send a
- 35 certified copy of the order of expungement to the municipal court. The
- 36 municipal court shall order the case expunged once the certified copy of
- 37 the order of expungement is received. After the order of expungement is
- 38 entered, the petitioner shall be treated as not having been arrested,
- 39 convicted or diverted of the crime, except that:
- 40 (1) Upon conviction for any subsequent crime, the conviction that
- 41 was expunged may be considered as a prior conviction in determining the
- 42 sentence to be imposed;
- 43 (2) the petitioner shall disclose that the arrest, conviction or diversion

1 occurred if asked about previous arrests, convictions or diversions:

2 (A) In any application for licensure as a private detective, private
3 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
4 7b21, and amendments thereto, or employment as a detective with a
5 private detective agency, as defined by K.S.A. 75-7b01, and amendments
6 thereto; as security personnel with a private patrol operator, as defined by
7 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
8 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
9 for aging and disability services;

10 (B) in any application for admission, or for an order of reinstatement,
11 to the practice of law in this state;

12 (C) to aid in determining the petitioner's qualifications for
13 employment with the Kansas lottery or for work in sensitive areas within
14 the Kansas lottery as deemed appropriate by the executive director of the
15 Kansas lottery;

16 (D) to aid in determining the petitioner's qualifications for executive
17 director of the Kansas racing and gaming commission, for employment
18 with the commission or for work in sensitive areas in parimutuel racing as
19 deemed appropriate by the executive director of the commission, or to aid
20 in determining qualifications for licensure or renewal of licensure by the
21 commission;

22 (E) to aid in determining the petitioner's qualifications for the
23 following under the Kansas expanded lottery act: (i) Lottery gaming
24 facility manager or prospective manager, racetrack gaming facility
25 manager or prospective manager, licensee or certificate holder; or (ii) an
26 officer, director, employee, owner, agent or contractor thereof;

27 (F) upon application for a commercial driver's license under K.S.A.
28 8-2,125 through 8-2,142, and amendments thereto;

29 (G) to aid in determining the petitioner's qualifications to be an
30 employee of the state gaming agency;

31 (H) to aid in determining the petitioner's qualifications to be an
32 employee of a tribal gaming commission or to hold a license issued
33 pursuant to a tribal-state gaming compact;

34 (I) in any application for registration as a broker-dealer, agent,
35 investment adviser or investment adviser representative all as defined in
36 K.S.A. 17-12a102, and amendments thereto;

37 (J) in any application for employment as a law enforcement officer as
38 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

39 (K) to aid in determining the petitioner's qualifications for a license to
40 carry a concealed weapon pursuant to the personal and family protection
41 act, K.S.A. 75-7c01 et seq., and amendments thereto; or

42 (L) to aid in determining the petitioner's qualifications for a license to
43 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-

1 7e09 and K.S.A. 2020 Supp. 50-6,141, and amendments thereto;

2 (3) the court, in the order of expungement, may specify other
3 circumstances under which the conviction is to be disclosed;

4 (4) the conviction may be disclosed in a subsequent prosecution for
5 an offense which requires as an element of such offense a prior conviction
6 of the type expunged; and

7 (5) upon commitment to the custody of the secretary of corrections,
8 any previously expunged record in the possession of the secretary of
9 corrections may be reinstated and the expungement disregarded, and the
10 record continued for the purpose of the new commitment.

11 (j) Whenever a person is convicted of a crime, pleads guilty and pays
12 a fine for a crime, is placed on parole, postrelease supervision or
13 probation, is assigned to a community correctional services program, is
14 granted a suspended sentence or is released on conditional release, the
15 person shall be informed of the ability to expunge the arrest records or
16 conviction. Whenever a person enters into a diversion agreement, the
17 person shall be informed of the ability to expunge the diversion.

18 (k) (1) Subject to the disclosures required pursuant to subsection (i),
19 in any application for employment, license or other civil right or privilege,
20 or any appearance as a witness, a person whose arrest records, conviction
21 or diversion of a crime has been expunged under this statute may state that
22 such person has never been arrested, convicted or diverted of such crime.

23 (2) Notwithstanding the provisions of subsection (k)(1), and except as
24 provided in K.S.A. 2020 Supp. 21-6304(a)(3)(A), and amendments
25 thereto, the expungement of a prior felony conviction does not relieve the
26 individual of complying with any state or federal law relating to the use,
27 shipment, transportation, receipt or possession of firearms by persons
28 previously convicted of a felony.

29 (1) Whenever the record of any arrest, conviction or diversion has
30 been expunged under the provisions of this section or under the provisions
31 of any other existing or former statute, the custodian of the records of
32 arrest, conviction, diversion and incarceration relating to that crime shall
33 not disclose the existence of such records, except when requested by:

34 (1) The person whose record was expunged;

35 (2) a private detective agency or a private patrol operator, and the
36 request is accompanied by a statement that the request is being made in
37 conjunction with an application for employment with such agency or
38 operator by the person whose record has been expunged;

39 (3) a court, upon a showing of a subsequent conviction of the person
40 whose record has been expunged;

41 (4) the secretary for aging and disability services, or a designee of the
42 secretary, for the purpose of obtaining information relating to employment
43 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,

1 of the Kansas department for aging and disability services of any person
2 whose record has been expunged;

3 (5) a person entitled to such information pursuant to the terms of the
4 expungement order;

5 (6) a prosecutor, and such request is accompanied by a statement that
6 the request is being made in conjunction with a prosecution of an offense
7 that requires a prior conviction as one of the elements of such offense;

8 (7) the supreme court, the clerk or disciplinary administrator thereof,
9 the state board for admission of attorneys or the state board for discipline
10 of attorneys, and the request is accompanied by a statement that the
11 request is being made in conjunction with an application for admission, or
12 for an order of reinstatement, to the practice of law in this state by the
13 person whose record has been expunged;

14 (8) the Kansas lottery, and the request is accompanied by a statement
15 that the request is being made to aid in determining qualifications for
16 employment with the Kansas lottery or for work in sensitive areas within
17 the Kansas lottery as deemed appropriate by the executive director of the
18 Kansas lottery;

19 (9) the governor or the Kansas racing and gaming commission, or a
20 designee of the commission, and the request is accompanied by a
21 statement that the request is being made to aid in determining
22 qualifications for executive director of the commission, for employment
23 with the commission, for work in sensitive areas in parimutuel racing as
24 deemed appropriate by the executive director of the commission or for
25 licensure, renewal of licensure or continued licensure by the commission;

26 (10) the Kansas racing and gaming commission, or a designee of the
27 commission, and the request is accompanied by a statement that the
28 request is being made to aid in determining qualifications of the following
29 under the Kansas expanded lottery act:

30 (A) Lottery gaming facility managers and prospective managers,
31 racetrack gaming facility managers and prospective managers, licensees
32 and certificate holders; and

33 (B) their officers, directors, employees, owners, agents and
34 contractors;

35 (11) the Kansas sentencing commission;

36 (12) the state gaming agency, and the request is accompanied by a
37 statement that the request is being made to aid in determining
38 qualifications:

39 (A) To be an employee of the state gaming agency; or

40 (B) to be an employee of a tribal gaming commission or to hold a
41 license issued pursuant to a tribal-gaming compact;

42 (13) the Kansas securities commissioner or a designee of the
43 commissioner, and the request is accompanied by a statement that the

1 request is being made in conjunction with an application for registration as
2 a broker-dealer, agent, investment adviser or investment adviser
3 representative by such agency and the application was submitted by the
4 person whose record has been expunged;

5 (14) the Kansas commission on peace officers' standards and training
6 and the request is accompanied by a statement that the request is being
7 made to aid in determining certification eligibility as a law enforcement
8 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

9 (15) a law enforcement agency and the request is accompanied by a
10 statement that the request is being made to aid in determining eligibility
11 for employment as a law enforcement officer as defined by K.S.A. 22-
12 2202, and amendments thereto;

13 (16) the attorney general and the request is accompanied by a
14 statement that the request is being made to aid in determining
15 qualifications for a license to:

16 (A) Carry a concealed weapon pursuant to the personal and family
17 protection act; or

18 (B) act as a bail enforcement agent pursuant to K.S.A. 75-7e01
19 through 75-7e09 and K.S.A. 2020 Supp. 50-6,141, and amendments
20 thereto; or

21 (17) the Kansas bureau of investigation for the purposes of:

22 (A) Completing a person's criminal history record information within
23 the central repository, in accordance with K.S.A. 22-4701 et seq., and
24 amendments thereto; or

25 (B) providing information or documentation to the federal bureau of
26 investigation, in connection with the national instant criminal background
27 check system, to determine a person's qualification to possess a firearm.

28 (m) The provisions of subsection (l)(17) shall apply to records
29 created prior to, on and after July 1, 2011.

30 Sec. 4. K.S.A. 2020 Supp. 21-6804 is hereby amended to read as
31 follows: 21-6804. (a) The provisions of this section shall be applicable to
32 the sentencing guidelines grid for nondrug crimes. The following
33 sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category Severity Level	A 3+ Person Felonies	B 2 Person Felonies	C 1 Person & 1 Nonperson Felonies	D 1 Person Felony	E 3+ Nonperson Felonies	F 2 Nonperson Felonies	G 1 Nonperson Felony	H 2+ Misdemeanors	I 1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	28 27 25	21 20 19	19 18 17
VII	34 32 30	31 29 27	28 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	25 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5 5

LEGEND
Presumptive Probation
Probation
Presumptive Imprisonment

1 (b) Sentences expressed in the sentencing guidelines grid for nondrug
2 crimes represent months of imprisonment.

3 (c) The sentencing guidelines grid is a two-dimensional crime
4 severity and criminal history classification tool. The grid's vertical axis is
5 the crime severity scale which classifies current crimes of conviction. The
6 grid's horizontal axis is the criminal history scale which classifies criminal
7 histories.

8 (d) The sentencing guidelines grid for nondrug crimes as provided in
9 this section defines presumptive punishments for felony convictions,
10 subject to the sentencing court's discretion to enter a departure sentence.
11 The appropriate punishment for a felony conviction should depend on the
12 severity of the crime of conviction when compared to all other crimes and
13 the offender's criminal history.

14 (e) (1) The sentencing court has discretion to sentence at any place
15 within the sentencing range. In the usual case it is recommended that the
16 sentencing judge select the center of the range and reserve the upper and
17 lower limits for aggravating and mitigating factors insufficient to warrant a
18 departure.

19 (2) In presumptive imprisonment cases, the sentencing court shall
20 pronounce the complete sentence which shall include the:

21 (A) Prison sentence;

22 (B) maximum potential reduction to such sentence as a result of good
23 time; and

24 (C) period of postrelease supervision at the sentencing hearing.
25 Failure to pronounce the period of postrelease supervision shall not negate
26 the existence of such period of postrelease supervision.

27 (3) In presumptive nonprison cases, the sentencing court shall
28 pronounce the:

29 (A) Prison sentence; and

30 (B) duration of the nonprison sanction at the sentencing hearing.

31 (f) Each grid block states the presumptive sentencing range for an
32 offender whose crime of conviction and criminal history place such
33 offender in that grid block. If an offense is classified in a grid block below
34 the dispositional line, the presumptive disposition shall be
35 nonimprisonment. If an offense is classified in a grid block above the
36 dispositional line, the presumptive disposition shall be imprisonment. If an
37 offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose
38 an optional nonprison sentence as provided in subsection (q).

39 (g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal,
40 aggravated battery against a law enforcement officer committed prior to
41 July 1, 2006, or a violation of K.S.A. 2020 Supp. 21-5412(d), and
42 amendments thereto, aggravated assault against a law enforcement officer,
43 which places the defendant's sentence in grid block 6-H or 6-I shall be
44 presumed imprisonment. The court may impose an optional nonprison
45 sentence as provided in subsection (q).

46 (h) When a firearm is used to commit any person felony, the

1 offender's sentence shall be presumed imprisonment. The court may
2 impose an optional nonprison sentence as provided in subsection (q).

3 (i) (1) The sentence for the violation of the felony provision of K.S.A.
4 8-2,144 and 8-1567, *and amendments thereto*, and K.S.A. 2020 Supp. 21-
5 5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
6 amendments thereto, shall be as provided by the specific mandatory
7 sentencing requirements of that section and shall not be subject to the
8 provisions of this section or K.S.A. 2020 Supp. 21-6807, and amendments
9 thereto.

10 (2) If because of the offender's criminal history classification the
11 offender is subject to presumptive imprisonment or if the judge departs
12 from a presumptive probation sentence and the offender is subject to
13 imprisonment, the provisions of this section and K.S.A. 2020 Supp. 21-
14 6807, and amendments thereto, shall apply and the offender shall not be
15 subject to the mandatory sentence as provided in K.S.A. 2020 Supp. 21-
16 5823, and amendments thereto.

17 (3) Notwithstanding the provisions of any other section, the term of
18 imprisonment imposed for the violation of the felony provision of K.S.A.
19 8-2,144, and 8-1567, *and amendments thereto*, and K.S.A. 2020 Supp. 21-
20 5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
21 amendments thereto, shall not be served in a state facility in the custody of
22 the secretary of corrections, except that the term of imprisonment for
23 felony violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto,
24 may be served in a state correctional facility designated by the secretary of
25 corrections if the secretary determines that substance abuse treatment
26 resources and facility capacity is available. The secretary's determination
27 regarding the availability of treatment resources and facility capacity shall
28 not be subject to review. Prior to imposing any sentence pursuant to this
29 subsection, the court may consider assigning the defendant to a house
30 arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments
31 thereto.

32 (j) (1) The sentence for any persistent sex offender whose current
33 convicted crime carries a presumptive term of imprisonment shall be
34 double the maximum duration of the presumptive imprisonment term. The
35 sentence for any persistent sex offender whose current conviction carries a
36 presumptive nonprison term shall be presumed imprisonment and shall be
37 double the maximum duration of the presumptive imprisonment term.

38 (2) Except as otherwise provided in this subsection, as used in this
39 subsection, "persistent sex offender" means a person who:

40 (A) (i) Has been convicted in this state of a sexually violent crime, as
41 defined in K.S.A. 22-3717, and amendments thereto; and

42 (ii) at the time of the conviction under subsection (j)(2)(A)(i) has at
43 least one conviction for a sexually violent crime, as defined in K.S.A. 22-

1 3717, and amendments thereto, in this state or comparable felony under
2 the laws of another state, the federal government or a foreign government;
3 or

4 (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502,
5 prior to its repeal, or K.S.A. 2020 Supp. 21-5503, and amendments
6 thereto; and

7 (ii) at the time of the conviction under subsection (j)(2)(B)(i) has at
8 least one conviction for rape in this state or comparable felony under the
9 laws of another state, the federal government or a foreign government.

10 (3) Except as provided in subsection (j)(2)(B), the provisions of this
11 subsection shall not apply to any person whose current convicted crime is
12 a severity level 1 or 2 felony.

13 (k) (1) If it is shown at sentencing that the offender committed any
14 felony violation for the benefit of, at the direction of, or in association with
15 any criminal street gang, with the specific intent to promote, further or
16 assist in any criminal conduct by gang members, the offender's sentence
17 shall be presumed imprisonment. The court may impose an optional
18 nonprison sentence as provided in subsection (q).

19 (2) As used in this subsection, "criminal street gang" means any
20 organization, association or group of three or more persons, whether
21 formal or informal, having as one of its primary activities:

22 (A) The commission of one or more person felonies; or

23 (B) the commission of felony violations of article 57 of chapter 21 of
24 the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010
25 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony
26 violation of any provision of the uniform controlled substances act prior to
27 July 1, 2009; and

28 (C) its members have a common name or common identifying sign or
29 symbol; and

30 (D) its members, individually or collectively, engage in or have
31 engaged in the commission, attempted commission, conspiracy to commit
32 or solicitation of two or more person felonies or felony violations of article
33 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
34 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
35 transfer, any felony violation of any provision of the uniform controlled
36 substances act prior to July 1, 2009, or any substantially similar offense
37 from another jurisdiction.

38 (l) Except as provided in subsection (o), the sentence for a violation
39 of K.S.A. 2020 Supp. 21-5807(a)(1), and amendments thereto, or any
40 attempt or conspiracy, as defined in K.S.A. 2020 Supp. 21-5301 and 21-
41 5302, and amendments thereto, to commit such offense, when such person
42 being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a)
43 or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2020 Supp.

1 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any
2 attempt or conspiracy to commit such offense, shall be presumptive
3 imprisonment.

4 (m) The sentence for a violation of K.S.A. 22-4903 ~~or K.S.A. 2020~~
5 ~~Supp. 21-5913(a)(2)(b)~~, and amendments thereto, shall be presumptive
6 imprisonment. ~~If an offense under such sections is classified in grid blocks~~
7 ~~5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison~~
8 ~~sentence as provided in subsection (q).~~

9 (n) The sentence for a violation of criminal deprivation of property, as
10 defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when
11 such property is a motor vehicle, and when such person being sentenced
12 has any combination of two or more prior convictions of K.S.A. 21-
13 3705(b), prior to its repeal, or of criminal deprivation of property, as
14 defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when
15 such property is a motor vehicle, shall be presumptive imprisonment. Such
16 sentence shall not be considered a departure and shall not be subject to
17 appeal.

18 (o) The sentence for a felony violation of theft of property as defined
19 in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary as
20 defined in K.S.A. 2020 Supp. 21-5807(a), and amendments thereto, when
21 such person being sentenced has no prior convictions for a violation of
22 K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as
23 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or
24 burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and amendments
25 thereto; or the sentence for a felony violation of theft of property as
26 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when
27 such person being sentenced has one or two prior felony convictions for a
28 violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or
29 theft of property as defined in K.S.A. 2020 Supp. 21-5801, and
30 amendments thereto, or burglary or aggravated burglary as defined in
31 K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a
32 felony violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a),
33 and amendments thereto, when such person being sentenced has one prior
34 felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716,
35 prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp.
36 21-5801, and amendments thereto, or burglary or aggravated burglary as
37 defined in K.S.A. 2020 Supp. 21-5807, and amendments thereto, shall be
38 the sentence as provided by this section, except that the court may order an
39 optional nonprison sentence for a defendant to participate in a drug
40 treatment program, including, but not limited to, an approved after-care
41 plan, if the court makes the following findings on the record:

42 (1) Substance abuse was an underlying factor in the commission of
43 the crime;

1 (2) substance abuse treatment in the community is likely to be more
2 effective than a prison term in reducing the risk of offender recidivism;
3 and

4 (3) participation in an intensive substance abuse treatment program
5 will serve community safety interests.

6 A defendant sentenced to an optional nonprison sentence under this
7 subsection shall be supervised by community correctional services. The
8 provisions of K.S.A. 2020 Supp. 21-6824(f)(1), and amendments thereto,
9 shall apply to a defendant sentenced under this subsection. The sentence
10 under this subsection shall not be considered a departure and shall not be
11 subject to appeal.

12 (p) The sentence for a felony violation of theft of property as defined
13 in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when such
14 person being sentenced has any combination of three or more prior felony
15 convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to
16 their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801,
17 and amendments thereto, or burglary or aggravated burglary as defined in
18 K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a
19 violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and
20 amendments thereto, when such person being sentenced has any
21 combination of two or more prior convictions for violations of K.S.A. 21-
22 3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as
23 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or
24 burglary or aggravated burglary as defined in K.S.A. 2020 Supp. 21-5807,
25 and amendments thereto, shall be presumed imprisonment and the
26 defendant shall be sentenced to prison as provided by this section, except
27 that the court may recommend that an offender be placed in the custody of
28 the secretary of corrections, in a facility designated by the secretary to
29 participate in an intensive substance abuse treatment program, upon
30 making the following findings on the record:

31 (1) Substance abuse was an underlying factor in the commission of
32 the crime;

33 (2) substance abuse treatment with a possibility of an early release
34 from imprisonment is likely to be more effective than a prison term in
35 reducing the risk of offender recidivism; and

36 (3) participation in an intensive substance abuse treatment program
37 with the possibility of an early release from imprisonment will serve
38 community safety interests by promoting offender reformation.

39 The intensive substance abuse treatment program shall be determined
40 by the secretary of corrections, but shall be for a period of at least four
41 months. Upon the successful completion of such intensive treatment
42 program, the offender shall be returned to the court and the court may
43 modify the sentence by directing that a less severe penalty be imposed in

1 lieu of that originally adjudged within statutory limits. If the offender's
2 term of imprisonment expires, the offender shall be placed under the
3 applicable period of postrelease supervision. The sentence under this
4 subsection shall not be considered a departure and shall not be subject to
5 appeal.

6 (q) As used in this section, an "optional nonprison sentence" is a
7 sentence ~~which~~ *that* the court may impose, in lieu of the presumptive
8 sentence, upon making the following findings on the record:

9 (1) An appropriate treatment program exists which is likely to be
10 more effective than the presumptive prison term in reducing the risk of
11 offender recidivism; and

12 (2) the recommended treatment program is available and the offender
13 can be admitted to such program within a reasonable period of time; or

14 (3) the nonprison sanction will serve community safety interests by
15 promoting offender reformation.

16 Any decision made by the court regarding the imposition of an optional
17 nonprison sentence shall not be considered a departure and shall not be
18 subject to appeal.

19 (r) The sentence for a violation of K.S.A. 2020 Supp. 21-5413(c)(2),
20 and amendments thereto, shall be presumptive imprisonment and shall be
21 served consecutively to any other term or terms of imprisonment imposed.
22 Such sentence shall not be considered a departure and shall not be subject
23 to appeal.

24 (s) The sentence for a violation of K.S.A. 2020 Supp. 21-5512, and
25 amendments thereto, shall be presumptive imprisonment. Such sentence
26 shall not be considered a departure and shall not be subject to appeal.

27 (t) (1) If the trier of fact makes a finding beyond a reasonable doubt
28 that an offender wore or used ballistic resistant material in the commission
29 of, or attempt to commit, or flight from any felony, in addition to the
30 sentence imposed pursuant to the Kansas sentencing guidelines act, the
31 offender shall be sentenced to an additional 30 months' imprisonment.

32 (2) The sentence imposed pursuant to subsection (t)(1) shall be
33 presumptive imprisonment and shall be served consecutively to any other
34 term or terms of imprisonment imposed. Such sentence shall not be
35 considered a departure and shall not be subject to appeal.

36 (3) As used in this subsection, "ballistic resistant material" means:

37 (A) Any commercially produced material designed with the purpose
38 of providing ballistic and trauma protection, including, but not limited to,
39 bulletproof vests and kevlar vests; and

40 (B) any homemade or fabricated substance or item designed with the
41 purpose of providing ballistic and trauma protection.

42 (u) The sentence for a violation of K.S.A. 2020 Supp. 21-6107, and
43 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.

1 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit
2 such offense, when such person being sentenced has a prior conviction for
3 a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2020 Supp. 21-
4 6107, and amendments thereto, or any attempt or conspiracy to commit
5 such offense, shall be presumptive imprisonment. Such sentence shall not
6 be considered a departure and shall not be subject to appeal.

7 (v) The sentence for a third or subsequent violation of K.S.A. 8-1568,
8 and amendments thereto, shall be presumptive imprisonment and shall be
9 served consecutively to any other term or terms of imprisonment imposed.
10 Such sentence shall not be considered a departure and shall not be subject
11 to appeal.

12 (w) The sentence for aggravated criminal damage to property as
13 defined in K.S.A. 2020 Supp. 21-5813(b), and amendments thereto, when
14 such person being sentenced has a prior conviction for any nonperson
15 felony shall be presumptive imprisonment. Such sentence shall not be
16 considered a departure and shall not be subject to appeal.

17 (x) The sentence for a violation of K.S.A. 2020 Supp. 21-5807(a)(1),
18 and amendments thereto, shall be presumptive imprisonment if the offense
19 under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such
20 sentence shall not be considered a departure and shall not be subject to
21 appeal.

22 (y) (1) Except as provided in subsection (y)(3), if the trier of fact
23 makes a finding beyond a reasonable doubt that an offender committed a
24 nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A.
25 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a
26 nondrug felony offense, against a law enforcement officer, as defined in
27 K.S.A. 2020 Supp. 21-5111(p)(1) and (3), and amendments thereto, while
28 such officer was engaged in the performance of such officer's duty, or in
29 whole or in any part because of such officer's status as a law enforcement
30 officer, the sentence for such offense shall be:

31 (A) If such offense is classified in severity level 2 through 10, one
32 severity level above the appropriate level for such offense; and

33 (B) (i) if such offense is classified in severity level 1, except as
34 otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and
35 such offender shall not be eligible for probation or suspension,
36 modification or reduction of sentence. In addition, such offender shall not
37 be eligible for parole prior to serving 25 years' imprisonment, and such 25
38 years' imprisonment shall not be reduced by the application of good time
39 credits. No other sentence shall be permitted.

40 (ii) The provisions of subsection (y)(1)(B)(i) requiring the court to
41 impose a mandatory minimum term of imprisonment of 25 years shall not
42 apply if the court finds the offender, because of the offender's criminal
43 history classification, is subject to presumptive imprisonment and the

1 sentencing range exceeds 300 months. In such case, the offender is
2 required to serve a mandatory minimum term equal to the sentence
3 established pursuant to the sentencing range.

4 (2) The sentence imposed pursuant to subsection (y)(1) shall not be
5 considered a departure and shall not be subject to appeal.

6 (3) The provisions of this subsection shall not apply to an offense
7 described in subsection (y)(1) if the factual aspect concerning a law
8 enforcement officer is a statutory element of such offense.

9 Sec. 5. K.S.A. 2020 Supp. 22-4902 is hereby amended to read as
10 follows: 22-4902. As used in the Kansas offender registration act, unless
11 the context otherwise requires:

12 (a) "Offender" means:

13 (1) A sex offender;

14 (2) a violent offender;

15 (3) a drug offender;

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

18 (5) any person required by ~~court order~~ *an agreement entered into by*
19 *the parties* to register for an offense not otherwise required as provided in
20 the Kansas offender registration act.

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

22 (1) On or after April 14, 1994, is convicted of any sexually violent
23 crime;

24 ~~(2) on or after July 1, 2002, is adjudicated as a juvenile offender for~~
25 ~~an act which if committed by an adult would constitute the commission of~~
26 ~~a sexually violent crime, unless the court, on the record, finds that the act~~
27 ~~involved non-forcible sexual conduct, the victim was at least 14 years of~~
28 ~~age and the offender was not more than four years older than the victim;~~

29 ~~(3)~~ has been determined to be a sexually violent predator;

30 ~~(4)~~(3) on or after July 1, 1997, is convicted of any of the following
31 crimes when one of the parties involved, *other than the offender*, is less
32 than 18 years of age:

33 ~~(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or~~
34 ~~K.S.A. 2020 Supp. 21-5511, and amendments thereto;~~

35 ~~(B)~~ criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
36 repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) ~~or~~ (a)(2), and amendments
37 thereto;

38 ~~(C)~~(B) promoting prostitution, as defined in K.S.A. 21-3513, prior to
39 its repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by
40 section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
41 2013;

42 ~~(D)~~ patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
43 repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section

on or after July 1, 2002, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;
(3)

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1 ~~18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or~~
2 ~~(E)(C) a felony violation of lewd and lascivious behavior, as defined~~
3 ~~in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2020 Supp. 21-5513(a)(2),~~
4 ~~and amendments thereto;~~
5 ~~(5)(4) is convicted of sexual battery, as defined in K.S.A. 21-3517,~~
6 ~~prior to its repeal, or K.S.A. 2020 Supp. 21-5505(a), and amendments~~
7 ~~thereto;~~
8 ~~(6)(5) is convicted of breach of privacy, as defined in K.S.A. 2020~~
9 ~~Supp. 21-6101(a)(6) or (a)(7), and amendments thereto;~~
10 (6) is convicted of an attempt, conspiracy or criminal solicitation, as
11 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
12 K.S.A. 2020 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
13 of an offense defined in this subsection; or
14 (7) has been convicted of an offense that is comparable to any crime
15 defined in this subsection, or any out-of-state conviction for an offense that
16 under the laws of this state would be an offense defined in this subsection.
17 (c) "Sexually violent crime" means:
18 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
19 2020 Supp. 21-5503, and amendments thereto;
20 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
21 to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;
22 (3) aggravated indecent liberties with a child, as defined in K.S.A.
23 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
24 amendments thereto;
25 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
26 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
27 amendments thereto;
28 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
29 to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;
30 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
31 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
32 thereto;
33 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
34 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and
35 amendments thereto;
36 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
37 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;
38 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
39 its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;
40 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
41 repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;
42 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
43 repeal, and K.S.A. 2020 Supp. 21-5509, and amendments thereto;

1 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
2 its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;

3 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
4 prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments
5 thereto, if committed in whole or in part for the purpose of the sexual
6 gratification of the defendant or another;

7 (14) commercial sexual exploitation of a child, as defined in K.S.A.
8 2020 Supp. 21-6422, and amendments thereto;

9 (15) promoting the sale of sexual relations, as defined in K.S.A. 2020
10 Supp. 21-6420, and amendments thereto;

11 (16) *internet trading in child pornography, as defined in K.S.A. 2020*
12 *Supp. 21-5514, and amendments thereto;*

13 (17) any conviction ~~or adjudication~~ for an offense that is comparable
14 to a sexually violent crime as defined in this subsection, ~~or any out of state~~
15 ~~conviction or adjudication~~ for an offense that under the laws of this state
16 would be a sexually violent crime as defined in this subsection;

17 ~~(17)(18) any out of state juvenile adjudication for an offense that~~
18 ~~requires registration under the laws of that state;~~

19 (19) an attempt, conspiracy or criminal solicitation, as defined in
20 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
21 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
22 violent crime, as defined in this subsection; or

23 ~~(18)(20)~~ any act which has been determined beyond a reasonable
24 doubt to have been sexually motivated, unless the court, on the record,
25 finds that the act involved non-forcible sexual conduct, the victim was a
26 child at least 14 years of age and the offender was not more than four years
27 older than the victim. As used in this paragraph, "sexually motivated"
28 means that one of the purposes for which the defendant committed the
29 crime was for the purpose of the defendant's sexual gratification.

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

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

34 (1) On or after July 1, 1997, is convicted of any of the following
35 crimes:

36 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
37 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

38 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
39 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

40 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
41 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

42 ~~(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its~~
43 ~~repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;~~

or adjudication

or adjudication

strike

Redesignate paragraphs

1 ~~(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to~~
2 ~~its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and~~
3 ~~amendments thereto. The provisions of this paragraph shall not apply to~~
4 ~~violations of K.S.A. 2020 Supp. 21-5405(a)(3), and amendments thereto,~~
5 ~~which occurred on or after July 1, 2011, through July 1, 2013;~~

6 ~~(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or~~
7 ~~K.S.A. 2020 Supp. 21-5408(a), and amendments thereto, *when the victim*~~
8 ~~*is less than 18 years of age;*~~

9 ~~(G)(E) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to~~
10 ~~its repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto,~~
11 ~~*when the victim is less than 18 years of age;*~~

12 ~~(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its~~
13 ~~repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by~~
14 ~~a parent, and only when the victim is less than 18 years of age; or~~

15 ~~(I)(F) aggravated human trafficking, as defined in K.S.A. 21-3447,~~
16 ~~prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments~~
17 ~~thereto, if not committed in whole or in part for the purpose of the sexual~~
18 ~~gratification of the defendant or another;~~

19 (2) on or after July 1, 2006, is convicted of any person felony and the
20 court makes a finding on the record, *in open court and with particularity*
21 that a deadly weapon was used in the commission of such person felony;

22 (3) has been convicted of an offense that is comparable to any crime
23 defined in this subsection, any out-of-state conviction for an offense that
24 under the laws of this state would be an offense defined in this subsection;
25 or

26 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
27 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
28 K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments
29 thereto, of an offense defined in this subsection.

30 (f) "Drug offender" includes any person who, on or after July 1, 2007:

31 (1) Is convicted of any of the following crimes:

32 (A) Unlawful manufacture or attempting such of any controlled
33 substance or controlled substance analog, as defined in K.S.A. 65-4159,
34 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
35 K.S.A. 2020 Supp. 21-5703, and amendments thereto;

36 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
37 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
38 ammonia or phenylpropanolamine, or their salts, isomers or salts of
39 isomers with intent to use the product to manufacture a controlled
40 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
41 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-5709(a),
42 and amendments thereto;

43 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-

1 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and
2 amendments thereto. The provisions of this paragraph shall not apply to
3 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
4 which occurred on or after July 1, 2009, through April 15, 2010;

5 (2) has been convicted of an offense that is comparable to any crime
6 defined in this subsection, any out-of-state conviction for an offense that
7 under the laws of this state would be an offense defined in this subsection;
8 or

9 (3) is or has been convicted of an attempt, conspiracy or criminal
10 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
11 their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and
12 amendments thereto, of an offense defined in this subsection.

or adjudications

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

or adjudication

or adjudication

or adjudication

or adjudication

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

or adjudication

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

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

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

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

43 (m) "Law enforcement agency having initial jurisdiction" means the

1 registering law enforcement agency of the county or location of
2 jurisdiction where the offender expects to most often reside upon the
3 offender's discharge, parole or release.

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

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

13 (p) "Treatment facility" means any public or private facility or
14 institution providing inpatient mental health, drug or alcohol treatment or
15 counseling, but does not include a hospital, as defined in K.S.A. 65-425,
16 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 (t) (1) Notwithstanding any other provision of this section, "offender"
26 shall not include any person who is:

27 (A) Convicted of unlawful transmission of a visual depiction of a
28 child, as defined in K.S.A. 2020 Supp. 21-5611(a), and amendments
29 thereto, aggravated unlawful transmission of a visual depiction of a child,
30 as defined in K.S.A. 2020 Supp. 21-5611(b), and amendments thereto, or
31 unlawful possession of a visual depiction of a child, as defined in K.S.A.
32 2020 Supp. 21-5610, and amendments thereto; ~~or~~

33 (B) *convicted of a crime in municipal court; or*

34 (C) adjudicated as a juvenile offender ~~under the revised Kansas~~
35 ~~juvenile justice code~~ for an act which, if committed by an adult, would
36 constitute the commission of a crime defined in subsection (t)(1)(A).

37 (2) Notwithstanding any other provision of law, a court shall not
38 order any person to register under the Kansas offender registration act for
39 the offenses described in subsection (t)(1).

40 Sec. 6. K.S.A. 2020 Supp. 22-4903 is hereby amended to read as
41 follows: 22-4903. (a) Violation of the Kansas offender registration act is
42 the failure by an offender, as defined in K.S.A. 22-4902, and amendments
43 thereto, to comply with any and all provisions of such act, including any

strike

defined in subsection (t)(1)(A)

: (1) A

that continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act that continues for more than 180 consecutive days shall, upon the 181st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues;
(2) providing a false address or an address where the offender does not reside or providing false information about the offender's employer; or
(3) failure to register if, within the immediately preceding 120 days, the offender has not registered and is not residing at the residence listed in the last registration or is not employed at the place of employment listed in the last registration

1 and all duties set forth in K.S.A. 22-4905 through 22-4907, and
2 amendments thereto. Any violation of the Kansas offender registration act
3 ~~which~~ that continues for more than ~~30~~ 90 consecutive days shall, upon the
4 ~~31st~~ 91st consecutive day, constitute a new and separate offense; and shall
5 continue to constitute a new and separate offense every 30 days thereafter
6 for as long as the violation continues.

7 (b) Aggravated violation of the Kansas offender registration act is
8 violation of the Kansas offender registration act ~~which continues for more~~
9 ~~than 180 consecutive days. Any aggravated violation of the Kansas~~
10 ~~offender registration act which continues for more than 180 consecutive~~
11 ~~days shall, upon the 181st consecutive day, constitute a new and separate~~
12 ~~offense, and shall continue to constitute a new and separate violation of the~~
13 ~~Kansas offender registration act every 30 days thereafter, or a new and~~
14 ~~separate aggravated violation of the Kansas offender registration act every~~
15 ~~180 days thereafter, for as long as the violation continues~~ that:

16 ~~(1) Continues for one year or more; or~~
17 ~~(2) is committed by a person with two or more prior convictions of~~
18 ~~violations of this section.~~

19 (c) (1) Except as provided in subsection subsections (c)(3) and (c)(4),
20 violation of the Kansas offender registration act is:

21 (A) Upon a first conviction, a ~~severity level 6 felony class B~~
22 ~~nonperson misdemeanor; and~~

(ii) 23 (B) upon a second conviction, a ~~severity level 5 felony, and class A~~
24 ~~nonperson misdemeanor~~

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

26 Such violation shall be designated as a person or nonperson crime in
27 accordance with the designation assigned to the underlying crime for
28 which the offender is required to be registered under the Kansas offender
29 registration act. If the offender is required to be registered under both a
30 person and nonperson underlying crime, the violation shall be designated
31 as a person crime.

32 (2) Except as provided in subsection subsections (c)(3) and (c)(4),
33 aggravated violation of the Kansas offender registration act is a ~~severity~~
34 ~~level 3 8, nonperson felony.~~

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 (3) Violation of the Kansas offender registration act or aggravated
42 violation of the Kansas offender registration act consisting only of failing
43 to remit payment to the sheriff's office as required in K.S.A. 22-4905(f),

strike

If the crime for which the offender is required to be registered under the Kansas offender registration act is a felony:
(i)

A

severity level 8, nonperson felony; and
(iii) upon a third or subsequent conviction, a severity level 5, nonperson felony; and
(B) If the crime for which the offender is required to be registered under the Kansas offender registration act is a misdemeanor:
(i) Upon a first or second conviction, a class A nonperson misdemeanor; and
(ii) upon a third or subsequent conviction, a severity level 8, nonperson felony

(A) Severity level 7, nonperson felony, except as provided in subparagraph (B); and
(B) severity level 5, nonperson felony if the person being sentenced has a prior conviction for violation of subsection (b)(2) or (b)(3)

1 and amendments thereto, is:

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

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

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

14 (4) *Aggravated violation of the Kansas offender registration act is a*
15 *class A nonperson misdemeanor when the underlying crime for which the*
16 *offender is required to be registered under the Kansas offender*
17 *registration act is a misdemeanor.*

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

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

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

22 (3) in any county in which the offender is located during which time
23 the offender is not in compliance with the Kansas offender registration act;
24 or

25 (4) in the county in which any conviction ~~or adjudication~~ occurred for
26 which the offender is required to be registered under the Kansas offender
27 registration act.

or adjudication

28 Sec. 7. K.S.A. 2020 Supp. 22-4904 is hereby amended to read as
29 follows: 22-4904. (a) (1) At the time of conviction ~~or adjudication~~ for an
30 offense requiring registration as provided in K.S.A. 22-4902, and
31 amendments thereto, the court shall:

or adjudication

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

34 (B) if the offender is released:

or adjudication

35 (i) Complete a notice of duty to register, ~~which and such notice shall~~
36 ~~include title and statute number of conviction or adjudication, date of~~
37 ~~conviction or adjudication, case number, county of conviction or~~
38 ~~adjudication, and the following offender information: Name, address, date~~
39 ~~of birth, social security number, race, ethnicity and gender,~~

or adjudication

or adjudication

40 (ii) require the offender to read and sign the notice of duty to register,
41 which shall include a statement that the requirements provided in this
42 subsection have been explained to the offender;

43 (iii) order the offender to report within three business days to the

1 registering law enforcement agency in the county or tribal land of
 2 conviction ~~or adjudication~~ and to the registering law enforcement agency
 3 in any place where the offender resides, ~~maintains employment or attends~~
 4 ~~school~~, to complete the registration form with all information and any
 5 updated information required for registration as provided in K.S.A. 22-
 6 4907, and amendments thereto; and

or adjudication

7 (iv) provide one copy of the notice of duty to register to the offender
 8 and, within three business days, send a copy of the form to the law
 9 enforcement agency having initial jurisdiction and to the Kansas bureau of
 10 investigation.

11 (2) At the time of sentencing or disposition for an offense requiring
 12 registration as provided in K.S.A. 22-4902, and amendments thereto, the
 13 court shall ensure the age of the victim is documented in the journal entry
 14 of conviction ~~or adjudication~~.

or adjudication

15 (3) Upon commitment for control, care and treatment by the Kansas
 16 department for aging and disability services pursuant to K.S.A. 59-29a07,
 17 and amendments thereto, the court shall notify the registering law
 18 enforcement agency of the county where the offender resides during
 19 commitment of such offender's commitment. Such notice shall be prepared
 20 by the office of the attorney general for transmittal by the court by
 21 electronic means, including by fax or e-mail.

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

24 (1) At the time of initial custody, register any offender within three
 25 business days:

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

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

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

35 (D) provide one copy of the form to the offender and, within three
 36 business days, send a copy of the form to the Kansas bureau of
 37 investigation; and

38 (E) enter all offender information required by the national crime
 39 information center into the national sex offender registry system within
 40 three business days of completing the registration or electronically submit
 41 all information and updated information required for registration as
 42 provided in K.S.A. 22-4907, and amendments thereto, within three
 43 business days to the Kansas bureau of investigation;

- 1 (2) notify the Kansas bureau of investigation of the incarceration of
2 any offender and of the location or any change in location of the offender
3 while in custody;
- 4 (3) prior to any offender being discharged, paroled, furloughed or
5 released on work or school release that does not require the daily return to
6 a correctional facility:
- 7 (A) Inform the offender of the procedure for registration and of the
8 offender's registration requirements as provided in K.S.A. 22-4905, and
9 amendments thereto;
- 10 (B) complete the registration form with all information and updated
11 information required for registration as provided in K.S.A. 22-4907, and
12 amendments thereto;
- 13 (C) require the offender to read and sign the registration form, which
14 shall include a statement that the requirements provided in this subsection
15 have been explained to the offender;
- 16 (D) photograph the offender's face and any identifying marks;
- 17 (E) obtain fingerprint and palm prints of the offender; and
- 18 (F) provide one copy of the form to the offender and, within three
19 business days, send a copy of the form and of the photograph or
20 photographs to the law enforcement agency having initial jurisdiction and
21 to the Kansas bureau of investigation; and
- 22 (4) notify the law enforcement agency having initial jurisdiction and
23 the Kansas bureau of investigation seven business days prior to any
24 offender being discharged, paroled, furloughed or released on work or
25 school release.
- 26 (c) The staff of any treatment facility shall:
- 27 (1) Within three business days of an offender's arrival for inpatient
28 treatment, inform the registering law enforcement agency of the county or
29 location of jurisdiction in which the treatment facility is located of the
30 offender's presence at the treatment facility and the expected duration of
31 the treatment, and immediately notify the registering law enforcement
32 agency of an unauthorized or unexpected absence of the offender during
33 the offender's treatment;
- 34 (2) inform the registering law enforcement agency of the county or
35 location of jurisdiction in which the treatment facility is located within
36 three business days of an offender's discharge or release; and
- 37 (3) provide information upon request to any registering law
38 enforcement agency having jurisdiction relevant to determining the
39 presence of an offender within the treatment facility.
- 40 (d) The registering law enforcement agency, upon the reporting of
41 any offender, shall:
- 42 (1) Inform the offender of the duty to register as provided by the
43 Kansas offender registration act;

- 1 (2) (A) explain the procedure for registration and the offender's
2 registration requirements as provided in K.S.A. 22-4905, and amendments
3 thereto;
- 4 (B) obtain the information required for registration as provided in
5 K.S.A. 22-4907, and amendments thereto; and
- 6 (C) require the offender to read and sign the registration form, which
7 shall include a statement that the requirements provided in this subsection
8 have been explained to the offender;
- 9 (3) complete the registration form with all information and updated
10 information required for registration, as provided in K.S.A. 22-4907, and
11 amendments thereto, each time the offender reports to the registering law
12 enforcement agency. All information and updated information reported by
13 an offender shall be forwarded to the Kansas bureau of investigation
14 within three business days;
- 15 (4) maintain the original signed registration form, provide one copy
16 of the completed registration form to the offender and, within three
17 business days, send one copy of the completed form to the Kansas bureau
18 of investigation;
- 19 (5) forward a copy of any certified letter used for reporting pursuant
20 to K.S.A. 22-4905, and amendments thereto, when utilized, within three
21 business days to the Kansas bureau of investigation;
- 22 (6) obtain registration information from every offender required to
23 register regardless of whether or not the offender remits payment;
- 24 (7) upon every required reporting, update the photograph or
25 photographs of the offender's face and any new identifying marks and
26 immediately forward copies or electronic files of the photographs to the
27 Kansas bureau of investigation;
- 28 (8) enter all offender information required by the national crime
29 information center into the national sex offender registry system within
30 three business days of completing the registration or electronically submit
31 all information and updated information required for registration as
32 provided in K.S.A. 22-4907, and amendments thereto, within three
33 business days to the Kansas bureau of investigation;
- 34 (9) maintain a special fund for the deposit and maintenance of fees
35 paid by offenders. All funds retained by the registering law enforcement
36 agency pursuant to the provisions of this section shall be credited to a
37 special fund of the registering law enforcement agency ~~which~~ *that* shall be
38 used solely for law enforcement and criminal prosecution purposes and
39 ~~which~~ *that* shall not be used as a source of revenue to reduce the amount of
40 funding otherwise made available to the registering law enforcement
41 agency; and
- 42 (10) forward any initial registration and updated registration
43 information within three business days to any out-of-state jurisdiction

1 where the offender is expected to reside, maintain employment or attend
2 school.

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

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

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

or adjudication

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

13 (D) ensure all offender information required by the national crime
14 information center is transmitted into the national sex offender registry
15 system within three business days of such information being electronically
16 submitted to the Kansas bureau of investigation.

17 (2) The director of the Kansas bureau of investigation may adopt
18 rules and regulations necessary to implement the provisions of the Kansas
19 offender registration act.

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

24 (g) The state department of education shall annually notify any school
25 of the Kansas bureau of investigation internet website, and any internet
26 website containing information on the Kansas offender registration act
27 sponsored or created by the registering law enforcement agency of the
28 county or location of jurisdiction in which the school is located, for the
29 purpose of locating offenders who reside near such school. Such
30 notification shall include information that the registering law enforcement
31 agency of the county or location of jurisdiction where such school is
32 located is available to the school to assist in using the registry and
33 providing additional information on registered offenders.

34 (h) The secretary of health and environment shall annually notify any
35 licensed child care facility of the Kansas bureau of investigation internet
36 website, and any internet website containing information on the Kansas
37 offender registration sponsored or created by the registering law
38 enforcement agency of the county in which the facility is located, for the
39 purpose of locating offenders who reside near such facility. Such
40 notification shall include information that the registering law enforcement
41 agency of the county or location of jurisdiction where such child care
42 facility is located is available to the child care facilities to assist in using
43 the registry and providing additional information on registered offenders.

1 (i) Upon request, the clerk of any court of record shall provide the
2 Kansas bureau of investigation copies of complaints, indictments,
3 information, journal entries, commitment orders or any other documents
4 necessary to the performance of the duties of the Kansas bureau of
5 investigation under the Kansas offender registration act. No fees or
6 charges for providing such documents may be assessed.

7 Sec. 8. K.S.A. 2020 Supp. 22-4905 is hereby amended to read as
8 follows: 22-4905. Any offender required to register as provided in the
9 Kansas offender registration act shall:

10 (a) Except as otherwise provided in this subsection, register in person
11 with the registering law enforcement agency within three business days of
12 coming into any county or location of jurisdiction in which the offender
13 resides or intends to reside, ~~maintains employment or intends to maintain~~
14 ~~employment, or attends school or intends to attend school.~~ Any such
15 offender who cannot physically register in person with the registering law
16 enforcement agency for such reasons including, but not limited to,
17 incapacitation or hospitalization, as determined by a person licensed to
18 practice medicine or surgery, or involuntarily committed pursuant to the
19 Kansas sexually violent predator act, shall be subject to verification
20 requirements other than in-person registration, as determined by the
21 registering law enforcement agency having jurisdiction;

22 (b) except as provided further, for any: (1) Sex offender, including a
23 violent offender or drug offender who is also a sex offender, report in
24 person four times each year to the registering law enforcement agency in
25 the county or location of jurisdiction in which the offender resides,
26 ~~maintains employment or is attending a school;~~ and (2) violent offender or
27 drug offender, report in person four times each year to the registering law
28 enforcement agency in the county or location of jurisdiction in which the
29 offender resides, ~~maintains employment or is attending a school;~~ except
30 that, at the discretion of the registering law enforcement agency, one of the
31 four required reports may be conducted by certified letter. When utilized,
32 the certified letter for reporting shall be sent by the registering law
33 enforcement agency to the reported residence of the offender. The offender
34 shall indicate any changes in information as required for reporting in
35 person. The offender shall respond by returning the certified letter to the
36 registering law enforcement agency within 10 business days by certified
37 mail. The offender shall be required to report to the registering law
38 enforcement agency once during the month of the offender's birthday and
39 every third, sixth and ninth month occurring before and after the month of
40 the offender's birthday. The registering law enforcement agency may
41 determine the appropriate times and days for reporting by the offender,
42 consistent with this subsection. Nothing contained in this subsection shall
43 be construed to alleviate any offender from meeting the requirements

- 1 prescribed in the Kansas offender registration act;
- 2 (c) provide the information required for registration as provided in
3 K.S.A. 22-4907, and amendments thereto, and verify all information
4 previously provided is accurate;
- 5 (d) if in the custody of a correctional facility, register with the
6 correctional facility within three business days of initial custody and shall
7 not be required to update such registration until discharged, paroled,
8 furloughed or released on work or school release from a correctional
9 facility. A copy of the registration form and any updated registrations for
10 an offender released on work or school release shall be sent, within three
11 business days, to the registering law enforcement agency where the
12 offender is incarcerated, maintains employment or attends school, and to
13 the Kansas bureau of investigation;
- 14 (e) if involuntarily committed pursuant to the Kansas sexually violent
15 predator act, register within three business days of arrival in the county
16 where the offender resides during commitment. The offender shall not be
17 required to update such registration until placed in a reintegration facility,
18 on transitional release or on conditional release. Upon placement in a
19 reintegration facility, on transitional release or on conditional release, the
20 offender shall be personally responsible for complying with the provisions
21 of the Kansas offender registration act;
- 22 (f) notwithstanding subsections (a) and (b), if the offender is
23 transient, report in person to the registering law enforcement agency of
24 such county or location of jurisdiction in which the offender is physically
25 present within three business days of arrival in the county or location of
26 jurisdiction. Such offender shall be required to register in person with the
27 registering law enforcement agency every 30 days, or more often at the
28 discretion of the registering law enforcement agency. Such offender shall
29 comply with the provisions of the Kansas offender registration act and, in
30 addition, shall:
- 31 (1) Provide a list of places where the offender has slept and otherwise
32 frequented during the period of time since the last date of registration; and
- 33 (2) provide a list of places where the offender may be contacted and
34 where the offender intends to sleep and otherwise frequent during the
35 period of time prior to the next required date of registration;
- 36 (g) if required by out-of-state law, register in any out-of-state
37 jurisdiction, where the offender resides, maintains employment or attends
38 school;
- 39 (h) register in person upon any commencement, change or
40 termination of residence location, employment status, school attendance or
41 other information as provided in K.S.A. 22-4907, and amendments thereto,
42 within three business days of such commencement, change or termination,
43 to the registering law enforcement agency or agencies where last

1 registered and provide written notice to the Kansas bureau of
2 investigation;

3 (i) report in person to the registering law enforcement agency or
4 agencies within three business days of any change in name;

5 (j) if receiving inpatient treatment at any treatment facility, inform the
6 treatment facility of the offender's status as an offender and inform the
7 registering law enforcement agency of the county or location of
8 jurisdiction in which the treatment facility is located of the offender's
9 presence at the treatment facility and the expected duration of the
10 treatment;

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

18 (l) remit payment to the sheriff's office in the amount of \$20 as part of
19 the reporting process required pursuant to subsection (b) in each county in
20 which the offender resides, ~~maintains employment or is attending school~~.
21 Registration will be completed regardless of whether or not the offender
22 remits payment. Failure of the offender to remit full payment within 15
23 days of registration is a violation of the Kansas offender registration act
24 and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments
25 thereto. Notwithstanding other provisions ~~herein of this section~~, payment
26 of this fee is not required:

27 (1) *When the offender is under 18 years of age;*

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

33 ~~(2)~~(3) when an offender is transient and is required to register every
34 30 days, or more frequently as ordered by the registering law enforcement
35 agency, except during the month of the offender's birthday and every third,
36 sixth and ninth month occurring before and after the month of the
37 offender's birthday; ~~or~~

38 ~~(3)~~(4) if an offender has, prior to the required reporting and within the
39 last three years, been determined to be indigent by a court of law *in the*
40 *criminal case for which the offender is required to register*, and the basis
41 for that finding is recorded by the court; *or*

42 (5) *if the court has determined that requiring payment of the fee*
43 *would impose manifest hardship on the offender or the offender's*

1 *immediate family pursuant to section 1, and amendments thereto.*
2 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and
3 amendments thereto, and annually renew any identification card pursuant
4 to K.S.A. 2020 Supp. 8-1325a, and amendments thereto;
5 (n) if maintaining primary residence in this state, surrender all driver's
6 licenses and identification cards from other states, territories and the
7 District of Columbia, except if the offender is presently serving and
8 maintaining active duty in any branch of the United States military or the
9 offender is an immediate family member of a person presently serving and
10 maintaining active duty in any branch of the United States military;
11 (o) read and sign the registration form noting whether the
12 requirements provided in this section have been explained to the offender;
13 and
14 (p) report in person to the registering law enforcement agency in the
15 jurisdiction of the offender's residence and provide written notice to the
16 Kansas bureau of investigation 21 days prior to any travel outside of the
17 United States, and provide an itinerary including, but not limited to,
18 destination, means of transport and duration of travel, or if under
19 emergency circumstances, within three business days of making travel
20 arrangements.
21 Sec. 9. K.S.A. 2020 Supp. 22-4906 is hereby amended to read as
22 follows: 22-4906. (a) (1) Except as provided in subsection—(e) (d), if
23 convicted of any of the following offenses, an offender's duration of
24 registration shall be, if confined, 15 years after the date of parole,
25 discharge or release, whichever date is most recent, or, if not confined, 15
26 years from the date of conviction:
27 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
28 or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;
29 ~~(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or~~
30 ~~K.S.A. 2020 Supp. 21-5511, and amendments thereto, when one of the~~
31 ~~parties involved is less than 18 years of age;~~
32 ~~(C) promoting the sale of sexual relations, as defined in K.S.A. 2020~~
33 ~~Supp. 21-6420, and amendments thereto;~~
34 ~~(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its~~
35 ~~repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section~~
36 ~~18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,~~
37 ~~when one of the parties involved is less than 18 years of age;~~
38 ~~(E)(C) a felony violation of lewd and lascivious behavior, as defined~~
39 ~~in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2020 Supp. 21-5513(a)(2),~~
40 ~~and amendments thereto, when one of the parties involved is less than 18~~
41 ~~years of age;~~
42 ~~(F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,~~
43 ~~or K.S.A. 2020 Supp. 21-5401, and amendments thereto;~~

1 (G) ~~murder in the first degree, as defined in K.S.A. 21-3401, prior to~~
2 ~~its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;~~

3 ~~(H)(D)~~ murder in the second degree, as defined in K.S.A. 21-3402,
4 prior to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments
5 thereto;

6 ~~(I)~~ voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
7 repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

8 ~~(J)~~ involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
9 its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
10 amendments thereto;

11 ~~(K)~~ criminal restraint, as defined in K.S.A. 21-3424, prior to its
12 repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by
13 a parent, and only when the victim is less than 18 years of age;

14 ~~(E)~~ breach of privacy, as defined in K.S.A. 2020 Supp. 21-6101(a)(6)
15 or (a)(7), and amendments thereto;

16 ~~(F)~~ kidnapping, as defined in K.S.A. 2020 Supp. 21-5408(a), and
17 amendments thereto, when the victim is less than 18 years of age;

18 ~~(L)(G)~~ any act ~~which~~ that has been determined beyond a reasonable
19 doubt to have been sexually motivated, unless the court, on the record,
20 finds that the act involved non-forcible sexual conduct, the victim was a
21 child at least 14 years of age and the offender was not more than four years
22 older than the victim;

23 ~~(M)~~ conviction of any person required by court order to register for
24 an offense not otherwise required as provided in the Kansas offender
25 registration act;

26 ~~(N)~~ conviction of any person felony and the court makes a finding on
27 the record that a deadly weapon was used in the commission of such
28 person felony;

29 ~~(O)(H)~~ 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, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
32 K.S.A. 2020 Supp. 21-5703, and amendments thereto; or

33 ~~(P)~~ 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 by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
38 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-
39 5709(a), and amendments thereto;

40 ~~(Q)~~ K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
41 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and
42 amendments thereto; or

43 ~~(R)(I)~~ 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. 2020
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 ~~(e)~~ (d), 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 K.S.A. 21-3505(a)(1), prior to its
17 repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) ~~or (a)(2)~~, and amendments
18 thereto, when one of the parties involved *other than the offender* is less
19 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 K.S.A. 2020 Supp. 21-5508(a), and amendments
22 thereto;

23 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
24 repeal, or K.S.A. 2020 Supp. 21-5509, and amendments thereto;

25 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
26 repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;

27 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
28 to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

29 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
30 its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;

31 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
32 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if
33 the victim is 14 or more years of age but less than 18 years of age;

34 (H) *internet trading in child pornography, as defined in K.S.A. 2020*
35 *Supp. 21-5514, and amendments thereto, if the victim is 14 or more years*
36 *of age but less than 18 years of age;*

37 (I) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
38 its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;

39 ~~(J)~~ promoting prostitution, as defined in K.S.A. 21-3513, prior to
40 its repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by
41 section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
42 2013, if the person selling sexual relations is 14 or more years of age but
43 less than 18 years of age; or

1 ~~(J)~~(K) 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. 2020
3 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
4 offense defined in this subsection.

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

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

17 (A) *Possession of ephedrine, pseudoephedrine, red phosphorus,*
18 *lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized*
19 *ammonia or phenylpropanolamine, or their salts, isomers or salts of*
20 *isomers with intent to use the product to manufacture a controlled*
21 *substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.*
22 *2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-*
23 *5709(a), and amendments thereto;*

24 (B) *K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-*
25 *36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and*
26 *amendments thereto;*

27 (C) *any person felony when the court makes a finding on the record,*
28 *in open court and with particularity that a deadly weapon was used in the*
29 *commission of such person felony;*

30 (D) *any attempt, conspiracy or criminal solicitation, as defined in*
31 *K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020*
32 *Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an*
33 *offense defined in this subsection.*

34 (2) *Except as otherwise provided by the Kansas offender registration*
35 *act, the duration of registration terminates, if not confined, at the*
36 *expiration of five years from the date of conviction. Any period of time*
37 *during which any offender is incarcerated in any jail or correctional*
38 *facility or during which the offender does not comply with any and all*
39 *requirements of the Kansas offender registration act shall not count*
40 *toward the duration of registration.*

41 (d) (1) Upon a second or subsequent conviction of an offense
42 requiring registration as a sex offender or a violent offender, an offender's
43 duration of registration shall be for such offender's lifetime.

1 (2) *Upon a second or subsequent conviction of an offense requiring*
2 *registration that does not result in lifetime registration pursuant to*
3 *paragraph (1), registration terms shall not aggregate.*

4 ~~(d)~~(f) The duration of registration for any offender who has been
5 convicted of any of the following offenses shall be for such offender's
6 lifetime:

7 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
8 2020 Supp. 21-5503, and amendments thereto;

9 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
10 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and
11 amendments thereto;

12 (3) aggravated indecent liberties with a child, as defined in K.S.A.
13 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
14 amendments thereto;

15 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
16 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
17 amendments thereto;

18 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
19 to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;

20 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
21 to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto;

22 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
23 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if
24 the victim is less than 14 years of age;

25 (8) *internet trading in child pornography, as defined in K.S.A. 2020*
26 *Supp. 21-5514, and amendments thereto, if the victim is less than 14 years*
27 *of age;*

28 (9) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
29 repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section
30 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
31 the person selling sexual relations is less than 14 years of age;

32 ~~(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or~~
33 ~~K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;~~

34 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
35 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto, *when*
36 *the victim is less than 18 years of age;*

37 (11) commercial sexual exploitation of a child, as defined in K.S.A.
38 2020 Supp. 21-6422, and amendments thereto;

39 (12) *capital murder, as defined in K.S.A. 2020 Supp. 21-3439, prior*
40 *to its repeal, or K.S.A. 2020 Supp. 21-5401, and amendments thereto;*

41 (13) *murder in the first degree, as defined in K.S.A. 21-3401, prior to*
42 *its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto; or*

43 ~~(12)~~(14) any attempt, conspiracy or criminal solicitation, as defined

1 in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A.
2 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
3 offense defined in this subsection.

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

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

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

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

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

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

32 (g) ~~Notwithstanding any other provisions of this section, for an
33 offender 14 years of age or more who is adjudicated as a juvenile offender
34 for an act which if committed by an adult would constitute a sexually
35 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
36 such crime is not an off-grid felony or a felony ranked in severity level 1
37 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
38 K.S.A. 2020 Supp. 21-6804, and amendments thereto, the court shall:~~

39 (1) ~~Require registration until such offender reaches 18 years of age, at
40 the expiration of five years from the date of adjudication or, if confined,
41 from release from confinement, whichever date occurs later. Any period of
42 time during which the offender is incarcerated in any jail, juvenile facility
43 or correctional facility or during which the offender does not comply with~~

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

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

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

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

The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

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

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2020 Supp. 21-6804, and amendments thereto, the court shall:

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

1 any and all requirements of the Kansas offender registration act shall not
2 count toward the duration of registration;

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

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

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

16 ~~(h) Notwithstanding any other provisions of this section, an offender
17 14 years of age or more who is adjudicated as a juvenile offender for an
18 act which if committed by an adult would constitute a sexually violent
19 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
20 crime is an off-grid felony or a felony ranked in severity level 1 of the
21 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
22 2020 Supp. 21-6804, and amendments thereto, shall be required to register
23 for such offender's lifetime.~~

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

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

36 ~~(k)(j) For any person moving to Kansas who has been convicted or
37 adjudicated in an out-of-state court, or who was required to register under
38 an out-of-state law, the duration of registration shall be the length of time
39 required by the out-of-state jurisdiction or by the Kansas offender
40 registration act, whichever length of time is longer. The provisions of this
41 subsection shall apply to convictions or adjudications prior to June 1,
42 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
43 convictions or adjudications on or after June 1, 2006, and to persons who~~

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or
(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).
(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2020 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

Redesignate subsections

or adjudicated

or adjudicated

or adjudications

or adjudications

1 moved to Kansas on or after June 1, 2006.

2 ~~(k) For any person moving to Kansas who has been adjudicated as a~~
3 ~~juvenile offender in an out-of-state court and who was required to register~~
4 ~~under an out-of-state law, the duration of registration shall be the length~~
5 ~~of time required by the out-of-state jurisdiction.~~

strike

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

or adjudicated

or adjudication

13 (m) Registration information for a person required to register for an
14 offense described in subsection (c)(1)(A) or (c)(1)(B) shall be made
15 available only to law enforcement and shall not be open to inspection by
16 the public or posted on any website, as provided in K.S.A. 22-4909, and
17 amendments thereto.

18 Sec. 10. K.S.A. 2020 Supp. 22-4907 is hereby amended to read as
19 follows: 22-4907. (a) Registration as required by the Kansas offender
20 registration act shall consist of a form approved by the Kansas bureau of
21 investigation, which shall include a statement that the requirements
22 provided in this section have been reviewed and explained to the offender,
23 and shall be signed by the offender and, except when such reporting is
24 conducted by certified letter as provided in subsection (b) of K.S.A. 22-
25 4905(b), and amendments thereto, witnessed by the person registering the
26 offender. Such registration form shall include the following offender
27 information:

28 (1) Name and all alias names;

29 (2) date and city, state and country of birth, and any alias dates or
30 places of birth;

or adjudication

31 (3) title and statute number of each offense or offenses committed,
32 date of each conviction or adjudication and court case numbers for each
33 conviction or adjudication;

or adjudication

34 (4) city, county, state or country of conviction or adjudication;

or adjudication

35 (5) sex and date of birth or purported age of each victim of all
36 offenses requiring registration;

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

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

- 1 (8) social security number, and all alias social security numbers;
- 2 (9) identifying characteristics such as race, ethnicity, skin tone, sex,
- 3 age, height, weight, hair and eye color, scars, tattoos and blood type;
- 4 (10) occupation and name, address or addresses and telephone
- 5 number of employer or employers, and name of any anticipated employer
- 6 and place of employment;
- 7 (11) all current driver's licenses or identification cards, including a
- 8 photocopy of all such driver's licenses or identification cards and their
- 9 numbers, states of issuance and expiration dates;
- 10 (12) all vehicle information, including the license plate number,
- 11 registration number and any other identifier and description of any vehicle
- 12 owned or operated by the offender, or any vehicle the offender regularly
- 13 drives, either for personal use or in the course of employment, and
- 14 information concerning the location or locations such vehicle or vehicles
- 15 are habitually parked or otherwise kept;
- 16 (13) license plate number, registration number or other identifier and
- 17 description of any aircraft or watercraft owned or operated by the offender,
- 18 and information concerning the location or locations such aircraft or
- 19 watercraft are habitually parked, docked or otherwise kept;
- 20 (14) all professional licenses, designations and certifications;
- 21 (15) documentation of any treatment received for a mental
- 22 abnormality or personality disorder of the offender; for purposes of
- 23 documenting the treatment received, registering law enforcement agencies,
- 24 correctional facility officials, treatment facility officials and courts may
- 25 rely on information that is readily available to them from existing records
- 26 and the offender;
- 27 (16) a photograph or photographs;
- 28 (17) fingerprints and palm prints;
- 29 (18) any and all schools and satellite schools attended or expected to
- 30 be attended and the locations of attendance and telephone number;
- 31 (19) any and all: E-mail addresses; online identities used by the
- 32 offender on the internet; information relating to membership in any and all
- 33 personal web pages or online social networks; and internet screen names;
- 34 (20) all travel and immigration documents; and
- 35 (21) name and telephone number of the offender's probation, parole
- 36 or community corrections officer.
- 37 (b) The offender shall provide biological samples for DNA analysis to
- 38 the registering law enforcement agency as required by K.S.A. 21-2511,
- 39 and amendments thereto. The biological samples shall be in the form using
- 40 a DNA databank kit authorized by the Kansas bureau of investigation. The
- 41 registering law enforcement agency shall forward such biological samples
- 42 to the Kansas bureau of investigation. Prior to taking such sample, the
- 43 registering law enforcement agency shall search the Kansas criminal

1 justice information system to determine if such person's DNA profile is
2 currently on file. If such person's DNA profile is on file with the Kansas
3 bureau of investigation, the registering law enforcement agency is not
4 required to take biological samples.

5 (c) If an offender reports an employer pursuant to subsection (a)(10)
6 or a school pursuant to subsection (a)(18) that is in a county other than
7 the county in which the offender resides or intends to reside, the Kansas
8 bureau of investigation shall notify the sheriff of the county in which the
9 employer or school is located of the registration information for such
10 offender.

11 Sec. 11. K.S.A. 2020 Supp. 22-4908 is hereby amended to read as
12 follows: 22-4908. ~~No person required to register as an offender pursuant to~~
13 ~~the Kansas offender registration act shall be granted an order relieving the~~
14 ~~offender of further registration under this act. This section shall include~~
15 ~~any person with any out-of-state conviction or adjudication for an offense~~
16 ~~that would require registration under the laws of this state (a) Except as~~
17 ~~provided in subsections (b), (c) and (d), any offender who is required to~~
18 ~~register under the Kansas offender registration act may file a verified~~
19 ~~petition for relief from registration requirements if:~~

20 (1) For an offender who is required to register for 15 years, the
21 offender has registered for a period of at least five years after the date of
22 parole, discharge or release, whichever date is most recent, ~~or, if not~~
23 ~~confined, five years from the date of conviction;~~

or adjudication

24 (2) for an offender who is required to register for 25 years, the
25 offender has registered for a period of at least 10 years after the date of
26 parole, discharge or release, whichever date is most recent, ~~or, if not~~
27 ~~confined, 10 years from the date of conviction;~~ or

or adjudication

28 (3) for an offender who is required to register for life, the offender
29 has registered for a period of at least 25 years after the date of parole,
30 discharge or release, whichever date is most recent, ~~or, if not confined, 25~~
31 ~~years from the date of conviction.~~

or adjudication

32 (b) Any of the following offenders required to register under the
33 Kansas offender registration act may file a verified petition for relief from
34 registration requirements if the offender has registered for a period of at
35 least 10 years after the date of parole, discharge or release, whichever
36 date is most recent, ~~or, if not confined, 10 years from the date of~~
37 ~~conviction.~~

or adjudication

38 (1) An offender who was convicted of an offense prior to July 1, 2011,
39 that, at the time of conviction, ~~did not require such offender to register~~
40 ~~under the Kansas offender registration act, but is required to register~~
41 ~~because of the retroactive application of section 6 of chapter 95 of the~~
42 ~~2011 Session Laws of Kansas; and~~

or adjudicated

or adjudication

43 (2) an offender who was originally required to register under the

1 Kansas offender registration act for 10 years for an offense committed
2 prior to July 1, 2011, but is required to register for a longer period
3 because of the retroactive application of section 6 of chapter 95 of the
4 2011 Session Laws of Kansas.

5 (c) An offender who is required to register pursuant to K.S.A. 22-
6 4906(j), and amendments thereto, because of an out-of-state conviction
7 may not petition for relief from registration requirements in this state if the
8 offender would be required to register under the law of the state or
9 jurisdiction where the conviction occurred. If the offender would no longer
10 be required to register under the law of the state or jurisdiction where the
11 conviction occurred, the offender may file a verified petition pursuant to
12 subsection (a) or (b).

or adjudication

or adjudication

or adjudication

13 (d) An offender who has been declared a sexually violent predator
14 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall not
15 petition for relief from registration requirements under the Kansas
16 offender registration act pursuant to this section.

17 (e) Any period of time during which an offender is incarcerated in
18 any jail or correctional facility or during which the offender does not
19 substantially comply with the requirements of the Kansas offender
20 registration act shall not count toward the duration of registration
21 required in subsection (a) or (b).

22 (f) (1) A verified petition for relief from registration requirements
23 shall be filed in the district court in the county where the offender was
24 convicted of the offense requiring registration. If the offender was not
25 convicted in this state of the offense requiring registration, such petition
26 shall be filed in the district court of any county where the offender is
27 currently required to register. The docket fee shall be as provided in K.S.A.
28 60-2001, and amendments thereto.

or adjudicated

or adjudicated

29 (2) The petition shall include:

30 (A) The offender's full name;

or adjudication

31 (B) the offender's full name at the time of conviction for the offense
32 or offenses requiring registration, if different than the offender's current
33 name;

34 (C) the offender's sex, race and date of birth;

35 (D) the offense or offenses requiring registration;

or adjudication

36 (E) the date of conviction for the offense or offenses requiring
37 registration;

or adjudicated

38 (F) the court in which the offender was convicted of the offense or
39 offenses requiring registration;

, adjudicated

40 (G) whether the offender has been arrested, convicted or entered into
41 a diversion agreement for any crime during the period the offender is
42 required to register; and

43 (H) the names of all treatment providers and agencies that have

1 treated the offender for mental health, substance abuse and offense-related
2 behavior since the date of the offense or offenses requiring registration.

3 (3) The judicial council shall develop a petition form for use under
4 this section.

5 (4) When a petition is filed, the court shall set a date for a hearing on
6 such petition and cause notice of the hearing to be given to the county or
7 district attorney in the county where the petition is filed. Any person who
8 may have relevant information about the offender may testify at the
9 hearing.

10 (5) The county or district attorney shall notify any victim of the
11 offense requiring registration who is alive and whose address is known or,
12 if the victim is deceased, the victim's family if the family's address is
13 known. The victim or victim's family shall not be compelled to testify or
14 provide any discovery to the offender.

15 (6) The county or district attorney shall have access to all applicable
16 records, including records that are otherwise confidential or privileged.

17 (g) (1) The court shall order any petitioning offender who is required
18 to register for life, except for an offender required to register for life solely
19 because of a second offense requiring registration pursuant to K.S.A. 22-
20 4906(d), and amendments thereto, to undergo a risk assessment. The court
21 may require any other offender who is petitioning for relief under this
22 section to undergo a risk assessment.

23 (2) Any risk assessment ordered under this subsection shall be
24 performed by a professional agreed upon by the parties or a professional
25 approved by the court. Such risk assessment shall be performed at the
26 offender's expense.

27 (h) The court shall order relief from registration requirements if the
28 offender shows by clear and convincing evidence that:

29 (1) The offender has not been convicted of a felony, other than a
30 felony violation or aggravated felony violation of K.S.A. 22-4903, and
31 amendments thereto, within the five years immediately preceding the filing
32 of the petition, and no proceedings involving any such felony are presently
33 pending or being instituted against the offender;

34 (2) the offender's circumstances, behavior and treatment history
35 demonstrate that the offender is sufficiently rehabilitated to warrant relief;
36 and

37 (3) registration of the offender is no longer necessary to promote
38 public safety.

39 (i) If the court denies an offender's petition for relief, the offender
40 shall not file another petition for relief until three years have elapsed
41 unless a shorter time period is ordered by the court.

42 (j) If the court grants relief from registration requirements, it shall
43 order that the offender be removed from the offender registry and that the

or adjudicated

1 offender is no longer required to comply with registration requirements.
 2 Within 14 days of any order, the court shall notify the Kansas bureau of
 3 investigation and any local law enforcement agency that registers the
 4 offender that the offender has been granted relief from registration
 5 requirements. The Kansas bureau of investigation shall remove such
 6 offender from any internet website maintained pursuant to K.S.A. 22-4909,
 7 and amendments thereto.

8 (k) An offender may combine a petition for relief under this section
 9 with a petition for expungement under K.S.A. 2020 Supp. 21-6614, and
 10 amendments thereto, if the offense requiring registration is otherwise
 11 eligible for expungement.

12 Sec. 12. K.S.A. 2020 Supp. 22-4909 is hereby amended to read as
 13 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), ~~(e) and~~
 14 ~~(f) of this section and (g) and subsections (f) and (g) of K.S.A. 22-~~
 15 ~~4906(m)~~, and amendments thereto, the statements or any other information
 16 required by the Kansas offender registration act shall be open to inspection
 17 by the public at the registering law enforcement agency, at the
 18 headquarters of the Kansas bureau of investigation and on any internet
 19 website sponsored or created by a registering law enforcement agency or
 20 the Kansas bureau of investigation that contains such statements or
 21 information, and specifically are subject to the provisions of the Kansas
 22 open records act, K.S.A. 45-215 et seq., and amendments thereto.

(f), (g) and

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

- 28 (1) Name of the offender, including any aliases;
- 29 (2) address of each residence at which the offender resides or will
 30 reside and, if the offender does not have any present or expected residence
 31 address, other information about where the offender has their home or
 32 habitually lives. If current information of this type is not available because
 33 the offender is in violation of the requirement to register or cannot be
 34 located, the website must so note;
- 35 (3) temporary lodging information;
- 36 (4) address of any place where the offender is a student or will be a
 37 student;
- 38 (5) license plate number and a description of any vehicle owned or
 39 operated by the offender, including any aircraft or watercraft;
- 40 (6) physical description of the offender;
- 41 (7) the offense or offenses for which the offender is registered and
 42 any other offense for which the offender has been convicted ~~or~~
 43 adjudicated;

or adjudicated

1 (8) a current photograph of the offender; and
 2 (9) all professional licenses, designations and certifications.
 3 (c) Notwithstanding subsection (a), information posted on an internet
 4 website sponsored or created by a registering law enforcement agency or
 5 the Kansas bureau of investigation shall not contain the address of any
 6 place where the offender is an employee or any other information about
 7 where the offender works. Such internet website shall contain a statement
 8 that employment information is publicly available and may be obtained by
 9 contacting the appropriate registering law enforcement agency or by
 10 signing up for community notification through the official website of the
 11 Kansas bureau of investigation.
 12 (d) Notwithstanding subsection (a), pursuant to a court finding
 13 petitioned by the prosecutor, any offender who is required to register
 14 pursuant to the Kansas offender registration act, but has been provided a
 15 new identity and relocated under the federal witness security program or
 16 who has worked as a confidential informant, or is otherwise a protected
 17 witness, shall be required to register pursuant to the Kansas offender
 18 registration act, but shall not be subject to public registration.
 19 (e) Notwithstanding subsection (a), ~~when a court orders expungement~~
 20 ~~of a conviction or adjudication that requires an offender to register~~
 21 ~~pursuant to the Kansas offender registration act, the registration~~
 22 ~~requirement for such conviction or adjudication does not terminate.~~ Such
 23 offender shall be required to continue registering pursuant to the Kansas
 24 offender registration act, but shall not be subject to public registration. If a
 25 court orders expungement of a conviction or adjudication that requires an
 26 offender to register pursuant to the Kansas offender registration act, and
 27 the offender has any other conviction or adjudication that requires
 28 registration, such offender shall be required to register pursuant to the
 29 Kansas offender registration act, and the registration for such other
 30 conviction or adjudication shall be open to inspection by the public and
 31 shall be subject to the provisions of subsection (a), ~~unless such registration~~
 32 ~~has been ordered restricted pursuant to subsection (f) or (g) of K.S.A. 22-~~
 33 ~~4906, and amendments thereto.~~
 34 (f) Notwithstanding subsection (a), the following information shall
 35 not be disclosed other than to law enforcement agencies:
 36 (1) The name, address, telephone number or any other information
 37 which specifically and individually identifies the identity of any victim of
 38 a registerable offense;
 39 (2) the social security number of the offender;
 40 (3) the offender's criminal history arrests that did not result in
 41 convictions or adjudications;
 42 (4) travel and immigration document numbers of the offender; and
 43 (5) internet identifiers of the offender.

or adjudication

or adjudication

or adjudication

or adjudication

or adjudication

1 (g) *Notwithstanding subsection (a), registration information for a*
2 *person whose registration has been ordered to be restricted pursuant to*
3 *K.S.A. 22-4906(m), and amendments thereto, shall be made available only*
4 *to law enforcement and shall not be open to inspection by the public or*
5 *posted on any website pursuant to this section.*

6 Sec. 13. K.S.A. 74-7335 is hereby amended to read as follows: 74-
7 7335. (a) The victim of a crime or the victim's family shall be notified of
8 the right to be present at any public hearing or any juvenile offender
9 proceeding concerning the accused or the convicted person or the
10 respondent or the juvenile offender.

11 (b) The victim of a crime or the victim's family shall be notified of
12 the right to be present at any proceeding or hearing where probation or
13 parole is considered or granted by a judge whether or not a public hearing
14 is conducted or required.

15 (c) As used in this section:

16 (1) "Public hearing" means any court proceeding or administrative
17 hearing ~~which~~ *that is open to the public and shall include but includes, but*
18 *is not be limited to the:*

19 (A) Preliminary hearing;

20 (B) trial;

21 (C) sentencing;

22 (D) sentencing modification;

23 (E) public comment sessions, pursuant to K.S.A. 22-3717, and
24 amendments thereto;

25 (F) expungement hearing; ~~and~~

26 (G) granting of probation or parole by a judge; *and*

27 (H) *determination regarding registration under the Kansas offender*
28 *registration act, K.S.A. 22-4901 et seq., and amendments thereto.*

29 (2) "Victim's family" means a spouse, surviving spouse, children,
30 parents, legal guardian, siblings, stepparent or grandparents.

31 (3) "Juvenile offender proceedings" means any hearing concerning a
32 juvenile pursuant to the revised Kansas juvenile justice code.

33 (d) The city, county or district attorney or municipal court clerk shall
34 notify any victim of the crime who is alive and whose address is known to
35 the city, county or district attorney or municipal court clerk or, if the victim
36 is deceased, to the victim's family if the family's address is known to such
37 attorney or clerk.

38 (e) Costs of transportation for the victim to appear shall be borne by
39 the victim unless the appearance is required pursuant to a subpoena or
40 other order of the court.

41 Sec. 14. K.S.A. 74-7335 and K.S.A. 2020 Supp. 21-5913, 21-6614,
42 21-6804, 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-
43 4908 and 22-4909 are hereby repealed.

1 Sec. 15. This act shall take effect and be in force from and after its
2 publication in the statute book.