

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

**MEMORANDUM**

To: Joint Committee on Corrections and Juvenile Justice Oversight

From: Office of Revisor of Statutes

Date: November 29, 2022

Subject: Offender Registration

This memo is intended to provide an overview of the offender registration process in Kansas. The Kansas offender registration act can be found in article 49 of chapter 22 of the Kansas Statutes Annotated. K.S.A. 22-4902 provides the definitions that are to be used throughout the act. Kansas has five types of offenders, which include sex offenders, violent offenders, drug offenders, people required to register under out-of-state law, and people required to register for an offense otherwise not required by the act. This definition section lists the crimes for which sex offenders, violent offenders and drug offenders are required to register.

K.S.A. 22-4903 provides the criminal penalties for violating the act. A violation is the failure by the offender to comply with any and all provisions of the act. Such violation constitutes a severity level 6 felony for a first offense, severity level 5 felony for a second offense and severity level 3 felony for a third or subsequent offense. Aggravated violation of the act is a violation that continues for more than 180 days and is a severity level 3 felony. If the violation is only failure to pay the required registration fee, then violation is a class A misdemeanor or a severity level 9 felony if two or more payments have not been made. Each of these crimes is designated as a person or nonperson crime based on the underlying offense for which the person is required to register.

K.S.A. 22-4904 provides the list of information that the court is required to provide to an offender who is required to register. It also provides a list of duties that must be fulfilled by the staff of a correctional facility, a registering law enforcement agency or the staff of a treatment facility with respect to registering an offender who is in their custody. The Kansas bureau of investigation (KBI) shall ensure that offender information is entered into the database that the KBI is required to maintain. The attorney general is required to forward information to the KBI

relating to offenders who are declared sexually violent predators. The department of education is required to notify any school of the KBI database and any website relating to offender information for the jurisdiction where the school is located. The secretary of health and environment is required to notify any licensed childcare facility of the KBI database and any website relating to offender information in the county where that facility is located.

K.S.A. 22-4905 identifies the duties of the offender relating to registering. Offenders are required to register within three days of coming into the jurisdiction. Offenders are required to register in the jurisdiction where they live, work or attend school, and they are required to register four times a year. The offender is required to pay a fee of \$20 at each place they register each time they register. The offender is also required to report to the registering law enforcement agency within three days of making any change to information that is required for registration.

K.S.A. 22-4906 provides the time periods for which each type of offender is required to register. Depending on the offense committed, adults are required to register for 15 years, 25 years or the rest of the offender's life. This statute also provides the length of time juveniles are required to register. Offenders who are 14 years of age or older and are adjudicated for a sexually violent crime that is not an off-grid or nondrug severity level 1 felony can be (1) required to register until they are 18 or five years after adjudication or release from confinement, whichever is later; (2) not required to register if the court finds substantial and compelling reasons; or (3) required to register but the registration information is not open to the public. Offenders who are 14 years of age or older and are adjudicated for a sexually violent crime that is an off-grid or nondrug severity level 1 felony is required to register for the offender's life. Offenders required to register for an out-of-state conviction are required to register for the length of time required by Kansas law or the length of time required by the out-of-state law, whichever is longer.

K.S.A. 22-4907 provides the information that is required for registration. This list of information is collected by the person registering the offender. If a DNA sample is required, the registering law enforcement agency shall search the Kansas criminal justice information system to determine if the offender's DNA is currently on file and, if it is, the registering law enforcement agency is not required to take a new DNA sample. If a DNA sample is taken, it shall be forwarded to the Kansas bureau of investigation.

K.S.A. 22-4908 was amended in 2022 SB 366. Prior to these amendments, an offender required to register was not able to get relief from those registration requirements. The changes made to this section provided that a drug offender may file a verified petition for relief from registration requirements after the offender has registered for at least five years. An offender

required to register for an out-of-state conviction cannot file such a petition for relief if the offender would still be required to register under the law of that state. Any time that the offender spends incarcerated or not in substantial compliance with the offender registration act does not count toward the five-year period for which the offender is required to register before filing a petition for relief. The statute provides the information that is required to be in a petition for relief, and the judicial council is required to develop a petition form for use under this section. When the petition is filed, the court shall set a hearing date. The county or district attorney shall notify any victim of the offense for which the offender is required to register. The court may require the offender to undergo a risk assessment to be performed by a professional agreed to by the parties at the offender's expense. The court shall order relief from the registration requirements if it finds by clear and convincing evidence that (1) the offender hasn't been convicted of a felony, other than violation of the offender registration act, within the immediately preceding five years; (2) the offender is sufficiently rehabilitated; and (3) registration is no longer necessary for public safety. If the petition is denied, the offender cannot file another petition for three years. If the petition is granted, the court shall order that the offender be removed from the registry.

K.S.A. 22-4909 provides the registration information that is open to the public and the information that shall not be open to the public. It also provides the information that is collected but can only be disclosed to law enforcement agencies. The information that is open to the public shall be available for inspection at the registering law enforcement agency, the Kansas bureau of investigation and on any website created by either agency to display the information.

K.S.A. 22-4911 provides that nothing in the act creates a cause of action against the state or a state employee as a result of performing their duties in registering offenders. K.S.A. 22-4913 provides that cities and counties are prohibited from adopting an ordinance that establishes residential restrictions for offenders. That prohibition does not apply to correctional placement residences.