

HOUSE BILL No. 2739

By Committee on Corrections and Juvenile Justice

2-9

1 AN ACT concerning the Kansas offender registration act; relating to the
2 sex offender registry; adjudicated juveniles; amending K.S.A. 2017
3 Supp. 22-4902 and 22-4906 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2017 Supp. 22-4902 is hereby amended to read as
7 follows: 22-4902. As used in the Kansas offender registration act, unless
8 the context otherwise requires:

9 (a) "Offender" means:

- 10 (1) A sex offender;
11 (2) a violent offender;
12 (3) a drug offender;
13 (4) any person who has been required to register under out-of-state
14 law or is otherwise required to be registered; and
15 (5) any person required by court order to register for an offense not
16 otherwise required as provided in the Kansas offender registration act.

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

- 18 (1) On or after April 14, 1994, is convicted of any sexually violent
19 crime;
20 (2) on or after July 1, 2002, is adjudicated as a juvenile offender for
21 an act which if committed by an adult would constitute the commission of
22 a sexually violent crime, ~~unless the court, on the record, finds that the act~~
23 ~~involved non-forcible sexual conduct, the victim was at least 14 years of~~
24 ~~age and the offender was not more than four years older than the victim;~~
25 (3) has been determined to be a sexually violent predator;
26 (4) on or after July 1, 1997, is convicted of any of the following
27 crimes when one of the parties involved is less than 18 years of age:
28 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
29 K.S.A. 2017 Supp. 21-5511, and amendments thereto;
30 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
31 repeal, or K.S.A. 2017 Supp. 21-5504(a)(1) or (a)(2), and amendments
32 thereto;
33 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
34 repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section
35 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
36 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its

1 repeal, or K.S.A. 2017 Supp. 21-6421, prior to its amendment by section
2 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
3 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
4 to its repeal, or K.S.A. 2017 Supp. 21-5513, and amendments thereto;
5 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
6 to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto;
7 (6) is convicted of an attempt, conspiracy or criminal solicitation, as
8 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
9 K.S.A. 2017 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
10 of an offense defined in this subsection; or
11 (7) has been convicted of an offense that is comparable to any crime
12 defined in this subsection, or any out-of-state conviction for an offense that
13 under the laws of this state would be an offense defined in this subsection.
14 (c) "Sexually violent crime" means:
15 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
16 2017 Supp. 21-5503, and amendments thereto;
17 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
18 to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;
19 (3) aggravated indecent liberties with a child, as defined in K.S.A.
20 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and
21 amendments thereto;
22 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
23 prior to its repeal, or K.S.A. 2017 Supp. 21-5504(a)(3) or (a)(4), and
24 amendments thereto;
25 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
26 to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;
27 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
28 prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments
29 thereto;
30 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
31 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and
32 amendments thereto;
33 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
34 to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto;
35 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
36 its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;
37 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
38 repeal, or K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;
39 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
40 repeal, and K.S.A. 2017 Supp. 21-5509, and amendments thereto;
41 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
42 its repeal, or K.S.A. 2017 Supp. 21-5512, and amendments thereto;
43 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,

1 prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments
2 thereto, if committed in whole or in part for the purpose of the sexual
3 gratification of the defendant or another;

4 (14) commercial sexual exploitation of a child, as defined in K.S.A.
5 2017 Supp. 21-6422, and amendments thereto;

6 (15) promoting the sale of sexual relations, as defined in K.S.A. 2017
7 Supp. 21-6420, and amendments thereto;

8 (16) any conviction or adjudication for an offense that is comparable
9 to a sexually violent crime as defined in this subsection, or any out-of-state
10 conviction or adjudication for an offense that under the laws of this state
11 would be a sexually violent crime as defined in this subsection;

12 (17) an attempt, conspiracy or criminal solicitation, as defined in
13 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017
14 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
15 violent crime, as defined in this subsection; or

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

23 (d) "Sexually violent predator" means any person who, on or after
24 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
25 59-29a01 et seq., and amendments thereto.

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

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

29 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
30 or K.S.A. 2017 Supp. 21-5401, and amendments thereto;

31 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
32 its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;

33 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
34 to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;

35 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
36 repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;

37 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
38 its repeal, or K.S.A. 2017 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
39 amendments thereto. The provisions of this paragraph shall not apply to
40 violations of K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto,
41 which occurred on or after July 1, 2011, through July 1, 2013;

42 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
43 K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;

- 1 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
2 repeal, or K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;
- 3 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
4 repeal, or K.S.A. 2017 Supp. 21-5411, and amendments thereto, except by
5 a parent, and only when the victim is less than 18 years of age; or
- 6 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
7 to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if
8 not committed in whole or in part for the purpose of the sexual
9 gratification of the defendant or another;
- 10 (2) on or after July 1, 2006, is convicted of any person felony and the
11 court makes a finding on the record that a deadly weapon was used in the
12 commission of such person felony;
- 13 (3) has been convicted of an offense that is comparable to any crime
14 defined in this subsection, any out-of-state conviction for an offense that
15 under the laws of this state would be an offense defined in this subsection;
16 or
- 17 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
18 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
19 K.S.A. 2017 Supp. 21-5301, 21-5302 and 21-5303, and amendments
20 thereto, of an offense defined in this subsection.
- 21 (f) "Drug offender" includes any person who, on or after July 1, 2007:
22 (1) Is convicted of any of the following crimes:
23 (A) Unlawful manufacture or attempting such of any controlled
24 substance or controlled substance analog, as defined in K.S.A. 65-4159,
25 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
26 K.S.A. 2017 Supp. 21-5703, and amendments thereto;
- 27 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
28 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
29 ammonia or phenylpropanolamine, or their salts, isomers or salts of
30 isomers with intent to use the product to manufacture a controlled
31 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
32 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2017 Supp. 21-5709(a),
33 and amendments thereto;
- 34 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
35 36a05(a)(1), prior to its transfer, or K.S.A. 2017 Supp. 21-5705(a)(1), and
36 amendments thereto. The provisions of this paragraph shall not apply to
37 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
38 which occurred on or after July 1, 2009, through April 15, 2010;
- 39 (2) has been convicted of an offense that is comparable to any crime
40 defined in this subsection, any out-of-state conviction for an offense that
41 under the laws of this state would be an offense defined in this subsection;
42 or
- 43 (3) is or has been convicted of an attempt, conspiracy or criminal

1 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
2 their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 and 21-5303, and
3 amendments thereto, of an offense defined in this subsection.

4 (g) Convictions or adjudications which result from or are connected
5 with the same act, or result from crimes committed at the same time, shall
6 be counted for the purpose of this section as one conviction or
7 adjudication. Any conviction or adjudication set aside pursuant to law is
8 not a conviction or adjudication for purposes of this section. A conviction
9 or adjudication from any out-of-state court shall constitute a conviction or
10 adjudication for purposes of this section.

11 (h) "School" means any public or private educational institution,
12 including, but not limited to, postsecondary school, college, university,
13 community college, secondary school, high school, junior high school,
14 middle school, elementary school, trade school, vocational school or
15 professional school providing training or education to an offender for three
16 or more consecutive days or parts of days, or for 10 or more
17 nonconsecutive days in a period of 30 consecutive days.

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

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

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

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

34 (m) "Law enforcement agency having initial jurisdiction" means the
35 registering law enforcement agency of the county or location of
36 jurisdiction where the offender expects to most often reside upon the
37 offender's discharge, parole or release.

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

40 (o) "Registering entity" means any person, agency or other
41 governmental unit, correctional facility or registering law enforcement
42 agency responsible for obtaining the required information from, and
43 explaining the required registration procedures to, any person required to

1 register pursuant to the Kansas offender registration act. "Registering
2 entity" shall include, but not be limited to, sheriff's offices, tribal police
3 departments and correctional facilities.

4 (p) "Treatment facility" means any public or private facility or
5 institution providing inpatient mental health, drug or alcohol treatment or
6 counseling, but does not include a hospital, as defined in K.S.A. 65-425,
7 and amendments thereto.

8 (q) "Correctional facility" means any public or private correctional
9 facility, juvenile detention facility, prison or jail.

10 (r) "Out-of-state" means: the District of Columbia; any federal,
11 military or tribal jurisdiction, including those within this state; any foreign
12 jurisdiction; or any state or territory within the United States, other than
13 this state.

14 (s) "Duration of registration" means the length of time during which
15 an offender is required to register for a specified offense or violation.

16 (t) (1) Notwithstanding any other provision of this section, "offender"
17 shall not include any person who is:

18 (A) Convicted of unlawful transmission of a visual depiction of a
19 child, as defined in K.S.A. 2017 Supp. 21-5611(a), and amendments
20 thereto, aggravated unlawful transmission of a visual depiction of a child,
21 as defined in K.S.A. 2017 Supp. 21-5611(b), and amendments thereto, or
22 unlawful possession of a visual depiction of a child, as defined in K.S.A.
23 2017 Supp. 21-5610, and amendments thereto; or

24 (B) adjudicated as a juvenile offender for an act which if committed
25 by an adult would constitute the commission of a crime defined in
26 subsection (t)(1)(A).

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

30 Sec. 2. K.S.A. 2017 Supp. 22-4906 is hereby amended to read as
31 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
32 of any of the following offenses, an offender's duration of registration shall
33 be, if confined, 15 years after the date of parole, discharge or release,
34 whichever date is most recent, or, if not confined, 15 years from the date of
35 conviction:

36 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
37 or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto;

38 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
39 K.S.A. 2017 Supp. 21-5511, and amendments thereto, when one of the
40 parties involved is less than 18 years of age;

41 (C) promoting the sale of sexual relations, as defined in K.S.A. 2017
42 Supp. 21-6420, and amendments thereto;

43 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its

- 1 repeal, or K.S.A. 2017 Supp. 21-6421, prior to its amendment by section
2 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
3 when one of the parties involved is less than 18 years of age;
- 4 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
5 to its repeal, or K.S.A. 2017 Supp. 21-5513, and amendments thereto,
6 when one of the parties involved is less than 18 years of age;
- 7 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
8 or K.S.A. 2017 Supp. 21-5401, and amendments thereto;
- 9 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
10 its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;
- 11 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
12 to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;
- 13 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
14 repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;
- 15 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
16 its repeal, or K.S.A. 2017 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
17 amendments thereto;
- 18 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
19 repeal, or K.S.A. 2017 Supp. 21-5411, and amendments thereto, except by
20 a parent, and only when the victim is less than 18 years of age;
- 21 (L) any act which has been determined beyond a reasonable doubt to
22 have been sexually motivated, ~~unless the court, on the record, finds that~~
23 ~~the act involved non-forcible sexual conduct, the victim was at least 14~~
24 ~~years of age and the offender was not more than four years older than the~~
25 ~~victim;~~
- 26 (M) conviction of any person required by court order to register for
27 an offense not otherwise required as provided in the Kansas offender
28 registration act;
- 29 (N) conviction of any person felony and the court makes a finding on
30 the record that a deadly weapon was used in the commission of such
31 person felony;
- 32 (O) 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. 2017 Supp. 21-5703, and amendments thereto;
- 36 (P) 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 by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
41 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2017 Supp. 21-
42 5709(a), and amendments thereto;
- 43 (Q) 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. 2017 Supp. 21-5705(a)(1), and
2 amendments thereto; or

3 (R) any attempt, conspiracy or criminal solicitation, as defined in
4 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017
5 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
6 offense defined in this subsection.

7 (2) Except as otherwise provided by the Kansas offender registration
8 act, the duration of registration terminates, if not confined, at the
9 expiration of 15 years from the date of conviction. Any period of time
10 during which any offender is incarcerated in any jail or correctional
11 facility or during which the offender does not comply with any and all
12 requirements of the Kansas offender registration act shall not count toward
13 the duration of registration.

14 (b) (1) Except as provided in subsection (c), if convicted of any of the
15 following offenses, an offender's duration of registration shall be, if
16 confined, 25 years after the date of parole, discharge or release, whichever
17 date is most recent, or, if not confined, 25 years from the date of
18 conviction:

19 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
20 repeal, or K.S.A. 2017 Supp. 21-5504(a)(1) or (a)(2), and amendments
21 thereto, when one of the parties involved is less than 18 years of age;

22 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
23 prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments
24 thereto;

25 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
26 repeal, or K.S.A. 2017 Supp. 21-5509, and amendments thereto;

27 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
28 repeal, or K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;

29 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
30 to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;

31 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
32 its repeal, or K.S.A. 2017 Supp. 21-5512, and amendments thereto;

33 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
34 to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, if
35 the victim is 14 or more years of age but less than 18 years of age;

36 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
37 its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;

38 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
39 repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section
40 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
41 the person selling sexual relations is 14 or more years of age but less than
42 18 years of age; or

43 (J) 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. 2017
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 25 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 (c) Upon a second or subsequent conviction of an offense requiring
12 registration, an offender's duration of registration shall be for such
13 offender's lifetime.

14 (d) The duration of registration for any offender who has been
15 convicted of any of the following offenses shall be for such offender's
16 lifetime:

17 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
18 2017 Supp. 21-5503, and amendments thereto;

19 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
20 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and
21 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. 2017 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. 2017 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. 2017 Supp. 21-5504(b), and amendments thereto;

30 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
31 to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto;

32 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
33 to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, if
34 the victim is less than 14 years of age;

35 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
36 repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section
37 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
38 the person selling sexual relations is less than 14 years of age;

39 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
40 K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;

41 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
42 repeal, or K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;

43 (11) commercial sexual exploitation of a child, as defined in K.S.A.

1 2017 Supp. 21-6422, and amendments thereto; or

2 (12) any attempt, conspiracy or criminal solicitation, as defined in
3 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017
4 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
5 offense defined in this subsection.

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

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

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

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

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

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

34 (g) Notwithstanding any other provisions of this section, for an
35 offender 14 years of age or more who is adjudicated as a juvenile offender
36 for an act which if committed by an adult would constitute a sexually
37 violent crime set forth in K.S.A. 22-4902(e), and amendments thereto, and
38 such crime is not an off-grid felony or a felony ranked in severity level 1
39 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
40 K.S.A. 2017 Supp. 21-6804, and amendments thereto, the court shall:

41 ~~(1) Require registration until such offender reaches 18 years of age, at~~
42 ~~the expiration of five years from the date of adjudication or, if confined,~~
43 ~~from release from confinement, whichever date occurs later. Any period of~~

1 time during which the offender is incarcerated in any jail, juvenile facility
2 or correctional facility or during which the offender does not comply with
3 any and all requirements of the Kansas offender registration act shall not
4 count toward the duration of registration;

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

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

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

18 (h) ~~Notwithstanding any other provisions of this section, an offender
19 14 years of age or more who is adjudicated as a juvenile offender for an
20 act which if committed by an adult would constitute a sexually violent
21 crime set forth in K.S.A. 22-4902(e), and amendments thereto, and such
22 crime is an off-grid felony or a felony ranked in severity level 1 of the
23 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
24 2017 Supp. 21-6804, and amendments thereto, shall be required *require*
25 *the offender* to register for such offender's lifetime.~~

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

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

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

1 convictions or adjudications on or after June 1, 2006, and to persons who
2 moved to Kansas on or after June 1, 2006.

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

10 Sec. 3. K.S.A. 2017 Supp. 22-4902 and 22-4906 are hereby repealed.

11 Sec. 4. This act shall take effect and be in force from and after its
12 publication in the statute book.