

HOUSE BILL No. 2092

By Committee on Corrections and Juvenile Justice

1-21

1 AN ACT concerning the Kansas offender registration act; relating to
2 removal of drug offenders from registration requirements; removing
3 enhanced penalty for multiple nonpayments; amending K.S.A. 2020
4 Supp. 22-4902, 22-4903, 22-4905, 22-4906 and 22-4909 and repealing
5 the existing sections.
6

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

8 Section 1. K.S.A. 2020 Supp. 22-4902 is hereby amended to read as
9 follows: 22-4902. As used in the Kansas offender registration act, unless
10 the context otherwise requires:

11 (a) "Offender" means:

12 (1) A sex offender;

13 (2) a violent offender;

14 ~~(3) a drug offender;~~

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

17 ~~(5)~~(4) any person required by court order to register for an offense not
18 otherwise required as provided in the Kansas offender registration act.

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

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

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

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

28 (4) on or after July 1, 1997, is convicted of any of the following
29 crimes when one of the parties involved is less than 18 years of age:

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

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

35 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
36 repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section

1 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

2 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
3 repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section
4 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

5 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
6 to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto;

7 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
8 to its repeal, or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;

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

13 (7) has been convicted of an offense that is comparable to any crime
14 defined in this subsection, or 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 (c) "Sexually violent crime" means:

17 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
18 2020 Supp. 21-5503, and amendments thereto;

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

21 (3) aggravated indecent liberties with a child, as defined in K.S.A.
22 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
23 amendments thereto;

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

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

29 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
30 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
31 thereto;

32 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
33 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and
34 amendments thereto;

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

37 (9) 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 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
40 repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;

41 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
42 repeal, and K.S.A. 2020 Supp. 21-5509, and amendments thereto;

43 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to

1 its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;

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

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

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

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

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

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

25 (d) "Sexually violent predator" means any person who, on or after
26 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
27 59-29a01 et seq., and amendments thereto.

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

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

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

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

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

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

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

1 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
2 K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;

3 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
4 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

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

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

12 (2) on or after July 1, 2006, is convicted of any person felony and the
13 court makes a finding on the record that a deadly weapon was used in the
14 commission of such person felony;

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

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

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

24 ~~(1) Is convicted of any of the following crimes:~~

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

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

36 ~~(C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-~~
37 ~~36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and~~
38 ~~amendments thereto. The provisions of this paragraph shall not apply to~~
39 ~~violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)-~~
40 ~~which occurred on or after July 1, 2009, through April 15, 2010;~~

41 ~~(2) has been convicted of an offense that is comparable to any crime~~
42 ~~defined in this subsection, any out-of-state conviction for an offense that~~
43 ~~under the laws of this state would be an offense defined in this subsection;~~

1 or

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

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

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

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

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

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

35 ~~(l)~~(k) "Transient" means having no fixed or identifiable residence.

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

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

42 ~~(o)~~(n) "Registering entity" means any person, agency or other
43 governmental unit, correctional facility or registering law enforcement

1 agency responsible for obtaining the required information from, and
2 explaining the required registration procedures to, any person required to
3 register pursuant to the Kansas offender registration act. "Registering
4 entity" shall include, but not be limited to, sheriff's offices, tribal police
5 departments and correctional facilities.

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

10 ~~(q)~~(p) "Correctional facility" means any public or private correctional
11 facility, juvenile detention facility, prison or jail.

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

16 ~~(s)~~(r) "Duration of registration" means the length of time during
17 which an offender is required to register for a specified offense or
18 violation.

19 ~~(t)~~(s) (1) Notwithstanding any other provision of this section,
20 "offender" shall not include any person who is:

21 (A) Convicted of unlawful transmission of a visual depiction of a
22 child, as defined in K.S.A. 2020 Supp. 21-5611(a), and amendments
23 thereto, aggravated unlawful transmission of a visual depiction of a child,
24 as defined in K.S.A. 2020 Supp. 21-5611(b), and amendments thereto, or
25 unlawful possession of a visual depiction of a child, as defined in K.S.A.
26 2020 Supp. 21-5610, and amendments thereto; or

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

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

33 Sec. 2. K.S.A. 2020 Supp. 22-4903 is hereby amended to read as
34 follows: 22-4903. (a) Violation of the Kansas offender registration act is
35 the failure by an offender, as defined in K.S.A. 22-4902, and amendments
36 thereto, to comply with any and all provisions of such act, including any
37 and all duties set forth in K.S.A. 22-4905 through 22-4907, and
38 amendments thereto. Any violation of the Kansas offender registration act
39 which continues for more than 30 consecutive days shall, upon the 31st
40 consecutive day, constitute a new and separate offense, and shall continue
41 to constitute a new and separate offense every 30 days thereafter for as
42 long as the violation continues.

43 (b) Aggravated violation of the Kansas offender registration act is

1 violation of the Kansas offender registration act which continues for more
2 than 180 consecutive days. Any aggravated violation of the Kansas
3 offender registration act which continues for more than 180 consecutive
4 days shall, upon the 181st consecutive day, constitute a new and separate
5 offense, and shall continue to constitute a new and separate violation of the
6 Kansas offender registration act every 30 days thereafter, or a new and
7 separate aggravated violation of the Kansas offender registration act every
8 180 days thereafter, for as long as the violation continues.

9 (c) (1) Except as provided in subsection (c)(3), violation of the
10 Kansas offender registration act is:

11 (A) Upon a first conviction, a severity level 6 felony;

12 (B) upon a second conviction, a severity level 5 felony; and

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

14 Such violation shall be designated as a person or nonperson crime in
15 accordance with the designation assigned to the underlying crime for
16 which the offender is required to be registered under the Kansas offender
17 registration act. If the offender is required to be registered under both a
18 person and nonperson underlying crime, the violation shall be designated
19 as a person crime.

20 (2) Except as provided in subsection (c)(3), aggravated violation of
21 the Kansas offender registration act is a severity level 3 felony.

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

28 (3) Violation of the Kansas offender registration act or aggravated
29 violation of the Kansas offender registration act consisting only of failing
30 to remit payment to the sheriff's office as required in K.S.A. 22-4905(l),
31 and amendments thereto, is:

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

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

38 ~~Such violation shall be designated as a person or nonperson crime in~~
39 ~~accordance with the designation assigned to the underlying crime for~~
40 ~~which the offender is required to be registered under the Kansas offender~~
41 ~~registration act. If the offender is required to be registered under both a~~
42 ~~person and nonperson underlying crime, the violation shall be designated~~
43 ~~as a person crime.~~

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

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

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

5 (3) in any county in which the offender is located during which time
6 the offender is not in compliance with the Kansas offender registration act;
7 or

8 (4) in the county in which any conviction or adjudication occurred for
9 which the offender is required to be registered under the Kansas offender
10 registration act.

11 Sec. 3. K.S.A. 2020 Supp. 22-4905 is hereby amended to read as
12 follows: 22-4905. Any offender required to register as provided in the
13 Kansas offender registration act shall:

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

26 (b) except as provided further, for any: (1) Sex offender, including a
27 violent offender ~~or drug offender~~ who is also a sex offender, report in
28 person four times each year to the registering law enforcement agency in
29 the county or location of jurisdiction in which the offender resides,
30 maintains employment or is attending a school; and (2) violent offender ~~or~~
31 ~~drug offender~~, report in person four times each year to the registering law
32 enforcement agency in the county or location of jurisdiction in which the
33 offender resides, maintains employment or is attending a school, except
34 that, at the discretion of the registering law enforcement agency, one of the
35 four required reports may be conducted by certified letter. When utilized,
36 the certified letter for reporting shall be sent by the registering law
37 enforcement agency to the reported residence of the offender. The offender
38 shall indicate any changes in information as required for reporting in
39 person. The offender shall respond by returning the certified letter to the
40 registering law enforcement agency within 10 business days by certified
41 mail. The offender shall be required to report to the registering law
42 enforcement agency once during the month of the offender's birthday and
43 every third, sixth and ninth month occurring before and after the month of

1 the offender's birthday. The registering law enforcement agency may
2 determine the appropriate times and days for reporting by the offender,
3 consistent with this subsection. Nothing contained in this subsection shall
4 be construed to alleviate any offender from meeting the requirements
5 prescribed in the Kansas offender registration act;

6 (c) provide the information required for registration as provided in
7 K.S.A. 22-4907, and amendments thereto, and verify all information
8 previously provided is accurate;

9 (d) if in the custody of a correctional facility, register with the
10 correctional facility within three business days of initial custody and shall
11 not be required to update such registration until discharged, paroled,
12 furloughed or released on work or school release from a correctional
13 facility. A copy of the registration form and any updated registrations for
14 an offender released on work or school release shall be sent, within three
15 business days, to the registering law enforcement agency where the
16 offender is incarcerated, maintains employment or attends school, and to
17 the Kansas bureau of investigation;

18 (e) if involuntarily committed pursuant to the Kansas sexually violent
19 predator act, register within three business days of arrival in the county
20 where the offender resides during commitment. The offender shall not be
21 required to update such registration until placed in a reintegration facility,
22 on transitional release or on conditional release. Upon placement in a
23 reintegration facility, on transitional release or on conditional release, the
24 offender shall be personally responsible for complying with the provisions
25 of the Kansas offender registration act;

26 (f) notwithstanding subsections (a) and (b), if the offender is
27 transient, report in person to the registering law enforcement agency of
28 such county or location of jurisdiction in which the offender is physically
29 present within three business days of arrival in the county or location of
30 jurisdiction. Such offender shall be required to register in person with the
31 registering law enforcement agency every 30 days, or more often at the
32 discretion of the registering law enforcement agency. Such offender shall
33 comply with the provisions of the Kansas offender registration act and, in
34 addition, shall:

35 (1) Provide a list of places where the offender has slept and otherwise
36 frequented during the period of time since the last date of registration; and

37 (2) provide a list of places where the offender may be contacted and
38 where the offender intends to sleep and otherwise frequent during the
39 period of time prior to the next required date of registration;

40 (g) if required by out-of-state law, register in any out-of-state
41 jurisdiction, where the offender resides, maintains employment or attends
42 school;

43 (h) register in person upon any commencement, change or

1 termination of residence location, employment status, school attendance or
2 other information as provided in K.S.A. 22-4907, and amendments thereto,
3 within three business days of such commencement, change or termination,
4 to the registering law enforcement agency or agencies where last
5 registered and provide written notice to the Kansas bureau of
6 investigation;

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

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

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

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

31 (1) When an offender provides updates or changes in information or
32 during an initial registration unless such updates, changes or initial
33 registration is during the month of such offender's birthday and every
34 third, sixth and ninth month occurring before and after the month of the
35 offender's birthday;

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

41 (3) if an offender has, prior to the required reporting and within the
42 last three years, been determined to be indigent by a court of law, and the
43 basis for that finding is recorded by the court;

1 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and
2 amendments thereto, and annually renew any identification card pursuant
3 to K.S.A. 2020 Supp. 8-1325a, and amendments thereto;

4 (n) if maintaining primary residence in this state, surrender all driver's
5 licenses and identification cards from other states, territories and the
6 District of Columbia, except if the offender is presently serving and
7 maintaining active duty in any branch of the United States military or the
8 offender is an immediate family member of a person presently serving and
9 maintaining active duty in any branch of the United States military;

10 (o) read and sign the registration form noting whether the
11 requirements provided in this section have been explained to the offender;
12 and

13 (p) report in person to the registering law enforcement agency in the
14 jurisdiction of the offender's residence and provide written notice to the
15 Kansas bureau of investigation 21 days prior to any travel outside of the
16 United States, and provide an itinerary including, but not limited to,
17 destination, means of transport and duration of travel, or if under
18 emergency circumstances, within three business days of making travel
19 arrangements.

20 Sec. 4. K.S.A. 2020 Supp. 22-4906 is hereby amended to read as
21 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
22 of any of the following offenses, an offender's duration of registration shall
23 be, if confined, 15 years after the date of parole, discharge or release,
24 whichever date is most recent, or, if not confined, 15 years from the date of
25 conviction:

26 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
27 or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;

28 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
29 K.S.A. 2020 Supp. 21-5511, and amendments thereto, when one of the
30 parties involved is less than 18 years of age;

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

33 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
34 repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section
35 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
36 when one of the parties involved is less than 18 years of age;

37 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
38 to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto,
39 when one of the parties involved is less than 18 years of age;

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

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

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

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

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

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

11 (L) any act which has been determined beyond a reasonable doubt to
12 have been sexually motivated, unless the court, on the record, finds that
13 the act involved non-forcible sexual conduct, the victim was at least 14
14 years of age and the offender was not more than four years older than the
15 victim;

16 (M) conviction of any person required by court order to register for
17 an offense not otherwise required as provided in the Kansas offender
18 registration act;

19 (N) conviction of any person felony and the court makes a finding on
20 the record that a deadly weapon was used in the commission of such
21 person felony;

22 ~~(O) unlawful manufacture or attempting such of any controlled~~
23 ~~substance or controlled substance analog, as defined in K.S.A. 65-4159,~~
24 ~~prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or~~
25 ~~K.S.A. 2020 Supp. 21-5703, and amendments thereto;~~

26 ~~(P) possession of ephedrine, pseudoephedrine, red phosphorus,~~
27 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~
28 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~
29 ~~isomers with intent to use the product to manufacture a controlled~~
30 ~~substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.~~
31 ~~2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-~~
32 ~~5709(a), and amendments thereto;~~

33 ~~(Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-~~
34 ~~36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and~~
35 ~~amendments thereto; or~~

36 ~~(R)(O) any attempt, conspiracy or criminal solicitation, as defined in~~
37 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020~~
38 ~~Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an~~
39 ~~offense defined in this subsection.~~

40 (2) Except as otherwise provided by the Kansas offender registration
41 act, the duration of registration terminates, if not confined, at the
42 expiration of 15 years from the date of conviction. Any period of time
43 during which any offender is incarcerated in any jail or correctional

1 facility or during which the offender does not comply with any and all
2 requirements of the Kansas offender registration act shall not count toward
3 the duration of registration.

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

9 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
10 repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) or (a)(2), and amendments
11 thereto, when one of the parties involved is less than 18 years of age;

12 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
13 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
14 thereto;

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

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

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

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

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

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

28 (I) 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 14 or more years of age but less than
32 18 years of age; or

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

37 (2) Except as otherwise provided by the Kansas offender registration
38 act, the duration of registration terminates, if not confined, at the
39 expiration of 25 years from the date of conviction. Any period of time
40 during which any offender is incarcerated in any jail or correctional
41 facility or during which the offender does not comply with any and all
42 requirements of the Kansas offender registration act shall not count toward
43 the duration of registration.

1 (c) Upon a second or subsequent conviction of an offense requiring
2 registration, an offender's duration of registration shall be for such
3 offender's lifetime.

4 (d) 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) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
26 repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section
27 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
28 the person selling sexual relations is less than 14 years of age;

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

31 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
32 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

33 (11) commercial sexual exploitation of a child, as defined in K.S.A.
34 2020 Supp. 21-6422, and amendments thereto; or

35 (12) any attempt, conspiracy or criminal solicitation, as defined in
36 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
37 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
38 offense defined in this subsection.

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

42 (f) Notwithstanding any other provisions of this section, for an
43 offender less than 14 years of age who is adjudicated as a juvenile offender

1 for an act which if committed by an adult would constitute a sexually
2 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the
3 court shall:

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

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

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

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

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

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

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

40 (3) require registration, but such registration information shall not be
41 open to inspection by the public or posted on any internet website, as
42 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
43 registration but such registration is not open to the public, such offender

1 shall provide a copy of such court order to the registering law enforcement
2 agency at the time of registration. The registering law enforcement agency
3 shall forward a copy of such court order to the Kansas bureau of
4 investigation.

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

8 (h) Notwithstanding any other provisions of this section, an offender
9 14 years of age or more who is adjudicated as a juvenile offender for an
10 act which if committed by an adult would constitute a sexually violent
11 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
12 crime is an off-grid felony or a felony ranked in severity level 1 of the
13 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
14 2020 Supp. 21-6804, and amendments thereto, shall be required to register
15 for such offender's lifetime.

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

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

27 (k) For any person moving to Kansas who has been convicted or
28 adjudicated in an out-of-state court, or who was required to register under
29 an out-of-state law, the duration of registration shall be the length of time
30 required by the out-of-state jurisdiction or by the Kansas offender
31 registration act, whichever length of time is longer. The provisions of this
32 subsection shall apply to convictions or adjudications prior to June 1,
33 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
34 convictions or adjudications on or after June 1, 2006, and to persons who
35 moved to Kansas on or after June 1, 2006.

36 (l) For any person residing, maintaining employment or attending
37 school in this state who has been convicted or adjudicated by an out-of-
38 state court of an offense that is comparable to any crime requiring
39 registration pursuant to the Kansas offender registration act, but who was
40 not required to register in the jurisdiction of conviction or adjudication, the
41 duration of registration shall be the duration required for the comparable
42 offense pursuant to the Kansas offender registration act.

43 Sec. 5. K.S.A. 2020 Supp. 22-4909 is hereby amended to read as

1 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) and
2 (f) of this section and ~~subsections (f) and (g) of K.S.A. 22-4906(f) and (g),~~
3 and amendments thereto, the statements or any other information required
4 by the Kansas offender registration act shall be open to inspection by the
5 public at the registering law enforcement agency, at the headquarters of the
6 Kansas bureau of investigation and on any internet website sponsored or
7 created by a registering law enforcement agency or the Kansas bureau of
8 investigation that contains such statements or information, and specifically
9 are subject to the provisions of the Kansas open records act, K.S.A. 45-215
10 et seq., and amendments thereto.

11 (b) Any information posted on an internet website sponsored or
12 created by a registering law enforcement agency or the Kansas bureau of
13 investigation shall identify, in a prominent manner, whether an offender is
14 a sex offender; *or* a violent offender ~~or a drug offender~~. Such internet
15 websites shall include the following information for each offender:

16 (1) Name of the offender, including any aliases;

17 (2) address of each residence at which the offender resides or will
18 reside and, if the offender does not have any present or expected residence
19 address, other information about where the offender has their home or
20 habitually lives. If current information of this type is not available because
21 the offender is in violation of the requirement to register or cannot be
22 located, the website must so note;

23 (3) temporary lodging information;

24 (4) address of any place where the offender is a student or will be a
25 student;

26 (5) license plate number and a description of any vehicle owned or
27 operated by the offender, including any aircraft or watercraft;

28 (6) physical description of the offender;

29 (7) the offense or offenses for which the offender is registered and
30 any other offense for which the offender has been convicted or
31 adjudicated;

32 (8) a current photograph of the offender; and

33 (9) all professional licenses, designations and certifications.

34 (c) Notwithstanding subsection (a), information posted on an internet
35 website sponsored or created by a registering law enforcement agency or
36 the Kansas bureau of investigation shall not contain the address of any
37 place where the offender is an employee or any other information about
38 where the offender works. Such internet website shall contain a statement
39 that employment information is publicly available and may be obtained by
40 contacting the appropriate registering law enforcement agency or by
41 signing up for community notification through the official website of the
42 Kansas bureau of investigation.

43 (d) Notwithstanding subsection (a), pursuant to a court finding

1 petitioned by the prosecutor, any offender who is required to register
2 pursuant to the Kansas offender registration act, but has been provided a
3 new identity and relocated under the federal witness security program or
4 who has worked as a confidential informant, or is otherwise a protected
5 witness, shall be required to register pursuant to the Kansas offender
6 registration act, but shall not be subject to public registration.

7 (e) Notwithstanding subsection (a), when a court orders expungement
8 of a conviction or adjudication that requires an offender to register
9 pursuant to the Kansas offender registration act, the registration
10 requirement for such conviction or adjudication does not terminate. Such
11 offender shall be required to continue registering pursuant to the Kansas
12 offender registration act, but shall not be subject to public registration. If a
13 court orders expungement of a conviction or adjudication that requires an
14 offender to register pursuant to the Kansas offender registration act, and
15 the offender has any other conviction or adjudication that requires
16 registration, such offender shall be required to register pursuant to the
17 Kansas offender registration act, and the registration for such other
18 conviction or adjudication shall be open to inspection by the public and
19 shall be subject to the provisions of subsection (a), unless such registration
20 has been ordered restricted pursuant to ~~subsection (f) or (g)~~ of K.S.A. 22-
21 4906(f) or (g), and amendments thereto.

22 (f) Notwithstanding subsection (a), the following information shall
23 not be disclosed other than to law enforcement agencies:

24 (1) The name, address, telephone number or any other information
25 which specifically and individually identifies the identity of any victim of
26 a registerable offense;

27 (2) the social security number of the offender;

28 (3) the offender's criminal history arrests that did not result in
29 convictions or adjudications;

30 (4) travel and immigration document numbers of the offender; and

31 (5) internet identifiers of the offender.

32 Sec. 6. K.S.A. 2020 Supp. 22-4902, 22-4903, 22-4905, 22-4906 and
33 22-4909 are hereby repealed.

34 Sec. 7. This act shall take effect and be in force from and after its
35 publication in the statute book.