

HOUSE BILL No. 2515

By Committee on Corrections and Juvenile Justice

1-20

1 AN ACT concerning offender registration; relating to the Kansas offender
2 registration act; providing a mechanism to seek relief from registration
3 requirements for drug offenders; expungement for such offenses;
4 amending K.S.A. 2021 Supp. 21-6614 and 22-4908 and repealing the
5 existing sections.
6

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

8 Section 1. K.S.A. 2021 Supp. 21-6614 is hereby amended to read as
9 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
10 and (f), any person convicted in this state of a traffic infraction, cigarette
11 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
12 committed on or after July 1, 1993, any nongrid felony or felony ranked in
13 severity levels 6 through 10 of the nondrug grid, or for crimes committed
14 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
15 severity level 4 of the drug grid, or for crimes committed on or after July
16 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
17 the convicting court for the expungement of such conviction or related
18 arrest records if three or more years have elapsed since the person: (A)
19 Satisfied the sentence imposed; or (B) was discharged from probation, a
20 community correctional services program, parole, postrelease supervision,
21 conditional release or a suspended sentence.

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

27 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
28 3512, prior to its repeal, convicted of a violation of K.S.A. 2021 Supp. 21-
29 6419, and amendments thereto, or who entered into a diversion agreement
30 in lieu of further criminal proceedings for such violation, may petition the
31 convicting court for the expungement of such conviction or diversion
32 agreement and related arrest records if:

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

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

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

19 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
20 repeal, or K.S.A. 2021 Supp. 21-5406, and amendments thereto, or as
21 prohibited by any law of another state that is in substantial conformity
22 with that statute;

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

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

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

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

35 (6) failing to stop at the scene of an accident and perform the duties
36 required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604,
37 and amendments thereto, or required by a law of another state that is in
38 substantial conformity with those statutes;

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

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

42 (d) (1) No person may petition for expungement until five or more
43 years have elapsed since the person satisfied the sentence imposed or the

1 terms of a diversion agreement or was discharged from probation, a
2 community correctional services program, parole, postrelease supervision,
3 conditional release or a suspended sentence, if such person was convicted
4 of a first violation of K.S.A. 8-1567, and amendments thereto, including
5 any diversion for such violation.

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

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

16 (e) There shall be no expungement of convictions for the following
17 offenses or of convictions for an attempt to commit any of the following
18 offenses:

19 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
20 2021 Supp. 21-5503, and amendments thereto;

21 (2) indecent liberties with a child or aggravated indecent liberties
22 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
23 or K.S.A. 2021 Supp. 21-5506, and amendments thereto;

24 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
25 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and
26 amendments thereto;

27 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
28 to its repeal, or K.S.A. 2021 Supp. 21-5504, and amendments thereto;

29 (5) indecent solicitation of a child or aggravated indecent solicitation
30 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
31 or K.S.A. 2021 Supp. 21-5508, and amendments thereto;

32 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
33 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto;

34 (7) internet trading in child pornography or aggravated internet
35 trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514,
36 and amendments thereto;

37 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
38 repeal, or K.S.A. 2021 Supp. 21-5604, and amendments thereto;

39 (9) endangering a child or aggravated endangering a child, as defined
40 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2021 Supp.
41 21-5601, and amendments thereto;

42 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
43 or K.S.A. 2021 Supp. 21-5602, and amendments thereto;

1 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
2 or K.S.A. 2021 Supp. 21-5401, and amendments thereto;

3 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
4 its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;

5 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
6 to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments thereto;

7 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
8 its repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;

9 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
10 its repeal, or K.S.A. 2021 Supp. 21-5405, and amendments thereto;

11 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
12 or K.S.A. 2021 Supp. 21-5505, and amendments thereto, when the victim
13 was less than 18 years of age at the time the crime was committed;

14 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
15 its repeal, or K.S.A. 2021 Supp. 21-5505, and amendments thereto;

16 (18) a violation of K.S.A. 8-2,144, and amendments thereto,
17 including any diversion for such violation; or

18 (19) any conviction for any offense in effect at any time prior to July
19 1, 2011, that is comparable to any offense as provided in this subsection.

20 (f) ~~Notwithstanding any other law to the contrary~~*Except as provided*
21 *in K.S.A. 22-4908, and amendments thereto*, for any offender who is
22 required to register as provided in the Kansas offender registration act,
23 K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
24 expungement of any conviction or any part of the offender's criminal
25 record while the offender is required to register as provided in the Kansas
26 offender registration act.

27 (g) (1) When a petition for expungement is filed, the court shall set a
28 date for a hearing of such petition and shall cause notice of such hearing to
29 be given to the prosecutor and the arresting law enforcement agency. The
30 petition shall state the:

31 (A) Defendant's full name;

32 (B) full name of the defendant at the time of arrest, conviction or
33 diversion, if different than the defendant's current name;

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

35 (D) crime for which the defendant was arrested, convicted or
36 diverted;

37 (E) date of the defendant's arrest, conviction or diversion; and

38 (F) identity of the convicting court, arresting law enforcement
39 authority or diverting authority.

40 (2) Except as otherwise provided by law, a petition for expungement
41 shall be accompanied by a docket fee in the amount of \$176. On and after
42 July 1, 2019, through June 30, 2025, the supreme court may impose a
43 charge, not to exceed \$19 per case, to fund the costs of non-judicial

1 personnel. The charge established in this section shall be the only fee
2 collected or moneys in the nature of a fee collected for the case. Such
3 charge shall only be established by an act of the legislature and no other
4 authority is established by law or otherwise to collect a fee.

5 (3) All petitions for expungement shall be docketed in the original
6 criminal action. Any person who may have relevant information about the
7 petitioner may testify at the hearing. The court may inquire into the
8 background of the petitioner and shall have access to any reports or
9 records relating to the petitioner that are on file with the secretary of
10 corrections or the prisoner review board.

11 (h) At the hearing on the petition, the court shall order the petitioner's
12 arrest record, conviction or diversion expunged if the court finds that:

13 (1) The petitioner has not been convicted of a felony in the past two
14 years and no proceeding involving any such crime is presently pending or
15 being instituted against the petitioner;

16 (2) the circumstances and behavior of the petitioner warrant the
17 expungement;

18 (3) the expungement is consistent with the public welfare; and

19 (4) with respect to petitions seeking expungement of a felony
20 conviction, possession of a firearm by the petitioner is not likely to pose a
21 threat to the safety of the public.

22 (i) When the court has ordered an arrest record, conviction or
23 diversion expunged, the order of expungement shall state the information
24 required to be contained in the petition. The clerk of the court shall send a
25 certified copy of the order of expungement to the Kansas bureau of
26 investigation that shall notify the federal bureau of investigation, the
27 secretary of corrections and any other criminal justice agency that may
28 have a record of the arrest, conviction or diversion. If the case was
29 appealed from municipal court, the clerk of the district court shall send a
30 certified copy of the order of expungement to the municipal court. The
31 municipal court shall order the case expunged once the certified copy of
32 the order of expungement is received. After the order of expungement is
33 entered, the petitioner shall be treated as not having been arrested,
34 convicted or diverted of the crime, except that:

35 (1) Upon conviction for any subsequent crime, the conviction that
36 was expunged may be considered as a prior conviction in determining the
37 sentence to be imposed;

38 (2) the petitioner shall disclose that the arrest, conviction or diversion
39 occurred if asked about previous arrests, convictions or diversions:

40 (A) In any application for licensure as a private detective, private
41 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
42 7b21, and amendments thereto, or employment as a detective with a
43 private detective agency, as defined by K.S.A. 75-7b01, and amendments

1 thereto; as security personnel with a private patrol operator, as defined by
2 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
3 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
4 for aging and disability services;

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

7 (C) to aid in determining the petitioner's qualifications for
8 employment with the Kansas lottery or for work in sensitive areas within
9 the Kansas lottery as deemed appropriate by the executive director of the
10 Kansas lottery;

11 (D) to aid in determining the petitioner's qualifications for executive
12 director of the Kansas racing and gaming commission, for employment
13 with the commission or for work in sensitive areas in parimutuel racing as
14 deemed appropriate by the executive director of the commission, or to aid
15 in determining qualifications for licensure or renewal of licensure by the
16 commission;

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

22 (F) upon application for a commercial driver's license under K.S.A.
23 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

34 (K) to aid in determining the petitioner's qualifications for a license to
35 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-
36 7e09, and amendments thereto, and K.S.A. 2021 Supp. 50-6,141, and
37 amendments thereto;

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

40 (4) the conviction may be disclosed in a subsequent prosecution for
41 an offense that requires as an element of such offense a prior conviction of
42 the type expunged; and

43 (5) upon commitment to the custody of the secretary of corrections,

1 any previously expunged record in the possession of the secretary of
2 corrections may be reinstated and the expungement disregarded, and the
3 record continued for the purpose of the new commitment.

4 (j) Whenever a person is convicted of a crime, pleads guilty and pays
5 a fine for a crime, is placed on parole, postrelease supervision or
6 probation, is assigned to a community correctional services program, is
7 granted a suspended sentence or is released on conditional release, the
8 person shall be informed of the ability to expunge the arrest records or
9 conviction. Whenever a person enters into a diversion agreement, the
10 person shall be informed of the ability to expunge the diversion.

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

16 (2) A person whose arrest record, conviction or diversion of a crime
17 that resulted in such person being prohibited by state or federal law from
18 possessing a firearm has been expunged under this statute shall be deemed
19 to have had such person's right to keep and bear arms fully restored. This
20 restoration of rights shall include, but not be limited to, the right to use,
21 transport, receive, purchase, transfer and possess firearms. The provisions
22 of this paragraph shall apply to all orders of expungement, including any
23 orders issued prior to July 1, 2021.

24 (l) Whenever the record of any arrest, conviction or diversion has
25 been expunged under the provisions of this section or under the provisions
26 of any other existing or former statute, the custodian of the records of
27 arrest, conviction, diversion and incarceration relating to that crime shall
28 not disclose the existence of such records, except when requested by:

29 (1) The person whose record was expunged;

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

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

36 (4) the secretary for aging and disability services, or a designee of the
37 secretary, for the purpose of obtaining information relating to employment
38 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
39 of the Kansas department for aging and disability services of any person
40 whose record has been expunged;

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

43 (6) a prosecutor, and such request is accompanied by a statement that

1 the request is being made in conjunction with a prosecution of an offense
2 that requires a prior conviction as one of the elements of such offense;

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

9 (8) the Kansas lottery, and the request is accompanied by a statement
10 that the request is being made to aid in determining qualifications for
11 employment with the Kansas lottery or for work in sensitive areas within
12 the Kansas lottery as deemed appropriate by the executive director of the
13 Kansas lottery;

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

21 (10) the Kansas racing and gaming commission, or a designee of the
22 commission, and the request is accompanied by a statement that the
23 request is being made to aid in determining qualifications of the following
24 under the Kansas expanded lottery act: (A) Lottery gaming facility
25 managers and prospective managers, racetrack gaming facility managers
26 and prospective managers, licensees and certificate holders; and (B) their
27 officers, directors, employees, owners, agents and contractors;

28 (11) the Kansas sentencing commission;

29 (12) the state gaming agency, and the request is accompanied by a
30 statement that the request is being made to aid in determining
31 qualifications: (A) To be an employee of the state gaming agency; or (B)
32 to be an employee of a tribal gaming commission or to hold a license
33 issued pursuant to a tribal-gaming compact;

34 (13) the Kansas securities commissioner or a designee of the
35 commissioner, and the request is accompanied by a statement that the
36 request is being made in conjunction with an application for registration as
37 a broker-dealer, agent, investment adviser or investment adviser
38 representative by such agency and the application was submitted by the
39 person whose record has been expunged;

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

1 (15) a law enforcement agency and the request is accompanied by a
2 statement that the request is being made to aid in determining eligibility
3 for employment as a law enforcement officer as defined by K.S.A. 22-
4 2202, and amendments thereto;

5 (16) (A) the attorney general and the request is accompanied by a
6 statement that the request is being made to aid in determining
7 qualifications for a license to act as a bail enforcement agent pursuant to
8 K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A.
9 2021 Supp. 50-6,141, and amendments thereto; or

10 (B) the attorney general for any other purpose authorized by law,
11 except that an expungement record shall not be the basis for denial of a
12 license to carry a concealed handgun under the personal and family
13 protection act; or

14 (17) the Kansas bureau of investigation, for the purpose of
15 completing a person's criminal history record information within the
16 central repository, in accordance with K.S.A. 22-4701 et seq., and
17 amendments thereto.

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

20 (2) Upon the issuance of an order of expungement that resulted in the
21 restoration of a person's right to keep and bear arms, the Kansas bureau of
22 investigation shall report to the federal bureau of investigation that such
23 expunged record be withdrawn from the national instant criminal
24 background check system. The Kansas bureau of investigation shall
25 include such order of expungement in the person's criminal history record
26 for purposes of documenting the restoration of such person's right to keep
27 and bear arms.

28 Sec. 2. K.S.A. 2021 Supp. 22-4908 is hereby amended to read as
29 follows: 22-4908. ~~No person required to register as an offender pursuant to
30 the Kansas offender registration act shall be granted an order relieving the
31 offender of further registration under this act. This section shall include
32 any person with any out-of-state conviction or adjudication for an offense
33 that would require registration under the laws of this state (a) Except as
34 provided in subsection (b), a drug offender who is required to register
35 under the Kansas offender registration act may file a verified petition for
36 relief from registration requirements if the offender has registered for a
37 period of at least five years after the date of parole, discharge or release,
38 whichever date is most recent, or, if not confined, five years from the date
39 of conviction or adjudication.~~

40 (b) ~~An offender who is required to register pursuant to K.S.A. 22-
41 4906(j), and amendments thereto, because of an out-of-state conviction or
42 adjudication may not petition for relief from registration requirements in
43 this state if the offender would be required to register under the law of the~~

1 *state or jurisdiction where the conviction or adjudication occurred. If the*
2 *offender would no longer be required to register under the law of the state*
3 *or jurisdiction where the conviction or adjudication occurred, the offender*
4 *may file a verified petition pursuant to subsection (a).*

5 *(c) Any period of time during which an offender is incarcerated in*
6 *any jail or correctional facility or during which the offender does not*
7 *substantially comply with the requirements of the Kansas offender*
8 *registration act shall not count toward the duration of registration*
9 *required in subsection (a).*

10 *(d) (1) A verified petition for relief from registration requirements*
11 *shall be filed in the district court in the county where the offender was*
12 *convicted or adjudicated of the offense requiring registration. If the*
13 *offender was not convicted or adjudicated in this state of the offense*
14 *requiring registration, such petition shall be filed in the district court of*
15 *any county where the offender is currently required to register. The docket*
16 *fee shall be as provided in K.S.A. 60-2001, and amendments thereto.*

17 *(2) The petition shall include:*

18 *(A) The offender's full name;*

19 *(B) the offender's full name at the time of conviction or adjudication*
20 *for the offense or offenses requiring registration, if different than the*
21 *offender's current name;*

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

23 *(D) the offense or offenses requiring registration;*

24 *(E) the date of conviction or adjudication for the offense or offenses*
25 *requiring registration;*

26 *(F) the court in which the offender was convicted or adjudicated of*
27 *the offense or offenses requiring registration;*

28 *(G) whether the offender has been arrested, convicted, adjudicated or*
29 *entered into a diversion agreement for any crime during the period the*
30 *offender is required to register; and*

31 *(H) the names of all treatment providers and agencies that have*
32 *treated the offender for mental health, substance abuse and offense-related*
33 *behavior since the date of the offense or offenses requiring registration.*

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

36 *(4) When a petition is filed, the court shall set a date for a hearing on*
37 *such petition and cause notice of the hearing to be given to the county or*
38 *district attorney in the county where the petition is filed. Any person who*
39 *may have relevant information about the offender may testify at the*
40 *hearing.*

41 *(5) The county or district attorney shall notify any victim of the*
42 *offense requiring registration who is alive and whose address is known or,*
43 *if the victim is deceased, the victim's family if the family's address is*

1 *known. The victim or victim's family shall not be compelled to testify or*
2 *provide any discovery to the offender.*

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

5 *(e) (1) The court may require a drug offender who is petitioning for*
6 *relief under this section to undergo a risk assessment.*

7 *(2) Any risk assessment ordered under this subsection shall be*
8 *performed by a professional agreed upon by the parties or a professional*
9 *approved by the court. Such risk assessment shall be performed at the*
10 *offender's expense.*

11 *(f) The court shall order relief from registration requirements if the*
12 *offender shows by clear and convincing evidence that:*

13 *(1) The offender has not been convicted or adjudicated of a felony,*
14 *other than a felony violation or aggravated felony violation of K.S.A. 22-*
15 *4903, and amendments thereto, within the five years immediately*
16 *preceding the filing of the petition, and no proceedings involving any such*
17 *felony are presently pending or being instituted against the offender;*

18 *(2) the offender's circumstances, behavior and treatment history*
19 *demonstrate that the offender is sufficiently rehabilitated to warrant relief;*
20 *and*

21 *(3) registration of the offender is no longer necessary to promote*
22 *public safety.*

23 *(g) If the court denies an offender's petition for relief, the offender*
24 *shall not file another petition for relief until three years have elapsed,*
25 *unless a shorter time period is ordered by the court.*

26 *(h) If the court grants relief from registration requirements, the court*
27 *shall order that the offender be removed from the offender registry and*
28 *that the offender is no longer required to comply with registration*
29 *requirements. Within 14 days of any order, the court shall notify the*
30 *Kansas bureau of investigation and any local law enforcement agency that*
31 *registers the offender that the offender has been granted relief from*
32 *registration requirements. The Kansas bureau of investigation shall*
33 *remove such offender from any internet website maintained pursuant to*
34 *K.S.A. 22-4909, and amendments thereto.*

35 *(i) An offender may combine a petition for relief under this section*
36 *with a petition for expungement under K.S.A. 2021 Supp. 21-6614, and*
37 *amendments thereto, if the offense requiring registration is otherwise*
38 *eligible for expungement.*

39 *Sec. 3. K.S.A. 2021 Supp. 21-6614 and 22-4908 are hereby repealed.*

40 *Sec. 4. This act shall take effect and be in force from and after its*
41 *publication in the statute book **Kansas register**.*