

Y, the division
 Ex. as provided by
 eto, and subsections (c)
 hearing within 30 days
 vocation is mailed, the
 or a hearing as early as
 ran 30 days after such
 ked or suspended the
 prior to the hearing, the
 . Except as provided by
 eto, the hearing shall be
 county adjacent thereto,
 hearing may be held in
 or the director's duly
 issue subpoenas for the
 evant books and papers
 n of the person. When
 is authorized but not
 her rescind or affirm its
 ; good cause appearing
 of the person's driving
 suspension or revoke the
 oposed or taken by the
 g, shall either affirm its
 isqualification, or, good
 ive action. If the person
 ed or if, after a hearing,
 n or disqualification is
 n, upon proper demand,

1 (f) The division, in the interest of traffic and safety, may establish or
 2 contract with a private individual, corporation, partnership or association
 3 for the services of driver improvement clinics throughout the state and,
 4 upon reviewing the driving record of a person whose driving privileges
 5 are subject to suspension under subsection (a)(2), may permit the person
 6 to retain such person's driving privileges by attending a driver
 7 improvement clinic. Any person other than a person issued a commercial
 8 driver's license under K.S.A. 8-2-125 et seq, and amendments thereto,
 9 desiring to attend a driver improvement clinic shall make application to
 10 the division and such application shall be accompanied by the required
 11 fee. The secretary of revenue shall adopt rules and regulations prescribing
 12 a driver's improvement clinic fee which shall not exceed \$500 and such
 13 rules and regulations deemed necessary for carrying out the provisions of
 14 this section, including the development of standards and criteria to be
 15 utilized by such driver improvement clinics. Amounts received under this
 16 subsection shall be remitted to the state treasurer in accordance with the
 17 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
 18 each such remittance, the state treasurer shall deposit the same in the state
 19 treasury as prescribed by subsection (f) of K.S.A. 8-267, and amendments
 20 thereto.
 21 (g) When the action by the division restricting a person's driving
 22 privileges is based upon certification by the secretary of social and
 23 rehabilitation services pursuant to K.S.A. 2010 Supp. 39-7,155, and
 24 amendments thereto, the person may not request a hearing but, within 30
 25 days after notice of restriction is mailed, may submit a written request for
 26 administrative review and provide evidence to the division to show the
 27 person whose driving privileges have been restricted by the division is
 28 not the person certified by the secretary of social and rehabilitation
 29 services, did not receive timely notice of the proposed restriction from the
 30 secretary of social and rehabilitation services or has been decertified by
 31 the secretary of social and rehabilitation services. Within 30 days of its
 32 receipt of the request for administrative review, the division shall notify
 33 the person whether the restriction has been affirmed or set aside. The
 34 request for administrative review shall not stay any action taken by the
 35 division.
 36 New Sec. 3. (a) On October 31 of each year, any person required
 37 to register as a sex offender pursuant to the Kansas offender registration
 38 act shall:
 39 (1) Avoid all Halloween-related contact with children;
 40 (2) remain inside the person's residence between the hours of 5:00
 41 p.m. and 11:00 p.m.;
 42 (3) post a sign at the person's residence stating "No candy at this
 43 residence"; and

SENATE JUDICIARY
 COMMITTEE

Judicial Branch
 Proposed Amendment

February 8, 2011

Senate Judiciary
 2-15-11
 Attachment 3

Unless otherwise
 ordered by the
 court,

3

in which the person
pursuant to
a fund of the
law enforcement and
be used as a source of
made available to the

amended to read as
011, aggravated sex
K.S.A. 22-4902, and
feet of any licensed
or the real property of
by a unified school
student instruction or
rolled in kindergarten
shall not apply to any

(c), on and after the
and counties shall be
finance, resolution or
offenders as defined by
shall not apply to any
program for correctional
or the housing of such
placement residence"
ces for individuals or
facility due to any one

prison;
aring;
not more than one year;
ees;
n a facility operated by
es for alcohol or drug
r drug abuse.
clude a single or multi-
iding that provides a
cribed in paragraphs (1)

1 New Sec. 8. (a) Any person defined as an aggravated sex offender
2 pursuant to subsection (b) of K.S.A. 22-4902, and amendments thereto,
3 shall not be present in or loiter within 500 feet of any licensed child care
4 facility, registered family day care home or the real property of any
5 school upon which is located a structure used by a unified school district
6 or an accredited nonpublic school for student instruction or attendance or
7 extracurricular activities of pupils enrolled in kindergarten or any grades
8 one through 12, unless the person is a parent, legal guardian or custodian
9 of a child present in such building and has met the conditions set forth in
10 subsection (b). A

11 (b) No parent, legal guardian or custodian of a child, as described in
12 subsection (a), shall be present in or loiter within 500 feet of any licensed
13 child care facility, registered family day care home or the real property of
14 any school upon which is located a structure used by a unified school
15 district or an accredited nonpublic school for student instruction or
16 attendance or extracurricular activities of pupils enrolled in kindergarten
17 or any grades one through 12 unless such parent, legal guardian or
18 custodian has written permission from the operator of the licensed child
19 care facility or registered family day care home, the superintendent or
20 school board for the unified school district, or in the case of a private
21 school, the principal. In the case of a public school, the superintendent or
22 school board shall notify the principal of the school where the parent,
23 legal guardian or custodian will be present. Permission may be granted
24 for more than one event at a time, however the parent, legal guardian or
25 custodian must obtain permission for any other event for which
26 permission has not yet been granted.

27 (c) Regardless of the person's knowledge of location, violation of
28 this section is a class A nonperson misdemeanor.

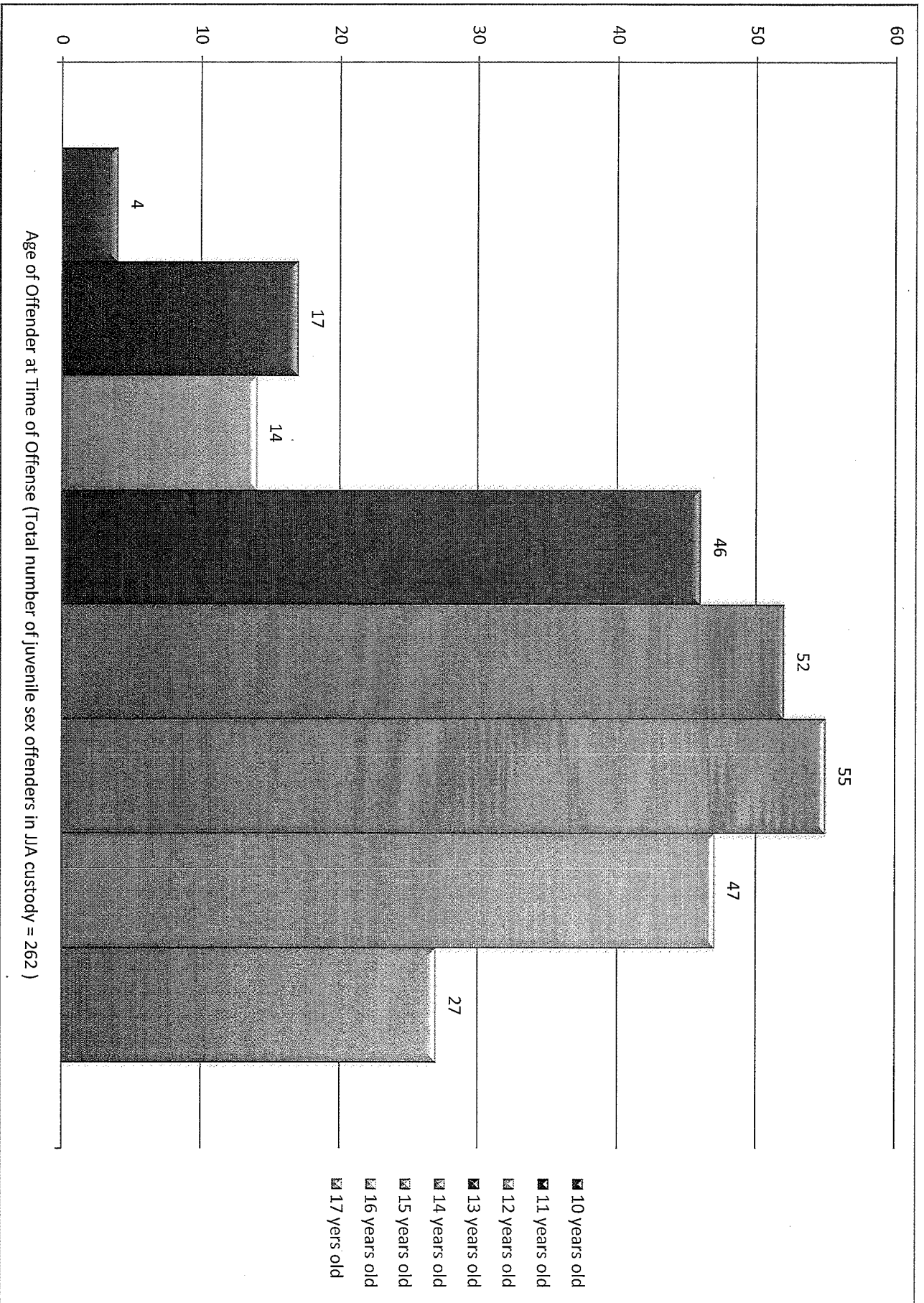
29 Sec. 9. Section 285 of chapter 136 of the 2010 Session Laws of
30 Kansas is hereby amended to read as follows: Sec. 285. (a) The
31 provisions of this section shall be applicable to the sentencing guidelines
32 grid for nondrug crimes. The following sentencing guidelines grid shall
33 be applicable to nondrug felony crimes:

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

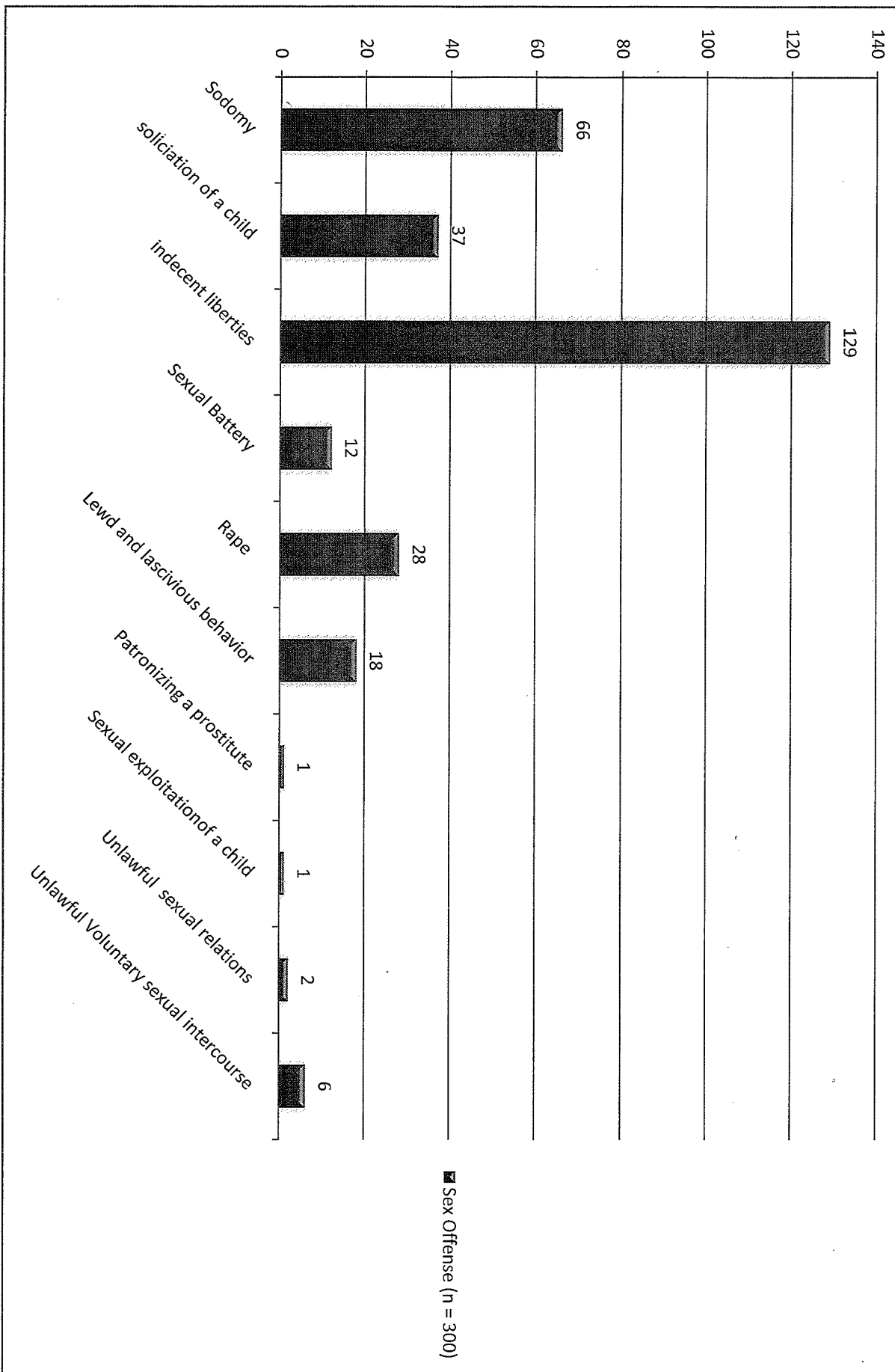
36 (c) The sentencing guidelines grid is a two-dimensional crime
37 severity and criminal history classification tool. The grid's vertical axis is
38 the crime severity scale which classifies current crimes of conviction. The
39 grid's horizontal axis is the criminal history scale which classifies
40 criminal histories.

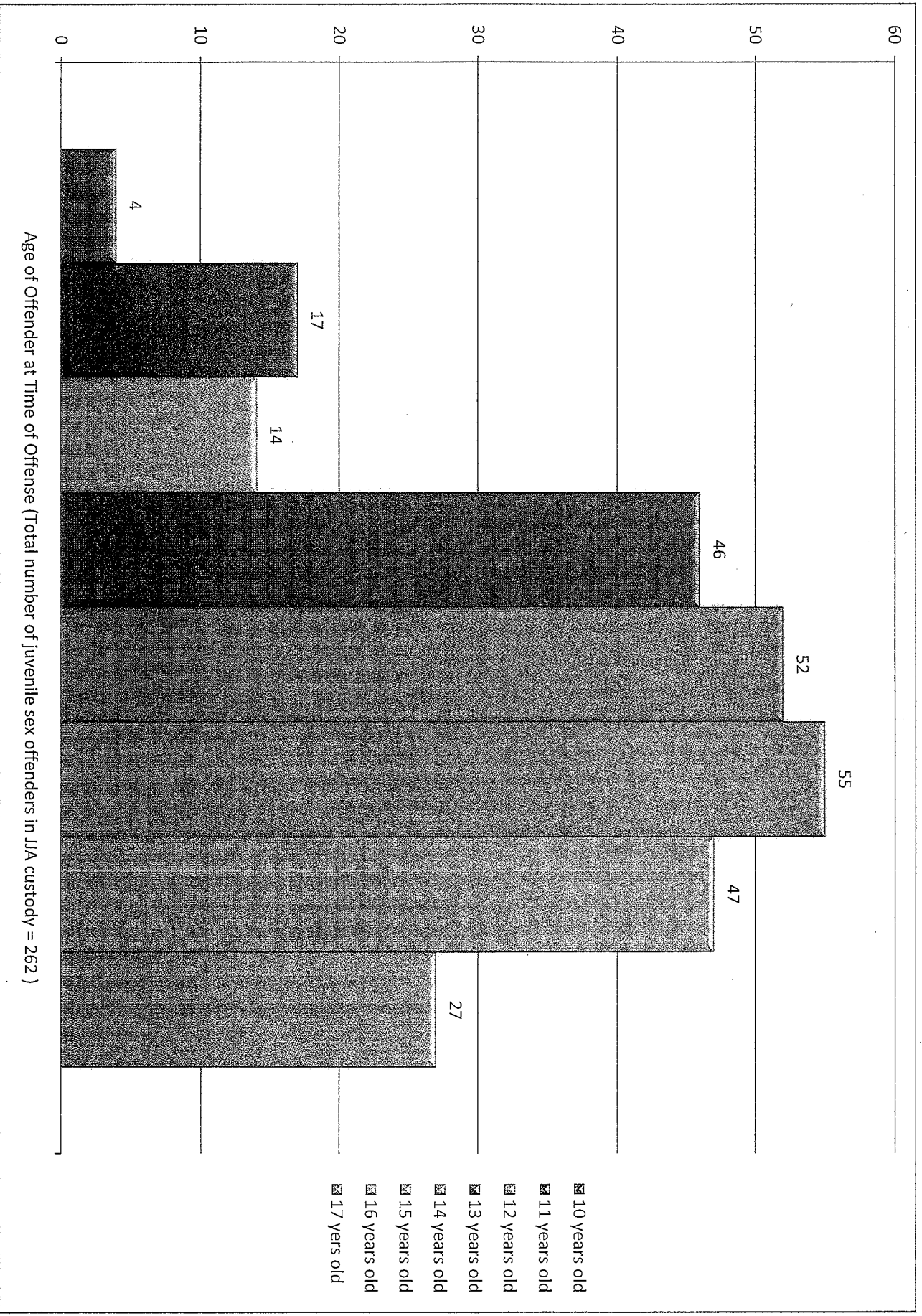
41 (d) The sentencing guidelines grid for nondrug crimes as provided in
42 this section defines presumptive punishments for felony convictions,
43 subject to the sentencing court's discretion to enter a departure sentence.

For any person adjudicated as a juvenile aggravated sex offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in K. S. A. 2010 Supp. 22-4902(b), the court may approve placement of the juvenile offender in a licensed child care facility and such placement shall not be a violation of this section.

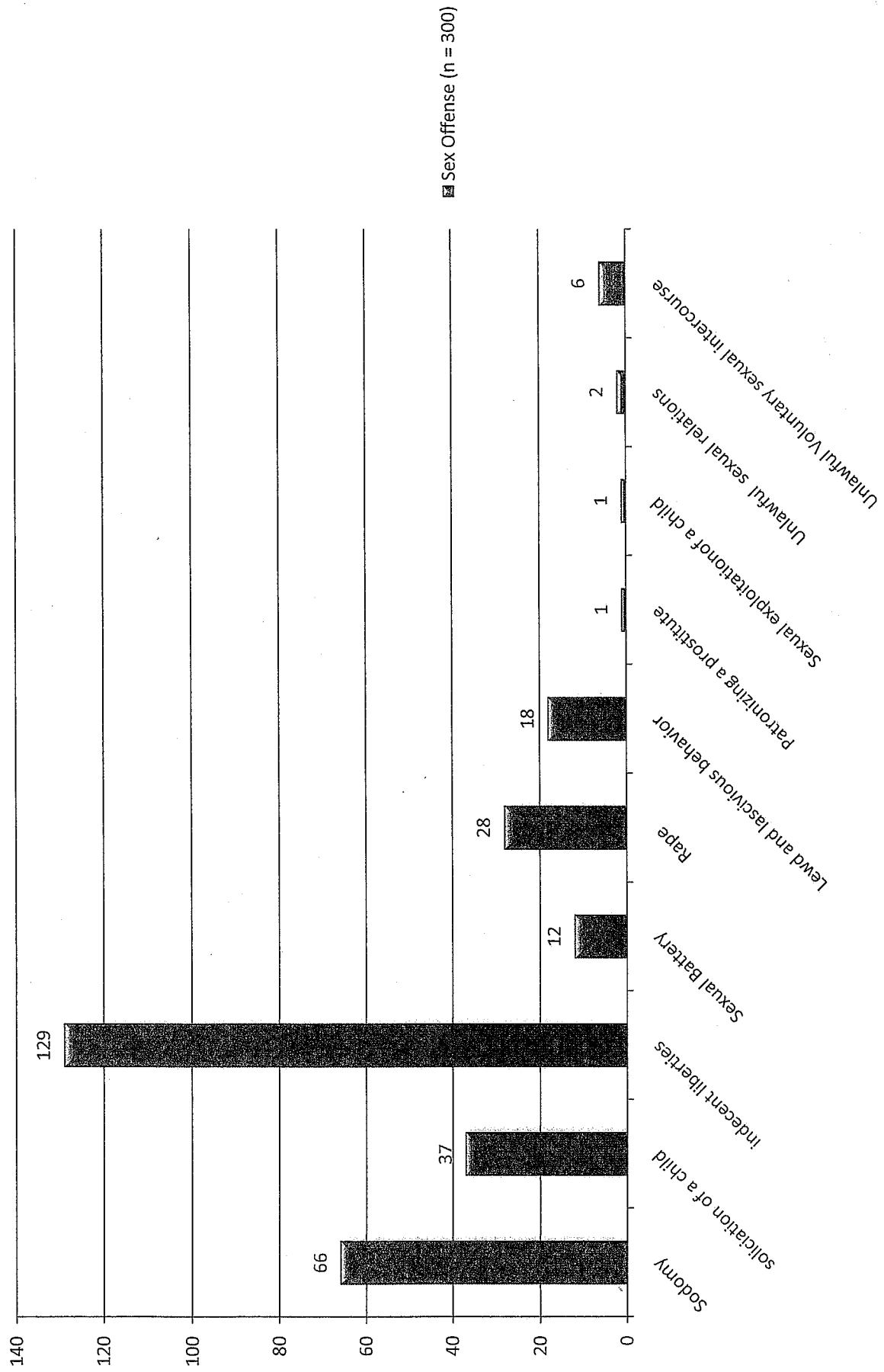


Sex Offense (n = 300)



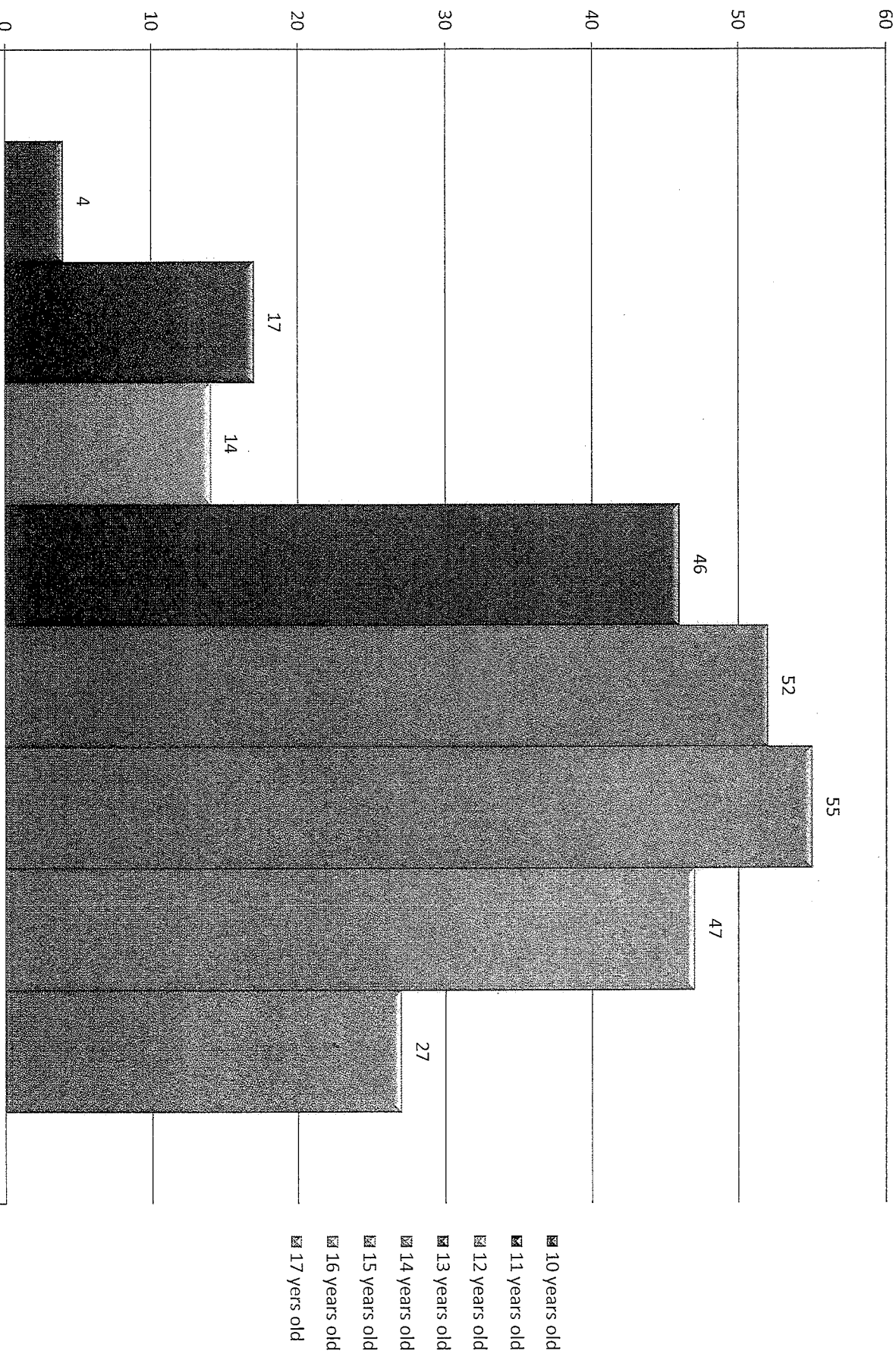


Sex Offense (n = 300)

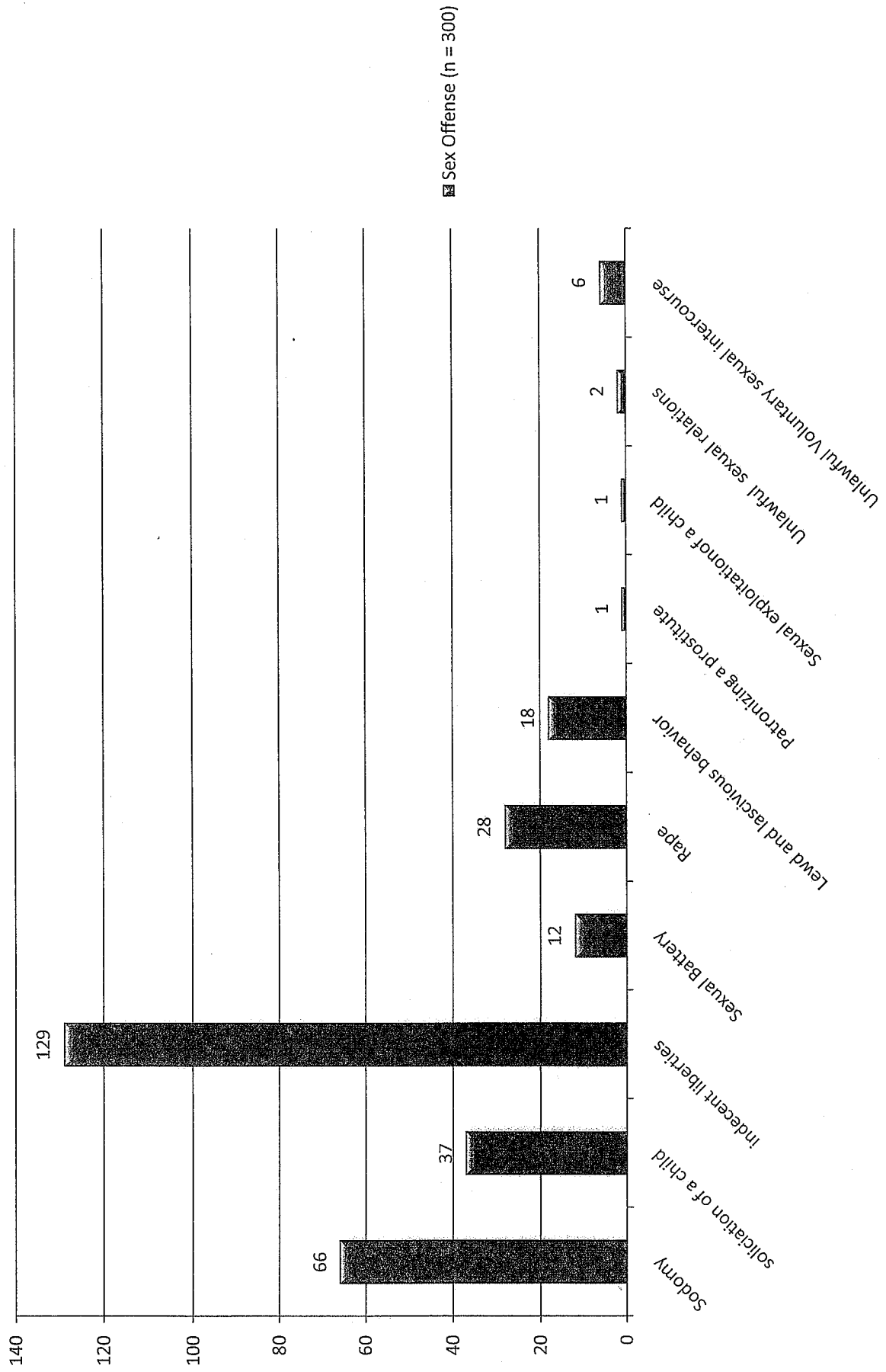


Sex Offense (n = 300)

Age of Offender at Time of Offense (Total number of juvenile sex offenders in JJA custody = 262)



Sex Offense (n = 300)



Sex Offense (n = 300)