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

Section 1. K.S.A. 2010 Supp. 8-243 is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver's license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles which the licensee is entitled to drive, a distinguishing number assigned to the licensee, the full legal name, date of birth, gender, address of principal residence and a brief description of the licensee, a colored digital photograph of the licensee, a facsimile of the signature of the licensee and the statement provided for in subsection (b). No driver's license shall be valid until it has been signed by the licensee. All drivers' licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers' licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. The secretary of revenue shall implement a vertical format to make drivers' licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, no driver's license issued by the division shall be valid until a colored digital photograph of such licensee has been taken and verified before being placed on the driver's license. The secretary of revenue shall prescribe a fee of not more than $8 and upon the payment of such fee, the division shall cause a colored digital photograph of such applicant to be placed on the driver's license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing a colored digital photograph of such licensee. A driver's license which does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 2010 Supp. 75-455, and amendments...
thereto, upon payment of the fee required by K.S.A. 8-246, and
amendments thereto. All Kansas drivers' licenses and identification cards
shall have physical security features designed to prevent tampering,
counterfeiting or duplication of the document for fraudulent purposes.
The secretary of revenue shall incorporate common machine-readable
technology into all Kansas drivers' licenses and identification cards.

(b) All Kansas drivers' licenses issued to any person 16 years of age
or older shall contain a form which provides a statement for making a gift
of all or any part of the body of the licensee in accordance with the
revised uniform anatomical gift act, K.S.A. 2010 Supp. 65-3220 through
65-3244, and amendments thereto, except as otherwise provided by this
subsection. The statement to be effective shall be signed by the licensee
in the presence of two witnesses who shall sign the statement in the
presence of the donor. The gift becomes effective upon the death of the
donor. Delivery of the license during the donor's lifetime is not necessary
to make a valid gift. Any valid gift statement executed prior to July 1,
1994, shall remain effective until invalidated. The word "Donor" shall be
placed on the front of a licensee's driver's license, indicating that the
statement for making an anatomical gift under this subsection has been
executed by such licensee.

(c) Any person who is deaf or hard of hearing may request that the
division issue to such person a driver's license which is readily
distinguishable from drivers' licenses issued to other drivers and upon
such request the division shall issue such license. Drivers' licenses issued
to persons who are deaf or hard of hearing and under the age of 21 years
shall be readily distinguishable from drivers' licenses issued to persons
who are deaf or hard of hearing and 21 years of age or older. Upon
satisfaction of subsection (a), the division shall issue a receipt of
application permitting the operation of a vehicle consistent with the
requested class, if there are no other restrictions or limitations, pending
the division's verification of the information and production of a driver's
license.

(d) (1) A driver's license issued to a person required to be
registered under K.S.A. 22-4901 et seq., and amendments thereto, shall
be assigned a distinguishing number by the division which will readily
indicate to law enforcement officers that such person is a registered
offender. The division shall develop a numbering system to implement
the provisions of this subsection.

(2) A driver's license issued to a person defined as an aggravated
sex offender under subsection (b) of K.S.A. 22-4902, and amendments
thereo, shall also include an "aggravated sex offender" label.

Sec. 2. K.S.A. 2010 Supp. 8-255 is hereby amended to read as
follows: 8-255. (a) The division is authorized to restrict, suspend or
revoke a person's driving privileges upon a showing by its records or other sufficient evidence the person:

(1) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

(3) is incompetent to drive a motor vehicle;

(4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

(5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) The division shall suspend a person's driving privileges when required by K.S.A. 8-262, 8-1014, 21-3765, subsection (a)(5) of section 87 of chapter 136 of the 2010 Session Laws of Kansas, 22-4903 or 41-727, and amendments thereto, and shall disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto. The division shall restrict a person's driving privileges when required by K.S.A. 2010 Supp. 39-7,155, and amendments thereto.

(c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(d) Upon restricting, suspending, revoking or disqualifying the
driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and (g), if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division shall afford the person an opportunity for a hearing as early as practical not sooner than five days nor more than 30 days after such request is mailed. If the division has not revoked or suspended the person's driving privileges or vehicle registration prior to the hearing, the hearing may be held within not to exceed 45 days. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall be held in the person's county of residence or a county adjacent thereto, unless the division and the person agree that the hearing may be held in some other county. Upon the hearing, the director or the director's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination or reexamination of the person. When the action proposed or taken by the division is authorized but not required, the division, upon the hearing, shall either rescind or affirm its order of restriction, suspension or revocation or, good cause appearing therefor, extend the restriction or suspension of the person's driving privileges, modify the terms of the restriction or suspension or revoke the person's driving privileges. When the action proposed or taken by the division is required, the division, upon the hearing, shall either affirm its order of restriction, suspension, revocation or disqualification, or, good cause appearing therefor, dismiss the administrative action. If the person fails to request a hearing within the time prescribed or if, after a hearing, the order of restriction, suspension, revocation or disqualification is upheld, the person shall surrender to the division, upon proper demand, any driver's license in the person's possession.

(e) In case of failure on the part of any person to comply with any subpoena issued on behalf of the division or the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of the division, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the director or the director's duly authorized agent by order or subpoena, other than an officer or employee of the state or of a political subdivision of the state, shall receive for the witness' attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.
(f) The division, in the interest of traffic and safety, may establish or contract with a private individual, corporation, partnership or association for the services of driver improvement clinics throughout the state and, upon reviewing the driving record of a person whose driving privileges are subject to suspension under subsection (a)(2), may permit the person to retain such person's driving privileges by attending a driver improvement clinic. Any person other than a person issued a commercial driver's license under K.S.A. 8-2,125 et seq., and amendments thereto, desiring to attend a driver improvement clinic shall make application to the division and such application shall be accompanied by the required fee. The secretary of revenue shall adopt rules and regulations prescribing a driver's improvement clinic fee which shall not exceed $500 and such rules and regulations deemed necessary for carrying out the provisions of this section, including the development of standards and criteria to be utilized by such driver improvement clinics. Amounts received under this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the same in the state treasury as prescribed by subsection (f) of K.S.A. 8-267, and amendments thereto.

(g) When the action by the division restricting a person's driving privileges is based upon certification by the secretary of social and rehabilitation services pursuant to K.S.A. 2010 Supp. 39-7,155, and amendments thereto, the person may not request a hearing but, within 30 days after notice of restriction is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted by the division is not the person certified by the secretary of social and rehabilitation services, did not receive timely notice of the proposed restriction from the secretary of social and rehabilitation services or has been decertified by the secretary of social and rehabilitation services. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

New Sec. 3.  (a) On October 31 of each year, any person required to register as a sex offender pursuant to the Kansas offender registration act shall:

1. Avoid all Halloween-related contact with children;
2. remain inside the person's residence between the hours of 5:00 p.m. and 11:00 p.m.;
3. post a sign at the person's residence stating "No candy at this residence"; and
(4) turn off all outdoor residential lighting after 5:00 p.m.
(b) This section shall be part of and supplemental to the Kansas offender registration act.

Sec. 4. K.S.A. 2010 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:
(a) "Offender" means: (1) A sex offender as defined in subsection (b);
(2) a violent offender as defined in subsection (d);
(3) a sexually violent predator as defined in subsection (f);
(4) any person who, on and after May 29, 1997, is convicted of any of the following crimes when the victim is less than 18 years of age:
(A) Kidnapping as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, except by a parent;
(B) aggravated kidnapping as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or
(C) criminal restraint as defined in K.S.A. 21-3424, prior to its repeal, or section 46 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, except by a parent;
(5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:
(A) Adultery as defined by K.S.A. 21-3507, prior to its repeal, or section 75 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(C) promoting prostitution as defined by K.S.A. 21-3513, prior to its repeal, or section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(D) patronizing a prostitute as defined by K.S.A. 21-3515, prior to its repeal, or section 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or
(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, prior to its repeal, or section 77 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;
(7) any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;
(8) any person who has been convicted of an offense in effect at any
time prior to May 29, 1997, that is comparable to any crime defined in
subsection (4), (5), (7) or (11), or any federal, military or other state
conviction for an offense that under the laws of this state would be an
offense defined in subsection (4), (5), (7) or (11);
(9) any person who has been convicted of an attempt, conspiracy or
criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303,
prior to their repeal, or sections 33, 34 or 35 of chapter 136 of the
2010 Session Laws of Kansas, and amendments thereto, of an offense
defined in subsection (4), (5), (7) or (10);
(10) any person who has been convicted of aggravated human
trafficking as defined in K.S.A. 21-3447, prior to its repeal, or subsection
(b) of section 61 of chapter 136 of the 2010 Session Laws of Kansas, and
amendments thereto; or
(11) any person who has been convicted of: (A) Unlawful
manufacture or attempting such of any controlled substance or controlled
substance analog as defined by K.S.A. 65-4159, prior to its repeal, or
K.S.A. 2010 Supp. 21-36a03, and amendments thereto, unless the court
makes a finding on the record that the manufacturing or attempting to
manufacture such controlled substance was for such person's personal
use;
(B) possession of ephedrine, pseudoephedrine, red phosphorus,
lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
ammonia or phenylpropanolamine, or their salts, isomers or salts of
isomers with intent to use the product to manufacture a controlled
substance as defined by subsection (a) of K.S.A. 65-7006, prior to its
repeal, or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and
amendments thereto, unless the court makes a finding on the record that
the possession of such product was intended to be used to manufacture a
controlled substance for such person's personal use; or
(C) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of
K.S.A. 2010 Supp. 21-36a05, and amendments thereto. The provisions of
this paragraph shall not apply to violations of subsections (a)(2) through
(a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto,
which occurred on and after July 1, 2009, through the effective date of
this act, April 15, 2010.

Convictions which result from or are connected with the same act, or
result from crimes committed at the same time, shall be counted for the
purpose of this section as one conviction. Any conviction set aside
pursuant to law is not a conviction for purposes of this section. A
conviction from another state shall constitute a conviction for purposes of
this section.
(b) (1) "Sex offender" includes any person who:
(A) On or after April 14, 1994, and prior to July 1, 2011, is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c):;

(B) on or after July 1, 2011, is convicted of any sexually violent crime set forth in subsection (c), or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c), if none of the parties involved is less than 16 years of age.

(2) "Aggravated sex offender" includes any person who, on or after July 1, 2011, is convicted of any sexually violent crime set forth in subsection (c), or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c), if one of the parties involved is less than 16 years of age.

(c) "Sexually violent crime" means:

(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) indecent solicitation of a child as defined by K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) sexual exploitation of a child as defined by K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(9) sexual battery as defined by K.S.A. 21-3517, prior to its repeal,
or subsection (a) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) aggravated sexual battery as defined by K.S.A. 21-3518, prior to its repeal, or subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(11) aggravated incest as defined by K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(12) electronic solicitation as defined by K.S.A. 21-3523, prior to its repeal, or section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, committed on or after April 17, 2008;

(13) unlawful sexual relations as defined by K.S.A. 21-3520, prior to its repeal, or section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, committed on or after July 1, 2010;

(14) any conviction for an offense in effect at any time prior to April 29, 1993, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;

(15) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or sections 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of a sexually violent crime, as defined in this section; or

(16) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated.

As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Violent offender" includes any person who, on or after May 29, 1997, is convicted of any of the following crimes:

(1) Capital murder as defined by K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) murder in the first degree as defined by K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) murder in the second degree as defined by K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) voluntary manslaughter as defined by K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(5) involuntary manslaughter as defined by K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) any conviction for an offense in effect at any time prior to May 29, 1997, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or sections 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(e) "Law enforcement agency having jurisdiction" means the sheriff of the county in which the offender expects to reside upon the offender's discharge, parole or release.

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

(g) "Nonresident student or worker" includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) "Aggravated offenses" means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 21-3502, prior to its repeal, or subsection (a)(1)(A) or (a)(3) of section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, prior to its repeal, or subsection (b)(1) or (b)(3)(A) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or sections 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.

(i) "Institution of higher education" means any postsecondary school under the supervision of the Kansas board of regents.

Sec. 5. K.S.A. 22-4903 is hereby amended to read as follows: 22-4903. (a) (1) Any person who is required to register as provided in the
Kansas offender registration act who violates any of the provisions of such act, including all duties set out in K.S.A. 22-4904 through 22-4907 and section 3, and amendments thereto, is guilty of a severity level 5, person felony.

(2) Any violation of any provision of such act, including a violation of the duties set forth in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments thereto, which continues for more than 30 consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense and shall continue to constitute a new and separate offense upon completion of every 30 days thereafter for as long as the offense continues.

(3) In addition to any other sentence imposed, the court shall order the division of vehicles to suspend the driving privilege of such offender for six months. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for six months whether or not that person has a driver's license.

(b) Prosecution of violations under subsection (a), shall be held: (1) In the county in which the offender resides; (2) if the offender is temporarily domiciled in a county and is required to be registered, in such county; or (3) in the county in which the offender is required to be registered under this act.

Sec. 6. K.S.A. 2010 Supp. 22-4904 is hereby amended to read as follows: 22-4904. (a) (1) Except as provided in subsection (a)(2), within 14 days of the offender coming into any county in which the offender resides or is temporarily domiciled for more than 14 days, the offender shall register with the sheriff of the county.

(2) Within 14 days of the offender coming into any county in which the offender resides or temporarily resides for more than 14 days, any offender who has provided the information and completed and signed the registration form as required in K.S.A. 22-4905, and amendments thereto, shall verify with the sheriff of the county that the sheriff has received such offender's information and registration form.

(3) Upon registration with a school or educational institution, a nonresident student attending such school or educational institution shall register with the sheriff within 14 days of the commencement of the school term.

(4) Upon commencement of employment, a nonresident worker shall register with the sheriff within 14 days of the commencement date of employment.

(5) For persons required to register as provided in subsections (a)(1), (a)(3) and (a)(4), the sheriff shall: (A) Explain the duty to register and the procedure for registration;

(B) obtain the information required for registration as provided in
K.S.A. 22-4907, and amendments thereto;

(C) inform the offender that the offender must give written notice of any change of address within 14 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(D) inform the nonresident student offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any change or termination of attendance at the school or educational institution the offender is attending, within 14 days of such change or termination;

(E) inform the nonresident worker offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any termination of employment at the offender's place of employment, within 14 days of such termination;

(F) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 14 days of such change in residence;

(G) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student;

(H) inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or has any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 14 days upon commencement of enrollment or employment;

(I) inform the offender that if there is any change or termination in attendance or employment at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 14 days of the change or termination;

(J) inform the offender of the requirement of an annual driver's license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an annual identification card renewal pursuant to K.S.A. 8-1325a, and amendments thereto; and

(K) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(6) Such sheriff, within seven days of receipt of the initial
registration shall forward this information to the Kansas bureau of investigation.

(7) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act then all provisions of that act shall apply, except that the term of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(b) (1) Except as provided in paragraph (2), if any person required to register as provided in this act changes the address of the person's residence, the offender, within 14 days, shall inform in writing the law enforcement agency where such offender last registered and the Kansas bureau of investigation of the new address.

(2) If an aggravated sex offender, as defined by subsection (b) of K.S.A. 22-4902, and amendments thereto, required to register as provided in this act, changes the address of the person's residence, the offender, within 24 hours, shall inform in writing the law enforcement agency where such offender last registered and the Kansas bureau of investigation of the new address.

(c) Any person who is required to register under this act shall report in person three times each year to the sheriff's office in the county in which the person resides or is otherwise located. The person shall be required to report once during the month of the person's birthday and every four months thereafter. The sheriff's office may determine the appropriate times and days for reporting by the person, consistent with this subsection. The person shall verify:

(1) Whether the person still resides at the address last reported;

(2) whether the person still attends the school or educational institution last reported;

(3) whether the person is still employed at the place of employment last reported; and

(4) whether the person's vehicle registration information is the same as last reported.

Nothing contained in this subsection shall be construed to alleviate any person required to register as provided in this act from meeting the requirements prescribed in subsections (a)(1), (a)(2) and (b).

The sheriff's office shall forward any updated information and current photograph required under subsection (d), to the Kansas bureau of investigation.

(d) Every person who is required to register under this act shall submit to the taking of an updated photograph by the sheriff's office on each occasion when the person reports to the sheriff's office in the county in which the person resides or is otherwise located.
(e) Every person who is required to register under this act shall remit payment to the sheriff in the amount of $20 on each occasion when the person reports to the sheriff's office in the county in which the person resides or is otherwise located. All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to reduce the amount of funding otherwise made available to the sheriff's office.

Sec. 7. K.S.A. 2010 Supp. 22-4913 is hereby amended to read as follows: 22-4913. (a) On and after July 1, 2011, aggravated sex offenders, as defined by subsection (b) of K.S.A 22-4902, and amendments thereto, shall not reside within 2,000 feet of any licensed child care facility, registered family day care home or the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12. This subsection shall not apply to any state institution or facility.

(b) Except as provided in subsection (b), on and after the effective date of this act, June 1, 2006, cities and counties shall be prohibited from adopting or enforcing any ordinance, resolution or regulation establishing residential restrictions for offenders as defined by K.S.A. 22-4902, and amendments thereto.

(c) The prohibition in subsection (b), shall not apply to any city or county residential licensing or zoning program for correctional placement residences that includes regulations for the housing of such offenders.

(d) As used in this section, "correctional placement residence" means a facility that provides residential services for individuals or offenders who reside or have been placed in such facility due to any one of the following situations:

1. Prior to, or instead of, being sentenced to prison;
2. received a conditional release prior to a hearing;
3. as a part of a sentence of confinement of not more than one year;
4. a privately operated facility housing parolees;
5. received a deferred sentence and placed in a facility operated by community corrections;
6. required court-ordered treatment services for alcohol or drug abuse; or
7. voluntary treatment services for alcohol or drug abuse.

Correctional placement residence shall not include a single or multi-family dwelling or commercial residential building that provides a
residence to staff and persons other than those described in paragraphs (1) through (7).

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

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

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

Sec. 9. Section 7 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 7. (a) A prosecution for murder, terrorism or illegal use of weapons of mass destruction may be commenced at any time.

(b) Except as provided in subsection (e), a prosecution for any crime shall be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(c) Except as provided in subsection (e), a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, shall be commenced within the limitation of time provided by the law pertaining to such offense or:

(1) One year from the date on which the identity of the suspect is conclusively established by DNA testing; or
(2) if the victim was under 18 years of age at the time of the offense, five years from the date of the victim's eighteenth birthday, whichever is later.

(d) Except as provided by subsection (e), a prosecution for any crime, as defined in section 2 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, not governed by subsections (a), (b) or (c) shall be commenced within five years after it is committed.

(e) The period within which a prosecution shall be commenced shall not include any period in which:

1. The accused is absent from the state;
2. the accused is concealed within the state so that process cannot be served upon the accused;
3. the fact of the crime is concealed;
4. a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;
5. an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, which may be discovered as a result thereof regardless of who obtains the order of restraint; or
6. whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present:
   (A) The victim was a child under 15 years of age at the time of the crime;
   (B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime;
   (C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and
   (D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in this section later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.
(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(g) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

(h) As used in this section, "parent or other legal authority" shall include, but not be limited to, natural and stepparents, grandparents, aunts, uncles or siblings.

Sec. 10. Section 285 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 285. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

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

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

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.
(3) In presumptive nonprison cases, the sentencing court shall pronounce the:
(A) Prison sentence; and
(B) duration of the nonprison sanction at the sentencing hearing.
(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).
(g) The sentence for a violation of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
(i) (1) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A.
8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and
(ii) at the time of the conviction under paragraph (A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or
(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and
(ii) at the time of the conviction under paragraph (B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any
organization, association or group of three or more persons, whether
formal or informal, having as one of its primary activities:
(A) The commission of one or more person felonies; or
(B) the commission of felony violations of K.S.A. 2009-2010 Supp.
21-36a01 through 21-36a17, and amendments thereto; and
(C) its members have a common name or common identifying sign
or symbol; and
(D) its members, individually or collectively, engage in or have
engaged in the commission, attempted commission, conspiracy to commit
or solicitation of two or more person felonies or felony violations of
K.S.A. 2009-2010 Supp. 21-36a01 through 21-36a17, and amendments
thereto, or any substantially similar offense from another jurisdiction.
(l) Except as provided in subsection (o), the sentence for a violation
of subsection (a)(1) of section 93 of chapter 136 of the 2010 Session
Laws of Kansas, and amendments thereto, when such person being
sentenced has a prior conviction for a violation of subsection (a) or (b) of
K.S.A. 21-3715, prior to its repeal, 21-3716, prior to its repeal, subsection
(a)(1) or (a)(2) of section 93 of chapter 136 of the 2010 Session Laws of
Kansas or subsection (b) of section 93 of chapter 136 of the 2010 Session
Laws of Kansas, and amendments thereto, shall be presumed
imprisonment.
(m) The sentence for a violation of K.S.A. 22-4903 or subsection (a)
(2) of section 138 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, shall be presumptive imprisonment. If an
offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H
or 5-I, the court may impose an optional nonprison sentence as provided
in subsection (q).
(n) The sentence for a violation of criminal deprivation of property,
as defined in section 89 of chapter 136 of the 2010 Session Laws of
Kansas, and amendments thereto, when such property is a motor vehicle,
and when such person being sentenced has any combination of two or
more prior convictions of subsection (b) of K.S.A. 21-3705, prior to its
repeal, or of criminal deprivation of property, as defined in section 89 of
chapter 136 of the 2010 Session Laws of Kansas, and amendments
thereto, when such property is a motor vehicle, shall be presumptive
imprisonment. Such sentence shall not be considered a departure and
shall not be subject to appeal.
(o) The sentence for a felony violation of theft of property as defined
in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and
amendments thereto, or burglary as defined in subsection (a) of section 93
of chapter 136 of the 2010 Session Laws of Kansas, and amendments
thereto, when such person being sentenced has no prior convictions for a
violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of
property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;
(2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws
of Kansas, and amendments thereto, or burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;
(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or
(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of subsection (c)(2) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 22-4903, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

Sec. 11. Section 299 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 299. (a) When a departure sentence is appropriate, the sentencing judge may depart from the sentencing guidelines as provided in this section.

(1) The sentencing judge shall not impose a downward dispositional departure sentence for any crime of extreme sexual violence, as defined in section 296 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. The sentencing judge shall not impose a downward durational departure sentence for any crime of extreme sexual violence, as defined in section 296 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to less than 50% of the center of the range of the sentence for such crime.

(2) The sentencing judge shall not impose a downward dispositional departure sentence for a violation of K.S.A. 22-4903, and amendments thereto.

(b) When a sentencing judge departs in setting the duration of a presumptive term of imprisonment:

(1) The judge shall consider and apply the sentencing guidelines, which is to impose a sentence that is proportionate to the severity of the crime of conviction and the offender's criminal history; and

(2) the presumptive term of imprisonment set in such departure shall not total more than double the maximum duration of the presumptive imprisonment term.

(c) When a sentencing judge imposes a prison term as a dispositional departure:

(1) The judge shall consider and apply the primary purpose of the sentencing guidelines, which is to impose a sentence that is proportionate to the severity of the crime of conviction; and

(2) the term of imprisonment shall not exceed the maximum
duration of the presumptive imprisonment term listed within the
sentencing grid. Any sentence inconsistent with the provisions of this
section shall constitute an additional departure and shall require
substantial and compelling reasons independent of the reasons given for
the dispositional departure.

(d) If the sentencing judge imposes a nonprison sentence as a
dispositional departure from the guidelines, the recommended duration
shall be as provided in subsection (c) of section 248 of chapter 136 of the
2010 Session Laws of Kansas, and amendments thereto.

Sec. 12. K.S.A. 22-4903 and K.S.A. 2010 Supp. 8-243, 8-255, 22-
4902, 22-4904 and 22-4913 and sections 7, 285 and 299 of chapter 136 of
the 2010 Session Laws of Kansas are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its
publication in the statute book.