

**HOUSE BILL No. 2515**

By Representatives Becker, Anthimides, Ballard, Bradford, Clark, Concannon, Dierks, Doll, Henry, Highberger, Houser, Houston, Kuether, O'Brien, Sawyer, Schroeder and Sutton

1-22

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to abolition of the death penalty; creating the crime of aggravated  
3 murder; sentences of imprisonment for life without the possibility of  
4 parole; establishing the Kansas death penalty abolition fund; amending  
5 K.S.A. 2015 Supp. 21-5419, 21-6614, 21-6618, 21-6620, 21-6622, 21-  
6 6628, 21-6629, 21-6806, 22-3717, 22-4902, 22-4906, 38-2255, 38-  
7 2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and  
8 repealing the existing sections; also repealing K.S.A. 2015 Supp. 21-  
9 5401, 21-6614f, 21-6617 and 21-6619.

10

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

12 New Section 1. (a) No person shall be sentenced to death for a crime  
13 committed on or after July 1, 2016.

14 (b) Any person who is sentenced to death for a crime committed prior  
15 to July 1, 2016, may be put to death pursuant to the provisions of article 40  
16 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

17 (c) This section shall be part of and supplemental to the Kansas  
18 criminal code.

19 New Sec. 2. (a) Aggravated murder is the:

20 (1) Intentional and premeditated killing of any person in the  
21 commission of kidnapping, as defined in K.S.A. 2015 Supp. 21-5408, and  
22 amendments thereto, or aggravating kidnapping, as defined in K.S.A. 2015  
23 Supp. 21-5408(b), and amendments thereto, when the kidnapping or  
24 aggravated kidnapping was committed with the intent to hold such person  
25 for ransom;

26 (2) intentional and premeditated killing of any person pursuant to a  
27 contract or agreement to kill such person or being a party to the contract or  
28 agreement pursuant to which such person is killed;

29 (3) intentional and premeditated killing of any person by an inmate or  
30 prisoner confined in a state correctional institution, community  
31 correctional institution or jail or while in the custody of an officer or  
32 employee of a state correctional institution, community correctional  
33 institution or jail;

34 (4) intentional and premeditated killing of the victim of one of the

1 following crimes in the commission of, or subsequent to, such crime:  
2 Rape, as defined in K.S.A. 2015 Supp. 21-5503, and amendments thereto,  
3 criminal sodomy, as defined in K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4),  
4 and amendments thereto, or aggravated criminal sodomy, as defined in  
5 K.S.A. 2015 Supp. 21-5504(b), and amendments thereto, or any attempt  
6 thereof, as defined in K.S.A. 2015 Supp. 21-5301, and amendments  
7 thereto;

8 (5) intentional and premeditated killing of a law enforcement officer;

9 (6) intentional and premeditated killing of more than one person as a  
10 part of the same act or transaction or in two or more acts or transactions  
11 connected together or constituting parts of a common scheme or course of  
12 conduct; or

13 (7) intentional and premeditated killing of a child under the age of 14  
14 in the commission of kidnapping, as defined in K.S.A. 2015 Supp. 21-  
15 5408(a), and amendments thereto, or aggravated kidnapping, as defined in  
16 K.S.A. 2015 Supp. 21-5408(b), and amendments thereto, when the  
17 kidnapping or aggravated kidnapping was committed with intent to  
18 commit a sex offense upon or with the child or with intent that the child  
19 commit or submit to a sex offense.

20 (b) For purposes of this section, "sex offense" means rape, as defined  
21 in K.S.A. 2015 Supp. 21-5503, and amendments thereto, aggravated  
22 indecent liberties with a child, as defined in K.S.A. 2015 Supp. 21-  
23 5506(b), and amendments thereto, aggravated criminal sodomy, as defined  
24 in K.S.A. 2015 Supp. 21-5504(b), and amendments thereto, prostitution, as  
25 defined in K.S.A. 2015 Supp. 21-6419, and amendments thereto,  
26 promoting prostitution, as defined in K.S.A. 2015 Supp. 21-6420, and  
27 amendments thereto, or sexual exploitation of a child, as defined in K.S.A.  
28 2015 Supp. 21-5510, and amendments thereto.

29 (c) Notwithstanding K.S.A. 2015 Supp. 21-5109(b)(1) or (b)(2), and  
30 amendments thereto, when the same conduct of a defendant may establish  
31 the commission of aggravated murder and the commission of another  
32 crime under the laws of this state, the defendant may be prosecuted and  
33 sentenced for each of such crimes.

34 (d) Aggravated murder is an off-grid person felony.

35 (e) This section shall be part of and supplemental to the Kansas  
36 criminal code.

37 New Sec. 3. (a) When it is provided by law that a person shall be  
38 sentenced pursuant to this section, such person shall be sentenced to  
39 imprisonment for life without the possibility of parole. A defendant who is  
40 sentenced to imprisonment for life without the possibility of parole shall  
41 spend the remainder of the defendant's natural life incarcerated and in the  
42 custody of the secretary of corrections. A defendant who is sentenced to  
43 imprisonment for life without the possibility of parole shall not be eligible

1 for commutation of sentence, parole, probation, assignment to a  
2 community correctional services program, conditional release, postrelease  
3 supervision, functional incapacitation release pursuant to K.S.A. 22-3728,  
4 and amendments thereto, or suspension, modification or reduction of  
5 sentence. Upon sentencing a defendant to imprisonment for life without  
6 the possibility of parole, the court shall commit the defendant to the  
7 custody of the secretary of corrections and the court shall state in the  
8 sentencing order of the judgment form or journal entry, whichever is  
9 delivered with the defendant to the correctional institution, that the  
10 defendant has been sentenced to imprisonment for life without the  
11 possibility of parole.

12 (b) This section shall be part of and supplemental to the Kansas  
13 criminal code.

14 New Sec. 4. (a) There is hereby established in the state treasury the  
15 Kansas death penalty abolition fund which shall be administered by the  
16 secretary of corrections. All expenditures from the Kansas death penalty  
17 abolition fund shall be made in accordance with appropriation acts upon  
18 warrants of the director of accounts and reports issued pursuant to  
19 vouchers approved by the secretary of corrections or the designee of the  
20 secretary.

21 (b) Annually, on or before June 30, the director of the budget shall  
22 determine and certify to the director of accounts and reports the amount in  
23 each account of the state general fund of a state agency that has been  
24 determined by the director of the budget to be actual or projected cost  
25 savings as a result of the abolition of the death penalty pursuant to section  
26 1, and amendments thereto. Such cost savings shall include, but not be  
27 limited to, cost avoidance in the prosecution, defense, corrections and  
28 other associated costs resulting from the abolition of the death penalty.

29 (c) Annually, on July 1 or as soon thereafter as moneys are available,  
30 the director of accounts and reports shall transfer the amount certified  
31 pursuant to subsection (b) from each account of the state general fund of a  
32 state agency that has been determined by the director of the budget to be  
33 actual or projected cost savings to the Kansas death penalty abolition fund.

34 Sec. 5. K.S.A. 2015 Supp. 21-5419 is hereby amended to read as  
35 follows: 21-5419. (a) As used in this section:

36 (1) "Abortion" means an abortion as defined by K.S.A. 65-6701, and  
37 amendments thereto; and

38 (2) "unborn child" means a living individual organism of the species  
39 homo sapiens, in utero, at any stage of gestation from fertilization to birth.

40 (b) This section shall not apply to:

41 (1) Any act committed by the mother of the unborn child;

42 (2) any medical procedure, including abortion, performed by a  
43 physician or other licensed medical professional at the request of the

1 pregnant woman or her legal guardian; or

2 (3) the lawful dispensation or administration of lawfully prescribed  
3 medication.

4 (c) As used in K.S.A. 2015 Supp. ~~21-5401~~, 21-5402, 21-5403, 21-  
5 5404, 21-5405, 21-5406 ~~and subsections (a) and (b) of~~, 21-5413(a) and (b)  
6 and section 2, and amendments thereto, "person" and "human being" also  
7 mean an unborn child.

8 (d) This section shall be known as Alexa's law.

9 Sec. 6. K.S.A. 2015 Supp. 21-6614 is hereby amended to read as  
10 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)  
11 and (f), any person convicted in this state of a traffic infraction, cigarette  
12 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes  
13 committed on or after July 1, 1993, any nongrid felony or felony ranked in  
14 severity levels 6 through 10 of the nondrug grid, or for crimes committed  
15 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in  
16 severity level 4 of the drug grid, or for crimes committed on or after July  
17 1, 2012, any felony ranked in severity level 5 of the drug grid may petition  
18 the convicting court for the expungement of such conviction or related  
19 arrest records if three or more years have elapsed since the person: (A)  
20 Satisfied the sentence imposed; or (B) was discharged from probation, a  
21 community correctional services program, parole, postrelease supervision,  
22 conditional release or a suspended sentence.

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

28 (b) Any person convicted of prostitution, as defined in K.S.A. 21-  
29 3512, prior to its repeal, convicted of a violation of K.S.A. 2015 Supp. 21-  
30 6419, and amendments thereto, or who entered into a diversion agreement  
31 in lieu of further criminal proceedings for such violation, may petition the  
32 convicting court for the expungement of such conviction or diversion  
33 agreement and related arrest records if:

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

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

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

13 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its  
14 repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto, or as  
15 prohibited by any law of another state which is in substantial conformity  
16 with that statute;

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

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

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

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

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

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

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

37 (d) (1) No person may petition for expungement until five or more  
38 years have elapsed since the person satisfied the sentence imposed or the  
39 terms of a diversion agreement or was discharged from probation, a  
40 community correctional services program, parole, postrelease supervision,  
41 conditional release or a suspended sentence, if such person was convicted  
42 of a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and  
43 amendments thereto, including any diversion for such violation.

1 (2) No person may petition for expungement until 10 or more years  
 2 have elapsed since the person satisfied the sentence imposed or was  
 3 discharged from probation, a community correctional services program,  
 4 parole, postrelease supervision, conditional release or a suspended  
 5 sentence, if such person was convicted of a second or subsequent violation  
 6 of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

7 (e) There shall be no expungement of convictions for the following  
 8 offenses or of convictions for an attempt to commit any of the following  
 9 offenses:

10 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
 11 2015 Supp. 21-5503, and amendments thereto;

12 (2) indecent liberties with a child or aggravated indecent liberties  
 13 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,  
 14 or K.S.A. 2015 Supp. 21-5506, and amendments thereto;

15 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
 16 prior to its repeal, or K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and  
 17 amendments thereto;

18 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
 19 to its repeal, or K.S.A. 2015 Supp. 21-5504, and amendments thereto;

20 (5) indecent solicitation of a child or aggravated indecent solicitation  
 21 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,  
 22 or K.S.A. 2015 Supp. 21-5508, and amendments thereto;

23 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
 24 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

25 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
 26 repeal, or K.S.A. 2015 Supp. 21-5604, and amendments thereto;

27 (8) endangering a child or aggravated endangering a child, as defined  
 28 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2015 Supp.  
 29 21-5601, and amendments thereto;

30 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,  
 31 or K.S.A. 2015 Supp. 21-5602, and amendments thereto;

32 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
 33 or K.S.A. 2015 Supp. 21-5401, ~~and amendments thereto~~ prior to its repeal;

34 (11) *aggravated murder as defined in section 2, and amendments*  
 35 *thereto;*

36 ~~(11)~~ (12) murder in the first degree, as defined in K.S.A. 21-3401,  
 37 prior to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments  
 38 thereto;

39 ~~(12)~~ (13) murder in the second degree, as defined in K.S.A. 21-3402,  
 40 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments  
 41 thereto;

42 ~~(13)~~ (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior  
 43 to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

1       ~~(14)~~ (15) involuntary manslaughter, as defined in K.S.A. 21-3404,  
2 prior to its repeal, or K.S.A. 2015 Supp. 21-5405, and amendments  
3 thereto;

4       ~~(15)~~ (16) sexual battery, as defined in K.S.A. 21-3517, prior to its  
5 repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto, when the  
6 victim was less than 18 years of age at the time the crime was committed;

7       ~~(16)~~ (17) aggravated sexual battery, as defined in K.S.A. 21-3518,  
8 prior to its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments  
9 thereto;

10       ~~(17)~~ (18) a violation of K.S.A. 8-2,144, and amendments thereto,  
11 including any diversion for such violation; or

12       ~~(18)~~ (19) any conviction for any offense in effect at any time prior to  
13 July 1, 2011, that is comparable to any offense as provided in this  
14 subsection.

15       (f) Notwithstanding any other law to the contrary, for any offender  
16 who is required to register as provided in the Kansas offender registration  
17 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no  
18 expungement of any conviction or any part of the offender's criminal  
19 record while the offender is required to register as provided in the Kansas  
20 offender registration act.

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

25       (A) Defendant's full name;

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

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

29       (D) crime for which the defendant was arrested, convicted or  
30 diverted;

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

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

34       (2) Except as otherwise provided by law, a petition for expungement  
35 shall be accompanied by a docket fee in the amount of \$176. On and after  
36 July 1, ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court  
37 may impose a charge, not to exceed \$19 per case, to fund the costs of non-  
38 judicial personnel. The charge established in this section shall be the only  
39 fee collected or moneys in the nature of a fee collected for the case. Such  
40 charge shall only be established by an act of the legislature and no other  
41 authority is established by law or otherwise to collect a fee.

42       (3) All petitions for expungement shall be docketed in the original  
43 criminal action. Any person who may have relevant information about the

1 petitioner may testify at the hearing. The court may inquire into the  
2 background of the petitioner and shall have access to any reports or  
3 records relating to the petitioner that are on file with the secretary of  
4 corrections or the prisoner review board.

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

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

10 (2) the circumstances and behavior of the petitioner warrant the  
11 expungement; and

12 (3) the expungement is consistent with the public welfare.

13 (i) When the court has ordered an arrest record, conviction or  
14 diversion expunged, the order of expungement shall state the information  
15 required to be contained in the petition. The clerk of the court shall send a  
16 certified copy of the order of expungement to the Kansas bureau of  
17 investigation which shall notify the federal bureau of investigation, the  
18 secretary of corrections and any other criminal justice agency which may  
19 have a record of the arrest, conviction or diversion. After the order of  
20 expungement is entered, the petitioner shall be treated as not having been  
21 arrested, convicted or diverted of the crime, except that:

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

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

27 (A) In any application for licensure as a private detective, private  
28 detective agency, certification as a firearms trainer pursuant to K.S.A.  
29 2015 Supp. 75-7b21, and amendments thereto, or employment as a  
30 detective with a private detective agency, as defined by K.S.A. 75-7b01,  
31 and amendments thereto; as security personnel with a private patrol  
32 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with  
33 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of  
34 the Kansas department for aging and disability services;

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

37 (C) to aid in determining the petitioner's qualifications for  
38 employment with the Kansas lottery or for work in sensitive areas within  
39 the Kansas lottery as deemed appropriate by the executive director of the  
40 Kansas lottery;

41 (D) to aid in determining the petitioner's qualifications for executive  
42 director of the Kansas racing and gaming commission, for employment  
43 with the commission or for work in sensitive areas in parimutuel racing as

1 deemed appropriate by the executive director of the commission, or to aid  
 2 in determining qualifications for licensure or renewal of licensure by the  
 3 commission;

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

9 (F) upon application for a commercial driver's license under K.S.A.  
 10 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

21 (K) for applications received on and after July 1, 2006, to aid in  
 22 determining the petitioner's qualifications for a license to carry a concealed  
 23 weapon pursuant to the personal and family protection act, K.S.A. 2015  
 24 Supp. 75-7c01 et seq., and amendments thereto;

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

27 (4) the conviction may be disclosed in a subsequent prosecution for  
 28 an offense which requires as an element of such offense a prior conviction  
 29 of the type expunged; and

30 (5) upon commitment to the custody of the secretary of corrections,  
 31 any previously expunged record in the possession of the secretary of  
 32 corrections may be reinstated and the expungement disregarded, and the  
 33 record continued for the purpose of the new commitment.

34 (j) Whenever a person is convicted of a crime, pleads guilty and pays  
 35 a fine for a crime, is placed on parole, postrelease supervision or  
 36 probation, is assigned to a community correctional services program, is  
 37 granted a suspended sentence or is released on conditional release, the  
 38 person shall be informed of the ability to expunge the arrest records or  
 39 conviction. Whenever a person enters into a diversion agreement, the  
 40 person shall be informed of the ability to expunge the diversion.

41 (k) (1) Subject to the disclosures required pursuant to subsection (i),  
 42 in any application for employment, license or other civil right or privilege,  
 43 or any appearance as a witness, a person whose arrest records, conviction

1 or diversion of a crime has been expunged under this statute may state that  
2 such person has never been arrested, convicted or diverted of such crime.

3 (2) Notwithstanding the provisions of subsection (k)(1), and except as  
4 provided in K.S.A. 2015 Supp. 21-6304(a)(3)(A), and amendments  
5 thereto, the expungement of a prior felony conviction does not relieve the  
6 individual of complying with any state or federal law relating to the use,  
7 shipment, transportation, receipt or possession of firearms by persons  
8 previously convicted of a felony.

9 (1) Whenever the record of any arrest, conviction or diversion has  
10 been expunged under the provisions of this section or under the provisions  
11 of any other existing or former statute, the custodian of the records of  
12 arrest, conviction, diversion and incarceration relating to that crime shall  
13 not disclose the existence of such records, except when requested by:

14 (1) The person whose record was expunged;

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

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

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

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

28 (6) a prosecutor, and such request is accompanied by a statement that  
29 the request is being made in conjunction with a prosecution of an offense  
30 that requires a prior conviction as one of the elements of such offense;

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

37 (8) the Kansas lottery, and the request is accompanied by a statement  
38 that the request is being made to aid in determining qualifications for  
39 employment with the Kansas lottery or for work in sensitive areas within  
40 the Kansas lottery as deemed appropriate by the executive director of the  
41 Kansas lottery;

42 (9) the governor or the Kansas racing and gaming commission, or a  
43 designee of the commission, and the request is accompanied by a

1 statement that the request is being made to aid in determining  
2 qualifications for executive director of the commission, for employment  
3 with the commission, for work in sensitive areas in parimutuel racing as  
4 deemed appropriate by the executive director of the commission or for  
5 licensure, renewal of licensure or continued licensure by the commission;

6 (10) the Kansas racing and gaming commission, or a designee of the  
7 commission, and the request is accompanied by a statement that the  
8 request is being made to aid in determining qualifications of the following  
9 under the Kansas expanded lottery act: (A) Lottery gaming facility  
10 managers and prospective managers, racetrack gaming facility managers  
11 and prospective managers, licensees and certificate holders; and (B) their  
12 officers, directors, employees, owners, agents and contractors;

13 (11) the Kansas sentencing commission;

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

19 (13) the Kansas securities commissioner or a designee of the  
20 commissioner, and the request is accompanied by a statement that the  
21 request is being made in conjunction with an application for registration as  
22 a broker-dealer, agent, investment adviser or investment adviser  
23 representative by such agency and the application was submitted by the  
24 person whose record has been expunged;

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

29 (15) a law enforcement agency and the request is accompanied by a  
30 statement that the request is being made to aid in determining eligibility  
31 for employment as a law enforcement officer as defined by K.S.A. 22-  
32 2202, and amendments thereto;

33 (16) the attorney general and the request is accompanied by a  
34 statement that the request is being made to aid in determining  
35 qualifications for a license to carry a concealed weapon pursuant to the  
36 personal and family protection act; or

37 (17) the Kansas bureau of investigation for the purposes of:

38 (A) Completing a person's criminal history record information within  
39 the central repository, in accordance with K.S.A. 22-4701 et seq., and  
40 amendments thereto; or

41 (B) providing information or documentation to the federal bureau of  
42 investigation, in connection with the national instant criminal background  
43 check system, to determine a person's qualification to possess a firearm.

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

3 Sec. 7. K.S.A. 2015 Supp. 21-6618 is hereby amended to read as  
4 follows: 21-6618. Upon conviction of a defendant of ~~capital~~ *aggravated*  
5 murder and a finding that the defendant was less than 18 years of age at  
6 the time of the commission thereof, the court shall sentence the defendant  
7 as otherwise provided by law, and no sentence of ~~death or~~ life without the  
8 possibility of parole shall be imposed ~~hereunder~~.

9 Sec. 8. K.S.A. 2015 Supp. 21-6620 is hereby amended to read as  
10 follows: 21-6620. (a) (1) Except as provided in subsection (a)(2) and  
11 K.S.A. 2015 Supp. 21-6618 and 21-6622, and amendments thereto, if a  
12 defendant is convicted of the crime of ~~capital murder and a sentence of~~  
13 ~~death is not imposed pursuant to subsection (c) of K.S.A. 2015 Supp. 21-~~  
14 ~~6617, and amendments thereto, or requested pursuant to subsection (a) or~~  
15 ~~(b) of K.S.A. 2015 Supp. 21-6617, and amendments thereto~~ *aggravated*  
16 *murder*, the defendant shall be sentenced to life without the possibility of  
17 parole *pursuant to section 3, and amendments thereto*.

18 (2) (A) Except as provided in subsection (a)(2)(B), a defendant  
19 convicted of attempt to commit the crime of ~~capital~~ *aggravated* murder  
20 shall be sentenced to imprisonment for life and shall not be eligible for  
21 probation or suspension, modification or reduction of sentence. In  
22 addition, the defendant shall not be eligible for parole prior to serving 25  
23 years' imprisonment, and such 25 years' imprisonment shall not be reduced  
24 by the application of good time credits. No other sentence shall be  
25 permitted.

26 (B) The provisions of subsection (a)(2)(A) requiring the court to  
27 impose a mandatory minimum term of imprisonment of 25 years shall not  
28 apply if the court finds the defendant, because of the defendant's criminal  
29 history classification, is subject to presumptive imprisonment pursuant to  
30 the sentencing guidelines grid for nondrug crimes and the sentencing range  
31 exceeds 300 months. In such case, the defendant is required to serve a  
32 mandatory minimum term equal to the sentence established pursuant to the  
33 sentencing range.

34 (b) The provisions of this subsection shall apply only to the crime of  
35 murder in the first degree as described in ~~subsection (a)(2) of K.S.A. 2015~~  
36 ~~Supp. 21-5402(a)(2), and amendments thereto, committed on or after July~~  
37 ~~1, 2014.~~

38 (1) Except as provided in subsection (b)(2), a defendant convicted of  
39 murder in the first degree as described in ~~subsection (a)(2) of K.S.A. 2015~~  
40 ~~Supp. 21-5402(a)(2), and amendments thereto, shall be sentenced to~~  
41 ~~imprisonment for life and shall not be eligible for probation or suspension,~~  
42 ~~modification or reduction of sentence. In addition, the defendant shall not~~  
43 ~~be eligible for parole prior to serving 25 years' imprisonment, and such 25~~

1 years' imprisonment shall not be reduced by the application of good time  
2 credits. No other sentence shall be permitted.

3 (2) The provisions of subsection (b)(1) requiring the court to impose  
4 a mandatory minimum term of imprisonment of 25 years shall not apply if  
5 the court finds the defendant, because of the defendant's criminal history  
6 classification, is subject to presumptive imprisonment pursuant to the  
7 sentencing guidelines grid for nondrug crimes and the sentencing range  
8 exceeds 300 months. In such case, the defendant is required to serve a  
9 mandatory minimum term equal to the sentence established pursuant to the  
10 sentencing range.

11 (c) The provisions of this subsection shall apply only to the crime of  
12 murder in the first degree based upon the finding of premeditated murder  
13 committed on or after July 1, 2014.

14 (1) (A) Except as provided in subsection (c)(1)(B), a defendant  
15 convicted of murder in the first degree based upon the finding of  
16 premeditated murder shall be sentenced pursuant to K.S.A. 2015 Supp. 21-  
17 6623, and amendments thereto, unless the sentencing judge finds  
18 substantial and compelling reasons, following a review of mitigating  
19 circumstances, to impose the sentence specified in subsection (c)(2).

20 (B) The provisions of subsection (c)(1)(A) requiring the court to  
21 impose the mandatory minimum term of imprisonment required by K.S.A.  
22 2015 Supp. 21-6623, and amendments thereto, shall not apply if the court  
23 finds the defendant, because of the defendant's criminal history  
24 classification, is subject to presumptive imprisonment pursuant to the  
25 sentencing guidelines grid for nondrug crimes and the sentencing range  
26 exceeds 600 months. In such case, the defendant is required to serve a  
27 mandatory minimum term equal to the sentence established pursuant to the  
28 sentencing range.

29 (2) (A) If the sentencing judge does not impose the mandatory  
30 minimum term of imprisonment required by K.S.A. 2015 Supp. 21-6623,  
31 and amendments thereto, the judge shall state on the record at the time of  
32 sentencing the substantial and compelling reasons therefor, and, except as  
33 provided in subsection (c)(2)(B), the defendant shall be sentenced to  
34 imprisonment for life and shall not be eligible for probation or suspension,  
35 modification or reduction of sentence. In addition, the defendant shall not  
36 be eligible for parole prior to serving 25 years' imprisonment, and such 25  
37 years' imprisonment shall not be reduced by the application of good time  
38 credits. No other sentence shall be permitted.

39 (B) The provisions of subsection (c)(2)(A) requiring the court to  
40 impose a mandatory minimum term of imprisonment of 25 years shall not  
41 apply if the court finds the defendant, because of the defendant's criminal  
42 history classification, is subject to presumptive imprisonment pursuant to  
43 the sentencing guidelines grid for nondrug crimes and the sentencing range

1 exceeds 300 months. In such case, the defendant is required to serve a  
2 mandatory minimum term equal to the sentence established pursuant to the  
3 sentencing range.

4 (d) The provisions of this subsection shall apply only to the crime of  
5 murder in the first degree based upon the finding of premeditated murder  
6 committed on or after September 6, 2013.

7 (1) If a defendant is convicted of murder in the first degree based  
8 upon the finding of premeditated murder, upon reasonable notice by the  
9 prosecuting attorney, the court shall determine, in accordance with this  
10 subsection, whether the defendant shall be required to serve a mandatory  
11 minimum term of imprisonment of 50 years or sentenced as otherwise  
12 provided by law.

13 (2) The court shall conduct a separate proceeding following the  
14 determination of the defendant's guilt for the jury to determine whether  
15 one or more aggravating circumstances exist. Such proceeding shall be  
16 conducted by the court before a jury as soon as practicable. If any person  
17 who served on the trial jury is unable to serve on the jury for the  
18 proceeding, the court shall substitute an alternate juror who has been  
19 impaneled for the trial jury. If there are insufficient alternate jurors to  
20 replace trial jurors who are unable to serve at the proceeding, the court  
21 may conduct such proceeding before a jury which may have 12 or less  
22 jurors, but at no time less than six jurors. If the jury has been discharged  
23 prior to the proceeding, a new jury shall be impaneled. Any decision of the  
24 jury regarding the existence of an aggravating circumstance shall be  
25 beyond a reasonable doubt. Jury selection procedures, qualifications of  
26 jurors and grounds for exemption or challenge of prospective jurors in  
27 criminal trials shall be applicable to the selection of such jury. The jury at  
28 the proceeding may be waived in the manner provided by K.S.A. 22-3403,  
29 and amendments thereto, for waiver of a trial jury. If the jury at the  
30 proceeding has been waived, such proceeding shall be conducted by the  
31 court.

32 (3) In the proceeding, evidence may be presented concerning any  
33 matter relating to any of the aggravating circumstances enumerated in  
34 K.S.A. 2015 Supp. 21-6624, and amendments thereto. Only such evidence  
35 of aggravating circumstances as the prosecuting attorney has made known  
36 to the defendant prior to the proceeding shall be admissible and no  
37 evidence secured in violation of the constitution of the United States or of  
38 the state of Kansas shall be admissible. No testimony by the defendant at  
39 the time of the proceeding shall be admissible against the defendant at any  
40 subsequent criminal proceeding. At the conclusion of the evidentiary  
41 presentation, the court shall allow the parties a reasonable period of time in  
42 which to present oral argument.

43 (4) At the conclusion of the evidentiary portion of the proceeding, the

1 court shall provide oral and written instructions to the jury to guide its  
2 deliberations. If the prosecuting attorney relies on ~~subsection (a)~~ of K.S.A.  
3 2015 Supp. 21-6624(a), and amendments thereto, as an aggravating  
4 circumstance, and the court finds that one or more of the defendant's prior  
5 convictions satisfy such subsection, the jury shall be instructed that a  
6 certified journal entry of a prior conviction is presumed to prove the  
7 existence of such prior conviction or convictions beyond a reasonable  
8 doubt.

9 (5) If, by unanimous vote, the jury finds beyond a reasonable doubt  
10 that one or more of the aggravating circumstances enumerated in K.S.A.  
11 2015 Supp. 21-6624, and amendments thereto, exist, the jury shall  
12 designate, in writing, signed by the foreman of the jury, the statutory  
13 aggravating circumstances which it found. If, after a reasonable time for  
14 deliberation, the jury is unable to reach a unanimous sentencing decision,  
15 the court shall dismiss the jury and the defendant shall be sentenced as  
16 provided by law. In nonjury cases, the court shall designate, in writing, the  
17 specific circumstance or circumstances which the court found beyond a  
18 reasonable doubt.

19 (6) If one or more of the aggravating circumstances enumerated in  
20 K.S.A. 2015 Supp. 21-6624, and amendments thereto, are found to exist  
21 beyond a reasonable doubt pursuant to this subsection, the defendant shall  
22 be sentenced pursuant to K.S.A. 2015 Supp. 21-6623, and amendments  
23 thereto, unless the sentencing judge finds substantial and compelling  
24 reasons, following a review of mitigating circumstances, to impose the  
25 sentence specified in this paragraph. If the sentencing judge does not  
26 impose the mandatory minimum term of imprisonment required by K.S.A.  
27 2015 Supp. 21-6623, and amendments thereto, the judge shall state on the  
28 record at the time of sentencing the substantial and compelling reasons  
29 therefor, and the defendant shall be sentenced to imprisonment for life and  
30 shall not be eligible for probation or suspension, modification or reduction  
31 of sentence. In addition, the defendant shall not be eligible for parole prior  
32 to serving 25 years' imprisonment, and such 25 years' imprisonment shall  
33 not be reduced by the application of good time credits. No other sentence  
34 shall be permitted.

35 (e) The provisions of this subsection shall apply only to the crime of  
36 murder in the first degree based upon the finding of premeditated murder  
37 committed prior to September 6, 2013.

38 (1) If a defendant is convicted of murder in the first degree based  
39 upon the finding of premeditated murder, upon reasonable notice by the  
40 prosecuting attorney, the court shall conduct a separate sentencing  
41 proceeding in accordance with this subsection to determine whether the  
42 defendant shall be required to serve a mandatory minimum term of  
43 imprisonment of 40 years or for crimes committed on and after July 1,

1 1999, a mandatory minimum term of imprisonment of 50 years or  
2 sentenced as otherwise provided by law.

3 (2) The sentencing proceeding shall be conducted by the court before  
4 a jury as soon as practicable. If the trial jury has been discharged prior to  
5 sentencing, a new jury shall be impaneled. Any decision to impose a  
6 mandatory minimum term of imprisonment of 40 or 50 years shall be by a  
7 unanimous jury. Jury selection procedures, qualifications of jurors and  
8 grounds for exemption or challenge of prospective jurors in criminal trials  
9 shall be applicable to the selection of such jury. The jury at the sentencing  
10 proceeding may be waived in the manner provided by K.S.A. 22-3403, and  
11 amendments thereto, for waiver of a trial jury. If the jury at the sentencing  
12 proceeding has been waived, such proceeding shall be conducted by the  
13 court.

14 (3) In the sentencing proceeding, evidence may be presented  
15 concerning any matter that the court deems relevant to the question of  
16 sentence and shall include matters relating to any of the aggravating  
17 circumstances enumerated in K.S.A. 2015 Supp. 21-6624, and  
18 amendments thereto, or for crimes committed prior to July 1, 2011, K.S.A.  
19 21-4636, prior to its repeal, and any mitigating circumstances. Any such  
20 evidence which the court deems to have probative value may be received  
21 regardless of its admissibility under the rules of evidence, provided that  
22 the defendant is accorded a fair opportunity to rebut any hearsay  
23 statements. Only such evidence of aggravating circumstances as the  
24 prosecuting attorney has made known to the defendant prior to the  
25 sentencing proceeding shall be admissible and no evidence secured in  
26 violation of the constitution of the United States or of the state of Kansas  
27 shall be admissible. Only such evidence of mitigating circumstances  
28 subject to discovery pursuant to K.S.A. 22-3212, and amendments thereto,  
29 that the defendant has made known to the prosecuting attorney prior to the  
30 sentencing proceeding shall be admissible. No testimony by the defendant  
31 at the time of sentencing shall be admissible against the defendant at any  
32 subsequent criminal proceeding. At the conclusion of the evidentiary  
33 presentation, the court shall allow the parties a reasonable period of time in  
34 which to present oral argument.

35 (4) At the conclusion of the evidentiary portion of the sentencing  
36 proceeding, the court shall provide oral and written instructions to the jury  
37 to guide its deliberations. If the prosecuting attorney relies on ~~subsection~~  
38 ~~(a)~~ of K.S.A. 2015 Supp. 21-6624(a), and amendments thereto, or for  
39 crimes committed prior to July 1, 2011, ~~subsection (a)~~ of K.S.A. 21-  
40 4636(a), prior to its repeal, as an aggravating circumstance, and the court  
41 finds that one or more of the defendant's prior convictions satisfy such  
42 subsection, the jury shall be instructed that a certified journal entry of a  
43 prior conviction is presumed to prove the existence of such prior

1 conviction or convictions beyond a reasonable doubt.

2 (5) If, by unanimous vote, the jury finds beyond a reasonable doubt  
3 that one or more of the aggravating circumstances enumerated in K.S.A.  
4 2015 Supp. 21-6624, and amendments thereto, or for crimes committed  
5 prior to July 1, 2011, K.S.A. 21-4636, prior to its repeal, exist and, further,  
6 that the existence of such aggravating circumstances is not outweighed by  
7 any mitigating circumstances which are found to exist, the defendant shall  
8 be sentenced pursuant to K.S.A. 2015 Supp. 21-6623, and amendments  
9 thereto; otherwise, the defendant shall be sentenced as provided by law.  
10 The sentencing jury shall designate, in writing, signed by the foreman of  
11 the jury, the statutory aggravating circumstances which it found. ~~The trier  
12 of fact may make the findings required by this subsection for the purpose  
13 of determining whether to sentence a defendant pursuant to K.S.A. 2015  
14 Supp. 21-6623, and amendments thereto, notwithstanding contrary  
15 findings made by the jury or court pursuant to subsection (e) of K.S.A.  
16 2015 Supp. 21-6617, and amendments thereto, for the purpose of  
17 determining whether to sentence such defendant to death.~~ If, after a  
18 reasonable time for deliberation, the jury is unable to reach a unanimous  
19 sentencing decision, the court shall dismiss the jury and the defendant  
20 shall be sentenced as provided by law. In nonjury cases, the court shall  
21 designate in writing the specific circumstance or circumstances which the  
22 court found beyond a reasonable doubt.

23 (f) The amendments to subsection (e) by chapter 1 of the 2013  
24 Session Laws of Kansas (Special Session):

25 (1) Establish a procedural rule for sentencing proceedings, and as  
26 such shall be construed and applied retroactively to all crimes committed  
27 prior to the effective date of this act, except as provided further in this  
28 subsection; (2) shall not apply to cases in which the defendant's conviction  
29 and sentence were final prior to June 17, 2013, unless the conviction or  
30 sentence has been vacated in a collateral proceeding, including, but not  
31 limited to, K.S.A. 22-3504 or 60-1507, and amendments thereto; and (3)  
32 shall apply only in sentencing proceedings otherwise authorized by law.

33 (g) Notwithstanding the provisions of subsection (h), for all cases on  
34 appeal on or after September 6, 2013, if a sentence imposed under this  
35 section, prior to amendment by chapter 1 of the 2013 Session Laws of  
36 Kansas (Special Session), or under K.S.A. 21-4635, prior to its repeal, is  
37 vacated for any reason other than sufficiency of the evidence as to all  
38 aggravating circumstances, resentencing shall be required under this  
39 section, as amended by chapter 1 of the 2013 Session Laws of Kansas  
40 (Special Session), unless the prosecuting attorney chooses not to pursue  
41 such a sentence.

42 (h) In the event any sentence imposed under this section is held to be  
43 unconstitutional, the court having jurisdiction over a person previously

1 sentenced shall cause such person to be brought before the court and shall  
2 sentence such person to the maximum term of imprisonment otherwise  
3 provided by law.

4 (i) If any provision or provisions of this section or the application  
5 thereof to any person or circumstance is held invalid, the invalidity shall  
6 not affect other provisions or applications of this section which can be  
7 given effect without the invalid provision or provisions or application, and  
8 to this end the provisions of this section are severable.

9 Sec. 9. K.S.A. 2015 Supp. 21-6622 is hereby amended to read as  
10 follows: 21-6622. (a) ~~If, under K.S.A. 2015 Supp. 21-6617, and~~  
11 ~~amendments thereto, the county or district attorney has filed a notice of~~  
12 ~~intent to request a separate sentencing proceeding to determine whether~~  
13 ~~the defendant should be sentenced to death and the defendant is convicted~~  
14 ~~of the crime of capital murder, the defendant's counsel or the warden of the~~  
15 ~~correctional institution or sheriff having custody of the defendant may~~  
16 ~~request a determination by the court of whether the defendant is a person~~  
17 ~~with intellectual disability. If the court determines that there is not~~  
18 ~~sufficient reason to believe that the defendant is a person with intellectual~~  
19 ~~disability, the court shall so find and the defendant shall be sentenced in~~  
20 ~~accordance with K.S.A. 2015 Supp. 21-6617, 21-6619, 21-6624, 21-6625,~~  
21 ~~21-6628 and 21-6629, and amendments thereto. If the court determines~~  
22 ~~that there is sufficient reason to believe that the defendant is a person with~~  
23 ~~intellectual disability, the court shall conduct a hearing to determine~~  
24 ~~whether the defendant is a person with intellectual disability.~~

25 (b) ~~If a defendant is convicted of the crime of capital murder and a~~  
26 ~~sentence of death is not imposed~~ *aggravated murder*, or if a defendant is  
27 convicted of the crime of murder in the first degree based upon the finding  
28 of premeditated murder, the defendant's counsel or the warden of the  
29 correctional institution or sheriff having custody of the defendant may  
30 request a determination by the court of whether the defendant is a person  
31 with intellectual disability. If the court determines that there is not  
32 sufficient reason to believe that the defendant is a person with intellectual  
33 disability, the court shall so find and the defendant shall be sentenced in  
34 accordance with K.S.A. 2015 Supp. 21-6620, 21-6623, 21-6624 and 21-  
35 6625, and amendments thereto. If the court determines that there is  
36 sufficient reason to believe that the defendant is a person with intellectual  
37 disability, the court shall conduct a hearing to determine whether the  
38 defendant is a person with intellectual disability.

39 (c) ~~(b)~~ At the hearing, the court shall determine whether the defendant  
40 is a person with intellectual disability. The court shall order a psychiatric  
41 or psychological examination of the defendant. For that purpose, the court  
42 shall appoint two licensed physicians or licensed psychologists, or one of  
43 each, qualified by training and practice to make such examination, to

1 examine the defendant and report their findings in writing to the judge  
 2 within 14 days after the order of examination is issued. The defendant  
 3 shall have the right to present evidence and cross-examine any witnesses at  
 4 the hearing. No statement made by the defendant in the course of any  
 5 examination provided for by this section, whether or not the defendant  
 6 consents to the examination, shall be admitted in evidence against the  
 7 defendant in any criminal proceeding.

8 ~~(d) If, at the conclusion of a hearing pursuant to subsection (a), the~~  
 9 ~~court determines that the defendant is not a person with intellectual~~  
 10 ~~disability, the defendant shall be sentenced in accordance with K.S.A.~~  
 11 ~~2015 Supp. 21-6617, 21-6619, 21-6624, 21-6625, 21-6628 and 21-6629,~~  
 12 ~~and amendments thereto.~~

13 ~~(e) (c) If, at the conclusion of a hearing pursuant to subsection (b)~~  
 14 ~~this section, the court determines that the defendant is not a person with~~  
 15 ~~intellectual disability, the defendant shall be sentenced in accordance with~~  
 16 ~~K.S.A. 2015 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and~~  
 17 ~~amendments thereto.~~

18 ~~(f) (d) If, at the conclusion of a hearing pursuant to this section, the~~  
 19 ~~court determines that the defendant is a person with intellectual disability,~~  
 20 ~~the court shall sentence the defendant as otherwise provided by law, and~~  
 21 ~~no sentence of death, life without the possibility of parole, or mandatory~~  
 22 ~~term of imprisonment shall be imposed hereunder.~~

23 ~~(g) Unless otherwise ordered by the court for good cause shown, the~~  
 24 ~~provisions of subsection (b) shall not apply if it has been determined,~~  
 25 ~~pursuant to a hearing granted under the provisions of subsection (a), that~~  
 26 ~~the defendant is not a person with intellectual disability.~~

27 ~~(h) (e) As used in this section, "intellectual disability" means having~~  
 28 ~~significantly subaverage general intellectual functioning, as defined by~~  
 29 ~~K.S.A. 76-12b01, and amendments thereto, to an extent which~~  
 30 ~~substantially impairs one's capacity to appreciate the criminality of one's~~  
 31 ~~conduct or to conform one's conduct to the requirements of law.~~

32 Sec. 10. K.S.A. 2015 Supp. 21-6628 is hereby amended to read as  
 33 follows: 21-6628. (a) In the event the term of imprisonment for life  
 34 without the possibility of parole or any provision of K.S.A. 2015 Supp. 21-  
 35 6626 or 21-6627, and amendments thereto, authorizing such term is held to  
 36 be unconstitutional by the supreme court of Kansas or the United States  
 37 supreme court, the court having jurisdiction over a person previously  
 38 sentenced shall cause such person to be brought before the court and shall  
 39 modify the sentence to require no term of imprisonment for life without  
 40 the possibility of parole and shall sentence the defendant to the maximum  
 41 term of imprisonment otherwise provided by law.

42 ~~(b) In the event a sentence of death or any provision of chapter 252 of~~  
 43 ~~the 1994 Session Laws of Kansas authorizing such sentence is held to be~~

1 ~~unconstitutional by the supreme court of Kansas or the United States~~  
2 ~~supreme court, the court having jurisdiction over a person previously~~  
3 ~~sentenced shall cause such person to be brought before the court and shall~~  
4 ~~modify the sentence and resentence the defendant as otherwise provided~~  
5 ~~by law.~~

6 (e) In the event the mandatory term of imprisonment or any provision  
7 of chapter 341 of the 1994 Session Laws of Kansas authorizing such  
8 mandatory term is held to be unconstitutional by the supreme court of  
9 Kansas or the United States supreme court, the court having jurisdiction  
10 over a person previously sentenced shall cause such person to be brought  
11 before the court and shall modify the sentence to require no mandatory  
12 term of imprisonment and shall sentence the defendant as otherwise  
13 provided by law.

14 Sec. 11. K.S.A. 2015 Supp. 21-6629 is hereby amended to read as  
15 follows: 21-6629. (a) The provisions of K.S.A. 21-4622 through 21-4630,  
16 as they existed immediately prior to July 1, 1994, shall be applicable only  
17 to persons convicted of crimes committed on or after July 1, 1990, and  
18 before July 1, 1994.

19 (b) The provisions of K.S.A. 21-4622 through 21-4627 and 21-4629  
20 and 21-4630, as amended on July 1, 1994 and prior to their repeal, and  
21 K.S.A. 2015 Supp. 21-6617, 21-6618, 21-6619, 21-6622, 21-6624, 21-  
22 6625 and ~~subsection (b) of 21-6628(b), and amendments thereto as they~~  
23 ~~existed immediately prior to July 1, 2016~~, shall be applicable only to  
24 persons convicted of crimes committed on or after July 1, 1994, and  
25 before July 1, 2016.

26 (c) K.S.A. 21-4633 through 21-4640, prior to their repeal, and K.S.A.  
27 2015 Supp. 21-6620 through 21-6625 and ~~subsection (e) of 21-6628(c),~~  
28 ~~and amendments thereto as they existed immediately prior to July 1, 2016~~,  
29 shall be applicable only to persons convicted of crimes committed on or  
30 after July 1, 1994, and before July 1, 2016.

31 (d) *The provisions of K.S.A. 2015 Supp. 21-6618, 21-6620, 21-6622*  
32 *and 21-6628, as amended on July 1, 2016, and K.S.A. 2015 Supp. 21-*  
33 *6621, 21-6623, 21-6624 and 21-6625, and amendments thereto, shall be*  
34 *applicable only to persons convicted of crimes committed on or after July*  
35 *1, 2016.*

36 Sec. 12. K.S.A. 2015 Supp. 21-6806 is hereby amended to read as  
37 follows: 21-6806.(a) Sentences of imprisonment shall represent the time a  
38 person shall actually serve, subject to a reduction of the primary sentence  
39 for good time as authorized by K.S.A. 2015 Supp. 21-6821, and  
40 amendments thereto.

41 (b) The sentencing court shall pronounce sentence in all felony cases.

42 (c) Violations of K.S.A. 2015 Supp. ~~21-5401~~, 21-5402, 21-5421, 21-  
43 5422 and 21-5901, and amendments thereto, are off-grid crimes for the

1 purpose of sentencing. Except as otherwise provided by K.S.A. 2015  
2 Supp. ~~21-6617, 21-6618, 21-6619,~~ 21-6622, 21-6624, 21-6625, 21-6628  
3 and 21-6629, and amendments thereto, the sentence shall be imprisonment  
4 for life and shall not be subject to statutory provisions for suspended  
5 sentence, community service or probation.

6 (d) As identified in K.S.A. 2015 Supp. 21-5426, 21-5503, 21-5504,  
7 21-5506, 21-5510 and 21-6422, and amendments thereto, if the offender is  
8 18 years of age or older and the victim is under 14 years of age, such  
9 violations are off-grid crimes for the purposes of sentencing. Except as  
10 provided in K.S.A. 2015 Supp. 21-6626, and amendments thereto, the  
11 sentence shall be imprisonment for life pursuant to K.S.A. 2015 Supp. 21-  
12 6627, and amendments thereto.

13 (e) *A violation of section 2, and amendments thereto, is an off-grid*  
14 *crime for the purposes of sentencing. Except as provided in K.S.A. 2015*  
15 *Supp. 21-6618 and 21-6622, and amendments thereto, the sentence shall*  
16 *be imprisonment for life without the possibility of parole pursuant to*  
17 *section 3, and amendments thereto.*

18 Sec. 13. K.S.A. 2015 Supp. 22-3717 is hereby amended to read as  
19 follows: 22-3717. (a) Except as otherwise provided by this section: K.S.A.  
20 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through  
21 21-4638 and 21-4642, prior to their repeal; K.S.A. 2015 Supp. 21-6617,  
22 *prior to its repeal, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and*  
23 *amendments thereto; section 3, and amendments thereto;* and K.S.A. 8-  
24 1567, and amendments thereto; an inmate, including an inmate sentenced  
25 pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2015 Supp. 21-  
26 6707, and amendments thereto, shall be eligible for parole after serving the  
27 entire minimum sentence imposed by the court, less good time credits.

28 (b) (1) An inmate sentenced to imprisonment for life without the  
29 possibility of parole pursuant to K.S.A. 2015 Supp. 21-6617, and  
30 amendments thereto, shall not be eligible for parole.

31 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to  
32 their repeal, and K.S.A. 2015 Supp. 21-6620, 21-6623, 21-6624 and 21-  
33 6625, and amendments thereto, an inmate sentenced to imprisonment for  
34 the crime of: (A) Capital murder committed on or after July 1, 1994, shall  
35 be eligible for parole after serving 25 years of confinement, without  
36 deduction of any good time credits; (B) murder in the first degree based  
37 upon a finding of premeditated murder committed on or after July 1, 1994,  
38 but prior to July 1, 2014, shall be eligible for parole after serving 25 years  
39 of confinement, without deduction of any good time credits; and (C)  
40 murder in the first degree as described in ~~subsection (a)(2)~~ of K.S.A. 2015  
41 Supp. 21-5402(a)(2), and amendments thereto, committed on or after July  
42 1, 2014, shall be eligible for parole after serving 25 years of confinement,  
43 without deduction of any good time credits.

1 (3) Except as provided by subsections (b)(1), (b)(2)~~and~~, (b)(5) *and*  
2 *(b)(7)*, K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635  
3 through 21-4638, prior to their repeal, and K.S.A. 2015 Supp. 21-6620,  
4 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate  
5 sentenced to imprisonment for an off-grid offense committed on or after  
6 July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after  
7 serving 15 years of confinement, without deduction of any good time  
8 credits and an inmate sentenced to imprisonment for an off-grid offense  
9 committed on or after July 1, 1999, shall be eligible for parole after  
10 serving 20 years of confinement without deduction of any good time  
11 credits.

12 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
13 repeal, an inmate sentenced for a class A felony committed before July 1,  
14 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
15 its repeal, or K.S.A. 2015 Supp. 21-6707, and amendments thereto, shall  
16 be eligible for parole after serving 15 years of confinement, without  
17 deduction of any good time credits.

18 (5) An inmate sentenced to imprisonment for a violation of  
19 ~~subsection (a) of~~ K.S.A. 21-3402(a), prior to its repeal, committed on or  
20 after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole  
21 after serving 10 years of confinement without deduction of any good time  
22 credits.

23 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
24 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments  
25 thereto, committed on or after July 1, 2006, shall be eligible for parole  
26 after serving the mandatory term of imprisonment without deduction of  
27 any good time credits.

28 (7) *An inmate sentenced to imprisonment for life without the*  
29 *possibility of parole pursuant to section 3, and amendments thereto, shall*  
30 *not be eligible for parole.*

31 (c) (1) Except as provided in subsection (e), if an inmate is sentenced  
32 to imprisonment for more than one crime and the sentences run  
33 consecutively, the inmate shall be eligible for parole after serving the total  
34 of:

35 (A) The aggregate minimum sentences, as determined pursuant to  
36 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2015 Supp. 21-6606, and  
37 amendments thereto, less good time credits for those crimes which are not  
38 class A felonies; and

39 (B) an additional 15 years, without deduction of good time credits,  
40 for each crime which is a class A felony.

41 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
42 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments  
43 thereto, for crimes committed on or after July 1, 2006, the inmate shall be

1 eligible for parole after serving the mandatory term of imprisonment.

2 (d) (1) Persons sentenced for crimes, other than off-grid crimes,  
3 committed on or after July 1, 1993, or persons subject to subparagraph  
4 (G), will not be eligible for parole, but will be released to a mandatory  
5 period of postrelease supervision upon completion of the prison portion of  
6 their sentence as follows:

7 (A) Except as provided in subparagraphs (D) and (E), persons  
8 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
9 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
10 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after  
11 July 1, 2012, must serve 36 months on postrelease supervision.

12 (B) Except as provided in subparagraphs (D) and (E), persons  
13 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3  
14 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and  
15 drug severity level 4 crimes committed on or after July 1, 2012, must serve  
16 24 months on postrelease supervision.

17 (C) Except as provided in subparagraphs (D) and (E), persons  
18 sentenced for nondrug severity levels 7 through 10 crimes, drug severity  
19 level 4 crimes committed on or after July 1, 1993, but prior to July 1,  
20 2012, and drug severity level 5 crimes committed on or after July 1, 2012,  
21 must serve 12 months on postrelease supervision.

22 (D) Persons sentenced to a term of imprisonment that includes a  
23 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
24 amendments thereto, a sexually motivated crime in which the offender has  
25 been ordered to register pursuant to ~~subsection (d)(1)(D)(vii)~~ of K.S.A. 22-  
26 3717(d)(1)(D)(vii), and amendments thereto, electronic solicitation, K.S.A.  
27 21-3523, prior to its repeal, or K.S.A. 2015 Supp. 21-5509, and  
28 amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to  
29 its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto, shall  
30 serve the period of postrelease supervision as provided in subsections (d)  
31 (1)(A), (d)(1)(B) or (d)(1)(C) plus the amount of good time and program  
32 credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal,  
33 or K.S.A. 2015 Supp. 21-6821, and amendments thereto, on postrelease  
34 supervision.

35 (i) If the sentencing judge finds substantial and compelling reasons to  
36 impose a departure based upon a finding that the current crime of  
37 conviction was sexually motivated, departure may be imposed to extend  
38 the postrelease supervision to a period of up to 60 months.

39 (ii) If the sentencing judge departs from the presumptive postrelease  
40 supervision period, the judge shall state on the record at the time of  
41 sentencing the substantial and compelling reasons for the departure.  
42 Departures in this section are subject to appeal pursuant to K.S.A. 21-  
43 4721, prior to its repeal, or K.S.A. 2015 Supp. 21-6820, and amendments

1 thereto.

2 (iii) In determining whether substantial and compelling reasons exist,  
3 the court shall consider:

4 (a) Written briefs or oral arguments submitted by either the defendant  
5 or the state;

6 (b) any evidence received during the proceeding;

7 (c) the presentence report, the victim's impact statement and any  
8 psychological evaluation as ordered by the court pursuant to ~~subsection (e)~~  
9 ~~of K.S.A. 21-4714(e)~~, prior to its repeal, or ~~subsection (e) of K.S.A. 2015~~  
10 ~~Supp. 21-6813(e)~~, and amendments thereto; and

11 (d) any other evidence the court finds trustworthy and reliable.

12 (iv) The sentencing judge may order that a psychological evaluation  
13 be prepared and the recommended programming be completed by the  
14 offender. The department of corrections or the prisoner review board shall  
15 ensure that court ordered sex offender treatment be carried out.

16 (v) In carrying out the provisions of subsection (d)(1)(D), the court  
17 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2015 Supp. 21-  
18 6817, and amendments thereto.

19 (vi) Upon petition and payment of any restitution ordered pursuant to  
20 K.S.A. 2015 Supp. 21-6604, and amendments thereto, the prisoner review  
21 board may provide for early discharge from the postrelease supervision  
22 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of  
23 court ordered programs and completion of the presumptive postrelease  
24 supervision period, as determined by the crime of conviction, pursuant to  
25 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
26 postrelease supervision is at the discretion of the board.

27 (vii) Persons convicted of crimes deemed sexually violent or sexually  
28 motivated shall be registered according to the offender registration act,  
29 K.S.A. 22-4901 through 22-4910, and amendments thereto.

30 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
31 repeal, or K.S.A. 2015 Supp. 21-5508, and amendments thereto, shall be  
32 required to participate in a treatment program for sex offenders during the  
33 postrelease supervision period.

34 (E) The period of postrelease supervision provided in subparagraphs  
35 (A) and (B) may be reduced by up to 12 months and the period of  
36 postrelease supervision provided in subparagraph (C) may be reduced by  
37 up to six months based on the offender's compliance with conditions of  
38 supervision and overall performance while on postrelease supervision. The  
39 reduction in the supervision period shall be on an earned basis pursuant to  
40 rules and regulations adopted by the secretary of corrections.

41 (F) In cases where sentences for crimes from more than one severity  
42 level have been imposed, the offender shall serve the longest period of  
43 postrelease supervision as provided by this section available for any crime

1 upon which sentence was imposed irrespective of the severity level of the  
2 crime. Supervision periods will not aggregate.

3 (G) Except as provided in subsection (u), persons convicted of a  
4 sexually violent crime committed on or after July 1, 2006, and who are  
5 released from prison, shall be released to a mandatory period of  
6 postrelease supervision for the duration of the person's natural life.

7 (2) Persons serving a period of postrelease supervision pursuant to  
8 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner  
9 review board for early discharge. Upon payment of restitution, the prisoner  
10 review board may provide for early discharge.

11 (3) Persons serving a period of incarceration for a supervision  
12 violation shall not have the period of postrelease supervision modified  
13 until such person is released and returned to postrelease supervision.

14 (4) Offenders whose crime of conviction was committed on or after  
15 July 1, 2013, and whose probation, assignment to a community  
16 correctional services program, suspension of sentence or nonprison  
17 sanction is revoked pursuant to ~~subsection (c) of K.S.A. 22-3716(c)~~, and  
18 amendments thereto, or whose underlying prison term expires while  
19 serving a sanction pursuant to ~~subsection (e)(1)(C) or (e)(1)(D) of K.S.A.~~  
20 ~~22-3716(c)(1)(C) or (c)(1)(D)~~, and amendments thereto, shall serve a  
21 period of postrelease supervision upon the completion of the underlying  
22 prison term.

23 (5) As used in this subsection, "sexually violent crime" means:

24 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp.  
25 21-5503, and amendments thereto;

26 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
27 or ~~subsection (a) of K.S.A. 2015 Supp. 21-5506(a)~~, and amendments  
28 thereto;

29 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
30 to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5506(b)~~, and  
31 amendments thereto;

32 (D) criminal sodomy, ~~subsection (a)(2) and (a)(3) of K.S.A. 21-~~  
33 ~~3505(a)(2) and (a)(3)~~, prior to its repeal, or ~~subsection (a)(3) and (a)(4) of~~  
34 ~~K.S.A. 2015 Supp. 21-5504(a)(3) and (a)(4)~~, and amendments thereto;

35 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,  
36 or ~~subsection (b) of K.S.A. 2015 Supp. 21-5504(b)~~, and amendments  
37 thereto;

38 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
39 or ~~subsection (a) of K.S.A. 2015 Supp. 21-5508(a)~~, and amendments  
40 thereto;

41 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior  
42 to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5508(b)~~, and  
43 amendments thereto;

1 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
2 or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

3 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or  
4 ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5505(b), and amendments thereto;

5 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or  
6 ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5604(b), and amendments thereto;

7 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,  
8 prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5426(b), and  
9 amendments thereto, if committed in whole or in part for the purpose of  
10 the sexual gratification of the defendant or another;

11 (L) commercial sexual exploitation of a child, as defined in K.S.A.  
12 2015 Supp. 21-6422, and amendments thereto; or

13 (M) an attempt, conspiracy or criminal solicitation, as defined in  
14 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015  
15 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a  
16 sexually violent crime as defined in this section.

17 (6) As used in this subsection, "sexually motivated" means that one of  
18 the purposes for which the defendant committed the crime was for the  
19 purpose of the defendant's sexual gratification.

20 (e) If an inmate is sentenced to imprisonment for a crime committed  
21 while on parole or conditional release, the inmate shall be eligible for  
22 parole as provided by subsection (c), except that the prisoner review board  
23 may postpone the inmate's parole eligibility date by assessing a penalty not  
24 exceeding the period of time which could have been assessed if the  
25 inmate's parole or conditional release had been violated for reasons other  
26 than conviction of a crime.

27 (f) If a person is sentenced to prison for a crime committed on or after  
28 July 1, 1993, while on probation, parole, conditional release or in a  
29 community corrections program, for a crime committed prior to July 1,  
30 1993, and the person is not eligible for retroactive application of the  
31 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
32 4724, prior to its repeal, the new sentence shall not be aggregated with the  
33 old sentence, but shall begin when the person is paroled or reaches the  
34 conditional release date on the old sentence. If the offender was past the  
35 offender's conditional release date at the time the new offense was  
36 committed, the new sentence shall not be aggregated with the old sentence  
37 but shall begin when the person is ordered released by the prisoner review  
38 board or reaches the maximum sentence expiration date on the old  
39 sentence, whichever is earlier. The new sentence shall then be served as  
40 otherwise provided by law. The period of postrelease supervision shall be  
41 based on the new sentence, except that those offenders whose old sentence  
42 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.  
43 21-4628, prior to its repeal, or an indeterminate sentence with a maximum

1 term of life imprisonment, for which there is no conditional release or  
2 maximum sentence expiration date, shall remain on postrelease  
3 supervision for life or until discharged from supervision by the prisoner  
4 review board.

5 (g) Subject to the provisions of this section, the prisoner review board  
6 may release on parole those persons confined in institutions who are  
7 eligible for parole when: (1) The board believes that the inmate should be  
8 released for hospitalization, deportation or to answer the warrant or other  
9 process of a court and is of the opinion that there is reasonable probability  
10 that the inmate can be released without detriment to the community or to  
11 the inmate; or (2) the secretary of corrections has reported to the board in  
12 writing that the inmate has satisfactorily completed the programs required  
13 by any agreement entered under K.S.A. 75-5210a, and amendments  
14 thereto, or any revision of such agreement, and the board believes that the  
15 inmate is able and willing to fulfill the obligations of a law abiding citizen  
16 and is of the opinion that there is reasonable probability that the inmate  
17 can be released without detriment to the community or to the inmate.  
18 Parole shall not be granted as an award of clemency and shall not be  
19 considered a reduction of sentence or a pardon.

20 (h) The prisoner review board shall hold a parole hearing at least the  
21 month prior to the month an inmate will be eligible for parole under  
22 subsections (a), (b) and (c). At least one month preceding the parole  
23 hearing, the county or district attorney of the county where the inmate was  
24 convicted shall give written notice of the time and place of the public  
25 comment sessions for the inmate to any victim of the inmate's crime who  
26 is alive and whose address is known to the county or district attorney or,  
27 if the victim is deceased, to the victim's family if the family's address is  
28 known to the county or district attorney. Except as otherwise provided,  
29 failure to notify pursuant to this section shall not be a reason to postpone a  
30 parole hearing. In the case of any inmate convicted of an off-grid felony or  
31 a class A felony, the secretary of corrections shall give written notice of the  
32 time and place of the public comment session for such inmate at least one  
33 month preceding the public comment session to any victim of such  
34 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and  
35 amendments thereto. If notification is not given to such victim or such  
36 victim's family in the case of any inmate convicted of an off-grid felony or  
37 a class A felony, the board shall postpone a decision on parole of the  
38 inmate to a time at least 30 days after notification is given as provided in  
39 this section. Nothing in this section shall create a cause of action against  
40 the state or an employee of the state acting within the scope of the  
41 employee's employment as a result of the failure to notify pursuant to this  
42 section. If granted parole, the inmate may be released on parole on the date  
43 specified by the board, but not earlier than the date the inmate is eligible

1 for parole under subsections (a), (b) and (c). At each parole hearing and, if  
2 parole is not granted, at such intervals thereafter as it determines  
3 appropriate, the board shall consider: (1) Whether the inmate has  
4 satisfactorily completed the programs required by any agreement entered  
5 under K.S.A. 75-5210a, and amendments thereto, or any revision of such  
6 agreement; and (2) all pertinent information regarding such inmate,  
7 including, but not limited to, the circumstances of the offense of the  
8 inmate; the presentence report; the previous social history and criminal  
9 record of the inmate; the conduct, employment, and attitude of the inmate  
10 in prison; the reports of such physical and mental examinations as have  
11 been made, including, but not limited to, risk factors revealed by any risk  
12 assessment of the inmate; comments of the victim and the victim's family  
13 including in person comments, contemporaneous comments and  
14 prerecorded comments made by any technological means; comments of  
15 the public; official comments; any recommendation by the staff of the  
16 facility where the inmate is incarcerated; proportionality of the time the  
17 inmate has served to the sentence a person would receive under the Kansas  
18 sentencing guidelines for the conduct that resulted in the inmate's  
19 incarceration; and capacity of state correctional institutions.

20 (i) In those cases involving inmates sentenced for a crime committed  
21 after July 1, 1993, the prisoner review board will review the inmate's  
22 proposed release plan. The board may schedule a hearing if they desire.  
23 The board may impose any condition they deem necessary to insure public  
24 safety, aid in the reintegration of the inmate into the community, or items  
25 not completed under the agreement entered into under K.S.A. 75-5210a,  
26 and amendments thereto. The board may not advance or delay an inmate's  
27 release date. Every inmate while on postrelease supervision shall remain in  
28 the legal custody of the secretary of corrections and is subject to the orders  
29 of the secretary.

30 (j) (1) Before ordering the parole of any inmate, the prisoner review  
31 board shall have the inmate appear either in person or via a video  
32 conferencing format and shall interview the inmate unless impractical  
33 because of the inmate's physical or mental condition or absence from the  
34 institution. Every inmate while on parole shall remain in the legal custody  
35 of the secretary of corrections and is subject to the orders of the secretary.  
36 Whenever the board formally considers placing an inmate on parole and  
37 no agreement has been entered into with the inmate under K.S.A. 75-  
38 5210a, and amendments thereto, the board shall notify the inmate in  
39 writing of the reasons for not granting parole. If an agreement has been  
40 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
41 has not satisfactorily completed the programs specified in the agreement,  
42 or any revision of such agreement, the board shall notify the inmate in  
43 writing of the specific programs the inmate must satisfactorily complete

1 before parole will be granted. If parole is not granted only because of a  
2 failure to satisfactorily complete such programs, the board shall grant  
3 parole upon the secretary's certification that the inmate has successfully  
4 completed such programs. If an agreement has been entered under K.S.A.  
5 75-5210a, and amendments thereto, and the secretary of corrections has  
6 reported to the board in writing that the inmate has satisfactorily  
7 completed the programs required by such agreement, or any revision  
8 thereof, the board shall not require further program participation.  
9 However, if the board determines that other pertinent information  
10 regarding the inmate warrants the inmate's not being released on parole,  
11 the board shall state in writing the reasons for not granting the parole. If  
12 parole is denied for an inmate sentenced for a crime other than a class A or  
13 class B felony or an off-grid felony, the board shall hold another parole  
14 hearing for the inmate not later than one year after the denial unless the  
15 board finds that it is not reasonable to expect that parole would be granted  
16 at a hearing if held in the next three years or during the interim period of a  
17 deferral. In such case, the board may defer subsequent parole hearings for  
18 up to three years but any such deferral by the board shall require the board  
19 to state the basis for its findings. If parole is denied for an inmate  
20 sentenced for a class A or class B felony or an off-grid felony, the board  
21 shall hold another parole hearing for the inmate not later than three years  
22 after the denial unless the board finds that it is not reasonable to expect  
23 that parole would be granted at a hearing if held in the next 10 years or  
24 during the interim period of a deferral. In such case, the board may defer  
25 subsequent parole hearings for up to 10 years, but any such deferral shall  
26 require the board to state the basis for its findings.

27 (2) Inmates sentenced for a class A or class B felony who have not  
28 had a board hearing in the five years prior to July 1, 2010, shall have such  
29 inmates' cases reviewed by the board on or before July 1, 2012. Such  
30 review shall begin with the inmates with the oldest deferral date and  
31 progress to the most recent. Such review shall be done utilizing existing  
32 resources unless the board determines that such resources are insufficient.  
33 If the board determines that such resources are insufficient, then the  
34 provisions of this paragraph are subject to appropriations therefor.

35 (k) (1) Parolees and persons on postrelease supervision shall be  
36 assigned, upon release, to the appropriate level of supervision pursuant to  
37 the criteria established by the secretary of corrections.

38 (2) Parolees and persons on postrelease supervision are, and shall  
39 agree in writing to be, subject to search or seizure by a parole officer or a  
40 department of corrections enforcement, apprehension and investigation  
41 officer, at any time of the day or night, with or without a search warrant  
42 and with or without cause. Nothing in this subsection shall be construed to  
43 authorize such officers to conduct arbitrary or capricious searches or

1 searches for the sole purpose of harassment.

2 (3) Parolees and persons on postrelease supervision are, and shall  
3 agree in writing to be, subject to search or seizure by any law enforcement  
4 officer based on reasonable suspicion of the person violating conditions of  
5 parole or postrelease supervision or reasonable suspicion of criminal  
6 activity. Any law enforcement officer who conducts such a search shall  
7 submit a written report to the appropriate parole officer no later than the  
8 close of the next business day after such search. The written report shall  
9 include the facts leading to such search, the scope of such search and any  
10 findings resulting from such search.

11 (l) The prisoner review board shall promulgate rules and regulations  
12 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not  
13 inconsistent with the law and as it may deem proper or necessary, with  
14 respect to the conduct of parole hearings, postrelease supervision reviews,  
15 revocation hearings, orders of restitution, reimbursement of expenditures  
16 by the state board of indigents' defense services and other conditions to be  
17 imposed upon parolees or releasees. Whenever an order for parole or  
18 postrelease supervision is issued it shall recite the conditions thereof.

19 (m) Whenever the prisoner review board orders the parole of an  
20 inmate or establishes conditions for an inmate placed on postrelease  
21 supervision, the board:

22 (1) Unless it finds compelling circumstances which would render a  
23 plan of payment unworkable, shall order as a condition of parole or  
24 postrelease supervision that the parolee or the person on postrelease  
25 supervision pay any transportation expenses resulting from returning the  
26 parolee or the person on postrelease supervision to this state to answer  
27 criminal charges or a warrant for a violation of a condition of probation,  
28 assignment to a community correctional services program, parole,  
29 conditional release or postrelease supervision;

30 (2) to the extent practicable, shall order as a condition of parole or  
31 postrelease supervision that the parolee or the person on postrelease  
32 supervision make progress towards or successfully complete the  
33 equivalent of a secondary education if the inmate has not previously  
34 completed such educational equivalent and is capable of doing so;

35 (3) may order that the parolee or person on postrelease supervision  
36 perform community or public service work for local governmental  
37 agencies, private corporations organized not-for-profit or charitable or  
38 social service organizations performing services for the community;

39 (4) may order the parolee or person on postrelease supervision to pay  
40 the administrative fee imposed pursuant to K.S.A. 22-4529, and  
41 amendments thereto, unless the board finds compelling circumstances  
42 which would render payment unworkable;

43 (5) unless it finds compelling circumstances which would render a

1 plan of payment unworkable, shall order that the parolee or person on  
2 postrelease supervision reimburse the state for all or part of the  
3 expenditures by the state board of indigents' defense services to provide  
4 counsel and other defense services to the person. In determining the  
5 amount and method of payment of such sum, the prisoner review board  
6 shall take account of the financial resources of the person and the nature of  
7 the burden that the payment of such sum will impose. Such amount shall  
8 not exceed the amount claimed by appointed counsel on the payment  
9 voucher for indigents' defense services or the amount prescribed by the  
10 board of indigents' defense services reimbursement tables as provided in  
11 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any  
12 previous payments for such services;

13 (6) shall order that the parolee or person on postrelease supervision  
14 agree in writing to be subject to search or seizure by a parole officer or a  
15 department of corrections enforcement, apprehension and investigation  
16 officer, at any time of the day or night, with or without a search warrant  
17 and with or without cause. Nothing in this subsection shall be construed to  
18 authorize such officers to conduct arbitrary or capricious searches or  
19 searches for the sole purpose of harassment; and

20 (7) shall order that the parolee or person on postrelease supervision  
21 agree in writing to be subject to search or seizure by any law enforcement  
22 officer based on reasonable suspicion of the person violating conditions of  
23 parole or postrelease supervision or reasonable suspicion of criminal  
24 activity.

25 (n) If the court which sentenced an inmate specified at the time of  
26 sentencing the amount and the recipient of any restitution ordered as a  
27 condition of parole or postrelease supervision, the prisoner review board  
28 shall order as a condition of parole or postrelease supervision that the  
29 inmate pay restitution in the amount and manner provided in the journal  
30 entry unless the board finds compelling circumstances which would render  
31 a plan of restitution unworkable.

32 (o) Whenever the prisoner review board grants the parole of an  
33 inmate, the board, within 14 days of the date of the decision to grant  
34 parole, shall give written notice of the decision to the county or district  
35 attorney of the county where the inmate was sentenced.

36 (p) When an inmate is to be released on postrelease supervision, the  
37 secretary, within 30 days prior to release, shall provide the county or  
38 district attorney of the county where the inmate was sentenced written  
39 notice of the release date.

40 (q) Inmates shall be released on postrelease supervision upon the  
41 termination of the prison portion of their sentence. Time served while on  
42 postrelease supervision will vest.

43 (r) An inmate who is allocated regular good time credits as provided

1 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
2 good time credits in increments of not more than 90 days per meritorious  
3 act. These credits may be awarded by the secretary of corrections when an  
4 inmate has acted in a heroic or outstanding manner in coming to the  
5 assistance of another person in a life threatening situation, preventing  
6 injury or death to a person, preventing the destruction of property or taking  
7 actions which result in a financial savings to the state.

8 (s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and  
9 (d)(1)(E) shall be applied retroactively as provided in subsection (t).

10 (t) For offenders sentenced prior to July 1, 2014, who are eligible for  
11 modification of their postrelease supervision obligation, the department of  
12 corrections shall modify the period of postrelease supervision as provided  
13 for by this section:

14 (1) On or before September 1, 2013, for offenders convicted of:

15 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid  
16 for nondrug crimes;

17 (B) severity level 4 crimes on the sentencing guidelines grid for drug  
18 crimes committed prior to July 1, 2012; and

19 (C) severity level 5 crimes on the sentencing guidelines grid for drug  
20 crimes committed on and after July 1, 2012;

21 (2) on or before November 1, 2013, for offenders convicted of:

22 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines  
23 grid for nondrug crimes;

24 (B) level 3 crimes on the sentencing guidelines grid for drug crimes  
25 committed prior to July 1, 2012; and

26 (C) level 4 crimes on the sentencing guidelines grid for drug crimes  
27 committed on or after July 1, 2012; and

28 (3) on or before January 1, 2014, for offenders convicted of:

29 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing  
30 guidelines grid for nondrug crimes;

31 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid  
32 for drug crimes committed at any time; and

33 (C) severity level 3 crimes on the sentencing guidelines grid for drug  
34 crimes committed on or after July 1, 2012.

35 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
36 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments  
37 thereto, for crimes committed on or after July 1, 2006, shall be placed on  
38 parole for life and shall not be discharged from supervision by the prisoner  
39 review board. When the board orders the parole of an inmate pursuant to  
40 this subsection, the board shall order as a condition of parole that the  
41 inmate be electronically monitored for the duration of the inmate's natural  
42 life.

43 (v) Whenever the prisoner review board orders a person to be

1 electronically monitored pursuant to this section, or the court orders a  
 2 person to be electronically monitored pursuant to ~~subsection (r)~~ of K.S.A.  
 3 2015 Supp. 21-6604(r), and amendments thereto, the board shall order the  
 4 person to reimburse the state for all or part of the cost of such monitoring.  
 5 In determining the amount and method of payment of such sum, the board  
 6 shall take account of the financial resources of the person and the nature of  
 7 the burden that the payment of such sum will impose.

8 (w) (1) On and after July 1, 2012, for any inmate who is a sex  
 9 offender, as defined in K.S.A. 22-4902, and amendments thereto,  
 10 whenever the prisoner review board orders the parole of such inmate or  
 11 establishes conditions for such inmate placed on postrelease supervision,  
 12 such inmate shall agree in writing to not possess pornographic materials.

13 (A) As used in this subsection, "pornographic materials" means: Any  
 14 obscene material or performance depicting sexual conduct, sexual contact  
 15 or a sexual performance; and any visual depiction of sexually explicit  
 16 conduct.

17 (B) As used in this subsection, all other terms have the meanings  
 18 provided by K.S.A. 2015 Supp. 21-5510, and amendments thereto.

19 (2) The provisions of this subsection shall be applied retroactively to  
 20 every sex offender, as defined in K.S.A. 22-4902, and amendments  
 21 thereto, who is on parole or postrelease supervision on July 1, 2012. The  
 22 prisoner review board shall obtain the written agreement required by this  
 23 subsection from such offenders as soon as practicable.

24 Sec. 14. K.S.A. 2015 Supp. 22-4902 is hereby amended to read as  
 25 follows: 22-4902. As used in the Kansas offender registration act, unless  
 26 the context otherwise requires:

27 (a) "Offender" means:

28 (1) A sex offender;

29 (2) a violent offender;

30 (3) a drug offender;

31 (4) any person who has been required to register under out of state  
 32 law or is otherwise required to be registered; and

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

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

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

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

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

- 1 (4) on or after July 1, 1997, is convicted of any of the following
- 2 crimes when one of the parties involved is less than 18 years of age:
- 3 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
- 4 K.S.A. 2015 Supp. 21-5511, and amendments thereto;
- 5 (B) criminal sodomy, as defined in ~~subsection (a)(1) of~~ K.S.A. 21-
- 6 3505(a)(1), prior to its repeal, or ~~subsection (a)(1) or (a)(2) of~~ K.S.A. 2015
- 7 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto;
- 8 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
- 9 repeal, or K.S.A. 2015 Supp. 21-6420, prior to its amendment by section
- 10 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
- 11 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
- 12 repeal, or K.S.A. 2015 Supp. 21-6421, prior to its amendment by section
- 13 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
- 14 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
- 15 to its repeal, or K.S.A. 2015 Supp. 21-5513, and amendments thereto;
- 16 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
- 17 to its repeal, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5505(a), and
- 18 amendments thereto;
- 19 (6) is convicted of an attempt, conspiracy or criminal solicitation, as
- 20 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
- 21 K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
- 22 of an offense defined in this subsection; or
- 23 (7) has been convicted of an offense that is comparable to any crime
- 24 defined in this subsection, or any out of state conviction for an offense that
- 25 under the laws of this state would be an offense defined in this subsection.
- 26 (c) "Sexually violent crime" means:
- 27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
- 28 2015 Supp. 21-5503, and amendments thereto;
- 29 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
- 30 to its repeal, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5506(a), and
- 31 amendments thereto;
- 32 (3) aggravated indecent liberties with a child, as defined in K.S.A.
- 33 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-
- 34 5506(b), and amendments thereto;
- 35 (4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of~~
- 36 K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or~~
- 37 ~~(a)(4) of~~ K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and amendments
- 38 thereto;
- 39 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
- 40 to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5504(b), and
- 41 amendments thereto;
- 42 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
- 43 prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5508(a), and

1 amendments thereto;

2 (7) aggravated indecent solicitation of a child, as defined in K.S.A.  
3 21-3511, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-  
4 5508(b), and amendments thereto;

5 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
6 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

7 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
8 its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5505(b), and  
9 amendments thereto;

10 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
11 repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5604(b), and  
12 amendments thereto;

13 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
14 repeal, and K.S.A. 2015 Supp. 21-5509, and amendments thereto;

15 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
16 its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto;

17 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,  
18 prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5426(b), and  
19 amendments thereto, if committed in whole or in part for the purpose of  
20 the sexual gratification of the defendant or another;

21 (14) commercial sexual exploitation of a child, as defined in K.S.A.  
22 2015 Supp. 21-6422, and amendments thereto;

23 (15) any conviction or adjudication for an offense that is comparable  
24 to a sexually violent crime as defined in this subsection, or any out of state  
25 conviction or adjudication for an offense that under the laws of this state  
26 would be a sexually violent crime as defined in this subsection;

27 (16) an attempt, conspiracy or criminal solicitation, as defined in  
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015  
29 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually  
30 violent crime, as defined in this subsection; or

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

38 (d) "Sexually violent predator" means any person who, on or after  
39 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.  
40 59-29a01 et seq., and amendments thereto.

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

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

- 1 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
- 2 or K.S.A. 2015 Supp. 21-5401, ~~and amendments thereto~~ prior to its repeal;
- 3 (B) aggravated murder, as defined in section 2, and amendments
- 4 thereto;
- 5 ~~(B)~~ (C) murder in the first degree, as defined in K.S.A. 21-3401, prior
- 6 to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;
- 7 ~~(C)~~ (D) murder in the second degree, as defined in K.S.A. 21-3402,
- 8 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments
- 9 thereto;
- 10 ~~(D)~~ (E) voluntary manslaughter, as defined in K.S.A. 21-3403, prior
- 11 to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;
- 12 ~~(E)~~ (F) involuntary manslaughter, as defined in K.S.A. 21-3404, prior
- 13 to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4)~~ of K.S.A. 2015 Supp.
- 14 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto. The provisions of
- 15 this paragraph shall not apply to violations of ~~subsection (a)(3)~~ of K.S.A.
- 16 2015 Supp. 21-5405(a)(3), and amendments thereto, which occurred on or
- 17 after July 1, 2011, through July 1, 2013;
- 18 ~~(F)~~ (G) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal,
- 19 or ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5408(a), and amendments
- 20 thereto;
- 21 ~~(G)~~ (H) aggravated kidnapping, as defined in K.S.A. 21-3421, prior
- 22 to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5408(b), and
- 23 amendments thereto;
- 24 ~~(H)~~ (I) criminal restraint, as defined in K.S.A. 21-3424, prior to its
- 25 repeal, or K.S.A. 2015 Supp. 21-5411, and amendments thereto, except by
- 26 a parent, and only when the victim is less than 18 years of age; or
- 27 ~~(I)~~ (J) aggravated human trafficking, as defined in K.S.A. 21-3447,
- 28 prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5426(b), and
- 29 amendments thereto, if not committed in whole or in part for the purpose
- 30 of the sexual gratification of the defendant or another;
- 31 (2) on or after July 1, 2006, is convicted of any person felony and the
- 32 court makes a finding on the record that a deadly weapon was used in the
- 33 commission of such person felony;
- 34 (3) has been convicted of an offense that is comparable to any crime
- 35 defined in this subsection, any out of state conviction for an offense that
- 36 under the laws of this state would be an offense defined in this subsection;
- 37 or
- 38 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
- 39 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
- 40 K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments
- 41 thereto, of an offense defined in this subsection.
- 42 (f) "Drug offender" includes any person who, on or after July 1, 2007:
- 43 (1) Is convicted of any of the following crimes:

1 (A) Unlawful manufacture or attempting such of any controlled  
2 substance or controlled substance analog, as defined in K.S.A. 65-4159,  
3 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or  
4 K.S.A. 2015 Supp. 21-5703, and amendments thereto;

5 (B) possession of ephedrine, pseudoephedrine, red phosphorus,  
6 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
7 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
8 isomers with intent to use the product to manufacture a controlled  
9 substance, as defined in ~~subsection (a) of~~ K.S.A. 65-7006(a), prior to its  
10 repeal, ~~subsection (a) of~~ K.S.A. 2010 Supp. 21-36a09(a), prior to its  
11 transfer, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5709(a), and  
12 amendments thereto;

13 (C) K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of~~ K.S.A.  
14 2010 Supp. 21-36a05(a)(1), prior to its transfer, or ~~subsection (a)(1) of~~  
15 K.S.A. 2015 Supp. 21-5705(a)(1), and amendments thereto. The  
16 provisions of this paragraph shall not apply to violations of ~~subsections (a)~~  
17 ~~(2) through (a)(6) or (b) of~~ K.S.A. 2010 Supp. 21-36a05(a)(2) *through (a)*  
18 *(6) or (b)* which occurred on or after July 1, 2009, through April 15, 2010;

19 (2) has been convicted of an offense that is comparable to any crime  
20 defined in this subsection, any out of state conviction for an offense that  
21 under the laws of this state would be an offense defined in this subsection;  
22 or

23 (3) is or has been convicted of an attempt, conspiracy or criminal  
24 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to  
25 their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and  
26 amendments thereto, of an offense defined in this subsection.

27 (g) Convictions or adjudications which result from or are connected  
28 with the same act, or result from crimes committed at the same time, shall  
29 be counted for the purpose of this section as one conviction or  
30 adjudication. Any conviction or adjudication set aside pursuant to law is  
31 not a conviction or adjudication for purposes of this section. A conviction  
32 or adjudication from any out of state court shall constitute a conviction or  
33 adjudication for purposes of this section.

34 (h) "School" means any public or private educational institution,  
35 including, but not limited to, postsecondary school, college, university,  
36 community college, secondary school, high school, junior high school,  
37 middle school, elementary school, trade school, vocational school or  
38 professional school providing training or education to an offender for three  
39 or more consecutive days or parts of days, or for 10 or more  
40 nonconsecutive days in a period of 30 consecutive days.

41 (i) "Employment" means any full-time, part-time, transient, day-labor  
42 employment or volunteer work, with or without compensation, for three or  
43 more consecutive days or parts of days, or for 10 or more nonconsecutive

1 days in a period of 30 consecutive days.

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

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

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

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

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

20 (o) "Registering entity" means any person, agency or other  
21 governmental unit, correctional facility or registering law enforcement  
22 agency responsible for obtaining the required information from, and  
23 explaining the required registration procedures to, any person required to  
24 register pursuant to the Kansas offender registration act. "Registering  
25 entity" shall include, but not be limited to, sheriff's offices, tribal police  
26 departments and correctional facilities.

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

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

33 (r) "Out of state" means: the District of Columbia; any federal,  
34 military or tribal jurisdiction, including those within this state; any foreign  
35 jurisdiction; or any state or territory within the United States, other than  
36 this state.

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

39 Sec. 15. K.S.A. 2015 Supp. 22-4906 is hereby amended to read as  
40 follows: 22-4906.(a) (1) Except as provided in subsection (c), if convicted  
41 of any of the following offenses, an offender's duration of registration shall  
42 be, if confined, 15 years after the date of parole, discharge or release,  
43 whichever date is most recent, or, if not confined, 15 years from the date of

1 conviction:

2 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
3 or ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5505(a), and amendments  
4 thereto;

5 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
6 K.S.A. 2015 Supp. 21-5511, and amendments thereto, when one of the  
7 parties involved is less than 18 years of age;

8 (C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
9 repeal, or K.S.A. 2015 Supp. 21-6421, prior to its amendment by section  
10 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,  
11 when one of the parties involved is less than 18 years of age;

12 (D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
13 to its repeal, or K.S.A. 2015 Supp. 21-5513, and amendments thereto,  
14 when one of the parties involved is less than 18 years of age;

15 (E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
16 or K.S.A. 2015 Supp. 21-5401, ~~and amendments thereto~~ prior to its repeal;

17 (F) *aggravated murder, as defined in section 2, and amendments*  
18 *thereto;*

19 ~~(F)~~ (G) murder in the first degree, as defined in K.S.A. 21-3401, prior  
20 to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

21 ~~(G)~~ (H) murder in the second degree, as defined in K.S.A. 21-3402,  
22 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments  
23 thereto;

24 ~~(H)~~ (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to  
25 its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

26 ~~(I)~~ (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior  
27 to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4)~~ of K.S.A. 2015 Supp.  
28 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto;

29 ~~(J)~~ (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
30 repeal, or K.S.A. 2015 Supp. 21-5411, and amendments thereto, except by  
31 a parent, and only when the victim is less than 18 years of age;

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

37 ~~(L)~~ (M) conviction of any person required by court order to register  
38 for an offense not otherwise required as provided in the Kansas offender  
39 registration act;

40 ~~(M)~~ (N) conviction of any person felony and the court makes a  
41 finding on the record that a deadly weapon was used in the commission of  
42 such person felony;

43 ~~(N)~~ (O) unlawful manufacture or attempting such of any controlled

1 substance or controlled substance analog, as defined in K.S.A. 65-4159,  
2 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or  
3 K.S.A. 2015 Supp. 21-5703, and amendments thereto;

4 ~~(P)~~ (P) possession of ephedrine, pseudoephedrine, red phosphorus,  
5 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
6 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
7 isomers with intent to use the product to manufacture a controlled  
8 substance, as defined by ~~subsection (a) of K.S.A. 65-7006(a)~~, prior to its  
9 repeal, ~~subsection (a) of K.S.A. 2010 Supp. 21-36a09(a)~~, prior to its  
10 transfer, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5709(a)~~, and  
11 amendments thereto;

12 ~~(P)~~ (Q) K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of~~  
13 K.S.A. 2010 Supp. 21-36a05(a)(1), prior to its transfer, or ~~subsection (a)~~  
14 ~~(+)~~ of K.S.A. 2015 Supp. 21-5705(a)(1), and amendments thereto; or

15 ~~(Q)~~ (R) any attempt, conspiracy or criminal solicitation, as defined in  
16 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015  
17 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
18 offense defined in this subsection.

19 (2) Except as otherwise provided by the Kansas offender registration  
20 act, the duration of registration terminates, if not confined, at the  
21 expiration of 15 years from the date of conviction. Any period of time  
22 during which any offender is incarcerated in any jail or correctional  
23 facility or during which the offender does not comply with any and all  
24 requirements of the Kansas offender registration act shall not count toward  
25 the duration of registration.

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

31 (A) Criminal sodomy, as defined in ~~subsection (a)(1) of K.S.A. 21-~~  
32 ~~3505(a)(1)~~, prior to its repeal, or ~~subsection (a)(1) or (a)(2) of K.S.A. 2015~~  
33 ~~Supp. 21-5504(a)(1) or (a)(2)~~, and amendments thereto, when one of the  
34 parties involved is less than 18 years of age;

35 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
36 prior to its repeal, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5508(a)~~, and  
37 amendments thereto;

38 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
39 repeal, or K.S.A. 2015 Supp. 21-5509, and amendments thereto;

40 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
41 repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5604(b)~~, and  
42 amendments thereto;

43 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior

1 to its repeal, or ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5506(a), and  
2 amendments thereto;

3 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
4 its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto;

5 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
6 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto, if  
7 the victim is 14 or more years of age but less than 18 years of age;

8 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
9 its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5505(b), and  
10 amendments thereto;

11 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
12 repeal, or K.S.A. 2015 Supp. 21-6420, prior to its amendment by section  
13 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if  
14 the person selling sexual relations is 14 or more years of age but less than  
15 18 years of age; or

16 (J) any attempt, conspiracy or criminal solicitation, as defined in  
17 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015  
18 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
19 offense defined in this subsection.

20 (2) Except as otherwise provided by the Kansas offender registration  
21 act, the duration of registration terminates, if not confined, at the  
22 expiration of 25 years from the date of conviction. Any period of time  
23 during which any offender is incarcerated in any jail or correctional  
24 facility or during which the offender does not comply with any and all  
25 requirements of the Kansas offender registration act shall not count toward  
26 the duration of registration.

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

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

33 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
34 2015 Supp. 21-5503, and amendments thereto;

35 (2) aggravated indecent solicitation of a child, as defined in K.S.A.  
36 21-3511, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-  
37 5508(b), and amendments thereto;

38 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
39 21-3504, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-  
40 5506(b), and amendments thereto;

41 (4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3)~~ of  
42 K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or~~  
43 ~~(a)(4)~~ of K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and amendments

1 thereto;

2 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
3 to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5504(b), and  
4 amendments thereto;

5 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
6 to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5426(b), and  
7 amendments thereto;

8 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
9 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto, if  
10 the victim is less than 14 years of age;

11 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
12 repeal, or K.S.A. 2015 Supp. 21-6420, prior to its amendment by section  
13 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if  
14 the person selling sexual relations is less than 14 years of age;

15 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
16 ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5408(a), and amendments thereto;

17 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
18 repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5408(b), and  
19 amendments thereto;

20 (11) commercial sexual exploitation of a child, as defined in K.S.A.  
21 2015 Supp. 21-6422, and amendments thereto; or

22 (12) any attempt, conspiracy or criminal solicitation, as defined in  
23 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015  
24 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
25 offense defined in this subsection.

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

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

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

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

43 (3) require registration, but such registration information shall not be

1 open to inspection by the public or posted on any internet website, as  
2 provided in K.S.A. 22-4909, and amendments thereto. If the court requires  
3 registration but such registration is not open to the public, such offender  
4 shall provide a copy of such court order to the registering law enforcement  
5 agency at the time of registration. The registering law enforcement agency  
6 shall forward a copy of such court order to the Kansas bureau of  
7 investigation.

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

11 (g) Notwithstanding any other provisions of this section, for an  
12 offender 14 years of age or more who is adjudicated as a juvenile offender  
13 for an act which if committed by an adult would constitute a sexually  
14 violent crime set forth in ~~subsection (e)~~ of K.S.A. 22-4902(c), and  
15 amendments thereto, and such crime is not an off-grid felony or a felony  
16 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-  
17 4704, prior to its repeal, or K.S.A. 2015 Supp. 21-6804, and amendments  
18 thereto, the court shall:

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

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

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

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

39 (h) Notwithstanding any other provisions of this section, an offender  
40 14 years of age or more who is adjudicated as a juvenile offender for an  
41 act which if committed by an adult would constitute a sexually violent  
42 crime set forth in ~~subsection (e)~~ of K.S.A. 22-4902(c), and amendments  
43 thereto, and such crime is an off-grid felony or a felony ranked in severity

1 level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its  
2 repeal, or K.S.A. 2015 Supp. 21-6804, and amendments thereto, shall be  
3 required to register for such offender's lifetime.

4 (i) Notwithstanding any other provision of law, if a diversionary  
5 agreement or probation order, either adult or juvenile, or a juvenile  
6 offender sentencing order, requires registration under the Kansas offender  
7 registration act for an offense that would not otherwise require registration  
8 as provided in ~~subsection (a)(5) of K.S.A. 22-4902(a)(5)~~, and amendments  
9 thereto, then all provisions of the Kansas offender registration act shall  
10 apply, except that the duration of registration shall be controlled by such  
11 diversionary agreement, probation order or juvenile offender sentencing  
12 order.

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

16 (k) For any person moving to Kansas who has been convicted or  
17 adjudicated in an out of state court, or who was required to register under  
18 an out of state law, the duration of registration shall be the length of time  
19 required by the out of state jurisdiction or by the Kansas offender  
20 registration act, whichever length of time is longer. The provisions of this  
21 subsection shall apply to convictions or adjudications prior to June 1,  
22 2006, and to persons who moved to Kansas prior to June 1, 2006, and to  
23 convictions or adjudications on or after June 1, 2006, and to persons who  
24 moved to Kansas on or after June 1, 2006.

25 (l) For any person residing, maintaining employment or attending  
26 school in this state who has been convicted or adjudicated by an out of  
27 state court of an offense that is comparable to any crime requiring  
28 registration pursuant to the Kansas offender registration act, but who was  
29 not required to register in the jurisdiction of conviction or adjudication, the  
30 duration of registration shall be the duration required for the comparable  
31 offense pursuant to the Kansas offender registration act.

32 Sec. 16. K.S.A. 2015 Supp. 38-2255 is hereby amended to read as  
33 follows: 38-2255. (a) *Considerations*. Prior to entering an order of  
34 disposition, the court shall give consideration to:

- 35 (1) The child's physical, mental and emotional condition;
- 36 (2) the child's need for assistance;
- 37 (3) the manner in which the parent participated in the abuse, neglect  
38 or abandonment of the child;
- 39 (4) any relevant information from the intake and assessment process;  
40 and
- 41 (5) the evidence received at the dispositional hearing.

42 (b) *Custody with a parent*. The court may place the child in the  
43 custody of either of the child's parents subject to terms and conditions

1 which the court prescribes to assure the proper care and protection of the  
2 child, including, but not limited to:

3 (1) Supervision of the child and the parent by a court services officer;  
4 (2) participation by the child and the parent in available programs  
5 operated by an appropriate individual or agency; and

6 (3) any special treatment or care which the child needs for the child's  
7 physical, mental or emotional health and safety.

8 (c) *Removal of a child from custody of a parent.* The court shall not  
9 enter the initial order removing a child from the custody of a parent  
10 pursuant to this section unless the court first finds probable cause that: (1)

11 (A) The child is likely to sustain harm if not immediately removed from  
12 the home;

13 (B) allowing the child to remain in home is contrary to the welfare of  
14 the child; or

15 (C) immediate placement of the child is in the best interest of the  
16 child; and

17 (2) reasonable efforts have been made to maintain the family unit and  
18 prevent the unnecessary removal of the child from the child's home or that  
19 an emergency exists which threatens the safety to the child.

20 The court shall not enter an order removing a child from the custody of  
21 a parent pursuant to this section based solely on the finding that the parent  
22 is homeless.

23 (d) *Custody of a child removed from the custody of a parent.* If the  
24 court has made the findings required by subsection (c), the court shall  
25 enter an order awarding custody to: A relative of the child or to a person  
26 with whom the child has close emotional ties who shall not be required to  
27 be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,  
28 and amendments thereto; any other suitable person; a shelter facility; a  
29 youth residential facility; a staff secure facility, notwithstanding any other  
30 provision of law, if the child has been subjected to human trafficking or  
31 aggravated human trafficking, as defined by K.S.A. 2015 Supp. 21-5426,  
32 and amendments thereto, or commercial sexual exploitation of a child, as  
33 defined by K.S.A. 2015 Supp. 21-6422, and amendments thereto, or the  
34 child committed an act which, if committed by an adult, would constitute a  
35 violation of K.S.A. 2015 Supp. 21-6419, and amendments thereto; or, if  
36 the child is 15 years of age or younger, or 16 or 17 years of age if the child  
37 has no identifiable parental or family resources or shows signs of physical,  
38 mental, emotional or sexual abuse, to the secretary. Custody awarded  
39 under this subsection shall continue until further order of the court.

40 (1) When custody is awarded to the secretary, the secretary shall  
41 consider any placement recommendation by the court and notify the court  
42 of the placement or proposed placement of the child within 10 days of the  
43 order awarding custody. After providing the parties or interested parties

1 notice and opportunity to be heard, the court may determine whether the  
2 secretary's placement or proposed placement is contrary to the welfare or  
3 in the best interests of the child. In making that determination the court  
4 shall consider the health and safety needs of the child and the resources  
5 available to meet the needs of children in the custody of the secretary. If  
6 the court determines that the placement or proposed placement is contrary  
7 to the welfare or not in the best interests of the child, the court shall notify  
8 the secretary, who shall then make an alternative placement.

9 (2) The custodian designated under this subsection shall notify the  
10 court in writing at least 10 days prior to any planned placement with a  
11 parent. The written notice shall state the basis for the custodian's belief that  
12 placement with a parent is no longer contrary to the welfare or best interest  
13 of the child. Upon reviewing the notice, the court may allow the custodian  
14 to proceed with the planned placement or may set the date for a hearing to  
15 determine if the child shall be allowed to return home. If the court sets a  
16 hearing on the matter, the custodian shall not return the child home without  
17 written consent of the court.

18 (3) The court may grant any person reasonable rights to visit the child  
19 upon motion of the person and a finding that the visitation rights would be  
20 in the best interests of the child.

21 (4) The court may enter an order restraining any alleged perpetrator  
22 of physical, mental or emotional abuse or sexual abuse of the child from  
23 residing in the child's home; visiting, contacting, harassing or intimidating  
24 the child, other family member or witness; or attempting to visit, contact,  
25 harass or intimidate the child, other family member or witness. Such  
26 restraining order shall be served by personal service pursuant to ~~subsection~~  
27 ~~(a)~~ of K.S.A. 2015 Supp. 38-2237(a), and amendments thereto, on any  
28 alleged perpetrator to whom the order is directed.

29 (5) The court shall provide a copy of any orders entered within 10  
30 days of entering the order to the custodian designated under this  
31 subsection.

32 (e) *Further determinations regarding a child removed from the home.*  
33 If custody has been awarded under subsection (d) to a person other than a  
34 parent, a permanency plan shall be provided or prepared pursuant to  
35 K.S.A. 2015 Supp. 38-2264, and amendments thereto. If a permanency  
36 plan is provided at the dispositional hearing, the court may determine  
37 whether reintegration is a viable alternative or, if reintegration is not a  
38 viable alternative, whether the child should be placed for adoption or a  
39 permanent custodian appointed. In determining whether reintegration is a  
40 viable alternative, the court shall consider:

41 (1) Whether a parent has been found by a court to have committed  
42 one of the following crimes or to have violated the law of another state  
43 prohibiting such crimes or to have aided and abetted, attempted, conspired

1 or solicited the commission of one of these crimes: (A) *Capital murder*,  
2 *K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, prior to*  
3 *its repeal; (B) aggravated murder, section 2, and amendments thereto; (C)*  
4 *murder in the first degree, K.S.A. 21-3401, prior to its repeal, or K.S.A.*  
5 *2015 Supp. 21-5402, and amendments thereto; ~~(B) (D) murder in the~~*  
6 *second degree, K.S.A. 21-3402, prior to its repeal, or K.S.A. 2015 Supp.*  
7 *21-5403, and amendments thereto; ~~(C) capital murder, K.S.A. 21-3439,~~*  
8 *prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and amendments*  
9 *thereto; ~~(D) (E) voluntary manslaughter, K.S.A. 21-3403, prior to its~~*  
10 *repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto; or ~~(E) (F)~~*  
11 *a felony battery that resulted in bodily injury;*

12 (2) whether a parent has subjected the child or another child to  
13 aggravated circumstances;

14 (3) whether a parent has previously been found to be an unfit parent  
15 in proceedings under this code or in comparable proceedings under the  
16 laws of another state or the federal government;

17 (4) whether the child has been in extended out of home placement;

18 (5) whether the parents have failed to work diligently toward  
19 reintegration;

20 (6) whether the secretary has provided the family with services  
21 necessary for the safe return of the child to the home; and

22 (7) whether it is reasonable to expect reintegration to occur within a  
23 time frame consistent with the child's developmental needs.

24 (f) *Proceedings if reintegration is not a viable alternative.* If the court  
25 determines that reintegration is not a viable alternative, proceedings to  
26 terminate parental rights and permit placement of the child for adoption or  
27 appointment of a permanent custodian shall be initiated unless the court  
28 finds that compelling reasons have been documented in the case plan why  
29 adoption or appointment of a permanent custodian would not be in the best  
30 interests of the child. If compelling reasons have not been documented, the  
31 county or district attorney shall file a motion within 30 days to terminate  
32 parental rights or a motion to appoint a permanent custodian within 30  
33 days and the court shall hold a hearing on the motion within 90 days of its  
34 filing. No hearing is required when the parents voluntarily relinquish  
35 parental rights or consent to the appointment of a permanent custodian.

36 (g) *Additional Orders.* In addition to or in lieu of any other order  
37 authorized by this section:

38 (1) The court may order the child and the parents of any child who  
39 has been adjudicated a child in need of care to attend counseling sessions  
40 as the court directs. The expense of the counseling may be assessed as an  
41 expense in the case. No mental health provider shall charge a greater fee  
42 for court-ordered counseling than the provider would have charged to the  
43 person receiving counseling if the person had requested counseling on the

1 person's own initiative.

2 (2) If the court has reason to believe that a child is before the court  
3 due, in whole or in part, to the use or misuse of alcohol or a violation of  
4 K.S.A. 2015 Supp. 21-5701 through 21-5717, and amendments thereto, by  
5 the child, a parent of the child, or another person responsible for the care  
6 of the child, the court may order the child, parent of the child or other  
7 person responsible for the care of the child to submit to and complete an  
8 alcohol and drug evaluation by a qualified person or agency and comply  
9 with any recommendations. If the evaluation is performed by a  
10 community-based alcohol and drug safety program certified pursuant to  
11 K.S.A. 8-1008, and amendments thereto, the child, parent of the child or  
12 other person responsible for the care of the child shall pay a fee not to  
13 exceed the fee established by that statute. If the court finds that the child  
14 and those legally liable for the child's support are indigent, the fee may be  
15 waived. In no event shall the fee be assessed against the secretary.

16 (3) If child support has been requested and the parent or parents have  
17 a duty to support the child, the court may order one or both parents to pay  
18 child support and, when custody is awarded to the secretary, the court shall  
19 order one or both parents to pay child support. The court shall determine,  
20 for each parent separately, whether the parent is already subject to an order  
21 to pay support for the child. If the parent is not presently ordered to pay  
22 support for any child who is subject to the jurisdiction of the court and the  
23 court has personal jurisdiction over the parent, the court shall order the  
24 parent to pay child support in an amount determined under K.S.A. 2015  
25 Supp. 38-2277, and amendments thereto. Except for good cause shown,  
26 the court shall issue an immediate income withholding order pursuant to  
27 K.S.A. 2015 Supp. 23-3101 et seq., and amendments thereto, for each  
28 parent ordered to pay support under this subsection, regardless of whether  
29 a payor has been identified for the parent. A parent ordered to pay child  
30 support under this subsection shall be notified, at the hearing or otherwise,  
31 that the child support order may be registered pursuant to K.S.A. 2015  
32 Supp. 38-2279, and amendments thereto. The parent shall also be informed  
33 that, after registration, the income withholding order may be served on the  
34 parent's employer without further notice to the parent and the child support  
35 order may be enforced by any method allowed by law. Failure to provide  
36 this notice shall not affect the validity of the child support order.

37 Sec. 17. K.S.A. 2015 Supp. 38-2271 is hereby amended to read as  
38 follows: 38-2271. (a) It is presumed in the manner provided in K.S.A. 60-  
39 414, and amendments thereto, that a parent is unfit by reason of conduct or  
40 condition which renders the parent unable to fully care for a child, if the  
41 state establishes, by clear and convincing evidence, that:

42 (1) A parent has previously been found to be an unfit parent in  
43 proceedings under K.S.A. 2015 Supp. 38-2266 et seq., and amendments

1 thereto, or comparable proceedings under the laws of another jurisdiction;

2 (2) a parent has twice before been convicted of a crime specified in  
3 article 34, 35, or 36 of chapter 21 of the Kansas Statutes Annotated, prior  
4 to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes  
5 Annotated, or K.S.A. 2015 Supp. 21-6104, 21-6325, 21-6326 or 21-6418  
6 through 21-6421, and amendments thereto, or comparable offenses under  
7 the laws of another jurisdiction, or an attempt or attempts to commit such  
8 crimes and the victim was under the age of 18 years;

9 (3) on two or more prior occasions a child in the physical custody of  
10 the parent has been adjudicated a child in need of care as defined by  
11 K.S.A. 2015 Supp. 38-2202(d)(1), (d)(3), (d)(5) or (d)(11), and  
12 amendments thereto, or comparable proceedings under the laws of another  
13 jurisdiction;

14 (4) the parent has been convicted of causing the death of another  
15 child or stepchild of the parent;

16 (5) the child has been in an out-of-home placement, under court order  
17 for a cumulative total period of one year or longer and the parent has  
18 substantially neglected or willfully refused to carry out a reasonable plan,  
19 approved by the court, directed toward reintegration of the child into the  
20 parental home;

21 (6) (A) the child has been in an out-of-home placement, under court  
22 order for a cumulative total period of two years or longer; (B) the parent  
23 has failed to carry out a reasonable plan, approved by the court, directed  
24 toward reintegration of the child into the parental home; and (C) there is a  
25 substantial probability that the parent will not carry out such plan in the  
26 near future;

27 (7) a parent has been convicted of capital murder, K.S.A. 21-3439,  
28 prior to its repeal, or K.S.A. 2015 Supp. 21-5401, *prior to its repeal*,  
29 *aggravated murder; section 2*, and amendments thereto, murder in the first  
30 degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402,  
31 and amendments thereto, murder in the second degree, K.S.A. 21-3402,  
32 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments  
33 thereto, voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or  
34 K.S.A. 2015 Supp. 21-5404, and amendments thereto, human trafficking  
35 or aggravated human trafficking, K.S.A. 21-3446 or 21-3447, prior to their  
36 repeal, or K.S.A. 2015 Supp. 21-5426, and amendments thereto, or  
37 commercial sexual exploitation of a child, K.S.A. 2015 Supp. 21-6422,  
38 and amendments thereto, or comparable proceedings under the laws of  
39 another jurisdiction or, has been adjudicated a juvenile offender because of  
40 an act which if committed by an adult would be an offense as provided in  
41 this subsection, and the victim of such murder was the other parent of the  
42 child;

43 (8) a parent abandoned or neglected the child after having knowledge

1 of the child's birth or either parent has been granted immunity from  
2 prosecution for abandonment of the child under K.S.A. 21-3604(b), prior  
3 to its repeal, or K.S.A. 2015 Supp. 21-5605(d), and amendments thereto;  
4 or

5 (9) a parent has made no reasonable efforts to support or  
6 communicate with the child after having knowledge of the child's birth;

7 (10) a father, after having knowledge of the pregnancy, failed without  
8 reasonable cause to provide support for the mother during the six months  
9 prior to the child's birth;

10 (11) a father abandoned the mother after having knowledge of the  
11 pregnancy;

12 (12) a parent has been convicted of rape, K.S.A. 21-3502, prior to its  
13 repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto, or  
14 comparable proceedings under the laws of another jurisdiction resulting in  
15 the conception of the child; or

16 (13) a parent has failed or refused to assume the duties of a parent for  
17 two consecutive years next preceding the filing of the petition. In making  
18 this determination the court may disregard incidental visitations, contacts,  
19 communications or contributions.

20 (b) The burden of proof is on the parent to rebut the presumption of  
21 unfitness by a preponderance of the evidence. In the absence of proof that  
22 the parent is presently fit and able to care for the child or that the parent  
23 will be fit and able to care for the child in the foreseeable future, the court  
24 shall terminate parental rights in proceedings pursuant to K.S.A. 2015  
25 Supp. 38-2266 et seq., and amendments thereto.

26 Sec. 18. K.S.A. 2015 Supp. 38-2312 is hereby amended to read as  
27 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any  
28 records or files specified in this code concerning a juvenile may be  
29 expunged upon application to a judge of the court of the county in which  
30 the records or files are maintained. The application for expungement may  
31 be made by the juvenile, if 18 years of age or older or, if the juvenile is  
32 less than 18 years of age, by the juvenile's parent or next friend.

33 (b) There shall be no expungement of records or files concerning acts  
34 committed by a juvenile which, if committed by an adult, would constitute  
35 a violation of *K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-*  
36 *5401, prior to its repeal, capital murder; section 2, and amendments*  
37 *thereto, aggravated murder; K.S.A. 21-3401, prior to its repeal, or K.S.A.*  
38 *2015 Supp. 21-5402, and amendments thereto, murder in the first degree;*  
39 *K.S.A. 21-3402, prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and*  
40 *amendments thereto, murder in the second degree; K.S.A. 21-3403, prior*  
41 *to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto,*  
42 *voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A.*  
43 *2015 Supp. 21-5405, and amendments thereto, involuntary manslaughter;*

1 ~~K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and~~  
2 ~~amendments thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or~~  
3 ~~K.S.A. 2015 Supp. 21-5405(a)(3), and amendments thereto, involuntary~~  
4 ~~manslaughter while driving under the influence of alcohol or drugs; K.S.A.~~  
5 ~~21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and~~  
6 ~~amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A.~~  
7 ~~2015 Supp. 21-5506(a), and amendments thereto, indecent liberties with a~~  
8 ~~child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 2015 Supp. 21-~~  
9 ~~5506(b), and amendments thereto, aggravated indecent liberties with a~~  
10 ~~child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 2015 Supp. 21-~~  
11 ~~5504(b), and amendments thereto, aggravated criminal sodomy; K.S.A.~~  
12 ~~21-3510, prior to its repeal, or K.S.A. 2015 Supp. 21-5508(a), and~~  
13 ~~amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior~~  
14 ~~to its repeal, or K.S.A. 2015 Supp. 21-5508(b), and amendments thereto,~~  
15 ~~aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its~~  
16 ~~repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto, sexual~~  
17 ~~exploitation of a child; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2015~~  
18 ~~Supp. 21-5604(b), and amendments thereto, aggravated incest; K.S.A. 21-~~  
19 ~~3608, prior to its repeal, or K.S.A. 2015 Supp. 21-5601(a), and~~  
20 ~~amendments thereto, endangering a child; K.S.A. 21-3609, prior to its~~  
21 ~~repeal, or K.S.A. 2015 Supp. 21-5602, and amendments thereto, abuse of a~~  
22 ~~child; or which would constitute an attempt to commit a violation of any of~~  
23 ~~the offenses specified in this subsection.~~

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

30 (d) When a petition for expungement is filed, the court shall set a date  
31 for a hearing on the petition and shall give notice thereof to the county or  
32 district attorney. The petition shall state: (1) The juvenile's full name; (2)  
33 the full name of the juvenile as reflected in the court record, if different  
34 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which  
35 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity  
36 of the trial court. Except as otherwise provided by law, a petition for  
37 expungement shall be accompanied by a docket fee in the amount of \$176.  
38 On and after July 1, 2015, through June 30, 2017, the supreme court may  
39 impose a charge, not to exceed \$19 per case, to fund the costs of non-  
40 judicial personnel. All petitions for expungement shall be docketed in the  
41 original action. Any person who may have relevant information about the  
42 petitioner may testify at the hearing. The court may inquire into the  
43 background of the petitioner.

1 (e) (1) After hearing, the court shall order the expungement of the  
2 records and files if the court finds that:

3 (A) (i) The juvenile has reached 23 years of age or that two years  
4 have elapsed since the final discharge; or

5 (ii) one year has elapsed since the final discharge for an adjudication  
6 concerning acts committed by a juvenile which, if committed by an adult,  
7 would constitute a violation of K.S.A. 2015 Supp. 21-6419, and  
8 amendments thereto;

9 (B) since the final discharge of the juvenile, the juvenile has not been  
10 convicted of a felony or of a misdemeanor other than a traffic offense or  
11 adjudicated as a juvenile offender under the revised Kansas juvenile justice  
12 code and no proceedings are pending seeking such a conviction or  
13 adjudication; and

14 (C) the circumstances and behavior of the petitioner warrant  
15 expungement.

16 (2) The court may require that all court costs, fees and restitution  
17 shall be paid.

18 (f) Upon entry of an order expunging records or files, the offense  
19 which the records or files concern shall be treated as if it never occurred,  
20 except that upon conviction of a crime or adjudication in a subsequent  
21 action under this code the offense may be considered in determining the  
22 sentence to be imposed. The petitioner, the court and all law enforcement  
23 officers and other public offices and agencies shall properly reply on  
24 inquiry that no record or file exists with respect to the juvenile. Inspection  
25 of the expunged files or records thereafter may be permitted by order of  
26 the court upon petition by the person who is the subject thereof. The  
27 inspection shall be limited to inspection by the person who is the subject of  
28 the files or records and the person's designees.

29 (g) A certified copy of any order made pursuant to subsection (a) or  
30 (d) shall be sent to the Kansas bureau of investigation, which shall notify  
31 every juvenile or criminal justice agency which may possess records or  
32 files ordered to be expunged. If the agency fails to comply with the order  
33 within a reasonable time after its receipt, such agency may be adjudged in  
34 contempt of court and punished accordingly.

35 (h) The court shall inform any juvenile who has been adjudicated a  
36 juvenile offender of the provisions of this section.

37 (i) Nothing in this section shall be construed to prohibit the  
38 maintenance of information relating to an offense after records or files  
39 concerning the offense have been expunged if the information is kept in a  
40 manner that does not enable identification of the juvenile.

41 (j) Nothing in this section shall be construed to permit or require  
42 expungement of files or records related to a child support order registered  
43 pursuant to the revised Kansas juvenile justice code.

1 (k) Whenever the records or files of any adjudication have been  
2 expunged under the provisions of this section, the custodian of the records  
3 or files of adjudication relating to that offense shall not disclose the  
4 existence of such records or files, except when requested by:

5 (1) The person whose record was expunged;

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

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

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

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

19 (6) the Kansas lottery, and the request is accompanied by a statement  
20 that the request is being made to aid in determining qualifications for  
21 employment with the Kansas lottery or for work in sensitive areas within  
22 the Kansas lottery as deemed appropriate by the executive director of the  
23 Kansas lottery;

24 (7) the governor or the Kansas racing commission, or a designee of  
25 the commission, and the request is accompanied by a statement that the  
26 request is being made to aid in determining qualifications for executive  
27 director of the commission, for employment with the commission, for  
28 work in sensitive areas in parimutuel racing as deemed appropriate by the  
29 executive director of the commission or for licensure, renewal of licensure  
30 or continued licensure by the commission;

31 (8) the Kansas sentencing commission; or

32 (9) the Kansas bureau of investigation, for the purposes of:

33 (A) Completing a person's criminal history record information within  
34 the central repository in accordance with K.S.A. 22-4701 et seq., and  
35 amendments thereto; or

36 (B) providing information or documentation to the federal bureau of  
37 investigation, in connection with the national instant criminal background  
38 check system, to determine a person's qualification to possess a firearm.

39 (l) The provisions of subsection (k)(9) shall apply to all records  
40 created prior to, on and after July 1, 2011.

41 Sec. 19. K.S.A. 2015 Supp. 38-2365 is hereby amended to read as  
42 follows: 38-2365. (a) When a juvenile offender has been placed in the  
43 custody of the commissioner, the commissioner shall have a reasonable

1 time to make a placement. If the juvenile offender has not been placed, any  
2 party who believes that the amount of time elapsed without placement has  
3 exceeded a reasonable time may file a motion for review with the court. In  
4 determining what is a reasonable amount of time, matters considered by  
5 the court shall include, but not be limited to, the nature of the underlying  
6 offense, efforts made for placement of the juvenile offender and the  
7 availability of a suitable placement. The commissioner shall notify the  
8 court, the juvenile's attorney of record and the juvenile's parent, in writing,  
9 of the initial placement and any subsequent change of placement as soon  
10 as the placement has been accomplished. The notice to the juvenile  
11 offender's parent shall be sent to such parent's last known address or  
12 addresses. The court shall have no power to direct a specific placement by  
13 the commissioner, but may make recommendations to the commissioner.  
14 The commissioner may place the juvenile offender in an institution  
15 operated by the commissioner, a youth residential facility or any other  
16 appropriate placement. If the court has recommended an out-of-home  
17 placement, the commissioner may not return the juvenile offender to the  
18 home from which removed without first notifying the court of the plan.

19 (b) If a juvenile is in the custody of the commissioner, the  
20 commissioner shall prepare and present a permanency plan at sentencing  
21 or within 30 days thereafter. If a permanency plan is already in place under  
22 a child in need of care proceeding, the court may adopt the plan under the  
23 present proceeding. The written permanency plan shall provide for  
24 reintegration of the juvenile into such juvenile's family or, if reintegration  
25 is not a viable alternative, for other permanent placement of the juvenile.  
26 Reintegration may not be a viable alternative when: (1) The parent has  
27 been found by a court to have committed *capital murder, K.S.A. 21-3439,*  
28 *prior to its repeal, or K.S.A. 2015 Supp. 21-5401, prior to its repeal,*  
29 *aggravated murder; section 2, and amendments thereto,* murder in the first  
30 degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402,  
31 and amendments thereto, murder in the second degree, K.S.A. 21-3402,  
32 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments  
33 thereto, ~~capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015~~  
34 ~~Supp. 21-5401, and amendments thereto,~~ voluntary manslaughter, K.S.A.  
35 21-3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and  
36 amendments thereto, of a child or violated a law of another state which  
37 prohibits such murder or manslaughter of a child;

38 (2) the parent aided or abetted, attempted, conspired or solicited to  
39 commit such murder or voluntary manslaughter of a child;

40 (3) the parent committed a felony battery that resulted in bodily  
41 injury to the juvenile who is the subject of this proceeding or another  
42 child;

43 (4) the parent has subjected the juvenile who is the subject of this

1 proceeding or another child to aggravated circumstances as defined in  
2 K.S.A. 38-1502, and amendments thereto;

3 (5) the parental rights of the parent to another child have been  
4 terminated involuntarily; or

5 (6) the juvenile has been in extended out-of-home placement as  
6 defined in K.S.A. 2015 Supp. 38-2202, and amendments thereto.

7 (c) If the juvenile is placed in the custody of the commissioner, the  
8 plan shall be prepared and submitted by the commissioner. If the juvenile  
9 is placed in the custody of a facility or person other than the commissioner,  
10 the plan shall be prepared and submitted by a court services officer. If the  
11 permanency goal is reintegration into the family, the permanency plan  
12 shall include measurable objectives and time schedules for reintegration.

13 (d) During the time a juvenile remains in the custody of the  
14 commissioner, the commissioner shall submit to the court, at least every  
15 six months, a written report of the progress being made toward the goals of  
16 the permanency plan submitted pursuant to subsections (b) and (c) and the  
17 specific actions taken to achieve the goals of the permanency plan. If the  
18 juvenile is placed in foster care, the court may request the foster parent to  
19 submit to the court, at least every six months, a report in regard to the  
20 juvenile's adjustment, progress and condition. Such report shall be made a  
21 part of the juvenile's court social file. The court shall review the plan  
22 submitted by the commissioner and the report, if any, submitted by the  
23 foster parent and determine whether reasonable efforts and progress have  
24 been made to achieve the goals of the permanency plan. If the court  
25 determines that progress is inadequate or that the permanency plan is no  
26 longer viable, the court shall hold a hearing pursuant to subsection (e).

27 (e) When the commissioner has custody of the juvenile, a  
28 permanency hearing shall be held no more than 12 months after the  
29 juvenile is first placed outside such juvenile's home and at least every 12  
30 months thereafter. Juvenile offenders who have been in extended out-of-  
31 home placement shall be provided a permanency hearing within 30 days of  
32 a request from the commissioner. The court may appoint a guardian ad  
33 litem to represent the juvenile offender at the permanency hearing. At each  
34 hearing, the court shall make a written finding whether reasonable efforts  
35 have been made to accomplish the permanency goal and whether  
36 continued out-of-home placement is necessary for the juvenile's safety.

37 (f) Whenever a hearing is required under subsection (e), the court  
38 shall notify all interested parties of the hearing date, the commissioner,  
39 foster parent and preadoptive parent or relatives providing care for the  
40 juvenile and hold a hearing. Individuals receiving notice pursuant to this  
41 subsection shall not be made a party to the action solely on the basis of this  
42 notice and opportunity to be heard. After providing the persons receiving  
43 notice an opportunity to be heard, the court shall determine whether the

1 juvenile's needs are being adequately met; whether services set out in the  
2 permanency plan necessary for the safe return of the juvenile have been  
3 made available to the parent with whom reintegration is planned; and  
4 whether reasonable efforts and progress have been made to achieve the  
5 goals of the permanency plan.

6 (g) If the court finds reintegration continues to be a viable alternative,  
7 the court shall determine whether and, if applicable, when the juvenile will  
8 be returned to the parent. The court may rescind any of its prior  
9 dispositional orders and enter any dispositional order authorized by this  
10 code or may order that a new plan for the reintegration be prepared and  
11 submitted to the court. If reintegration cannot be accomplished as  
12 approved by the court, the court shall be informed and shall schedule a  
13 hearing pursuant to subsection (h). No such hearing is required when the  
14 parent voluntarily relinquishes parental rights or agrees to appointment of  
15 a permanent guardian.

16 (h) When the court finds any of the following conditions exist, the  
17 county or district attorney or the county or district attorney's designee shall  
18 file a petition alleging the juvenile to be a child in need of care and  
19 requesting termination of parental rights pursuant to the Kansas code for  
20 care of children: (1) The court determines that reintegration is not a viable  
21 alternative and either adoption or permanent guardianship might be in the  
22 best interests of the juvenile;

23 (2) the goal of the permanency plan is reintegration into the family  
24 and the court determines after 12 months from the time such plan is first  
25 submitted that progress is inadequate; or

26 (3) the juvenile has been in out-of-home placement for a cumulative  
27 total of 15 of the last 22 months, excluding trial home visits and juvenile in  
28 runaway status.

29 Nothing in this subsection shall be interpreted to prohibit termination of  
30 parental rights prior to the expiration of 12 months.

31 (i) A petition to terminate parental rights is not required to be filed if  
32 one of the following exceptions is documented to exist: (1) The juvenile is  
33 in a stable placement with relatives;

34 (2) services set out in the case plan necessary for the safe return of  
35 the juvenile have not been made available to the parent with whom  
36 reintegration is planned; or

37 (3) there are one or more documented reasons why such filing would  
38 not be in the best interests of the juvenile. Documented reasons may  
39 include, but are not limited to: The juvenile has close emotional bonds  
40 with a parent which should not be broken; the juvenile is 14 years of age  
41 or older and, after advice and counsel, refuses to be adopted; insufficient  
42 grounds exist for termination of parental rights; the juvenile is an  
43 unaccompanied refugee minor; or there are international legal or

1 compelling foreign policy reasons precluding termination of parental  
2 rights.

3 Sec. 20. K.S.A. 2015 Supp. 39-970 is hereby amended to read as  
4 follows: 39-970. (a) (1) No person shall knowingly operate an adult care  
5 home if, in the adult care home, there works any person who has been  
6 convicted of or has been adjudicated a juvenile offender because of having  
7 committed an act which if done by an adult would constitute the  
8 commission of capital murder, pursuant to K.S.A. 21-3439, prior to its  
9 repeal, or K.S.A. 2015 Supp. 21-5401, *prior to its repeal, aggravated*  
10 *murder, pursuant to section 2*, and amendments thereto, first degree  
11 murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015  
12 Supp. 21-5402, and amendments thereto, second degree murder, pursuant  
13 to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2015 Supp. 21-5403(a),  
14 and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-  
15 3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments  
16 thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or  
17 K.S.A. 2015 Supp. 21-5407, and amendments thereto, mistreatment of a  
18 dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-  
19 3437, prior to its repeal, or K.S.A. 2015 Supp. 21-5417, and amendments  
20 thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal,  
21 or K.S.A. 2015 Supp. 21-5426(a), and amendments thereto, aggravated  
22 human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or  
23 K.S.A. 2015 Supp. 21-5426(b), and amendments thereto, rape, pursuant to  
24 K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and  
25 amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-  
26 3503, prior to its repeal, or K.S.A. 2015 Supp. 21-5506(a), and  
27 amendments thereto, aggravated indecent liberties with a child, pursuant to  
28 K.S.A. 21-3504, prior to its repeal, or K.S.A. 2015 Supp. 21-5506(b), and  
29 amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-  
30 3506, prior to its repeal, or K.S.A. 2015 Supp. 21-5504(b), and  
31 amendments thereto, indecent solicitation of a child, pursuant to K.S.A.  
32 21-3510, prior to its repeal, or K.S.A. 2015 Supp. 21-5508(a), and  
33 amendments thereto, aggravated indecent solicitation of a child, pursuant  
34 to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2015 Supp. 21-5508(b),  
35 and amendments thereto, sexual exploitation of a child, pursuant to K.S.A.  
36 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and  
37 amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to  
38 its repeal, or K.S.A. 2015 Supp. 21-5505(a), and amendments thereto,  
39 aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal,  
40 or K.S.A. 2015 Supp. 21-5505(b), and amendments thereto, commercial  
41 sexual exploitation of a child, pursuant to K.S.A. 2015 Supp. 21-6422, and  
42 amendments thereto, an attempt to commit any of the crimes listed in this  
43 subsection (a)(1), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A.

1 2015 Supp. 21-5301, and amendments thereto, a conspiracy to commit any  
2 of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3302,  
3 prior to its repeal, or K.S.A. 2015 Supp. 21-5302, and amendments  
4 thereto, or criminal solicitation of any of the crimes listed in this  
5 subsection (a)(1), pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A.  
6 2015 Supp. 21-5303, and amendments thereto, or similar statutes of other  
7 states or the federal government. The provisions of subsection (a)(2)(C)  
8 shall not apply to any person who is employed by an adult care home on  
9 July 1, 2010, and while continuously employed by the same adult care  
10 home.

11 (2) A person operating an adult care home may employ an applicant  
12 who has been convicted of any of the following if five or more years have  
13 elapsed since the applicant satisfied the sentence imposed or was  
14 discharged from probation, a community correctional services program,  
15 parole, postrelease supervision, conditional release or a suspended  
16 sentence; or if five or more years have elapsed since the applicant has been  
17 finally discharged from the custody of the commissioner of juvenile justice  
18 or from probation or has been adjudicated a juvenile offender, whichever  
19 time is longer: (A) a felony conviction for a crime which is described in: (A)  
20 Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their  
21 repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or  
22 K.S.A. 2015 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and  
23 amendments thereto, except those crimes listed in subsection (a)(1); (B)  
24 articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to  
25 their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes  
26 Annotated, or K.S.A. 2015 Supp. 21-6419 through 21-6421, and  
27 amendments thereto, except those crimes listed in subsection (a)(1) and  
28 K.S.A. 21-3605, prior to its repeal, or K.S.A. 2015 Supp. 21-5606, and  
29 amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A.  
30 2015 Supp. 21-5801, and amendments thereto; (D) an attempt to commit  
31 any of the crimes listed in this subsection (a)(2), pursuant to K.S.A. 21-  
32 3301, prior to its repeal, or K.S.A. 2015 Supp. 21-5301, and amendments  
33 thereto; (E) a conspiracy to commit any of the crimes listed in subsection  
34 (a)(2), pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2015  
35 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of  
36 the crimes listed in subsection (a)(2), pursuant to K.S.A. 21-3303, prior to  
37 its repeal, or K.S.A. 2015 Supp. 21-5303, and amendments thereto; or (G)  
38 similar statutes of other states or the federal government.

39 (b) No person shall operate an adult care home if such person has  
40 been found to be in need of a guardian or conservator, or both as provided  
41 in K.S.A. 59-3050 through 59-3095, and amendments thereto. The  
42 provisions of this subsection shall not apply to a minor found to be in need  
43 of a guardian or conservator for reasons other than impairment.

1 (c) The secretary for aging and disability services shall have access to  
2 any criminal history record information in the possession of the Kansas  
3 bureau of investigation regarding any criminal history information,  
4 convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their  
5 repeal, or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and  
6 amendments thereto, adjudications of a juvenile offender which if  
7 committed by an adult would have been a felony conviction, and  
8 adjudications of a juvenile offender for an offense described in K.S.A. 21-  
9 3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2015 Supp. 21-  
10 5417, 21-5505(a) and 21-5801, and amendments thereto, concerning  
11 persons working in an adult care home. The secretary shall have access to  
12 these records for the purpose of determining whether or not the adult care  
13 home meets the requirements of this section. The Kansas bureau of  
14 investigation may charge to the Kansas department for aging and disability  
15 services a reasonable fee for providing criminal history record information  
16 under this subsection.

17 (d) For the purpose of complying with this section, the operator of an  
18 adult care home shall request from the Kansas department for aging and  
19 disability services information regarding any criminal history information,  
20 convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their  
21 repeal, or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and  
22 amendments thereto, adjudications of a juvenile offender which if  
23 committed by an adult would have been a felony conviction, and  
24 adjudications of a juvenile offender for an offense described in K.S.A. 21-  
25 3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2015 Supp. 21-  
26 5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates  
27 to a person who works in the adult care home, or is being considered for  
28 employment by the adult care home, for the purpose of determining  
29 whether such person is subject to the provision of this section. For the  
30 purpose of complying with this section, the operator of an adult care home  
31 shall receive from any employment agency which provides employees to  
32 work in the adult care home written certification that such employees are  
33 not prohibited from working in the adult care home under this section. For  
34 the purpose of complying with this section, information relating to  
35 convictions and adjudications by the federal government or to convictions  
36 and adjudications in states other than Kansas shall not be required until  
37 such time as the secretary for aging and disability services determines the  
38 search for such information could reasonably be performed and the  
39 information obtained within a two-week period. For the purpose of  
40 complying with this section, a person who operates an adult care home  
41 may hire an applicant for employment on a conditional basis pending the  
42 results from the Kansas department for aging and disability services of a  
43 request for information under this subsection. No adult care home, the

1 operator or employees of an adult care home or an employment agency, or  
2 the operator or employees of an employment agency, shall be liable for  
3 civil damages resulting from any decision to employ, to refuse to employ  
4 or to discharge from employment any person based on such adult care  
5 home's compliance with the provisions of this section if such adult care  
6 home or employment agency acts in good faith to comply with this  
7 section.

8 (e) The secretary for aging and disability services shall charge each  
9 person requesting information under this section a fee equal to cost, not to  
10 exceed \$10, for each name about which an information request has been  
11 submitted to the department under this section.

12 (f) (1) The secretary for aging and disability services shall provide  
13 each operator requesting information under this section with the criminal  
14 history record information concerning any criminal history information  
15 and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their  
16 repeal, or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and  
17 amendments thereto, in writing and within three working days of receipt of  
18 such information from the Kansas bureau of investigation. The criminal  
19 history record information shall be provided regardless of whether the  
20 information discloses that the subject of the request has been convicted of  
21 an offense enumerated in subsection (a).

22 (2) When an offense enumerated in subsection (a) exists in the  
23 criminal history record information, and when further confirmation  
24 regarding criminal history record information is required from the  
25 appropriate court of jurisdiction or Kansas department of corrections, the  
26 secretary shall notify each operator that requests information under this  
27 section in writing and within three working days of receipt from the  
28 Kansas bureau of investigation that further confirmation is required. The  
29 secretary shall provide to the operator requesting information under this  
30 section information in writing and within three working days of receipt of  
31 such information from the appropriate court of jurisdiction or Kansas  
32 department of corrections regarding confirmation regarding the criminal  
33 history record information.

34 (3) Whenever the criminal history record information reveals that the  
35 subject of the request has no criminal history on record, the secretary shall  
36 provide notice to each operator requesting information under this section,  
37 in writing and within three working days after receipt of such information  
38 from the Kansas bureau of investigation.

39 (4) The secretary for aging and disability services shall not provide  
40 each operator requesting information under this section with the juvenile  
41 criminal history record information which relates to a person subject to a  
42 background check as is provided by K.S.A. 2015 Supp. 38-2326, and  
43 amendments thereto, except for adjudications of a juvenile offender for an

1 offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2015  
2 Supp. 21-5801, and amendments thereto. The secretary shall notify the  
3 operator that requested the information, in writing and within three  
4 working days of receipt of such information from the Kansas bureau of  
5 investigation, whether juvenile criminal history record information  
6 received pursuant to this section reveals that the operator would or would  
7 not be prohibited by this section from employing the subject of the request  
8 for information and whether such information contains adjudications of a  
9 juvenile offender for an offense described in K.S.A. 21-3701, prior to its  
10 repeal, or K.S.A. 2015 Supp. 21-5801, and amendments thereto.

11 (5) An operator who receives criminal history record information  
12 under this subsection shall keep such information confidential, except that  
13 the operator may disclose such information to the person who is the  
14 subject of the request for information. A violation of this paragraph shall  
15 be an unclassified misdemeanor punishable by a fine of \$100.

16 (g) No person who works for an adult care home and who is currently  
17 licensed or registered by an agency of this state to provide professional  
18 services in the state and who provides such services as part of the work  
19 which such person performs for the adult care home shall be subject to the  
20 provisions of this section.

21 (h) A person who volunteers in an adult care home shall not be  
22 subject to the provisions of this section because of such volunteer activity.

23 (i) An operator may request from the Kansas department for aging  
24 and disability services criminal history information on persons employed  
25 under subsections (g) and (h).

26 (j) No person who has been employed by the same adult care home  
27 since July 1, 1992, shall be subject to the provisions of this section while  
28 employed by such adult care home.

29 (k) The operator of an adult care home shall not be required under  
30 this section to conduct a background check on an applicant for  
31 employment with the adult care home if the applicant has been the subject  
32 of a background check under this act within one year prior to the  
33 application for employment with the adult care home. The operator of an  
34 adult care home where the applicant was the subject of such background  
35 check may release a copy of such background check to the operator of an  
36 adult care home where the applicant is currently applying.

37 (l) No person who is in the custody of the secretary of corrections and  
38 who provides services, under direct supervision in nonpatient areas, on the  
39 grounds or other areas designated by the superintendent of the Kansas  
40 soldiers' home or the Kansas veterans' home shall be subject to the  
41 provisions of this section while providing such services.

42 (m) For purposes of this section, the Kansas bureau of investigation  
43 shall report any criminal history information, convictions under K.S.A. 21-

1 3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2015 Supp. 21-  
2 5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of  
3 a juvenile offender which if committed by an adult would have been a  
4 felony conviction, and adjudications of a juvenile offender for an offense  
5 described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal,  
6 or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments  
7 thereto, to the secretary for aging and disability services when a  
8 background check is requested.

9 (n) This section shall be part of and supplemental to the adult care  
10 home licensure act.

11 Sec. 21. K.S.A. 2015 Supp. 65-5117 is hereby amended to read as  
12 follows: 65-5117. (a) (1) No person shall knowingly operate a home health  
13 agency if, for the home health agency, there works any person who has  
14 been convicted of or has been adjudicated a juvenile offender because of  
15 having committed an act which if done by an adult would constitute the  
16 commission of capital murder, pursuant to K.S.A. 21-3439, prior to its  
17 repeal, or K.S.A. 2015 Supp. 21-5401, *prior to its repeal, aggravated*  
18 *murder, pursuant to section 2*, and amendments thereto, first degree  
19 murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015  
20 Supp. 21-5402, and amendments thereto, second degree murder, pursuant  
21 to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2015 Supp. 21-5403(a),  
22 and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-  
23 3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments  
24 thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or  
25 K.S.A. 2015 Supp. 21-5407, and amendments thereto, mistreatment of a  
26 dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-  
27 3437, prior to its repeal, or K.S.A. 2015 Supp. 21-5417, and amendments  
28 thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal,  
29 or K.S.A. 2015 Supp. 21-5426(a), and amendments thereto, aggravated  
30 human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or  
31 K.S.A. 2015 Supp. 21-5426(b), and amendments thereto, rape, pursuant to  
32 K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and  
33 amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-  
34 3503, prior to its repeal, or K.S.A. 2015 Supp. 21-5506(a), and  
35 amendments thereto, aggravated indecent liberties with a child, pursuant to  
36 K.S.A. 21-3504, prior to its repeal, or K.S.A. 2015 Supp. 21-5506(b), and  
37 amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-  
38 3506, prior to its repeal, or K.S.A. 2015 Supp. 21-5504(b), and  
39 amendments thereto, indecent solicitation of a child, pursuant to K.S.A.  
40 21-3510, prior to its repeal, or K.S.A. 2015 Supp. 21-5508(a), and  
41 amendments thereto, aggravated indecent solicitation of a child, pursuant  
42 to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2015 Supp. 21-5508(b),  
43 and amendments thereto, sexual exploitation of a child, pursuant to K.S.A.

1 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and  
2 amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to  
3 its repeal, or K.S.A. 2015 Supp. 21-5505(a), and amendments thereto,  
4 aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal,  
5 or K.S.A. 2015 Supp. 21-5505(b), and amendments thereto, commercial  
6 sexual exploitation of a child, pursuant to K.S.A. 2015 Supp. 21-6422, and  
7 amendments thereto, an attempt to commit any of the crimes listed in this  
8 subsection (a)(1), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A.  
9 2015 Supp. 21-5301, and amendments thereto, a conspiracy to commit any  
10 of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3302,  
11 prior to its repeal, or K.S.A. 2015 Supp. 21-5302, and amendments  
12 thereto, or criminal solicitation of any of the crimes listed in this  
13 subsection (a)(1), pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A.  
14 2015 Supp. 21-5303, and amendments thereto, or similar statutes of other  
15 states or the federal government. The provisions of subsection (a)(2)(C)  
16 shall not apply to any person who is employed by a home health agency on  
17 July 1, 2010, and while continuously employed by the same home health  
18 agency.

19 (2) A person operating a home health agency may employ an  
20 applicant who has been convicted of any of the following if five or more  
21 years have elapsed since the applicant satisfied the sentence imposed or  
22 was discharged from probation, a community correctional services  
23 program, parole, postrelease supervision, conditional release or a  
24 suspended sentence; or if five or more years have elapsed since the  
25 applicant has been finally discharged from the custody of the  
26 commissioner of juvenile justice or from probation or has been adjudicated  
27 a juvenile offender, whichever time is longer: A felony conviction for a  
28 crime which is described in: (A) Article 34 of chapter 21 of the Kansas  
29 Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the  
30 Kansas Statutes Annotated, or K.S.A. 2015 Supp. 21-6104, 21-6325, 21-  
31 6326 or 21-6418, and amendments thereto, except those crimes listed in  
32 subsection (a)(1); (B) articles 35 or 36 of chapter 21 of the Kansas Statutes  
33 Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the  
34 Kansas Statutes Annotated, or K.S.A. 2015 Supp. 21-6419 through 21-  
35 6421, and amendments thereto, except those crimes listed in subsection (a)  
36 (1) and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2015 Supp. 21-5606,  
37 and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A.  
38 2015 Supp. 21-5801, and amendments thereto; (D) an attempt to commit  
39 any of the crimes listed in this subsection (a)(2) pursuant to K.S.A. 21-  
40 3301, prior to its repeal, or K.S.A. 2015 Supp. 21-5301, and amendments  
41 thereto; (E) a conspiracy to commit any of the crimes listed in subsection  
42 (a)(2) pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2015 Supp.  
43 21-5302, and amendments thereto; (F) criminal solicitation of any of the

1 crimes listed in subsection (a)(2) pursuant to K.S.A. 21-3303, prior to its  
2 repeal, or K.S.A. 2015 Supp. 21-5303, and amendments thereto; or (G)  
3 similar statutes of other states or the federal government.

4 (b) No person shall operate a home health agency if such person has  
5 been found to be a person in need of a guardian or a conservator, or both,  
6 as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.  
7 The provisions of this subsection shall not apply to a minor found to be in  
8 need of a guardian or conservator for reasons other than impairment.

9 (c) The secretary of health and environment shall have access to any  
10 criminal history record information in the possession of the Kansas bureau  
11 of investigation regarding any criminal history information, convictions  
12 under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or  
13 K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments  
14 thereto, adjudications of a juvenile offender which if committed by an  
15 adult would have been a felony conviction, and adjudications of a juvenile  
16 offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-  
17 3701, prior to their repeal, or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and  
18 21-5801, and amendments thereto, concerning persons working for a home  
19 health agency. The secretary shall have access to these records for the  
20 purpose of determining whether or not the home health agency meets the  
21 requirements of this section. The Kansas bureau of investigation may  
22 charge to the department of health and environment a reasonable fee for  
23 providing criminal history record information under this subsection.

24 (d) For the purpose of complying with this section, the operator of a  
25 home health agency shall request from the department of health and  
26 environment information regarding any criminal history information,  
27 convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their  
28 repeal, or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and  
29 amendments thereto, adjudications of a juvenile offender which if  
30 committed by an adult would have been a felony conviction, and  
31 adjudications of a juvenile offender for an offense described in K.S.A. 21-  
32 3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2015 Supp. 21-  
33 5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates  
34 to a person who works for the home health agency or is being considered  
35 for employment by the home health agency, for the purpose of determining  
36 whether such person is subject to the provisions of this section. For the  
37 purpose of complying with this section, information relating to convictions  
38 and adjudications by the federal government or to convictions and  
39 adjudications in states other than Kansas shall not be required until such  
40 time as the secretary of health and environment determines the search for  
41 such information could reasonably be performed and the information  
42 obtained within a two-week period. For the purpose of complying with this  
43 section, the operator of a home health agency shall receive from any

1 employment agency which provides employees to work for the home  
2 health agency written certification that such employees are not prohibited  
3 from working for the home health agency under this section. For the  
4 purpose of complying with this section, a person who operates a home  
5 health agency may hire an applicant for employment on a conditional basis  
6 pending the results from the department of health and environment of a  
7 request for information under this subsection. No home health agency, the  
8 operator or employees of a home health agency or an employment agency,  
9 or the operator or employees of an employment agency, which provides  
10 employees to work for the home health agency shall be liable for civil  
11 damages resulting from any decision to employ, to refuse to employ or to  
12 discharge from employment any person based on such home health  
13 agency's compliance with the provisions of this section if such home  
14 health agency or employment agency acts in good faith to comply with  
15 this section.

16 (e) The secretary of health and environment shall charge each person  
17 requesting information under this section a fee equal to cost, not to exceed  
18 \$10, for each name about which an information request has been submitted  
19 under this section.

20 (f) (1) The secretary of health and environment shall provide each  
21 operator requesting information under this section with the criminal  
22 history record information concerning any criminal history information  
23 and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their  
24 repeal, or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and  
25 amendments thereto, in writing and within three working days of receipt of  
26 such information from the Kansas bureau of investigation. The criminal  
27 history record information shall be provided regardless of whether the  
28 information discloses that the subject of the request has been convicted of  
29 an offense enumerated in subsection (a).

30 (2) When an offense enumerated in subsection (a) exists in the  
31 criminal history record information, and when further confirmation  
32 regarding criminal history record information is required from the  
33 appropriate court of jurisdiction or Kansas department of corrections, the  
34 secretary shall notify each operator that requests information under this  
35 section in writing and within three working days of receipt from the  
36 Kansas bureau of investigation that further confirmation is required. The  
37 secretary shall provide to the operator requesting information under this  
38 section information in writing and within three working days of receipt of  
39 such information from the appropriate court of jurisdiction or Kansas  
40 department of corrections regarding confirmation regarding the criminal  
41 history record information.

42 (3) Whenever the criminal history record information reveals that the  
43 subject of the request has no criminal history on record, the secretary shall

1 provide notice to each operator requesting information under this section,  
2 in writing and within three working days after receipt of such information  
3 from the Kansas bureau of investigation.

4 (4) The secretary of health and environment shall not provide each  
5 operator requesting information under this section with the juvenile  
6 criminal history record information which relates to a person subject to a  
7 background check as is provided by K.S.A. 2015 Supp. 38-2326, and  
8 amendments thereto, except for adjudications of a juvenile offender for an  
9 offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2015  
10 Supp. 21-5801, and amendments thereto. The secretary shall notify the  
11 operator that requested the information, in writing and within three  
12 working days of receipt of such information from the Kansas bureau of  
13 investigation, whether juvenile criminal history record information  
14 received pursuant to this section reveals that the operator would or would  
15 not be prohibited by this section from employing the subject of the request  
16 for information and whether such information contains adjudications of a  
17 juvenile offender for an offense described in K.S.A. 21-3701, prior to its  
18 repeal, or K.S.A. 2015 Supp. 21-5801, and amendments thereto.

19 (5) An operator who receives criminal history record information  
20 under this subsection (f) shall keep such information confidential, except  
21 that the operator may disclose such information to the person who is the  
22 subject of the request for information. A violation of this paragraph (5)  
23 shall be an unclassified misdemeanor punishable by a fine of \$100.

24 (g) No person who works for a home health agency and who is  
25 currently licensed or registered by an agency of this state to provide  
26 professional services in this state and who provides such services as part of  
27 the work which such person performs for the home health agency shall be  
28 subject to the provisions of this section.

29 (h) A person who volunteers to assist a home health agency shall not  
30 be subject to the provisions of this section because of such volunteer  
31 activity.

32 (i) An operator may request from the department of health and  
33 environment criminal history information on persons employed under  
34 subsections (g) and (h).

35 (j) No person who has been employed by the same home health  
36 agency since July 1, 1992, shall be subject to the requirements of this  
37 section while employed by such home health agency.

38 (k) The operator of a home health agency shall not be required under  
39 this section to conduct a background check on an applicant for  
40 employment with the home health agency if the applicant has been the  
41 subject of a background check under this act within one year prior to the  
42 application for employment with the home health agency. The operator of  
43 a home health agency where the applicant was the subject of such

1 background check may release a copy of such background check to the  
2 operator of a home health agency where the applicant is currently  
3 applying.

4 (l) For purposes of this section, the Kansas bureau of investigation  
5 shall only report felony convictions, convictions under K.S.A. 21-3437,  
6 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2015 Supp. 21-5417,  
7 21-5505(a) and 21-5801, and amendments thereto, adjudications of a  
8 juvenile offender which if committed by an adult would have been a  
9 felony conviction, and adjudications of a juvenile offender for an offense  
10 described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal,  
11 or K.S.A. 2015 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments  
12 thereto, to the secretary of health and environment when a background  
13 check is requested.

14 (m) This section shall be part of and supplemental to the provisions  
15 of article 51 of chapter 65 of the Kansas Statutes Annotated, and  
16 amendments thereto.

17 Sec. 22. K.S.A. 2015 Supp. 72-1397 is hereby amended to read as  
18 follows: 72-1397. (a) The state board of education shall not knowingly  
19 issue a license to or renew the license of any person who has been  
20 convicted of:

21 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
22 2015 Supp. 21-5503, and amendments thereto;

23 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
24 to its repeal, or K.S.A. 2015 Supp. 21-5506(a), and amendments thereto;

25 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
26 21-3504, prior to its repeal, or K.S.A. 2015 Supp. 21-5506(b), and  
27 amendments thereto;

28 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
29 prior to its repeal, or K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and  
30 amendments thereto;

31 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
32 to its repeal, or K.S.A. 2015 Supp. 21-5504(b), and amendments thereto;

33 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
34 prior to its repeal, or K.S.A. 2015 Supp. 21-5508(a), and amendments  
35 thereto;

36 (7) aggravated indecent solicitation of a child, as defined in K.S.A.  
37 21-3511, prior to its repeal, or K.S.A. 2015 Supp. 21-5508(b), and  
38 amendments thereto;

39 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
40 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

41 (9) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
42 repeal, or K.S.A. 2015 Supp. 21-5604(b), and amendments thereto;

43 (10) aggravated endangering a child, as defined in K.S.A. 21-3608a,

- 1 prior to its repeal, or K.S.A. 2015 Supp. 21-5601(b), and amendments  
2 thereto;
- 3 (11) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,  
4 or K.S.A. 2015 Supp. 21-5602, and amendments thereto;
- 5 (12) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
6 or K.S.A. 2015 Supp. 21-5401, ~~and amendments thereto~~ prior to its repeal;
- 7 (13) *aggravated murder, as defined in section 2, and amendments*  
8 *thereto;*
- 9 ~~(13)~~ (14) murder in the first degree, as defined in K.S.A. 21-3401,  
10 prior to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments  
11 thereto;
- 12 ~~(14)~~ (15) murder in the second degree, as defined in K.S.A. 21-3402,  
13 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments  
14 thereto;
- 15 ~~(15)~~ (16) voluntary manslaughter, as defined in K.S.A. 21-3403, prior  
16 to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;
- 17 ~~(16)~~ (17) involuntary manslaughter, as defined in K.S.A. 21-3404,  
18 prior to its repeal, or K.S.A. 2015 Supp. 21-5405, and amendments  
19 thereto;
- 20 ~~(17)~~ (18) involuntary manslaughter while driving under the influence  
21 of alcohol or drugs, as defined in K.S.A. 21-3442, prior to its repeal;
- 22 ~~(18)~~ (19) sexual battery, as defined in K.S.A. 21-3517, prior to its  
23 repeal, or K.S.A. 2015 Supp. 21-5505(a), and amendments thereto, when,  
24 at the time the crime was committed, the victim was less than 18 years of  
25 age or a student of the person committing such crime;
- 26 ~~(19)~~ (20) aggravated sexual battery, as defined in K.S.A. 21-3518,  
27 prior to its repeal, or K.S.A. 2015 Supp. 21-5505(b), and amendments  
28 thereto;
- 29 ~~(20)~~ (21) commercial sexual exploitation of a child, as defined in  
30 K.S.A. 2015 Supp. 21-6422, and amendments thereto;
- 31 ~~(21)~~ (22) human trafficking, as defined in K.S.A. 21-3446, prior to its  
32 repeal, or K.S.A. 2015 Supp. 21-5426(a), and amendments thereto;
- 33 ~~(22)~~ (23) aggravated human trafficking, as defined in K.S.A. 21-  
34 3447, prior to its repeal, or K.S.A. 2015 Supp. 21-5426(b), and  
35 amendments thereto;
- 36 ~~(23)~~ (24) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A.  
37 2015 Supp. 21-5301, and amendments thereto, to commit any act specified  
38 in this subsection;
- 39 ~~(24)~~ (25) conspiracy under K.S.A. 21-3302, prior to its repeal, or  
40 K.S.A. 2015 Supp. 21-5302, and amendments thereto, to commit any act  
41 specified in this subsection;
- 42 ~~(25)~~ (26) an act in another state or by the federal government that is  
43 comparable to any act described in this subsection; or

1       ~~(26)~~ (27) an offense in effect at any time prior to the effective date of  
2 this act that is comparable to an offense as provided in this subsection.

3       (b) Except as provided in subsection (c), the state board of education  
4 shall not knowingly issue a license to or renew the license of any person  
5 who has been convicted of, or has entered into a criminal diversion  
6 agreement after having been charged with:

7       (1) A felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17,  
8 prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes  
9 Annotated, and amendments thereto, or any felony violation of any  
10 provision of the uniform controlled substances act prior to July 1, 2009;

11       (2) a felony described in any section of article 34 of chapter 21 of the  
12 Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21  
13 of the Kansas Statutes Annotated, or K.S.A. 2015 Supp. 21-6104, 21-6325,  
14 21-6326 or 21-6418, and amendments thereto, other than an act specified  
15 in subsection (a), or a battery, as described in K.S.A. 21-3412, prior to its  
16 repeal, or K.S.A. 2015 Supp. 21-5413(a), and amendments thereto, or  
17 domestic battery, as described in K.S.A. 21-3412a, prior to its repeal, or  
18 K.S.A. 2015 Supp. 21-5414, and amendments thereto, if the victim is a  
19 minor or student;

20       (3) a felony described in any section of article 35 of chapter 21 of the  
21 Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21  
22 of the Kansas Statutes Annotated, or K.S.A. 2015 Supp. 21-6419 through  
23 21-6421, and amendments thereto, other than an act specified in  
24 subsection (a);

25       (4) any act described in any section of article 36 of chapter 21 of the  
26 Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21  
27 of the Kansas Statutes Annotated, and amendments thereto, other than an  
28 act specified in subsection (a);

29       (5) a felony described in article 37 of chapter 21 of the Kansas  
30 Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the  
31 Kansas Statutes Annotated, or K.S.A. 2015 Supp. 21-6412(a)(6), and  
32 amendments thereto;

33       (6) promoting obscenity, as described in K.S.A. 21-4301, prior to its  
34 repeal, or K.S.A. 2015 Supp. 21-6401(a), and amendments thereto,  
35 promoting obscenity to minors, as described in K.S.A. 21-4301a, prior to  
36 its repeal, or K.S.A. 2015 Supp. 21-6401(b), and amendments thereto, or  
37 promoting to minors obscenity harmful to minors, as described in K.S.A.  
38 21-4301c, prior to its repeal, or K.S.A. 2015 Supp. 21-6402, and  
39 amendments thereto;

40       (7) endangering a child, as defined in K.S.A. 21-3608, prior to its  
41 repeal, or K.S.A. 2015 Supp. 21-5601(a), and amendments thereto;

42       (8) driving under the influence of alcohol or drugs in violation of  
43 K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is

1 punishable as a felony;

2 (9) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2015  
3 Supp. 21-5301, and amendments thereto, to commit any act specified in  
4 this subsection;

5 (10) conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A.  
6 2015 Supp. 21-5302, and amendments thereto, to commit any act specified  
7 in this subsection; or

8 (11) an act committed in violation of a federal law or in violation of  
9 another state's law that is comparable to any act described in this  
10 subsection.

11 (c) The state board of education may issue a license to or renew the  
12 license of a person who has been convicted of committing an offense or  
13 act described in subsection (b) or who has entered into a criminal diversion  
14 agreement after having been charged with an offense or act described in  
15 subsection (b) if the state board determines, following a hearing, that the  
16 person has been rehabilitated for a period of at least five years from the  
17 date of conviction of the offense or commission of the act or, in the case of  
18 a person who has entered into a criminal diversion agreement, that the  
19 person has satisfied the terms and conditions of the agreement. The state  
20 board of education may consider factors including, but not limited to, the  
21 following in determining whether to grant a license:

22 (1) The nature and seriousness of the offense or act;

23 (2) the conduct of the person subsequent to commission of the  
24 offense or act;

25 (3) the time elapsed since the commission of the offense or act;

26 (4) the age of the person at the time of the offense or act;

27 (5) whether the offense or act was an isolated or recurring incident;

28 and

29 (6) discharge from probation, pardon or expungement.

30 (d) Before any license is denied by the state board of education for  
31 any of the offenses or acts specified in subsections (a) and (b), the person  
32 shall be given notice and an opportunity for a hearing in accordance with  
33 the provisions of the Kansas administrative procedure act.

34 (e) The county or district attorney shall file a report with the state  
35 board of education indicating the name, address and social security  
36 number of any person who has been determined to have committed any  
37 offense or act specified in subsection (a) or (b) or to have entered into a  
38 criminal diversion agreement after having been charged with any offense  
39 or act specified in subsection (b). Such report shall be filed within 30 days  
40 of the date of the determination that the person has committed any such act  
41 or entered into any such diversion agreement.

42 (f) The state board of education shall not be liable for civil damages  
43 to any person refused issuance or renewal of a license by reason of the

1 state board's compliance, in good faith, with the provisions of this section.

2 Sec. 23. K.S.A. 2015 Supp. 75-52,148 is hereby amended to read as  
3 follows: 75-52,148. (a) The department of corrections shall be required to  
4 review and report on the following serious offenses committed by sex  
5 offenders, as defined by K.S.A. 22-4902, and amendments thereto, while  
6 such offenders are in the custody of the secretary of corrections:

7 (1) Murder in the first degree, as defined in K.S.A. 2015 Supp. 21-  
8 5402, and amendments thereto;

9 (2) murder in the second degree, as defined in K.S.A. 2015 Supp. 21-  
10 5403, and amendments thereto;

11 ~~(3) capital murder, as defined in K.S.A. 2015 Supp. 21-5401, and~~  
12 ~~amendments thereto~~ aggravated murder, as defined in section 2, and  
13 amendments thereto;

14 (4) rape, as defined in K.S.A. 2015 Supp. 21-5503, and amendments  
15 thereto;

16 (5) aggravated criminal sodomy, as defined in ~~subsection (b) of~~  
17 K.S.A. 2015 Supp. 21-5504(b), and amendments thereto;

18 (6) sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-  
19 5510, and amendments thereto;

20 (7) kidnapping as defined in ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-  
21 5408(a), and amendments thereto;

22 (8) aggravated kidnapping, as defined in ~~subsection (b) of~~ K.S.A.  
23 2015 Supp. 21-5408(b), and amendments thereto;

24 (9) criminal restraint, as defined in K.S.A. 2015 Supp. 21-5411, and  
25 amendments thereto;

26 (10) indecent solicitation of a child, as defined in ~~subsection (a) of~~  
27 K.S.A. 2015 Supp. 21-5508(a), and amendments thereto;

28 (11) aggravated indecent solicitation of a child, as defined in  
29 ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5508(b), and amendments thereto;

30 (12) indecent liberties with a child, as defined in ~~subsection (a) of~~  
31 K.S.A. 2015 Supp. 21-5506(a), and amendments thereto;

32 (13) aggravated indecent liberties with a child, as defined in  
33 ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5506(b), and amendments thereto;

34 (14) criminal sodomy, as defined in ~~subsection (a) of~~ K.S.A. 2015  
35 Supp. 21-5504(a), and amendments thereto;

36 (15) child abuse, as defined in K.S.A. 2015 Supp. 21-5602, and  
37 amendments thereto;

38 (16) aggravated robbery, as defined in ~~subsection (b) of~~ K.S.A. 2015  
39 Supp. 21-5420(b), and amendments thereto;

40 (17) burglary, as defined in ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-  
41 5807(a), and amendments thereto;

42 (18) aggravated burglary, as defined in ~~subsection (b) of~~ K.S.A. 2015  
43 Supp. 21-5807(b), and amendments thereto;

1 (19) theft, as defined in K.S.A. 2015 Supp. 21-5801, and amendments  
2 thereto;

3 (20) vehicular homicide, as defined in K.S.A. 2015 Supp. 21-5406,  
4 and amendments thereto;

5 (21) involuntary manslaughter while driving under the influence, as  
6 defined in ~~subsection (a)(3)~~ of K.S.A. 2015 Supp. 21-5405(a)(3), and  
7 amendments thereto; or

8 (22) stalking, as defined in K.S.A. 2015 Supp. 21-5427, and  
9 amendments thereto.

10 (b) The secretary of corrections shall submit such report to the  
11 speaker of the house of representatives and the president of the senate  
12 annually, beginning January 1, 2007.

13 Sec. 24. K.S.A. 2015 Supp. 21-5401, 21-5419, 21-6614, 21-6614f,  
14 21-6617, 21-6618, 21-6619, 21-6620, 21-6622, 21-6628, 21-6629, 21-  
15 6806, 22-3717, 22-4902, 22-4906, 38-2255, 38-2271, 38-2312, 38-2365,  
16 39-970, 65-5117, 72-1397 and 75-52,148 are hereby repealed.

17 Sec. 25. This act shall take effect and be in force from and after its  
18 publication in the statute book.