

SENATE BILL No. 373

By Committee on Judiciary

2-6

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sex offenses; selling sexual relations; promoting the sale of sexual
3 relations; buying sexual relations; amending K.S.A. 68-2255 and
4 K.S.A. 2019 Supp. 21-5401, 21-6328, 21-6419, 21-6420, 21-6421, 21-
5 6422, 22-2515, 22-2530, 22-3901, 22-4902, 22-4906, 38-2202, 38-
6 2287, 41-311, 41-2601, 60-31a02 and 60-4104 and repealing the
7 existing sections.
8

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

10 Section 1. K.S.A. 2019 Supp. 21-5401 is hereby amended to read as
11 follows: 21-5401. (a) Capital murder is the:

12 (1) Intentional and premeditated killing of any person in the
13 commission of kidnapping, as defined in K.S.A. 2019 Supp. 21-5408(a),
14 and amendments thereto, or aggravated kidnapping, as defined in K.S.A.
15 2019 Supp. 21-5408(b), and amendments thereto, when the kidnapping or
16 aggravated kidnapping was committed with the intent to hold such person
17 for ransom;

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

21 (3) intentional and premeditated killing of any person by an inmate or
22 prisoner confined in a state correctional institution, community
23 correctional institution or jail or while in the custody of an officer or
24 employee of a state correctional institution, community correctional
25 institution or jail;

26 (4) intentional and premeditated killing of the victim of one of the
27 following crimes in the commission of, or subsequent to, such crime:
28 Rape, as defined in K.S.A. 2019 Supp. 21-5503, and amendments thereto,
29 criminal sodomy, as defined in K.S.A. 2019 Supp. 21-5504(a)(3) or (4),
30 and amendments thereto, or aggravated criminal sodomy, as defined in
31 K.S.A. 2019 Supp. 21-5504(b), and amendments thereto, or any attempt
32 thereof, as defined in K.S.A. 2019 Supp. 21-5301, and amendments
33 thereto;

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

35 (6) intentional and premeditated killing of more than one person as a
36 part of the same act or transaction or in two or more acts or transactions

1 connected together or constituting parts of a common scheme or course of
2 conduct; or

3 (7) intentional and premeditated killing of a child under the age of 14
4 in the commission of kidnapping, as defined in K.S.A. 2019 Supp. 21-
5 5408(a), and amendments thereto, or aggravated kidnapping, as defined in
6 K.S.A. 2019 Supp. 21-5408(b), and amendments thereto, when the
7 kidnapping or aggravated kidnapping was committed with intent to
8 commit a sex offense upon or with the child or with intent that the child
9 commit or submit to a sex offense.

10 (b) For purposes of this section, "sex offense" means: Rape, as
11 defined in K.S.A. 2019 Supp. 21-5503, and amendments thereto;
12 aggravated indecent liberties with a child, as defined in K.S.A. 2019 Supp.
13 21-5506(b), and amendments thereto; aggravated criminal sodomy, as
14 defined in K.S.A. 2019 Supp. 21-5504(b), and amendments thereto; selling
15 ~~sexual relations~~ a sex act, as defined in K.S.A. 2019 Supp. 21-6419, and
16 amendments thereto; promoting the sale of ~~sexual relations~~ a sex act, as
17 defined in K.S.A. 2019 Supp. 21-6420, and amendments thereto;
18 commercial sexual exploitation of a child, as defined in K.S.A. 2019 Supp.
19 21-6422, and amendments thereto; sexual exploitation of a child, as
20 defined in K.S.A. 2019 Supp. 21-5510, and amendments thereto; internet
21 trading in child pornography, as defined in K.S.A. 2019 Supp. 21-5514(a),
22 and amendments thereto; aggravated internet trading in child pornography,
23 as defined in K.S.A. 2019 Supp. 21-5514(b), and amendments thereto; or
24 aggravated human trafficking, as defined in K.S.A. 2019 Supp. 21-
25 5426(b), and amendments thereto, if committed in whole or in part for the
26 purpose of the sexual gratification of the defendant or another.

27 (c) Capital murder or attempt to commit capital murder is an off-grid
28 person felony.

29 (d) The provisions of K.S.A. 2019 Supp. 21-5301(c), and
30 amendments thereto, shall not apply to a violation of attempting to commit
31 the crime of capital murder pursuant to this section.

32 Sec. 2. K.S.A. 2019 Supp. 21-6328 is hereby amended to read as
33 follows: 21-6328. As used in the Kansas racketeer influenced and corrupt
34 organization act:

35 (a) (1) "Beneficial interest" means:

36 (†) (A) The interest of a person as a beneficiary under any trust
37 arrangement pursuant to which a trustee holds legal or record title to real
38 property for the benefit of such person; or

39 (↔) (B) the interest of a person under any other form of express
40 fiduciary arrangement pursuant to which any other person holds legal or
41 record title to real property for the benefit of such person.

42 (2) The term "beneficial interest" does not include the interest of a
43 stock holder in a corporation or the interest of a partner in either a general

1 partnership or a limited partnership. A beneficial interest shall be deemed
2 to be located where the real property owned by the trustee is located.

3 (b) "Covered person" means any person who:

4 (1) Is a criminal street gang member or criminal street gang associate,
5 as defined in K.S.A. 2019 Supp. 21-6313, and amendments thereto;

6 (2) has engaged in or is engaging in any conduct prohibited by K.S.A.
7 2019 Supp. 21-5426, and amendments thereto, human trafficking or
8 aggravated human trafficking, or K.S.A. 2019 Supp. 21-6422, and
9 amendments thereto, commercial sexual exploitation of a child; or

10 (3) has engaged in or is engaging in any conduct prohibited by K.S.A.
11 2019 Supp. 21-5703, and amendments thereto, unlawful manufacturing of
12 controlled substances, or K.S.A. 2019 Supp. 21-5705, and amendments
13 thereto, unlawful cultivation or distribution of controlled substances.

14 (c) "Documentary material" means any book, paper, document,
15 writing, drawing, graph, chart, photograph, phonorecord, magnetic tape,
16 computer printout, other data compilation from which information can be
17 obtained or from which information can be translated into usable form, or
18 other tangible item.

19 (d) "Enterprise" means any individual, sole proprietorship,
20 partnership, corporation, business trust, union chartered under the laws of
21 this state, or other legal entity, or any unchartered union, association, or
22 group of individuals associated in fact although not a legal entity; and it
23 includes illicit as well as licit enterprises and governmental, as well as
24 other, entities. A criminal street gang, as defined in K.S.A. 2019 Supp. 21-
25 6313, and amendments thereto, constitutes an enterprise.

26 (e) "Pattern of racketeering activity" means engaging in at least two
27 incidents of racketeering activity that have the same or similar intents,
28 results, accomplices, victims or methods of commission or that otherwise
29 are interrelated by distinguishing characteristics and are not isolated
30 incidents, provided at least one of such incidents occurred after the
31 effective date of this act and that the last of such incidents occurred within
32 *5 five* years, excluding any period of imprisonment, after a prior incident
33 of racketeering activity.

34 (f) "Racketeering activity" means to commit, attempt to commit,
35 conspire to commit or to solicit, coerce or intimidate another person to
36 commit:

37 (1) Any felony or misdemeanor violation of: The felony provisions of
38 K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a
39 police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas
40 money transmitter act; article 12a of chapter 17 of the Kansas Statutes
41 Annotated, and amendments thereto, Kansas uniform securities act; K.S.A.
42 2019 Supp. 21-5401, and amendments thereto, capital murder; K.S.A.
43 2019 Supp. 21-5402, and amendments thereto, murder in the first degree;

1 K.S.A. 2019 Supp. 21-5403, and amendments thereto, murder in the
2 second degree; K.S.A. 2019 Supp. 21-5408, and amendments thereto,
3 kidnapping or aggravated kidnapping; K.S.A. 2019 Supp. 21-5412, and
4 amendments thereto; K.S.A. 2019 Supp. 21-5413, and amendments
5 thereto; K.S.A. 2019 Supp. 21-5414, and amendments thereto, domestic
6 battery; K.S.A. 2019 Supp. 21-5415, and amendments thereto, criminal
7 threat or aggravated criminal threat; K.S.A. 2019 Supp. 21-5420, and
8 amendments thereto, robbery or aggravated robbery; K.S.A. 2019 Supp.
9 21-5421, and amendments thereto, terrorism; K.S.A. 2019 Supp. 21-5422,
10 and amendments thereto, illegal use of weapons of mass destruction;
11 K.S.A. 2019 Supp. 21-5423, and amendments thereto; K.S.A. 2019 Supp.
12 21-5426, and amendments thereto, human trafficking or aggravated human
13 trafficking; K.S.A. 2019 Supp. 21-5428, and amendments thereto,
14 blackmail; K.S.A. 2019 Supp. 21-5510, and amendments thereto, sexual
15 exploitation of a child; K.S.A. 2019 Supp. 21-5601, and amendments
16 thereto, endangering a child or aggravated endangering a child; K.S.A.
17 2019 Supp. 21-5602, and amendments thereto, abuse of a child; K.S.A.
18 2019 Supp. 21-5603, and amendments thereto, contributing to a child's
19 misconduct or deprivation; K.S.A. 2019 Supp. 21-5607(b), and
20 amendments thereto, furnishing alcoholic beverages to a minor for illicit
21 purposes; article 57 of chapter 21 of the Kansas Statutes Annotated, and
22 amendments thereto, crimes involving controlled substances; K.S.A. 2019
23 Supp. 21-5801, and amendments thereto, theft; K.S.A. 2019 Supp. 21-
24 5803, and amendments thereto, criminal deprivation of property; K.S.A.
25 2019 Supp. 21-5805, and amendments thereto; K.S.A. 2019 Supp. 21-
26 5807, and amendments thereto, burglary or aggravated burglary; K.S.A.
27 2019 Supp. 21-5812, and amendments thereto, arson or aggravated arson;
28 K.S.A. 2019 Supp. 21-5813, and amendments thereto, criminal damage to
29 property; K.S.A. 2019 Supp. 21-5814, and amendments thereto, criminal
30 use of an explosive; K.S.A. 2019 Supp. 21-5818, and amendments thereto,
31 tampering with a pipeline; K.S.A. 2019 Supp. 21-5821, and amendments
32 thereto, giving a worthless check; K.S.A. 2019 Supp. 21-5823, and
33 amendments thereto, forgery; K.S.A. 2019 Supp. 21-5824, and
34 amendments thereto, making false information; K.S.A. 2019 Supp. 21-
35 5825, and amendments thereto, counterfeiting; K.S.A. 2019 Supp. 21-
36 5826, and amendments thereto, destroying written instrument; K.S.A.
37 2019 Supp. 21-5828, and amendments thereto, criminal use of a financial
38 card; K.S.A. 2019 Supp. 21-5838, and amendments thereto, conducting a
39 pyramid promotional scheme; K.S.A. 2019 Supp. 21-5839, and
40 amendments thereto; K.S.A. 2019 Supp. 21-5903, and amendments
41 thereto, perjury; K.S.A. 2019 Supp. 21-5904, and amendments thereto,
42 interference with law enforcement; K.S.A. 2019 Supp. 21-5905, and
43 amendments thereto, interference with the judicial process; K.S.A. 2019

1 Supp. 21-5909, and amendments thereto, intimidation of a witness or
2 victim or aggravated intimidation of a witness or victim; K.S.A. 2019
3 Supp. 21-5912, and amendments thereto, aiding escape; K.S.A. 2019
4 Supp. 21-5913, and amendments thereto, obstructing apprehension or
5 prosecution; K.S.A. 2019 Supp. 21-5918, and amendments thereto; K.S.A.
6 2019 Supp. 21-6001, and amendments thereto, bribery; K.S.A. 2019 Supp.
7 21-6002, and amendments thereto, official misconduct; K.S.A. 2019 Supp.
8 21-6301, and amendments thereto, criminal use of weapons; K.S.A. 2019
9 Supp. 21-6302, and amendments thereto, criminal carrying of a weapon;
10 K.S.A. 2019 Supp. 21-6303, and amendments thereto, criminal
11 distribution of firearms to a felon; K.S.A. 2019 Supp. 21-6304, and
12 amendments thereto, criminal possession of a firearm by a convicted felon;
13 K.S.A. 2019 Supp. 21-6305, and amendments thereto, aggravated weapons
14 violation by a convicted felon; K.S.A. 2019 Supp. 21-6306, and
15 amendments thereto, defacing identification marks of a firearm; K.S.A.
16 2019 Supp. 21-6308, and amendments thereto, criminal discharge of a
17 firearm; K.S.A. 2019 Supp. 21-6310, and amendments thereto, unlawful
18 endangerment; K.S.A. 2019 Supp. 21-6312, and amendments thereto;
19 K.S.A. 2019 Supp. 21-6314, and *amendments thereto, recruiting criminal*
20 *street gang membership*; K.S.A. 2019 Supp. 21-6315, and amendments
21 thereto, *criminal street gang intimidation*; K.S.A. 2019 Supp. 21-6401,
22 and amendments thereto, promoting obscenity or promoting obscenity to
23 minors; K.S.A. 2019 Supp. 21-6404, and amendments thereto, gambling;
24 K.S.A. 2019 Supp. 21-6405, and amendments thereto, illegal bingo
25 operation; K.S.A. 2019 Supp. 21-6406, and amendments thereto,
26 commercial gambling; K.S.A. 2019 Supp. 21-6407, and amendments
27 thereto, dealing in gambling devices; K.S.A. 2019 Supp. 21-6408, and
28 amendments thereto; K.S.A. 2019 Supp. 21-6409, and amendments
29 thereto, installing communication facilities for gamblers; K.S.A. 2019
30 Supp. 21-6414(a) or (b), and amendments thereto, unlawful conduct of dog
31 fighting or unlawful possession of dog fighting paraphernalia; K.S.A. 2019
32 Supp. 21-6417(a) or (b), and amendments thereto, unlawful conduct of
33 cockfighting or unlawful possession of cockfighting paraphernalia; K.S.A.
34 2019 Supp. 21-6419, and amendments thereto, ~~selling sexual relations a~~
35 ~~sex act~~; K.S.A. 2019 Supp. 21-6420, and amendments thereto, promoting
36 the sale of ~~sexual relations a sex act~~; K.S.A. 2019 Supp. 21-6422, and
37 amendments thereto, commercial sexual exploitation of a child; K.S.A.
38 2019 Supp. 21-6501, and amendments thereto, extortion; K.S.A. 2019
39 Supp. 21-6502, and amendments thereto, debt adjusting; K.S.A. 2019
40 Supp. 21-6504, and amendments thereto, equity skimming; K.S.A. 2019
41 Supp. 21-6506, and amendments thereto, commercial bribery; K.S.A. 2019
42 Supp. 21-6507, and amendments thereto, sports bribery; K.S.A. 2019
43 Supp. 21-6508, and amendments thereto, tampering with a sports contest;

1 K.S.A. 39-720, and amendments thereto, social welfare service fraud;
2 K.S.A. 40-2,118, and amendments thereto, fraudulent insurance acts;
3 K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor control act;
4 K.S.A. 44-5,125, and amendments thereto, workers' compensation act;
5 K.S.A. 65-1657, and amendments thereto, nonresident pharmacy
6 registration; K.S.A. 65-3441, and amendments thereto, hazardous waste;
7 K.S.A. 65-4167, and amendments thereto, trafficking in counterfeit drugs;
8 article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments
9 thereto, Kansas parimutuel racing act; or K.S.A. 79-3321, and
10 amendments thereto, Kansas cigarette and tobacco products act; or

11 (2) any conduct defined as "racketeering activity" under 18 U.S.C. §
12 1961(1).

13 (g) "Real property" means any real property or any interest in such
14 real property, including, but not limited to, any lease of or mortgage upon
15 such real property.

16 (h) "Trustee" means:

17 (1) Any person acting as trustee pursuant to a trust in which the
18 trustee holds legal or record title to real property;

19 (2) any person who holds legal or record title to real property in
20 which any other person has a beneficial interest; or

21 (3) any successor trustee or trustees to any or all of the foregoing
22 persons.

23 The term "trustee" does not include any person appointed or acting as a
24 personal representative as defined in K.S.A. 59-102, and amendments
25 thereto, or appointed or acting as a trustee of any testamentary trust or as a
26 trustee of any indenture of trust under which any bonds have been or are to
27 be issued.

28 (i) "Unlawful debt" means any money or other thing of value
29 constituting principal or interest of a debt that is legally unenforceable in
30 this state in whole or in part because the debt was incurred or contracted:

31 (1) In violation of any of the following provisions of law: Article 88
32 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto,
33 Kansas parimutuel racing act; K.S.A. 2019 Supp. 21-6404, and
34 amendments thereto, gambling; K.S.A. 2019 Supp. 21-6405, and
35 amendments thereto, illegal bingo operation; K.S.A. 2019 Supp. 21-6406,
36 and amendments thereto, commercial gambling; K.S.A. 2019 Supp. 21-
37 6407, and amendments thereto, dealing in gambling devices; K.S.A. 2019
38 Supp. 21-6408, and amendments thereto, unlawful possession of a
39 gambling device; or K.S.A. 2019 Supp. 21-6409, and amendments thereto,
40 installing communication facilities for gamblers; or

41 (2) in gambling activity in violation of federal law or in the business
42 of lending money at a rate usurious under state or federal law.

43 Sec. 3. K.S.A. 2019 Supp. 21-6419 is hereby amended to read as

1 follows: 21-6419. (a) Selling ~~sexual relations~~ *a sex act* is performing for
2 hire, or offering or agreeing to perform for hire where there is an exchange
3 of value, any of the following acts:

4 (1) Sexual intercourse;
5 (2) sodomy; or
6 (3) manual or other bodily contact stimulation of the genitals of any
7 person with the intent to arouse or gratify the sexual desires of the offender
8 or another.

9 (b) Selling ~~sexual relations~~ *a sex act* is a class B nonperson
10 misdemeanor.

11 (c) It shall be an affirmative defense to any prosecution under this
12 section that the defendant committed the violation of this section because
13 such defendant was subjected to human trafficking or aggravated human
14 trafficking, as defined by K.S.A. 2019 Supp. 21-5426, and amendments
15 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.
16 2019 Supp. 21-6422, and amendments thereto.

17 Sec. 4. K.S.A. 2019 Supp. 21-6420 is hereby amended to read as
18 follows: 21-6420. (a) Promoting the sale of ~~sexual relations~~ *a sex act* is
19 knowingly:

20 (1) Establishing, owning, maintaining or managing any property,
21 whether real or personal, where ~~sexual relations~~ *are a sex act* is being sold
22 or offered for sale by a person who is 18 years of age or older, or
23 participating in the establishment, ownership, maintenance or management
24 thereof;

25 (2) permitting any property, whether real or personal, partially or
26 wholly owned or controlled by the defendant to be used as a place where
27 ~~sexual relations~~ *are a sex act* is being sold or offered for sale by a person
28 who is 18 years of age or older;

29 (3) procuring a person selling ~~sexual relations~~ *a sex act* who is 18
30 years of age or older for a place where ~~sexual relations~~ *are a sex act* is
31 being sold or offered for sale;

32 (4) inducing another who is 18 years of age or older to become a
33 person who sells ~~sexual relations~~ *a sex act*;

34 (5) soliciting a patron for a person 18 years of age or older who is
35 selling ~~sexual relations~~ *a sex act* or for a place where ~~sexual relations~~ *are a*
36 *sex act* is being sold or offered for sale;

37 (6) procuring a person 18 years of age or older who is selling ~~sexual~~
38 ~~relations~~ *a sex act* for a patron;

39 (7) procuring transportation for, paying for the transportation of; or
40 transporting a person 18 years of age or older within this state with the
41 intention of assisting or promoting that person's engaging in the sale of
42 ~~sexual relations~~ *a sex act*; or

43 (8) being employed to perform any act ~~which~~ *that* is prohibited by

1 this section.

2 (b) (1) Promoting the sale of ~~sexual relations~~ *a sex act* is a:

3 (A) Severity level 9, person felony, except as provided in subsection
4 (b)(1)(B); and

5 (B) severity level 7, person felony when committed by a person who
6 has, prior to the commission of the crime, been convicted of a violation of
7 this section, or any prior version of this section.

8 (2) In addition to any other sentence imposed, a person convicted
9 under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more
10 than \$5,000. In addition to any other sentence imposed, a person convicted
11 under subsection (b)(1)(B) shall be fined not less than \$5,000. All fines
12 collected pursuant to this section shall be remitted to the human trafficking
13 victim assistance fund created by K.S.A. 75-758, and amendments thereto.

14 Sec. 5. K.S.A. 2019 Supp. 21-6421 is hereby amended to read as
15 follows: 21-6421. (a) Buying ~~sexual relations~~ *a sex act* is knowingly:

16 (1) Entering or remaining in a place where ~~sexual relations are~~ *a sex*
17 *act is* being sold or offered for sale with intent to engage in manual or
18 other bodily contact stimulation of the genitals of any person with the
19 intent to arouse or gratify the sexual desires of the offender or another,
20 sexual intercourse, sodomy or any unlawful sexual act with a person
21 selling ~~sexual relations~~ *a sex act* who is 18 years of age or older; or

22 (2) hiring a person selling ~~sexual relations~~ *a sex act* who is 18 years
23 of age or older to engage in manual or other bodily contact stimulation of
24 the genitals of any person with the intent to arouse or gratify the sexual
25 desires of the offender or another, sexual intercourse, sodomy or any
26 unlawful sexual act.

27 (b) (1) Buying ~~sexual relations~~ *a sex act* is a:

28 (A) Class A person misdemeanor, except as provided in subsection
29 (b)(1)(B); and

30 (B) severity level 9, person felony when committed by a person who
31 has, prior to the commission of the crime, been convicted of a violation of
32 this section, or any prior version of this section.

33 (2) In addition to any other sentence imposed, a person convicted
34 under this section shall be fined not less than \$1,200 nor more than \$5,000.
35 One-half of all fines collected pursuant to this section shall be remitted to
36 the human trafficking victim assistance fund created by K.S.A. 75-758,
37 and amendments thereto, and the remainder shall be remitted as otherwise
38 provided by law.

39 (3) In addition to any other sentence imposed, for any conviction
40 under this section, the court may order the person convicted to enter into
41 and complete a suitable educational or treatment program regarding
42 commercial sexual exploitation.

43 (c) For the purpose of determining whether a conviction is a first,

1 second or subsequent conviction in sentencing under this section:

2 (1) Convictions for a violation of this section, or any prior version of
3 this section, or a violation of an ordinance of any city or resolution of any
4 county ~~which~~ *that* prohibits the acts that this section prohibits, or entering
5 into a diversion agreement in lieu of further criminal proceedings on a
6 complaint alleging any such violations, shall be taken into account; and

7 (2) a person may enter into a diversion agreement in lieu of further
8 criminal proceedings for a violation of this section or an ordinance ~~which~~
9 *that* prohibits the acts of this section only once during the person's lifetime.

10 (d) (1) Nothing contained in this section shall be construed as
11 preventing any city from enacting ordinances, or any county from adopting
12 resolutions, declaring acts prohibited or made unlawful by this act as
13 unlawful or prohibited in such city or county and prescribing penalties for
14 violation thereof.

15 (2) The minimum penalty prescribed by any such ordinance or
16 resolution shall not be less than the minimum penalty prescribed by this
17 section for the same violation, and the maximum penalty in any such
18 ordinance or resolution shall not exceed the maximum penalty prescribed
19 for the same violation.

20 Sec. 6. K.S.A. 2019 Supp. 21-6422 is hereby amended to read as
21 follows: 21-6422. (a) Commercial sexual exploitation of a child is
22 knowingly:

23 (1) Hiring a person younger than 18 years of age by giving, or
24 offering or agreeing to give, anything of value to any person, to engage in
25 a manual or other bodily contact stimulation of the genitals of any person
26 with the intent to arouse or gratify the sexual desires of the offender or
27 another, sexual intercourse, sodomy or any unlawful sexual act;

28 (2) establishing, owning, maintaining or managing any property,
29 whether real or personal, where ~~sexual relations are a sex act is~~ being sold
30 or offered for sale by a person younger than 18 years of age, or
31 participating in the establishment, ownership, maintenance or management
32 thereof; or

33 (3) permitting any property, whether real or personal, partially or
34 wholly owned or controlled by the defendant to be used as a place where
35 ~~sexual relations are a sex act is~~ being sold or offered for sale by a person
36 who is younger than 18 years of age.

37 (b) (1) Commercial sexual exploitation of a child is a:

38 (A) Severity level 4, person felony, except as provided in subsections
39 (b)(1)(B) and (b)(2); and

40 (B) severity level 2, person felony when committed by a person who
41 has, prior to the commission of the crime, been convicted of a violation of
42 this section, except as provided in subsection (b)(2).

43 (2) Commercial sexual exploitation of a child or attempt, conspiracy

1 or criminal solicitation to commit commercial sexual exploitation of a
2 child is an off-grid person felony when the offender is 18 years of age or
3 older and the victim is less than 14 years of age.

4 (3) In addition to any other sentence imposed, a person convicted
5 under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more
6 than \$5,000. In addition to any other sentence imposed, a person convicted
7 under subsection (b)(1)(B) or (b)(2) shall be fined not less than \$5,000. All
8 fines collected pursuant to this section shall be remitted to the human
9 trafficking victim assistance fund created by K.S.A. 75-758, and
10 amendments thereto.

11 (4) In addition to any other sentence imposed, for any conviction
12 under this section, the court may order the person convicted to enter into
13 and complete a suitable educational or treatment program regarding
14 commercial sexual exploitation of a child.

15 (c) If the offender is 18 years of age or older and the victim is less
16 than 14 years of age, the provisions of:

17 (1) K.S.A. 2019 Supp. 21-5301(c), and amendments thereto, shall not
18 apply to a violation of attempting to commit the crime of commercial
19 sexual exploitation of a child pursuant to this section;

20 (2) K.S.A. 2019 Supp. 21-5302(d), and amendments thereto, shall not
21 apply to a violation of conspiracy to commit the crime of commercial
22 sexual exploitation of a child pursuant to this section; and

23 (3) K.S.A. 2019 Supp. 21-5303(d), and amendments thereto, shall not
24 apply to a violation of criminal solicitation to commit the crime of
25 commercial sexual exploitation of a child pursuant to this section.

26 Sec. 7. K.S.A. 2019 Supp. 22-2515 is hereby amended to read as
27 follows: 22-2515. (a) An ex parte order authorizing the interception of a
28 wire, oral or electronic communication may be issued by a judge of
29 competent jurisdiction. The attorney general, district attorney or county
30 attorney may make an application to any judge of competent jurisdiction
31 for an order authorizing the interception of a wire, oral or electronic
32 communication by an investigative or law enforcement officer and agency
33 having responsibility for the investigation of the offense regarding which
34 the application is made, when such interception may provide evidence of
35 the commission of any of the following offenses:

36 (1) Any crime directly and immediately affecting the safety of a
37 human life ~~which~~ that is a felony;

38 (2) murder;

39 (3) kidnapping;

40 (4) treason;

41 (5) sedition;

42 (6) racketeering;

43 (7) commercial bribery;

- 1 (8) robbery;
 - 2 (9) theft, if the offense would constitute a felony;
 - 3 (10) bribery;
 - 4 (11) any felony violation of K.S.A. 2019 Supp. 21-5701 through 21-
 - 5 5717, and amendments thereto;
 - 6 (12) commercial gambling;
 - 7 (13) sports bribery;
 - 8 (14) tampering with a sports contest;
 - 9 (15) aggravated escape;
 - 10 (16) aggravated failure to appear;
 - 11 (17) arson;
 - 12 (18) terrorism;
 - 13 (19) illegal use of weapons of mass destruction;
 - 14 (20) human trafficking or aggravated human trafficking;
 - 15 (21) sexual exploitation of a child;
 - 16 (22) commercial sexual exploitation of a child;
 - 17 (23) ~~buying sexual relations a sex act~~, promoting the sale of ~~sexual~~
 - 18 ~~relations a sex act~~ or selling ~~sexual relations a sex act~~; or
 - 19 (24) any conspiracy to commit any of the foregoing offenses.
- 20 (b) Any investigative or law enforcement officer who, by any means
21 authorized by this act or by chapter 119 of title 18 of the United States
22 code, has obtained knowledge of the contents of any wire, oral or
23 electronic communication, or evidence derived therefrom, may disclose
24 such contents to another investigative or law enforcement officer to the
25 extent that such disclosure is appropriate to the proper performance of the
26 official duties of the officer making or receiving the disclosure.
- 27 (c) Any investigative or law enforcement officer who, by any means
28 authorized by this act or by chapter 119 of title 18 of the United States
29 code, has obtained knowledge of the contents of any wire, oral or
30 electronic communication, or evidence derived therefrom, may use such
31 contents to the extent such use is appropriate to the proper performance of
32 such officer's official duties.
- 33 (d) Any person who has received, by any means authorized by this
34 act or by chapter 119 of title 18 of the United States code or by a like
35 statute of any other state, any information concerning a wire, oral or
36 electronic communication, or evidence derived therefrom, intercepted in
37 accordance with the provisions of this act, may disclose the contents of
38 such communication or such derivative evidence while giving testimony
39 under oath or affirmation in any criminal proceeding in any court, or
40 before any grand jury, of this state or of the United States or of any other
41 state.
- 42 (e) No otherwise privileged wire, oral or electronic communication
43 intercepted in accordance with, or in violation of, the provisions of this act

1 or of chapter 119 of title 18 of the United States code shall lose its
2 privileged character.

3 (f) When an investigative or law enforcement officer, while engaged
4 in intercepting wire, oral or electronic communications in the manner
5 authorized by this act, intercepts wire, oral or electronic communications
6 relating to offenses other than those specified in the order authorizing the
7 interception of the wire, oral or electronic communication, the contents
8 thereof and evidence derived therefrom may be disclosed or used as
9 provided in subsections (b) and (c) ~~of this section~~. Such contents and
10 evidence derived therefrom may be used under subsection (d) ~~of this~~
11 ~~section~~ when authorized or approved by a judge of competent jurisdiction,
12 where such judge finds on subsequent application, made as soon as
13 practicable, that the contents were otherwise intercepted in accordance
14 with the provisions of this act, or with chapter 119 of title 18 of the United
15 States code.

16 Sec. 8. K.S.A. 2019 Supp. 22-2530 is hereby amended to read as
17 follows: 22-2530. If a search warrant is executed ~~which~~ *that* authorizes a
18 search of real property based upon an alleged offense involving gambling,
19 obscenity, the sale of ~~sexual relations~~ *a sex act*, controlled substances or
20 liquor, a copy of the warrant shall be delivered to the last known address of
21 the owner of the property within two business days, excluding Saturdays,
22 Sundays and legal holidays, after execution of the warrant if such address
23 is different from the address of the property for which the warrant was
24 issued.

25 Sec. 9. K.S.A. 2019 Supp. 22-3901 is hereby amended to read as
26 follows: 22-3901. The following unlawful activities and the use of real or
27 personal property in maintaining and carrying on such activities are hereby
28 declared to be common nuisances:

- 29 (a) Commercial gambling;
- 30 (b) dealing in gambling devices;
- 31 (c) possession of gambling devices;
- 32 (d) promoting obscenity;
- 33 (e) promoting the sale of ~~sexual relations~~ *a sex act*;
- 34 (f) commercial sexual exploitation of a child;
- 35 (g) violations of any law regulating controlled substances;
- 36 (h) habitual violations of any law regulating the sale or exchange of
37 alcoholic liquor or cereal malt beverages, by any person not licensed
38 pursuant to chapter 41 of the Kansas Statutes Annotated, and amendments
39 thereto;
- 40 (i) habitual violations of any law regulating the sale or exchange of
41 cigarettes or tobacco products, by any person not licensed pursuant to
42 article 33 of chapter 79 of the Kansas Statutes Annotated, and amendments
43 thereto;

1 (j) any felony committed for the benefit of, at the direction of, or in
2 association with any criminal street gang, with the specific intent to
3 promote, further or assist in any criminal conduct by gang members. As
4 used in this subsection, "criminal street gang" means any organization,
5 association or group, whether formal or informal:

6 (1) Consisting of three or more persons;

7 (2) having as one of its primary activities the commission of one or
8 more person felonies, person misdemeanors, felony violations of K.S.A.
9 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, article 57
10 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
11 any felony violation of any provision of the uniform controlled substances
12 act prior to July 1, 2009, or the comparable juvenile offenses, which, if
13 committed by an adult, would constitute the commission of such felonies
14 or misdemeanors;

15 (3) ~~which~~ *that* has a common name or common identifying sign or
16 symbol; and

17 (4) whose members, individually or collectively engage in or have
18 engaged in the commission, attempted commission, conspiracy to commit
19 or solicitation of two or more person felonies, person misdemeanors,
20 felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior
21 to their transfer, article 57 of chapter 21 of the Kansas Statutes Annotated,
22 and amendments thereto, any felony violation of any provision of the
23 uniform controlled substances act prior to July 1, 2009, or the comparable
24 juvenile offenses, which, if committed by an adult, would constitute the
25 commission of such felonies or misdemeanors, or any substantially similar
26 offense from another jurisdiction; or

27 (k) use of pyrotechnics, pyrotechnic devices or pyrotechnic materials
28 in violation of K.S.A. 2019 Supp. 31-170, and amendments thereto.

29 Any real property used as a place where any such activities are carried
30 on or permitted to be carried on and any effects, equipment, paraphernalia,
31 fixtures, appliances, musical instruments or other personal property
32 designed for and used on such premises in connection with such unlawful
33 activities are subject to the provisions of K.S.A. 22-3902, 22-3903 and 22-
34 3904, and amendments thereto.

35 Sec. 10. K.S.A. 2019 Supp. 22-4902 is hereby amended to read as
36 follows: 22-4902. As used in the Kansas offender registration act, unless
37 the context otherwise requires:

38 (a) "Offender" means:

39 (1) A sex offender;

40 (2) a violent offender;

41 (3) a drug offender;

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

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

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

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

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

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

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

14 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
15 K.S.A. 2019 Supp. 21-5511, and amendments thereto;

16 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
17 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
18 thereto;

19 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
20 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
21 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

22 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
23 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
24 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

25 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
26 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto;

27 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
28 to its repeal, or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;

29 (6) is convicted of an attempt, conspiracy or criminal solicitation, as
30 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
31 K.S.A. 2019 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
32 of an offense defined in this subsection; or

33 (7) has been convicted of an offense that is comparable to any crime
34 defined in this subsection, or any out-of-state conviction for an offense that
35 under the laws of this state would be an offense defined in this subsection.

36 (c) "Sexually violent crime" means:

37 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
38 2019 Supp. 21-5503, and amendments thereto;

39 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
40 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;

41 (3) aggravated indecent liberties with a child, as defined in K.S.A.
42 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
43 amendments thereto;

1 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
2 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
3 amendments thereto;

4 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
5 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;

6 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
7 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
8 thereto;

9 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
10 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
11 amendments thereto;

12 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
13 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto;

14 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
15 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;

16 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
17 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;

18 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
19 repeal, and K.S.A. 2019 Supp. 21-5509, and amendments thereto;

20 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
21 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;

22 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
23 prior to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments
24 thereto, if committed in whole or in part for the purpose of the sexual
25 gratification of the defendant or another;

26 (14) commercial sexual exploitation of a child, as defined in K.S.A.
27 2019 Supp. 21-6422, and amendments thereto;

28 (15) promoting the sale of ~~sexual relations~~ *a sex act*, as defined in
29 K.S.A. 2019 Supp. 21-6420, and amendments thereto;

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

34 (17) an attempt, conspiracy or criminal solicitation, as defined in
35 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
36 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
37 violent crime, as defined in this subsection; or

38 (18) any act ~~which~~ *that* has been determined beyond a reasonable
39 doubt to have been sexually motivated, unless the court, on the record,
40 finds that the act involved non-forcible sexual conduct, the victim was at
41 least 14 years of age and the offender was not more than four years older
42 than the victim. As used in this paragraph, "sexually motivated" means that
43 one of the purposes for which the defendant committed the crime was for

1 the purpose of the defendant's sexual gratification.

2 (d) "Sexually violent predator" means any person who, on or after
3 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
4 59-29a01 et seq., and amendments thereto.

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

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

8 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
9 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;

10 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
11 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;

12 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
13 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;

14 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
15 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;

16 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
17 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
18 amendments thereto. The provisions of this paragraph shall not apply to
19 violations of K.S.A. 2019 Supp. 21-5405(a)(3), and amendments thereto,
20 ~~which~~ that occurred on or after July 1, 2011, through July 1, 2013;

21 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
22 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

23 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
24 repeal, or K.S.A. 2019 Supp. 21-5408(b), and amendments thereto;

25 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
26 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
27 a parent, and only when the victim is less than 18 years of age; or

28 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
29 to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments thereto, if
30 not committed in whole or in part for the purpose of the sexual
31 gratification of the defendant or another;

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

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

39 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
40 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
41 K.S.A. 2019 Supp. 21-5301, 21-5302 and 21-5303, and amendments
42 thereto, of an offense defined in this subsection.

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

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

2 (A) Unlawful manufacture or attempting such of any controlled
3 substance or controlled substance analog, as defined in K.S.A. 65-4159,
4 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
5 K.S.A. 2019 Supp. 21-5703, and amendments thereto;

6 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
7 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
8 ammonia or phenylpropanolamine, or their salts, isomers or salts of
9 isomers with intent to use the product to manufacture a controlled
10 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
11 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-5709(a),
12 and amendments thereto;

13 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
14 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
15 amendments thereto. The provisions of this paragraph shall not apply to
16 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
17 ~~which~~ that occurred on or after July 1, 2009, through April 15, 2010;

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

22 (3) is or has been convicted of an attempt, conspiracy or criminal
23 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
24 their repeal, or K.S.A. 2019 Supp. 21-5301, 21-5302 and 21-5303, and
25 amendments thereto, of an offense defined in this subsection.

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

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

40 (i) "Employment" means any full-time, part-time, transient, day-labor
41 employment or volunteer work, with or without compensation, for three or
42 more consecutive days or parts of days, or for 10 or more nonconsecutive
43 days in a period of 30 consecutive days.

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

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

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

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

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

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

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

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

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

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

38 (t) (1) Notwithstanding any other provision of this section, "offender"
39 shall not include any person who is:

40 (A) Convicted of unlawful transmission of a visual depiction of a
41 child, as defined in K.S.A. 2019 Supp. 21-5611(a), and amendments
42 thereto, aggravated unlawful transmission of a visual depiction of a child,
43 as defined in K.S.A. 2019 Supp. 21-5611(b), and amendments thereto, or

1 unlawful possession of a visual depiction of a child, as defined in K.S.A.
2 2019 Supp. 21-5610, and amendments thereto; or

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

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

9 Sec. 11. K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
10 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
11 of any of the following offenses, an offender's duration of registration shall
12 be, if confined, 15 years after the date of parole, discharge or release,
13 whichever date is most recent, or, if not confined, 15 years from the date of
14 conviction:

15 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
16 or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;

17 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
18 K.S.A. 2019 Supp. 21-5511, and amendments thereto, when one of the
19 parties involved is less than 18 years of age;

20 (C) promoting the sale of ~~sexual relations~~ *a sex act*, as defined in
21 K.S.A. 2019 Supp. 21-6420, and amendments thereto;

22 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
23 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
24 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
25 when one of the parties involved is less than 18 years of age;

26 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
27 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto,
28 when one of the parties involved is less than 18 years of age;

29 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
30 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;

31 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
32 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;

33 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
34 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;

35 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
36 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;

37 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
38 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
39 amendments thereto;

40 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
41 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
42 a parent, and only when the victim is less than 18 years of age;

43 (L) any act ~~which~~ *that* has been determined beyond a reasonable

1 doubt to have been sexually motivated, unless the court, on the record,
2 finds that the act involved non-forcible sexual conduct, the victim was at
3 least 14 years of age and the offender was not more than four years older
4 than the victim;

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

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

11 (O) unlawful manufacture or attempting such of any controlled
12 substance or controlled substance analog, as defined in K.S.A. 65-4159,
13 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
14 K.S.A. 2019 Supp. 21-5703, and amendments thereto;

15 (P) possession of ephedrine, pseudoephedrine, red phosphorus,
16 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
17 ammonia or phenylpropanolamine, or their salts, isomers or salts of
18 isomers with intent to use the product to manufacture a controlled
19 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
20 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-
21 5709(a), and amendments thereto;

22 (Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
23 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
24 amendments thereto; or

25 (R) any attempt, conspiracy or criminal solicitation, as defined in
26 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
27 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
28 offense defined in this subsection.

29 (2) Except as otherwise provided by the Kansas offender registration
30 act, the duration of registration terminates, if not confined, at the
31 expiration of 15 years from the date of conviction. Any period of time
32 during which any offender is incarcerated in any jail or correctional
33 facility or during which the offender does not comply with any and all
34 requirements of the Kansas offender registration act shall not count toward
35 the duration of registration.

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

41 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
42 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
43 thereto, when one of the parties involved is less than 18 years of age;

1 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
2 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
3 thereto;

4 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
5 repeal, or K.S.A. 2019 Supp. 21-5509, and amendments thereto;

6 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
7 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;

8 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
9 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;

10 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
11 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;

12 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
13 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if
14 the victim is 14 or more years of age but less than 18 years of age;

15 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
16 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;

17 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
18 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
19 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
20 the person selling ~~sexual relations~~ *a sex act* is 14 or more years of age but
21 less than 18 years of age; or

22 (J) 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. 2019
24 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
25 offense defined in this subsection.

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

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

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

39 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
40 2019 Supp. 21-5503, and amendments thereto;

41 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
42 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
43 amendments thereto;

1 (3) aggravated indecent liberties with a child, as defined in K.S.A.
2 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
3 amendments thereto;

4 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
5 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
6 amendments thereto;

7 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
8 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;

9 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
10 to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments thereto;

11 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
12 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if
13 the victim is less than 14 years of age;

14 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
15 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
16 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
17 the person selling ~~sexual relations~~ *a sex act* is less than 14 years of age;

18 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
19 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

20 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
21 repeal, or K.S.A. 2019 Supp. 21-5408(b), and amendments thereto;

22 (11) commercial sexual exploitation of a child, as defined in K.S.A.
23 2019 Supp. 21-6422, and amendments thereto; or

24 (12) any attempt, conspiracy or criminal solicitation, as defined in
25 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
26 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
27 offense defined in this subsection.

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

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

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

43 (2) not require registration if the court, on the record, finds substantial

1 and compelling reasons therefor; or

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

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

13 (g) Notwithstanding any other provisions of this section, for an
14 offender 14 years of age or more who is adjudicated as a juvenile offender
15 for an act which, if committed by an adult, would constitute a sexually
16 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
17 such crime is not an off-grid felony or a felony ranked in severity level 1
18 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
19 K.S.A. 2019 Supp. 21-6804, and amendments thereto, the court shall:

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

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

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

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

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

1 crime is an off-grid felony or a felony ranked in severity level 1 of the
2 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
3 2019 Supp. 21-6804, and amendments thereto, shall be required to register
4 for such offender's lifetime.

5 (i) Notwithstanding any other provision of law, if a diversionary
6 agreement or probation order, either adult or juvenile, or a juvenile
7 offender sentencing order, requires registration under the Kansas offender
8 registration act for an offense that would not otherwise require registration
9 as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all
10 provisions of the Kansas offender registration act shall apply, except that
11 the duration of registration shall be controlled by such diversionary
12 agreement, probation order or juvenile offender sentencing 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. 12. K.S.A. 2019 Supp. 38-2202 is hereby amended to read as
33 follows: 38-2202. As used in the revised Kansas code for care of children,
34 unless the context otherwise indicates:

35 (a) "Abandon" or "abandonment" means to forsake, desert or, without
36 making appropriate provision for substitute care, cease providing care for
37 the child.

38 (b) "Adult correction facility" means any public or private facility,
39 secure or nonsecure, that is used for the lawful custody of accused or
40 convicted adult criminal offenders.

41 (c) "Aggravated circumstances" means the abandonment, torture,
42 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

43 (d) "Child in need of care" means a person less than 18 years of age

1 at the time of filing of the petition or issuance of an ex parte protective
2 custody order pursuant to K.S.A. 2019 Supp. 38-2242, and amendments
3 thereto, who:

4 (1) Is without adequate parental care, control or subsistence and the
5 condition is not due solely to the lack of financial means of the child's
6 parents or other custodian;

7 (2) is without the care or control necessary for the child's physical,
8 mental or emotional health;

9 (3) has been physically, mentally or emotionally abused or neglected
10 or sexually abused;

11 (4) has been placed for care or adoption in violation of law;

12 (5) has been abandoned or does not have a known living parent;

13 (6) is not attending school as required by K.S.A. 72-977 or 72-1111,
14 and amendments thereto;

15 (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-
16 8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2019 Supp. 21-6301(a)(14),
17 and amendments thereto, or, except as provided in paragraph (12), does an
18 act which, when committed by a person under 18 years of age, is
19 prohibited by state law, city ordinance or county resolution, but which is
20 not prohibited when done by an adult;

21 (8) while less than 10 years of age, commits any act that if done by an
22 adult would constitute the commission of a felony or misdemeanor as
23 defined by K.S.A. 2019 Supp. 21-5102, and amendments thereto;

24 (9) is willfully and voluntarily absent from the child's home without
25 the consent of the child's parent or other custodian;

26 (10) is willfully and voluntarily absent at least a second time from a
27 court ordered or designated placement, or a placement pursuant to court
28 order, if the absence is without the consent of the person with whom the
29 child is placed or, if the child is placed in a facility, without the consent of
30 the person in charge of such facility or such person's designee;

31 (11) has been residing in the same residence with a sibling or another
32 person under 18 years of age, who has been physically, mentally or
33 emotionally abused or neglected, or sexually abused;

34 (12) while less than 10 years of age commits the offense defined in
35 K.S.A. 2019 Supp. 21-6301(a)(14), and amendments thereto;

36 (13) has had a permanent custodian appointed and the permanent
37 custodian is no longer able or willing to serve; or

38 (14) has been subjected to an act that would constitute human
39 trafficking or aggravated human trafficking, as defined by K.S.A. 2019
40 Supp. 21-5426, and amendments thereto, or commercial sexual
41 exploitation of a child, as defined by K.S.A. 2019 Supp. 21-6422, and
42 amendments thereto, or has committed an act which, if committed by an
43 adult, would constitute selling ~~sexual relations~~ a *sex act*, as defined by

1 K.S.A. 2019 Supp. 21-6419, and amendments thereto.

2 (e) "Citizen review board" is a group of community volunteers
3 appointed by the court and whose duties are prescribed by K.S.A. 2019
4 Supp. 38-2207 and 38-2208, and amendments thereto.

5 (f) "Civil custody case" includes any case filed under chapter 23 of
6 the Kansas Statutes Annotated, and amendments thereto, the Kansas
7 family law code, article 11 of chapter 38 of the Kansas Statutes Annotated,
8 and amendments thereto, determination of parentage, article 21 of chapter
9 59 of the Kansas Statutes Annotated, and amendments thereto, adoption
10 and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes
11 Annotated, and amendments thereto, guardians and conservators.

12 (g) "Court-appointed special advocate" means a responsible adult
13 other than an attorney guardian ad litem who is appointed by the court to
14 represent the best interests of a child, as provided in K.S.A. 2019 Supp.
15 38-2206, and amendments thereto, in a proceeding pursuant to this code.

16 (h) "Custody" whether temporary, protective or legal, means the
17 status created by court order or statute that vests in a custodian, whether an
18 individual or an agency, the right to physical possession of the child and
19 the right to determine placement of the child, subject to restrictions placed
20 by the court.

21 (i) "Extended out of home placement" means a child has been in the
22 custody of the secretary and placed with neither parent for 15 of the most
23 recent 22 months beginning 60 days after the date at which a child in the
24 custody of the secretary was removed from the child's home.

25 (j) "Educational institution" means all schools at the elementary and
26 secondary levels.

27 (k) "Educator" means any administrator, teacher or other professional
28 or paraprofessional employee of an educational institution who has
29 exposure to a pupil specified in K.S.A. ~~72-89b03(a)~~ 72-6143(a), and
30 amendments thereto.

31 (l) "Harm" means physical or psychological injury or damage.

32 (m) "Interested party" means the grandparent of the child, a person
33 with whom the child has been living for a significant period of time when
34 the child in need of care petition is filed, and any person made an
35 interested party by the court pursuant to K.S.A. 2019 Supp. 38-2241, and
36 amendments thereto, or Indian tribe seeking to intervene that is not a party.

37 (n) "Jail" means:

38 (1) An adult jail or lockup; or

39 (2) a facility in the same building or on the same grounds as an adult
40 jail or lockup, unless the facility meets all applicable standards and
41 licensure requirements under law and there is: (A) Total separation of the
42 juvenile and adult facility spatial areas such that there could be no
43 haphazard or accidental contact between juvenile and adult residents in the

1 respective facilities; (B) total separation in all juvenile and adult program
2 activities within the facilities, including recreation, education, counseling,
3 health care, dining, sleeping and general living activities; and (C) separate
4 juvenile and adult staff, including management, security staff and direct
5 care staff such as recreational, educational and counseling.

6 (o) "Juvenile detention facility" means any secure public or private
7 facility used for the lawful custody of accused or adjudicated juvenile
8 offenders that must not be a jail.

9 (p) "Juvenile intake and assessment worker" means a responsible
10 adult authorized to perform intake and assessment services as part of the
11 intake and assessment system established pursuant to K.S.A. 75-7023, and
12 amendments thereto.

13 (q) "Kinship care placement" means the placement of a child in the
14 home of an adult with whom the child or the child's parent already has
15 close emotional ties.

16 (r) "Law enforcement officer" means any person who by virtue of
17 office or public employment is vested by law with a duty to maintain
18 public order or to make arrests for crimes, whether that duty extends to all
19 crimes or is limited to specific crimes.

20 (s) "Multidisciplinary team" means a group of persons, appointed by
21 the court under K.S.A. 2019 Supp. 38-2228, and amendments thereto, that
22 has knowledge of the circumstances of a child in need of care.

23 (t) "Neglect" means acts or omissions by a parent, guardian or person
24 responsible for the care of a child resulting in harm to a child, or
25 presenting a likelihood of harm, and the acts or omissions are not due
26 solely to the lack of financial means of the child's parents or other
27 custodian. Neglect may include, but shall not be limited to:

28 (1) Failure to provide the child with food, clothing or shelter
29 necessary to sustain the life or health of the child;

30 (2) failure to provide adequate supervision of a child or to remove a
31 child from a situation that requires judgment or actions beyond the child's
32 level of maturity, physical condition or mental abilities and that results in
33 bodily injury or a likelihood of harm to the child; or

34 (3) failure to use resources available to treat a diagnosed medical
35 condition if such treatment will make a child substantially more
36 comfortable, reduce pain and suffering, or correct or substantially diminish
37 a crippling condition from worsening. A parent legitimately practicing
38 religious beliefs who does not provide specified medical treatment for a
39 child because of religious beliefs shall, not for that reason, be considered a
40 negligent parent; however, this exception shall not preclude a court from
41 entering an order pursuant to K.S.A. 2019 Supp. 38-2217(a)(2), and
42 amendments thereto.

43 (u) "Parent" when used in relation to a child or children, includes a

1 guardian and every person who is by law liable to maintain, care for or
2 support the child.

3 (v) "Party" means the state, the petitioner, the child, any parent of the
4 child and an Indian child's tribe intervening pursuant to the Indian child
5 welfare act.

6 (w) "Permanency goal" means the outcome of the permanency
7 planning process, which may be reintegration, adoption, appointment of a
8 permanent custodian or another planned permanent living arrangement.

9 (x) "Permanent custodian" means a judicially approved permanent
10 guardian of a child pursuant to K.S.A. 2019 Supp. 38-2272, and
11 amendments thereto.

12 (y) "Physical, mental or emotional abuse" means the infliction of
13 physical, mental or emotional harm or the causing of a deterioration of a
14 child and may include, but shall not be limited to, maltreatment or
15 exploiting a child to the extent that the child's health or emotional well-
16 being is endangered.

17 (z) "Placement" means the designation by the individual or agency
18 having custody of where and with whom the child will live.

19 (aa) "Qualified residential treatment program" means a program
20 designated by the secretary for children and families as a qualified
21 residential treatment program pursuant to federal law.

22 (bb) "Reasonable and prudent parenting standard" means the standard
23 characterized by careful and sensible parental decisions that maintain the
24 health, safety and best interests of a child while at the same time
25 encouraging the emotional and developmental growth of the child, that a
26 caregiver shall use when determining whether to allow a child in foster
27 care under the responsibility of the state to participate in extracurricular,
28 enrichment, cultural and social activities.

29 (cc) "Relative" means a person related by blood, marriage or
30 adoption.

31 (dd) "Runaway" means a child who is willfully and voluntarily absent
32 from the child's home without the consent of the child's parent or other
33 custodian.

34 (ee) "Secretary" means the secretary for children and families or the
35 secretary's designee.

36 (ff) "Secure facility" means a facility, other than a staff secure facility
37 or juvenile detention facility, that is operated or structured so as to ensure
38 that all entrances and exits from the facility are under the exclusive control
39 of the staff of the facility, whether or not the person being detained has
40 freedom of movement within the perimeters of the facility, or that relies on
41 locked rooms and buildings, fences or physical restraint in order to control
42 behavior of its residents. No secure facility shall be in a city or county jail.

43 (gg) "Sexual abuse" means any contact or interaction with a child in

1 which the child is being used for the sexual stimulation of the perpetrator,
2 the child or another person. Sexual abuse shall include, but is not limited to,
3 to, allowing, permitting or encouraging a child to:

4 (1) Be photographed, filmed or depicted in pornographic material; or

5 (2) be subjected to aggravated human trafficking, as defined in
6 K.S.A. 2019 Supp. 21-5426(b), and amendments thereto, if committed in
7 whole or in part for the purpose of the sexual gratification of the offender
8 or another, or be subjected to an act that would constitute conduct
9 proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated,
10 *and amendments thereto*, or K.S.A. 2019 Supp. 21-6419 or 21-6422, and
11 amendments thereto.

12 (hh) "Shelter facility" means any public or private facility or home,
13 other than a juvenile detention facility or staff secure facility, that may be
14 used in accordance with this code for the purpose of providing either
15 temporary placement for children in need of care prior to the issuance of a
16 dispositional order or longer term care under a dispositional order.

17 (ii) "Staff secure facility" means a facility described in K.S.A. 65-
18 535, and amendments thereto: (1) That does not include construction
19 features designed to physically restrict the movements and activities of
20 juvenile residents who are placed therein; (2) that may establish reasonable
21 rules restricting entrance to and egress from the facility; and (3) in which
22 the movements and activities of individual juvenile residents may, for
23 treatment purposes, be restricted or subject to control through the use of
24 intensive staff supervision. No staff secure facility shall be in a city or
25 county jail.

26 (jj) "Transition plan" means, when used in relation to a youth in the
27 custody of the secretary, an individualized strategy for the provision of
28 medical, mental health, education, employment and housing supports as
29 needed for the adult and, if applicable, for any minor child of the adult, to
30 live independently and specifically provides for the supports and any
31 services for which an adult with a disability is eligible including, but not
32 limited to, funding for home and community based services waivers.

33 (kk) "Youth residential facility" means any home, foster home or
34 structure that provides 24-hour-a-day care for children and that is licensed
35 pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and
36 amendments thereto.

37 Sec. 13. K.S.A. 2019 Supp. 38-2287 is hereby amended to read as
38 follows: 38-2287. (a) Whenever a child is in custody, as defined in K.S.A.
39 2019 Supp. 38-2202, and amendments thereto, and there is reason to
40 believe such child has been subjected to an act which would constitute
41 human trafficking or aggravated human trafficking, as defined by K.S.A.
42 2019 Supp. 21-5426, and amendments thereto, or commercial sexual
43 exploitation of a child, as defined by K.S.A. 2019 Supp. 21-6422, and

1 amendments thereto, or the child committed an act which, if committed by
2 an adult, would constitute selling ~~sexual relations~~ *a sex act*, as defined by
3 K.S.A. 2019 Supp. 21-6419, and amendments thereto, the court shall refer
4 the child to the secretary for children and families for an assessment to
5 determine safety, placement, treatment and service needs for the child. The
6 secretary shall use a validated, evidence-based assessment tool or
7 instrument to assess such needs and shall make appropriate
8 recommendations to the court. The secretary shall provide only a summary
9 of the results from the assessment tool or instrument, not the complete
10 assessment tool or instrument.

11 (b) When any law enforcement officer takes into custody any child as
12 provided in K.S.A. 2019 Supp. 38-2231(b)(3), and amendments thereto,
13 the law enforcement officer shall contact the department for children and
14 families to begin an assessment to determine safety, appropriate and timely
15 placement and appropriate services to meet the immediate needs of the
16 child.

17 (c) This section shall be *a* part of and supplemental to the revised
18 Kansas code for care of children.

19 Sec. 14. K.S.A. 2019 Supp. 41-311 is hereby amended to read as
20 follows: 41-311. (a) No license of any kind shall be issued pursuant to the
21 liquor control act to a person:

22 (1) Who is not a citizen of the United States;

23 (2) who has been convicted of a felony under the laws of this state,
24 any other state or the United States;

25 (3) who has had a license revoked for cause under the provisions of
26 the liquor control act, the beer and cereal malt beverage keg registration
27 act or who has had any license issued under the cereal malt beverage laws
28 of any state revoked for cause except that a license may be issued to a
29 person whose license was revoked for the conviction of a misdemeanor at
30 any time after the lapse of 10 years following the date of the revocation;

31 (4) who has been convicted of being the keeper or is keeping any
32 property, whether real or personal, where ~~sexual relations are~~ *a sex act is*
33 being sold or offered for sale by a person who is 18 years of age or older
34 or has forfeited bond to appear in court to answer charges of being a
35 keeper of any property, whether real or personal, where ~~sexual relations~~
36 ~~are~~ *a sex act is* being sold or offered for sale by a person who is 18 years
37 of age or older;

38 (5) who has been convicted of being a proprietor of a gambling
39 house, pandering or any other crime opposed to decency and morality or
40 has forfeited bond to appear in court to answer charges for any of those
41 crimes;

42 (6) who is not at least 21 years of age;

43 (7) who, other than as a member of the governing body of a city or

1 county, appoints or supervises any law enforcement officer, who is a law
2 enforcement official or who is an employee of the director;

3 (8) who intends to carry on the business authorized by the license as
4 agent of another;

5 (9) who at the time of application for renewal of any license issued
6 under this act would not be eligible for the license upon a first application,
7 except as provided by subsection (a)(12);

8 (10) who is the holder of a valid and existing license issued under
9 article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments
10 thereto, unless the person agrees to and does surrender the license to the
11 officer issuing the same upon the issuance to the person of a license under
12 this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and
13 amendments thereto, shall be eligible to receive a retailer's license under
14 the Kansas liquor control act;

15 (11) who does not own the premises for which a license is sought, or
16 does not, at the time of application, have a written lease thereon;

17 (12) whose spouse would be ineligible to receive a license under this
18 act for any reason other than citizenship, residence requirements or age,
19 except that this subsection (a)(12) shall not apply in determining eligibility
20 for a renewal license;

21 (13) whose spouse has been convicted of a felony or other crime
22 ~~which~~ *that* would disqualify a person from licensure under this section and
23 such felony or other crime was committed during the time that the spouse
24 held a license under this act;

25 (14) who does not provide any data or information required by
26 K.S.A. 2019 Supp. 41-311b, and amendments thereto; or

27 (15) who, after a hearing before the director, has been found to have
28 held an undisclosed beneficial interest in any license issued pursuant to the
29 liquor control act ~~which~~ *that* was obtained by means of fraud or any false
30 statement made on the application for such license.

31 (b) No retailer's license shall be issued to:

32 (1) A person who is not a resident of this state;

33 (2) a person who has not been a resident of this state for at least four
34 years immediately preceding the date of application;

35 (3) a person who has a beneficial interest in a manufacturer,
36 distributor, farm winery or microbrewery licensed under this act, except
37 that the spouse of an applicant for a retailer's license may own and hold a
38 farm winery license, microbrewery license, or both, if the spouse does not
39 hold a retailer's license issued under this act;

40 (4) a person who has a beneficial interest in any other retail
41 establishment licensed under this act, except that the spouse of a licensee
42 may own and hold a retailer's license for another retail establishment;

43 (5) a copartnership, unless all of the copartners are qualified to obtain

1 a license;

2 (6) a corporation; or

3 (7) a trust, if any grantor, beneficiary or trustee would be ineligible to
4 receive a license under this act for any reason, except that the provisions of
5 subsection (a)(6) shall not apply in determining whether a beneficiary
6 would be eligible for a license.

7 (c) No manufacturer's license shall be issued to:

8 (1) A corporation, if any officer or director thereof, or any
9 stockholder owning in the aggregate more than 25% of the stock of the
10 corporation would be ineligible to receive a manufacturer's license for any
11 reason other than citizenship and residence requirements;

12 (2) a copartnership, unless all of the copartners shall have been
13 residents of this state for at least five years immediately preceding the date
14 of application and unless all the members of the copartnership would be
15 eligible to receive a manufacturer's license under this act;

16 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
17 receive a license under this act for any reason, except that the provisions of
18 subsection (a)(6) shall not apply in determining whether a beneficiary
19 would be eligible for a license;

20 (4) an individual who is not a resident of this state;

21 (5) an individual who has not been a resident of this state for at least
22 five years immediately preceding the date of application; or

23 (6) a person who has a beneficial interest in a distributor, retailer,
24 farm winery or microbrewery licensed under this act, except as provided in
25 K.S.A. 41-305, and amendments thereto.

26 (d) No distributor's license shall be issued to:

27 (1) A corporation, if any officer, director or stockholder of the
28 corporation would be ineligible to receive a distributor's license for any
29 reason. It shall be unlawful for any stockholder of a corporation licensed
30 as a distributor to transfer any stock in the corporation to any person who
31 would be ineligible to receive a distributor's license for any reason, and
32 any such transfer shall be null and void, except that: (A) If any stockholder
33 owning stock in the corporation dies and an heir or devisee to whom stock
34 of the corporation descends by descent and distribution or by will is
35 ineligible to receive a distributor's license, the legal representatives of the
36 deceased stockholder's estate and the ineligible heir or devisee shall have
37 14 months from the date of the death of the stockholder within which to
38 sell the stock to a person eligible to receive a distributor's license, any such
39 sale by a legal representative to be made in accordance with the provisions
40 of the probate code; or (B) if the stock in any such corporation is the
41 subject of any trust and any trustee or beneficiary of the trust who is 21
42 years of age or older is ineligible to receive a distributor's license, the
43 trustee, within 14 months after the effective date of the trust, shall sell the

1 stock to a person eligible to receive a distributor's license and hold and
2 disburse the proceeds in accordance with the terms of the trust. If any legal
3 representatives, heirs, devisees or trustees fail, refuse or neglect to sell any
4 stock as required by this subsection, the stock shall revert to and become
5 the property of the corporation, and the corporation shall pay to the legal
6 representatives, heirs, devisees or trustees the book value of the stock.
7 During the period of 14 months prescribed by this subsection, the
8 corporation shall not be denied a distributor's license or have its
9 distributor's license revoked if the corporation meets all of the other
10 requirements necessary to have a distributor's license;

11 (2) a copartnership, unless all of the copartners are eligible to receive
12 a distributor's license;

13 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
14 receive a license under this act for any reason, except that the provisions of
15 subsection (a)(6) shall not apply in determining whether a beneficiary
16 would be eligible for a license; or

17 (4) a person who has a beneficial interest in a manufacturer, retailer,
18 farm winery or microbrewery licensed under this act.

19 (e) No nonbeverage user's license shall be issued to a corporation, if
20 any officer, manager or director of the corporation or any stockholder
21 owning in the aggregate more than 25% of the stock of the corporation
22 would be ineligible to receive a nonbeverage user's license for any reason
23 other than citizenship and residence requirements.

24 (f) No microbrewery license, microdistillery license or farm winery
25 license shall be issued to a:

26 (1) Person who is not a resident of this state;

27 (2) person who has a beneficial interest in a manufacturer or
28 distributor licensed under this act, except as provided in K.S.A. 41-305,
29 and amendments thereto;

30 (3) person, copartnership or association ~~which~~ *that* has a beneficial
31 interest in any retailer licensed under this act or under K.S.A. 41-2702, and
32 amendments thereto, except that the spouse of an applicant for a
33 microbrewery or farm winery license may own and hold a retailer's license
34 if the spouse does not hold a microbrewery or farm winery license issued
35 under this act;

36 (4) copartnership, unless all of the copartners are qualified to obtain a
37 license;

38 (5) corporation, unless stockholders owning in the aggregate 50% or
39 more of the stock of the corporation would be eligible to receive such
40 license and all other stockholders would be eligible to receive such license
41 except for reason of citizenship or residency; or

42 (6) a trust, if any grantor, beneficiary or trustee would be ineligible to
43 receive a license under this act for any reason, except that the provisions of

1 subsection (a)(6) shall not apply in determining whether a beneficiary
2 would be eligible for a license.

3 (g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),
4 (f)(1) and K.S.A. 2019 Supp. 41-311b, and amendments thereto, shall not
5 apply in determining eligibility for the 10th, or a subsequent, consecutive
6 renewal of a license if the applicant has appointed a citizen of the United
7 States who is a resident of Kansas as the applicant's agent and filed with
8 the director a duly authenticated copy of a duly executed power of
9 attorney, authorizing the agent to accept service of process from the
10 director and the courts of this state and to exercise full authority, control
11 and responsibility for the conduct of all business and transactions within
12 the state relative to alcoholic liquor and the business licensed. The agent
13 must be satisfactory to and approved by the director, except that the
14 director shall not approve as an agent any person who:

15 (1) Has been convicted of a felony under the laws of this state, any
16 other state or the United States;

17 (2) has had a license issued under the alcoholic liquor or cereal malt
18 beverage laws of this or any other state revoked for cause, except that a
19 person may be appointed as an agent if the person's license was revoked
20 for the conviction of a misdemeanor and 10 years have lapsed since the
21 date of the revocation;

22 (3) has been convicted of being the keeper or is keeping any property,
23 whether real or personal, where ~~sexual relations are a sex act~~ is being sold
24 or offered for sale by a person who is 18 years of age or older or has
25 forfeited bond to appear in court to answer charges of being a keeper of
26 any property, whether real or personal, where ~~sexual relations are a sex act~~
27 is being sold or offered for sale by a person who is 18 years of age or
28 older;

29 (4) has been convicted of being a proprietor of a gambling house,
30 pandering or any other crime opposed to decency and morality or has
31 forfeited bond to appear in court to answer charges for any of those
32 crimes; or

33 (5) is less than 21 years of age.

34 Sec. 15. K.S.A. 2019 Supp. 41-2601 is hereby amended to read as
35 follows: 41-2601. As used in the club and drinking establishment act:

36 (a) The following terms shall have the meanings provided by K.S.A.
37 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3)
38 "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

39 (b) "Beneficial interest" shall not include any interest a person may
40 have as owner, operator, lessee or franchise holder of a licensed hotel or
41 motel on the premises of which a club or drinking establishment is located.

42 (c) "Caterer" means an individual, partnership or corporation ~~which~~
43 that sells alcoholic liquor by the individual drink, and provides services

1 related to the serving thereof, on unlicensed premises ~~which~~ *that* may be
2 open to the public, but does not include a holder of a temporary permit,
3 selling alcoholic liquor in accordance with the terms of such permit.

4 (d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-
5 2701, and amendments thereto.

6 (e) "Class A club" means a premises ~~which~~ *that* is owned or leased by
7 a corporation, partnership, business trust or association and ~~which~~ is
8 operated thereby as a bona fide nonprofit social, fraternal or war veterans'
9 club, as determined by the director, for the exclusive use of the corporate
10 stockholders, partners, trust beneficiaries or associates ~~(, hereinafter~~
11 referred to as members), and their families and guests accompanying them.

12 (f) "Class B club" means a premises operated for profit by a
13 corporation, partnership or individual, to which members of such club may
14 resort for the consumption of food or alcoholic beverages and for
15 entertainment.

16 (g) "Club" means a class A or class B club.

17 (h) "Drinking establishment" means premises ~~which~~ *that* may be
18 open to the general public, where alcoholic liquor by the individual drink
19 is sold. "Drinking establishment" includes a railway car.

20 (i) "Food" means any raw, cooked or processed edible substance or
21 ingredient, other than alcoholic liquor or cereal malt beverage, used or
22 intended for use or for sale, in whole or in part, for human consumption.

23 (j) "Food service establishment" has the meaning provided by K.S.A.
24 36-501, and amendments thereto.

25 (k) "Hotel" has the meaning provided by K.S.A. 36-501, and
26 amendments thereto.

27 (l) "Individual drink" means a beverage containing alcoholic liquor or
28 cereal malt beverage served to an individual for consumption by such
29 individual or another individual, but which is not intended to be consumed
30 by two or more individuals. The term "individual drink" includes
31 beverages containing not more than: (1) Eight ounces of wine; (2) thirty-
32 two ounces of beer or cereal malt beverage; or (3) four ounces of a single
33 spirit or a combination of spirits.

34 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or
35 wholly or partially refrigerated, access to the interior of which is restricted
36 by means of a locking device which requires the use of a key, magnetic
37 card or similar device.

38 (n) "Minor" means a person under 21 years of age.

39 (o) "Morals charge" means a charge involving the sale of ~~sexual~~
40 ~~relations~~ *a sex act*; procuring any person; soliciting of a child under 18
41 years of age for any immoral act involving sex; possession or sale of
42 narcotics, marijuana, amphetamines or barbiturates; rape; incest;
43 gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

1 (p) "Municipal corporation" means the governing body of any county
2 or city.

3 (q) "Public venue" means an arena, stadium, hall or theater, used
4 primarily for athletic or sporting events, live concerts, live theatrical
5 productions or similar seasonal entertainment events, not operated on a
6 daily basis, and containing:

7 (1) Not less than 4,000 permanent seats; and

8 (2) not less than two private suites, which are enclosed or semi-
9 enclosed seating areas, having controlled access and separated from the
10 general admission areas by a permanent barrier.

11 (r) "Railway car" means a locomotive drawn conveyance used for the
12 transportation and accommodation of human passengers that is confined to
13 a fixed rail route and which derives from sales of food for consumption on
14 the railway car not less than 30% of its gross receipts from all sales of food
15 and beverages in a 12-month period.

16 (s) "Restaurant" means:

17 (1) In the case of a club, a licensed food service establishment ~~which~~
18 *that*, as determined by the director, derives from sales of food for
19 consumption on the licensed club premises not less than 50% of its gross
20 receipts from all sales of food and beverages on such premises in a 12-
21 month period;

22 (2) in the case of a drinking establishment subject to a food sales
23 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
24 food service establishment ~~which~~ *that*, as determined by the director,
25 derives from sales of food for consumption on the licensed drinking
26 establishment premises not less than 30% of its gross receipts from all
27 sales of food and beverages on such premises in a 12-month period; and

28 (3) in the case of a drinking establishment subject to no food sales
29 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
30 food service establishment.

31 (t) "RV resort" means premises where a place to park recreational
32 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered
33 for pay, primarily to transient guests, for overnight or longer use while
34 such recreational vehicles are used as sleeping or living accommodations.

35 (u) "Sample" means a serving of alcoholic liquor that contains not
36 more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or
37 (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed
38 alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

39 (v) "Secretary" means the secretary of revenue.

40 (w) "Temporary permit" means a temporary permit issued pursuant to
41 K.S.A. 2019 Supp. 41-1201, and amendments thereto.

42 Sec. 16. K.S.A. 2019 Supp. 60-31a02 is hereby amended to read as
43 follows: 60-31a02. As used in the protection from stalking, sexual assault

1 or human trafficking act:

2 (a) "Human trafficking" means any act that would constitute human
3 trafficking or aggravated human trafficking, as defined by K.S.A. 2019
4 Supp. 21-5426, and amendments thereto, or commercial sexual
5 exploitation of a child, as defined by K.S.A. 2019 Supp. 21-6422, and
6 amendments thereto, or an act that, if committed by an adult, would
7 constitute selling ~~sexual relations~~ *a sex act*, as defined by K.S.A. 2019
8 Supp. 21-6419, and amendments thereto.

9 (b) "Human trafficking victim" means a person who has been
10 subjected to an act that would constitute human trafficking or aggravated
11 human trafficking, as defined by K.S.A. 2019 Supp. 21-5426, and
12 amendments thereto, or commercial sexual exploitation of a child, as
13 defined by K.S.A. 2019 Supp. 21-6422, and amendments thereto, or has
14 committed an act that, if committed by an adult, would constitute selling
15 ~~sexual relations~~ *a sex act*, as defined by K.S.A. 2019 Supp. 21-6419, and
16 amendments thereto.

17 (c) "Sexual assault" means:

18 (1) A nonconsensual sexual act; or

19 (2) an attempted sexual act against another by force, threat of force,
20 duress or when the person is incapable of giving consent.

21 (d) "Stalking" means an intentional harassment of another person that
22 places the other person in reasonable fear for that person's safety.

23 (1) "Harassment" means a knowing and intentional course of conduct
24 directed at a specific person that seriously alarms, annoys, torments or
25 terrorizes the person, and that serves no legitimate purpose. "Harassment"
26 ~~shall include~~ *includes* any course of conduct carried out through the use of
27 an unmanned aerial system over or near any dwelling, occupied vehicle or
28 other place where one may reasonably expect to be safe from uninvited
29 intrusion or surveillance.

30 (2) "Course of conduct" means conduct consisting of two or more
31 separate acts over a period of time, however short, evidencing a continuity
32 of purpose ~~which~~ *that* would cause a reasonable person to suffer
33 substantial emotional distress. Constitutionally protected activity is not
34 included within the meaning of "course of conduct."

35 (e) "Unmanned aerial system" means a powered, aerial vehicle that:

36 (1) Does not carry a human operator;

37 (2) uses aerodynamic forces to provide vehicle lift;

38 (3) may fly autonomously or be piloted remotely;

39 (4) may be expendable or recoverable; and

40 (5) may carry a lethal or nonlethal payload.

41 Sec. 17. K.S.A. 2019 Supp. 60-4104 is hereby amended to read as
42 follows: 60-4104. Conduct and offenses giving rise to forfeiture under this
43 act, whether or not there is a prosecution or conviction related to the

1 offense, are:

- 2 (a) All offenses—~~which~~ *that* statutorily and specifically authorize
3 forfeiture;
- 4 (b) violations involving controlled substances, as described in K.S.A.
5 2019 Supp. 21-5701 through 21-5717, and amendments thereto;
- 6 (c) theft, as defined in K.S.A. 2019 Supp. 21-5801, and amendments
7 thereto;
- 8 (d) criminal discharge of a firearm, as defined in K.S.A. 2019 Supp.
9 21-6308(a)(1) and (a)(2), and amendments thereto;
- 10 (e) gambling, as defined in K.S.A. 2019 Supp. 21-6404, and
11 amendments thereto, and commercial gambling, as defined in K.S.A. 2019
12 Supp. 21-6406(a)(1), and amendments thereto;
- 13 (f) counterfeiting, as defined in K.S.A. 2019 Supp. 21-5825, and
14 amendments thereto;
- 15 (g) unlawful possession or use of a scanning device or reencoder, as
16 described in K.S.A. 2019 Supp. 21-6108, and amendments thereto;
- 17 (h) medicaid fraud, as described in K.S.A. 2019 Supp. 21-5925
18 through 21-5934, and amendments thereto;
- 19 (i) an act or omission occurring outside this state, ~~which~~ *that* would
20 be a violation in the place of occurrence and would be described in this
21 section if the act occurred in this state, whether or not it is prosecuted in
22 any state;
- 23 (j) an act or omission committed in furtherance of any act or omission
24 described in this section including any inchoate or preparatory offense,
25 whether or not there is a prosecution or conviction related to the act or
26 omission;
- 27 (k) any solicitation or conspiracy to commit any act or omission
28 described in this section, whether or not there is a prosecution or
29 conviction related to the act or omission;
- 30 (l) terrorism, as defined in K.S.A. 2019 Supp. 21-5421, and
31 amendments thereto, illegal use of weapons of mass destruction, as
32 defined in K.S.A. 2019 Supp. 21-5422, and amendments thereto, and
33 furtherance of terrorism or illegal use of weapons of mass destruction, as
34 described in K.S.A. 2019 Supp. 21-5423, and amendments thereto;
- 35 (m) unlawful conduct of dog fighting and unlawful possession of dog
36 fighting paraphernalia, as defined in K.S.A. 2019 Supp. 21-6414(a) and
37 (b), and amendments thereto;
- 38 (n) unlawful conduct of cockfighting and unlawful possession of
39 cockfighting paraphernalia, as defined in K.S.A. 2019 Supp. 21-6417(a)
40 and (b), and amendments thereto;
- 41 (o) selling ~~sexual relations~~ *a sex act*, as defined in K.S.A. 2019 Supp.
42 21-6419, and amendments thereto, promoting the sale of ~~sexual relations~~ *a*
43 *sex act*, as defined in K.S.A. 2019 Supp. 21-6420, and amendments

- 1 thereto, and buying ~~sexual relations~~ *a sex act*, as defined in K.S.A. 2019
2 Supp. 21-6421, and amendments thereto;
- 3 (p) human trafficking and aggravated human trafficking, as defined in
4 K.S.A. 2019 Supp. 21-5426, and amendments thereto;
- 5 (q) violations of the banking code, as described in K.S.A. 9-2012, and
6 amendments thereto;
- 7 (r) mistreatment of a dependent adult, as defined in K.S.A. 2019
8 Supp. 21-5417, and amendments thereto;
- 9 (s) giving a worthless check, as defined in K.S.A. 2019 Supp. 21-
10 5821, and amendments thereto;
- 11 (t) forgery, as defined in K.S.A. 2019 Supp. 21-5823, and
12 amendments thereto;
- 13 (u) making false information, as defined in K.S.A. 2019 Supp. 21-
14 5824, and amendments thereto;
- 15 (v) criminal use of a financial card, as defined in K.S.A. 2019 Supp.
16 21-5828, and amendments thereto;
- 17 (w) unlawful acts concerning computers, as described in K.S.A. 2019
18 Supp. 21-5839, and amendments thereto;
- 19 (x) identity theft and identity fraud, as defined in K.S.A. 2019 Supp.
20 21-6107(a) and (b), and amendments thereto;
- 21 (y) electronic solicitation, as defined in K.S.A. 2019 Supp. 21-5509,
22 and amendments thereto;
- 23 (z) felony violations of fleeing or attempting to elude a police officer,
24 as described in K.S.A. 8-1568, and amendments thereto;
- 25 (aa) commercial sexual exploitation of a child, as defined in K.S.A.
26 2019 Supp. 21-6422, and amendments thereto;
- 27 (bb) violations of the Kansas racketeer influenced and corrupt
28 organization act, as described in K.S.A. 2019 Supp. 21-6329, and
29 amendments thereto;
- 30 (cc) indecent solicitation of a child and aggravated indecent
31 solicitation of a child, as defined in K.S.A. 2019 Supp. 21-5508, and
32 amendments thereto;
- 33 (dd) sexual exploitation of a child, as defined in K.S.A. 2019 Supp.
34 21-5510, and amendments thereto; and
- 35 (ee) violation of a consumer protection order as defined in K.S.A.
36 2019 Supp. 21-6423, and amendments thereto.
- 37 Sec. 18. K.S.A. 68-2255 is hereby amended to read as follows: 68-
38 2255. (a) As used in this section:
- 39 (1) "Adult cabaret" means a nightclub, bar, restaurant or similar
40 commercial establishment ~~which~~ *that* regularly features:
- 41 (A) Persons who appear in a state of nudity or semi-nudity;
- 42 (B) live performances ~~which~~ *that* are characterized by the exposure of
43 specified anatomical areas or by specified sexual activities; or

1 (C) films, motion pictures, video cassettes, slides or other
2 photographic reproductions ~~which~~ *that* are characterized by the depiction
3 or description of specified sexual activities or specified anatomical areas;

4 (2) "nudity" or a "state of nudity" means the showing of the human
5 male or female genitals, pubic area, vulva, anus, anal cleft or cleavage
6 with less than a fully opaque covering, the showing of the female breast
7 with less than a fully opaque covering of any part of the nipple or the
8 showing of the covered male genitals in a discernibly turgid state;

9 (3) "semi-nudity" means a state of dress in which opaque clothing
10 fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva,
11 nipple and areola of the female breast below a horizontal line across the
12 top of the areola at its highest point. Semi-nudity shall include the entire
13 lower portion of the female breast, but shall not include any portion of the
14 cleavage of the human female breast exhibited by wearing apparel
15 provided the areola is not exposed in whole or part;

16 (4) "sexually-oriented business" means any business ~~which~~ *that* offers
17 its patrons goods of which a substantial portion are sexually-oriented
18 materials. Any business where more than 10% of display space is used for
19 sexually-oriented materials shall be presumed to be a sexually-oriented
20 business;

21 (5) "sexually-oriented materials" means any textual, pictorial or three
22 dimensional material that depicts nudity, sexual conduct, sexual
23 excitement or sadomasochistic abuse in a way ~~which~~ *that* is patently
24 offensive to the average person applying contemporary adult community
25 standards with respect to what is suitable for minors;

26 (6) "sign" or "outdoor advertising" means any outdoor sign, display,
27 device, notice, bulletin, figure, painting, drawing, message, placard, poster,
28 billboard or other thing ~~which~~ *that* is designed, intended or used to
29 advertise or inform, any part of the advertising or informative contents of
30 which is located within an adjacent area, and is visible from the state
31 highway.

32 (b) No sign or other outdoor advertising, for an adult cabaret or
33 sexually-oriented business shall be located within one mile of any state
34 highway except if such business is located within one mile of a state
35 highway then the business may display a maximum of two exterior signs
36 on the premises of the business, consisting of one identification sign and
37 one sign solely giving notice that the premises are off limits to minors. The
38 identification sign shall be no more than 40 square feet in size and shall
39 include no more than the following information: Name, street address,
40 telephone number and operating hours of the business.

41 (c) Signs existing at the time of the effective date of this act, ~~which~~
42 *that* did not conform to the requirements of this section, and amendments
43 thereto, may be allowed to continue as a nonconforming use, but should be

1 made to conform within three years from July 1, 2006.

2 (d) Any owner of such a business who violates the provisions of this
3 section shall be guilty of a class C misdemeanor. Each week a violation of
4 this section continues to exist shall constitute a separate offense.

5 (e) This section is designed to protect the following public policy
6 interests of this state, including, but not limited to:

7 (1) To mitigate the adverse secondary effects of sexually-oriented
8 businesses; (2) to improve traffic safety; (3) to limit harm to minors; and
9 (4) to reduce the sale of ~~sexual relations~~ *sex acts*, crime, juvenile
10 delinquency, deterioration in property values and lethargy in neighborhood
11 improvement efforts.

12 (f) The attorney general shall represent the state in all actions and
13 proceedings arising from this section, and amendments thereto. All costs
14 incurred by the attorney general to defend or prosecute this section,
15 including payment of all court costs, civil judgments and, if necessary, any
16 attorneys fees, shall be paid from the state general fund.

17 Sec. 19. K.S.A. 68-2255 and K.S.A. 2019 Supp. 21-5401, 21-6328,
18 21-6419, 21-6420, 21-6421, 21-6422, 22-2515, 22-2530, 22-3901, 22-
19 4902, 22-4906, 38-2202, 38-2287, 41-311, 41-2601, 60-31a02 and 60-
20 4104 are hereby repealed.

21 Sec. 20. This act shall take effect and be in force from and after its
22 publication in the statute book.