

SENATE BILL No. 385

By Senators Warren, Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pettey, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware and Wilborn

1-25

Proposed Amendments to
Senate Bill No. 385
Senate Committee on Judiciary
"Juvenile Offenders"
February 10, 2022
Prepared by: Jason Thompson
Office of Revisor of Statutes

1 AN ACT concerning the Kansas offender registration act; requiring
2 registration for certain violations of breach of privacy; amending
3 K.S.A. 2021 Supp. 22-4902 and 22-4906 and repealing the existing
4 sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2021 Supp. 22-4902 is hereby amended to read as
8 follows: 22-4902. As used in the Kansas offender registration act, unless
9 the context otherwise requires:

10 (a) "Offender" means:

11 (1) A sex offender;

12 (2) a violent offender;

13 (3) a drug offender;

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

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

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

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

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

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

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

29 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
30 K.S.A. 2021 Supp. 21-5511, and amendments thereto;

31 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
32 repeal, or K.S.A. 2021 Supp. 21-5504(a)(1) or (a)(2), and amendments
33 thereto;

- 1 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
2 repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by section
3 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
- 4 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
5 repeal, or K.S.A. 2021 Supp. 21-6421, prior to its amendment by section
6 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
- 7 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
8 to its repeal, or K.S.A. 2021 Supp. 21-5513, and amendments thereto;
- 9 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
10 to its repeal, or K.S.A. 2021 Supp. 21-5505(a), and amendments thereto;
- 11 (6) is convicted of sexual extortion, as defined in K.S.A. 2021 Supp.
12 21-5515, and amendments thereto;
- 13 (7) *is convicted of breach of privacy, as defined in K.S.A. 2021 Supp.*
14 *21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto;*
- 15 (8) is convicted of an attempt, conspiracy or criminal solicitation, as
16 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
17 K.S.A. 2021 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
18 of an offense defined in this subsection; or
- 19 ~~(8)(9)~~ has been convicted of an offense that is comparable to any
20 crime defined in this subsection, or any out-of-state conviction for an
21 offense that under the laws of this state would be an offense defined in this
22 subsection.
- 23 (c) "Sexually violent crime" means:
- 24 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
25 2021 Supp. 21-5503, and amendments thereto;
- 26 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
27 to its repeal, or K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;
- 28 (3) aggravated indecent liberties with a child, as defined in K.S.A.
29 21-3504, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(b), and
30 amendments thereto;
- 31 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
32 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and
33 amendments thereto;
- 34 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
35 to its repeal, or K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;
- 36 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
37 prior to its repeal, or K.S.A. 2021 Supp. 21-5508(a), and amendments
38 thereto;
- 39 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
40 21-3511, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(b), and
41 amendments thereto;
- 42 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
43 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto;

- 1 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
2 its repeal, or K.S.A. 2021 Supp. 21-5505(b), and amendments thereto;
- 3 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
4 repeal, or K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;
- 5 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
6 repeal, and K.S.A. 2021 Supp. 21-5509, and amendments thereto;
- 7 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
8 its repeal, or K.S.A. 2021 Supp. 21-5512, and amendments thereto;
- 9 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
10 prior to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments
11 thereto, if committed in whole or in part for the purpose of the sexual
12 gratification of the defendant or another;
- 13 (14) commercial sexual exploitation of a child, as defined in K.S.A.
14 2021 Supp. 21-6422, and amendments thereto;
- 15 (15) promoting the sale of sexual relations, as defined in K.S.A. 2021
16 Supp. 21-6420, and amendments thereto;
- 17 (16) any conviction or adjudication for an offense that is comparable
18 to a sexually violent crime as defined in this subsection, or any out-of-state
19 conviction or adjudication for an offense that under the laws of this state
20 would be a sexually violent crime as defined in this subsection;
- 21 (17) an attempt, conspiracy or criminal solicitation, as defined in
22 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021
23 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
24 violent crime, as defined in this subsection; or
- 25 (18) any act ~~which~~ *that* has been determined beyond a reasonable
26 doubt to have been sexually motivated, unless the court, on the record,
27 finds that the act involved non-forcible sexual conduct, the victim was at
28 least 14 years of age and the offender was not more than four years older
29 than the victim. As used in this paragraph, "sexually motivated" means that
30 one of the purposes for which the defendant committed the crime was for
31 the purpose of the defendant's sexual gratification.
- 32 (d) "Sexually violent predator" means any person who, on or after
33 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
34 59-29a01 et seq., and amendments thereto.
- 35 (e) "Violent offender" includes any person who:
- 36 (1) On or after July 1, 1997, is convicted of any of the following
37 crimes:
- 38 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
39 or K.S.A. 2021 Supp. 21-5401, and amendments thereto;
- 40 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
41 its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;
- 42 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
43 to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments thereto;

- 1 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
2 repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;
- 3 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
4 its repeal, or K.S.A. 2021 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
5 amendments thereto. The provisions of this paragraph shall not apply to
6 violations of K.S.A. 2021 Supp. 21-5405(a)(3), and amendments thereto,
7 ~~which~~ *that* occurred on or after July 1, 2011, through July 1, 2013;
- 8 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
9 K.S.A. 2021 Supp. 21-5408(a), and amendments thereto;
- 10 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
11 repeal, or K.S.A. 2021 Supp. 21-5408(b), and amendments thereto;
- 12 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
13 repeal, or K.S.A. 2021 Supp. 21-5411, and amendments thereto, except by
14 a parent, and only when the victim is less than 18 years of age; or
- 15 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
16 to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments thereto, if
17 not committed in whole or in part for the purpose of the sexual
18 gratification of the defendant or another;
- 19 (2) on or after July 1, 2006, is convicted of any person felony and the
20 court makes a finding on the record that a deadly weapon was used in the
21 commission of such person felony;
- 22 (3) has been convicted of an offense that is comparable to any crime
23 defined in this subsection, any out-of-state conviction for an offense that
24 under the laws of this state would be an offense defined in this subsection;
25 or
- 26 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
27 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
28 K.S.A. 2021 Supp. 21-5301, 21-5302 and 21-5303, and amendments
29 thereto, of an offense defined in this subsection.
- 30 (f) "Drug offender" includes any person who, on or after July 1, 2007:
- 31 (1) Is convicted of any of the following crimes:
- 32 (A) Unlawful manufacture or attempting such of any controlled
33 substance or controlled substance analog, as defined in K.S.A. 65-4159,
34 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
35 K.S.A. 2021 Supp. 21-5703, and amendments thereto;
- 36 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
37 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
38 ammonia or phenylpropanolamine, or their salts, isomers or salts of
39 isomers with intent to use the product to manufacture a controlled
40 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
41 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2021 Supp. 21-5709(a),
42 and amendments thereto;
- 43 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-

1 36a05(a)(1), prior to its transfer, or K.S.A. 2021 Supp. 21-5705(a)(1), and
2 amendments thereto. The provisions of this paragraph shall not apply to
3 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
4 ~~which~~ *that* occurred on or after July 1, 2009, through April 15, 2010;

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

9 (3) is or has been convicted of an attempt, conspiracy or criminal
10 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
11 their repeal, or K.S.A. 2021 Supp. 21-5301, 21-5302 and 21-5303, and
12 amendments thereto, of an offense defined in this subsection.

13 (g) Convictions or adjudications—~~which~~ *that* result from or are
14 connected with the same act, or result from crimes committed at the same
15 time, shall be counted for the purpose of this section as one conviction or
16 adjudication. Any conviction or adjudication set aside pursuant to law is
17 not a conviction or adjudication for purposes of this section. A conviction
18 or adjudication from any out-of-state court shall constitute a conviction or
19 adjudication for purposes of this section.

20 (h) "School" means any public or private educational institution,
21 including, but not limited to, postsecondary school, college, university,
22 community college, secondary school, high school, junior high school,
23 middle school, elementary school, trade school, vocational school or
24 professional school providing training or education to an offender for three
25 or more consecutive days or parts of days, or for 10 or more
26 nonconsecutive days in a period of 30 consecutive days.

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

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

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

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

43 (m) "Law enforcement agency having initial jurisdiction" means the

1 registering law enforcement agency of the county or location of
2 jurisdiction where the offender expects to most often reside upon the
3 offender's discharge, parole or release.

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

6 (o) "Registering entity" means any person, agency or other
7 governmental unit, correctional facility or registering law enforcement
8 agency responsible for obtaining the required information from, and
9 explaining the required registration procedures to, any person required to
10 register pursuant to the Kansas offender registration act. "Registering
11 entity" ~~shall include~~ *includes*, but *is not* ~~be~~ limited to, sheriff's offices,
12 tribal police departments and correctional facilities.

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

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

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

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

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

27 (A) Convicted of unlawful transmission of a visual depiction of a
28 child, as defined in K.S.A. 2021 Supp. 21-5611(a), and amendments
29 thereto, aggravated unlawful transmission of a visual depiction of a child,
30 as defined in K.S.A. 2021 Supp. 21-5611(b), and amendments thereto, or
31 unlawful possession of a visual depiction of a child, as defined in K.S.A.
32 2021 Supp. 21-5610, and amendments thereto;

33 (B) adjudicated as a juvenile offender for an act which ~~if~~ committed
34 by an adult ~~would~~ constitute the commission of a crime defined in
35 subsection (t)(1)(A); ~~or~~

36 (C) adjudicated as a juvenile offender for an act which ~~if~~ committed
37 by an adult ~~would~~ constitute the commission of sexual extortion as defined
38 in K.S.A. 2021 Supp. 21-5515, and amendments thereto;

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

42 Sec. 2. K.S.A. 2021 Supp. 22-4906 is hereby amended to read as
43 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted

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Strike in line 35

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; or
(D) adjudicated as a juvenile offender for an act which, if committed
by an adult, would constitute a violation of K.S.A. 2021 Supp.
21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto

1 of any of the following offenses, an offender's duration of registration shall
2 be, if confined, 15 years after the date of parole, discharge or release,
3 whichever date is most recent, or, if not confined, 15 years from the date of
4 conviction:

5 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
6 or K.S.A. 2021 Supp. 21-5505(a), and amendments thereto;

7 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
8 K.S.A. 2021 Supp. 21-5511, and amendments thereto, when one of the
9 parties involved is less than 18 years of age;

10 (C) promoting the sale of sexual relations, as defined in K.S.A. 2021
11 Supp. 21-6420, and amendments thereto;

12 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
13 repeal, or K.S.A. 2021 Supp. 21-6421, prior to its amendment by section
14 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
15 when one of the parties involved is less than 18 years of age;

16 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
17 to its repeal, or K.S.A. 2021 Supp. 21-5513, and amendments thereto,
18 when one of the parties involved is less than 18 years of age;

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

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

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

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

27 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
28 its repeal, or K.S.A. 2021 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
29 amendments thereto;

30 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
31 repeal, or K.S.A. 2021 Supp. 21-5411, and amendments thereto, except by
32 a parent, and only when the victim is less than 18 years of age;

33 (L) sexual extortion, as defined in K.S.A. 2021 Supp. 21-5515, and
34 amendments thereto, when one of the parties involved is less than 18 years
35 of age;

36 (M) *breach of privacy, as defined in K.S.A. 2021 Supp. 21-6101(a)*
37 *(6), (a)(7) or (a)(8), and amendments thereto;*

38 (N) 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;

43 ~~(N)~~(O) conviction of any person required by court order to register

1 for an offense not otherwise required as provided in the Kansas offender
2 registration act;

3 ~~(P)~~(P) conviction of any person felony and the court makes a finding
4 on the record that a deadly weapon was used in the commission of such
5 person felony;

6 ~~(Q)~~(Q) unlawful manufacture or attempting such of any controlled
7 substance or controlled substance analog, as defined in K.S.A. 65-4159,
8 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
9 K.S.A. 2021 Supp. 21-5703, and amendments thereto;

10 ~~(R)~~(R) possession of ephedrine, pseudoephedrine, red phosphorus,
11 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
12 ammonia or phenylpropanolamine, or their salts, isomers or salts of
13 isomers with intent to use the product to manufacture a controlled
14 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
15 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2021 Supp. 21-
16 5709(a), and amendments thereto;

17 ~~(S)~~(S) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
18 36a05(a)(1), prior to its transfer, or K.S.A. 2021 Supp. 21-5705(a)(1), and
19 amendments thereto; or

20 ~~(T)~~(T) any attempt, conspiracy or criminal solicitation, as defined in
21 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021
22 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
23 offense defined in this subsection.

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

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

36 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
37 repeal, or K.S.A. 2021 Supp. 21-5504(a)(1) or (a)(2), and amendments
38 thereto, when one of the parties involved is less than 18 years of age;

39 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
40 prior to its repeal, or K.S.A. 2021 Supp. 21-5508(a), and amendments
41 thereto;

42 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
43 repeal, or K.S.A. 2021 Supp. 21-5509, and amendments thereto;

- 1 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
2 repeal, or K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;
- 3 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
4 to its repeal, or K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;
- 5 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
6 its repeal, or K.S.A. 2021 Supp. 21-5512, and amendments thereto;
- 7 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
8 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto, if
9 the victim is 14 or more years of age but less than 18 years of age;
- 10 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
11 its repeal, or K.S.A. 2021 Supp. 21-5505(b), and amendments thereto;
- 12 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
13 repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by section
14 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
15 the person selling sexual relations is 14 or more years of age but less than
16 18 years of age; or
- 17 (J) any attempt, conspiracy or criminal solicitation, as defined in
18 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021
19 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
20 offense defined in this subsection.
- 21 (2) Except as otherwise provided by the Kansas offender registration
22 act, the duration of registration terminates, if not confined, at the
23 expiration of 25 years from the date of conviction. Any period of time
24 during which any offender is incarcerated in any jail or correctional
25 facility or during which the offender does not comply with any and all
26 requirements of the Kansas offender registration act shall not count toward
27 the duration of registration.
- 28 (c) Upon a second or subsequent conviction of an offense requiring
29 registration, an offender's duration of registration shall be for such
30 offender's lifetime.
- 31 (d) The duration of registration for any offender who has been
32 convicted of any of the following offenses shall be for such offender's
33 lifetime:
- 34 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
35 2021 Supp. 21-5503, and amendments thereto;
- 36 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
37 21-3511, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(b), and
38 amendments thereto;
- 39 (3) aggravated indecent liberties with a child, as defined in K.S.A.
40 21-3504, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(b), and
41 amendments thereto;
- 42 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
43 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and

1 amendments thereto;

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

4 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
5 to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments thereto;

6 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
7 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto, if
8 the victim is less than 14 years of age;

9 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
10 repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by section
11 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
12 the person selling sexual relations is less than 14 years of age;

13 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
14 K.S.A. 2021 Supp. 21-5408(a), and amendments thereto;

15 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
16 repeal, or K.S.A. 2021 Supp. 21-5408(b), and amendments thereto;

17 (11) commercial sexual exploitation of a child, as defined in K.S.A.
18 2021 Supp. 21-6422, and amendments thereto; or

19 (12) any attempt, conspiracy or criminal solicitation, as defined in
20 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021
21 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
22 offense defined in this subsection.

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

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

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

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

40 (3) require registration, but such registration information shall not be
41 open to inspection by the public or posted on any internet website, as
42 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
43 registration but such registration is not open to the public, such offender

1 shall provide a copy of such court order to the registering law enforcement
2 agency at the time of registration. The registering law enforcement agency
3 shall forward a copy of such court order to the Kansas bureau of
4 investigation.

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

8 (g) Notwithstanding any other provisions of this section, for an
9 offender 14 years of age or more who is adjudicated as a juvenile offender
10 for an act which ~~if committed by an adult would constitute a sexually~~
11 ~~violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and~~
12 ~~such crime is not an off-grid felony or a felony ranked in severity level 1~~
13 ~~of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or~~
14 ~~K.S.A. 2021 Supp. 21-6804, and amendments thereto, the court shall:~~

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

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

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

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

35 (h) Notwithstanding any other provisions of this section, an offender
36 14 years of age or more who is adjudicated as a juvenile offender for an
37 act which ~~if committed by an adult would constitute a sexually violent~~
38 ~~crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such~~
39 ~~crime is an off-grid felony or a felony ranked in severity level 1 of the~~
40 ~~nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.~~
41 ~~2021 Supp. 21-6804, and amendments thereto, shall be required to register~~
42 ~~for such offender's lifetime.~~

43 (i) Notwithstanding any other provision of law, if a diversionary

1 agreement or probation order, either adult or juvenile, or a juvenile
2 offender sentencing order, requires registration under the Kansas offender
3 registration act for an offense that would not otherwise require registration
4 as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all
5 provisions of the Kansas offender registration act shall apply, except that
6 the duration of registration shall be controlled by such diversionary
7 agreement, probation order or juvenile offender sentencing order.

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

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

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

27 Sec. 3. K.S.A. 2021 Supp. 22-4902 and 22-4906 are hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.