

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 117

As Further Amended by Senate Committee on
Judiciary

Brief*

SB 117 would make retroactive the coverage of the Kansas Offender Registration Act to any person who has been convicted of any of the acts listed in the law, on or after January 1, 1985.

The bill would add a provision to the definition of "sex offender" to include any person who has been convicted of any sexually violent crime and is currently in the custody of the Secretary of Corrections and will be released on probation, parole, conditional release, or post release supervision.

The bill changes the Offender Registration Act by modifying the ten-year required registration period for a conviction of a sexually violent crime to not apply while the person is incarcerated. In addition, the ten-year registration requirement does not include any time in which the person who is required to register knowingly or wilfully fails to comply with the registration requirement. Liability for registration does not terminate if the convicted offender again becomes liable to register during that period.

A juvenile offender adjudicated of a sexually violent offense is required to register under the Offender Registration Act until the offender reaches 18 years of age or after five years, if confined, from release of confinement. The five-year period also would not apply while the juvenile is incarcerated. The five-year period does not include any time period when the person required to register knowingly or wilfully fails to register. Liability for registration does not terminate if the adjudicated offender again becomes liable to register during the required period.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill also would require the State Department of Education to annually notify schools of the Kansas Bureau of Investigation's internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the school is located for the purposes of locating offenders who reside near the school. The Secretary of Health and Environment also would be required to annually notify any licensed child care facility of the Kansas Bureau of Investigation internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the facility is located for the purposes of locating offenders who reside near the facility. The notification requirement would include information that the sheriff of the county where the school or child care facility is located is available to the school and child care facilities to assist in using the registry and providing additional information on the registered offenders.

Background

The Senate Committee amended the bill by inserting January 1, 1980.

The Senate Committee of the Whole added an amendment to require The Kansas Bureau of Investigation to establish a procedure, through rules and regulations, to notify offenders who prior to July 1, 2005 were not required to register as offenders.

The bill was rereferred to the Senate Judiciary Committee.

The bill was supported by Senator Karin Brownlee and a sexual abuse survivor.

The Registration Act first applied to sex offenders on April 14, 1994 and to violent crime offenders on July 1, 1997.

The United States Supreme Court in *Smith et al v Doe et al*, 538 U.S. 84 (2003) upheld a retroactive application of the Alaska Sex Offenders Registration Act.

The fiscal note on the bill was not available.