

**House Substitute for SENATE BILL No. 40**

By Committee on Judiciary

3-23

1 AN ACT concerning human trafficking and related crimes; creating the  
2 crimes of unlawful use of communication facility, promoting travel for  
3 child exploitation, internet trading in child pornography and aggravated  
4 internet trading in child pornography; relating to training for  
5 commercial driver's license applicants; sexual exploitation of a child;  
6 buying sexual relations; commercial sexual exploitation of a child;  
7 offender registration; expungement of juvenile adjudications; victim  
8 compensation; amending K.S.A. 2016 Supp. 12-4120, 21-5426, 21-  
9 5510, 21-6421, 21-6422, 22-4902, 22-4906, 38-2312, 74-7305 and 75-  
10 759 and repealing the existing sections.

11

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

13 New Section 1. (a) It shall be unlawful for any person to knowingly  
14 or intentionally use any communication facility:

15 (1) In committing, causing, or facilitating the commission of any  
16 felony under K.S.A. 2016 Supp. 21-5426, 21-6422 or 21-6420, and  
17 amendments thereto;

18 (2) in any attempt to commit, any conspiracy to commit, or any  
19 criminal solicitation of any felony under K.S.A. 2016 Supp. 21-5426, 21-  
20 6422 or 21-6420, and amendments thereto; or

21 (3) in committing, causing, or facilitating the commission of any  
22 felony or misdemeanor under K.S.A. 2016 Supp. 21-6421, and  
23 amendments thereto, or in any attempt to commit, any conspiracy to  
24 commit, or any criminal solicitation of any felony or misdemeanor under  
25 K.S.A. 2016 Supp. 21-6421, and amendments thereto.

26 Each separate use of a communication facility may be charged as a  
27 separate offense under this subsection.

28 (b) (1) Violation of subsection (a)(1) or (a)(2) is a severity level 7,  
29 person felony.

30 (2) Violation of subsection (a)(3) is a class A person misdemeanor.

31 (c) As used in this section, "communication facility" means any and  
32 all public and private instrumentalities used or useful in the transmission  
33 of writing, signs, signals, pictures or sounds of all kinds and includes  
34 telephone, wire, radio, computer, computer networks, beepers, pagers and  
35 all other means of communication.

36 (d) It shall be an affirmative defense to any prosecution under this

1 section that the defendant committed the violation of this section because  
2 such defendant was subjected to human trafficking or aggravated human  
3 trafficking, as defined by K.S.A. 2016 Supp. 21-5426, and amendments  
4 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.  
5 2016 Supp. 21-6422, and amendments thereto.

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

8 New Sec. 2. (a) Promoting travel for child exploitation is knowingly  
9 selling or offering to sell travel services that include or facilitate travel for  
10 the purpose of any person engaging in conduct that would constitute a  
11 violation of K.S.A. 2016 Supp. 21-5426(b)(4) or (5) or 21-5510, and  
12 amendments thereto, if such conduct occurred in this state.

13 (b) Promoting travel for child exploitation is a severity level 5, person  
14 felony.

15 (c) As used in this section, "travel services" means transportation by  
16 air, sea or ground, hotel or any lodging accommodations, package tours, or  
17 vouchers or coupons to be redeemed for future travel or accommodations  
18 for a fee, commission or other valuable consideration.

19 (d) This section shall be part of and supplemental to the Kansas  
20 criminal code.

21 New Sec. 3. (a) Except as provided in K.S.A. 2016 Supp. 21-5610  
22 and 21-5611, and amendments thereto, internet trading in child  
23 pornography is sexual exploitation of a child, as defined in K.S.A. 2016  
24 Supp. 21-5510(a)(2), and amendments thereto, when the offender is 18  
25 years of age or older, and the offender knowingly causes or permits the  
26 visual depiction to be viewed, by use of any electronic device connected to  
27 the internet, by any person other than the offender or a person depicted in  
28 the visual depiction.

29 (b) Except as provided in K.S.A. 2016 Supp. 21-5610 and 21-5611,  
30 and amendments thereto, aggravated internet trading in child pornography  
31 is sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-  
32 5510(a)(1) or (4), and amendments thereto, when the offender is 18 years  
33 of age or older and the offender knowingly causes or permits the  
34 performance to be viewed, by use of any electronic device connected to  
35 the internet, by any person other than the offender or a person depicted in  
36 the performance.

37 (c) (1) Internet trading in child pornography is a severity level 5,  
38 person felony.

39 (2) Aggravated internet trading in child pornography is a severity  
40 level 3, person felony, except as provided in subsection (c)(3).

41 (3) Aggravated internet trading in child pornography or attempt,  
42 conspiracy or criminal solicitation to commit aggravated internet trading in  
43 child pornography is an off-grid person felony when the child is under 14

1 years of age.

2 (d) If the child is under 14 years of age, the provisions of:

3 (1) K.S.A. 2016 Supp. 21-5301(c), and amendments thereto, shall not  
4 apply to a violation of attempting to commit the crime of aggravated  
5 internet trading in child pornography pursuant to this section;

6 (2) K.S.A. 2016 Supp. 21-5302(d), and amendments thereto, shall not  
7 apply to a violation of conspiracy to commit the crime of aggravated  
8 internet trading in child pornography pursuant to this section; and

9 (3) K.S.A. 2016 Supp. 21-5303(d), and amendments thereto, shall not  
10 apply to a violation of criminal solicitation to commit the crime of  
11 aggravated internet trading in child pornography pursuant to this section.

12 (e) In addition to the venue provided for under any other provision of  
13 law, a prosecution for internet trading in child pornography or aggravated  
14 internet trading in child pornography may be brought in the county where  
15 the visual depiction or performance may be viewed by any person other  
16 than the offender using any electronic device connected to the internet and  
17 is viewed by a law enforcement officer using an electronic device  
18 connected to the internet while engaged in such officer's official duties.

19 (f) As used in this section, "the internet" has the meaning as provided  
20 in K.S.A. 66-2011, and amendments thereto.

21 (g) This section shall be part of and supplemental to the Kansas  
22 criminal code.

23 New Sec. 4. An applicant for issuance or renewal of a commercial  
24 driver's license, prior to such issuance or renewal, shall complete training  
25 approved by the attorney general in human trafficking identification and  
26 prevention and provide satisfactory proof of such completion to the  
27 division of vehicles of the department of revenue prior to such issuance or  
28 renewal. Not later than January 1, 2018, the attorney general shall, in  
29 consultation with the director of vehicles, promulgate rules and regulations  
30 to implement the provisions of this section.

31 Sec. 5. K.S.A. 2016 Supp. 12-4120 is hereby amended to read as  
32 follows: 12-4120. (a) On and after July 1, 2012, the amount of \$250 from  
33 each fine imposed for a violation of a city ordinance prohibiting the acts  
34 prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2016 Supp. 8-1025, and  
35 amendments thereto, shall be remitted by the judge or clerk of the  
36 municipal court to the state treasurer in accordance with the provisions of  
37 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
38 remittance, the state treasurer shall credit the entire amount to the  
39 community corrections supervision fund established by K.S.A. 2016 Supp.  
40 75-52,113, and amendments thereto.

41 (b) ~~On and after July 1, 2013, the amount of \$2,500 from~~ *One-half of*  
42 each fine imposed for a violation of a city ordinance prohibiting the acts  
43 prohibited by K.S.A. 2016 Supp. 21-6421, and amendments thereto, shall

1 be remitted by the judge or clerk of the municipal court to the state  
2 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
3 amendments thereto, *and the remainder shall be remitted as otherwise*  
4 *provided by law.* Upon receipt of each such remittance, the state treasurer  
5 shall credit the entire amount to the human trafficking victim assistance  
6 fund established by K.S.A. 2016 Supp. 75-758, and amendments thereto.

7 Sec. 6. K.S.A. 2016 Supp. 21-5426 is hereby amended to read as  
8 follows: 21-5426. (a) Human trafficking is:

9 (1) *Except as provided in subsection (b)(4) and (5),* the intentional  
10 recruitment, harboring, transportation, provision or obtaining of a person  
11 for labor or services, through the use of force, fraud or coercion for the  
12 purpose of subjecting the person to involuntary servitude or forced labor;

13 (2) intentionally benefitting financially or by receiving anything of  
14 value from participation in a venture that the person has reason to know  
15 has engaged in acts set forth in subsection (a)(1);

16 (3) knowingly coercing employment by obtaining or maintaining  
17 labor or services that are performed or provided by another person through  
18 any of the following:

19 (A) Causing or threatening to cause physical injury to any person;

20 (B) physically restraining or threatening to physically restrain another  
21 person;

22 (C) abusing or threatening to abuse the law or legal process;

23 (D) threatening to withhold food, lodging or clothing; or

24 (E) knowingly destroying, concealing, removing, confiscating or  
25 possessing any actual or purported government identification document of  
26 another person; or

27 (4) knowingly holding another person in a condition of peonage in  
28 satisfaction of a debt owed the person who is holding such other person.

29 (b) Aggravated human trafficking is ~~human trafficking, as defined in~~  
30 ~~subsection (a):~~

31 (1) *Human trafficking, as defined in subsection (a),* involving the  
32 commission or attempted commission of kidnapping, as defined in  
33 ~~subsection (a) of K.S.A. 2016 Supp. 21-5408(a), and amendments thereto;~~

34 (2) *human trafficking, as defined in subsection (a),* committed in  
35 whole or in part for the purpose of the sexual gratification of the defendant  
36 or another;

37 (3) *human trafficking, as defined in subsection (a),* resulting in a  
38 death; ~~or~~

39 (4) ~~involving~~ recruiting, harboring, transporting, providing or  
40 obtaining, by any means, a ~~person under 18 years of age~~ *child* knowing  
41 that the ~~person~~ *child*, with or without force, fraud, threat or coercion, will  
42 be used to engage in: (A) Forced labor; (B) involuntary servitude; or (C)  
43 sexual gratification of the defendant or another *involving the exchange of*

1 *anything of value; or*

2 *(5) hiring a child by giving, or offering or agreeing to give, anything*  
3 *of value to any person, to engage in manual or other bodily contact*  
4 *stimulation of the genitals of any person with the intent to arouse or*  
5 *gratify the sexual desires of the offender or another; sexual intercourse,*  
6 *sodomy or any unlawful sexual act, and the offender recklessly disregards*  
7 *the age of the child.*

8 (c) (1) Human trafficking is a severity level 2, person felony.

9 (2) Aggravated human trafficking is a severity level 1, person felony,  
10 except as provided in subsection (c)(3).

11 (3) Aggravated human trafficking or attempt, conspiracy or criminal  
12 solicitation to commit aggravated human trafficking is an off-grid person  
13 felony, when the offender is 18 years of age or older and the victim is less  
14 than 14 years of age.

15 (4) *In addition to any other sentence imposed, a person convicted*  
16 *under subsection (c)(1) shall be fined not less than \$2,500 nor more than*  
17 *\$5,000. In addition to any other sentence imposed, a person convicted*  
18 *under subsection (c)(2) or (c)(3) shall be fined not less than \$5,000. All*  
19 *finest collected pursuant to this section shall be remitted to the human*  
20 *trafficking victim assistance fund created by K.S.A. 2016 Supp. 75-758,*  
21 *and amendments thereto.*

22 (5) *In addition to any other sentence imposed, for any conviction*  
23 *under this section, the court may order the person convicted to enter into*  
24 *and complete a suitable educational or treatment program regarding*  
25 *commercial sexual exploitation of a child.*

26 (d) If the offender is 18 years of age or older and the victim is less  
27 than 14 years of age, the provisions of:

28 (1) ~~Subsection (e) of K.S.A. 2016 Supp. 21-5301(c), and amendments~~  
29 ~~thereto, shall not apply to a violation of attempting to commit the crime of~~  
30 ~~aggravated human trafficking pursuant to this section;~~

31 (2) ~~subsection (e) of K.S.A. 2016 Supp. 21-5302(d), and amendments~~  
32 ~~thereto, shall not apply to a violation of conspiracy to commit the crime of~~  
33 ~~aggravated human trafficking pursuant to this section; and~~

34 (3) ~~subsection (d) of K.S.A. 2016 Supp. 21-5303(d), and amendments~~  
35 ~~thereto, shall not apply to a violation of criminal solicitation to commit the~~  
36 ~~crime of aggravated human trafficking pursuant to this section.~~

37 (e) *It shall be an affirmative defense to any prosecution under*  
38 *subsection (b)(4) or (5) that the defendant: (1) Was under 18 years of age*  
39 *at the time of the violation; and (2) committed the violation because such*  
40 *defendant, at the time of the violation, was subjected to human trafficking*  
41 *or aggravated human trafficking, as defined by this section.*

42 (f) *It shall not be a defense to a charge of aggravated human*  
43 *trafficking, as defined in subsection (b)(4) or (5), that: (1) The victim*

1 *consented or willingly participated in the forced labor, involuntary*  
2 *servitude or sexual gratification of the defendant or another; or (2) the*  
3 *offender had no knowledge of the age of the victim.*

4 (g) *A person who violates the provisions of this section may also be*  
5 *prosecuted for, convicted of, and punished for commercial sexual*  
6 *exploitation of a child, as defined by K.S.A. 2016 Supp. 21-6422, and*  
7 *amendments thereto, or for any form of homicide.*

8 (h) The provisions of this section shall not apply to the use of the  
9 labor of any person incarcerated in a state or county correctional facility or  
10 city jail.

11 ~~(i)~~ (i) As used in this section—:

12 (1) "Child" means a person under 18 years of age; and

13 (2) "peonage" means a condition of involuntary servitude in which  
14 the victim is forced to work for another person by the use or threat of  
15 physical restraint or physical injury, or by the use or threat of coercion  
16 through law or the legal process.

17 Sec. 7. K.S.A. 2016 Supp. 21-5510 is hereby amended to read as  
18 follows: 21-5510. (a) Except as provided in K.S.A. 2016 Supp. 21-5610  
19 and 21-5611, and amendments thereto, sexual exploitation of a child is:

20 (1) Employing, using, persuading, inducing, enticing or coercing a  
21 child under 18 years of age, or a person whom the offender believes to be a  
22 child under 18 years of age, to engage in sexually explicit conduct with the  
23 intent to promote any performance;

24 (2) possessing any visual depiction of a child under 18 years of age  
25 shown or heard engaging in sexually explicit conduct with intent to arouse  
26 or satisfy the sexual desires or appeal to the prurient interest of the  
27 offender or any other person;

28 (3) being a parent, guardian or other person having custody or control  
29 of a child under 18 years of age and knowingly permitting such child to  
30 engage in, or assist another to engage in, sexually explicit conduct for any  
31 purpose described in subsection (a)(1) or (2); or

32 (4) promoting any performance that includes sexually explicit  
33 conduct by a child under 18 years of age, or a person whom the offender  
34 believes to be a child under 18 years of age, knowing the character and  
35 content of the performance.

36 (b) (1) Sexual exploitation of a child as defined in:

37 (A) Subsection (a)(2) or (a)(3) is a severity level 5, person felony;  
38 and

39 (B) subsection (a)(1) or (a)(4) is a severity level ~~5~~ 3, person felony,  
40 except as provided in subsection (b)(2).

41 (2) Sexual exploitation of a child as defined in subsection (a)(1) or (a)  
42 (4) or attempt, conspiracy or criminal solicitation to commit sexual  
43 exploitation of a child as defined in subsection (a)(1) or (a)(4) is an off-

1 grid person felony, when the offender is 18 years of age or older and the  
2 child is under 14 years of age.

3 (c) If the offender is 18 years of age or older and the child is under 14  
4 years of age, the provisions of:

5 (1) K.S.A. 2016 Supp. 21-5301(c), and amendments thereto, shall not  
6 apply to a violation of attempting to commit the crime of sexual  
7 exploitation of a child as defined in subsection (a)(1) or (a)(4);

8 (2) K.S.A. 2016 Supp. 21-5302~~(e)~~(d), and amendments thereto, shall  
9 not apply to a violation of conspiracy to commit the crime of sexual  
10 exploitation of a child as defined in subsection (a)(1) or (a)(4); and

11 (3) K.S.A. 2016 Supp. 21-5303(d), and amendments thereto, shall not  
12 apply to a violation of criminal solicitation to commit the crime of sexual  
13 exploitation of a child as defined in subsection (a)(1) or (a)(4).

14 (d) As used in this section:

15 (1) "Sexually explicit conduct" means actual or simulated: Exhibition  
16 in the nude; sexual intercourse or sodomy, including genital-genital, oral-  
17 genital, anal-genital or oral-anal contact, whether between persons of the  
18 same or opposite sex; masturbation; sado-masochistic abuse with the intent  
19 of sexual stimulation; or lewd exhibition of the genitals, female breasts or  
20 pubic area of any person;

21 (2) "promoting" means procuring, transmitting, distributing,  
22 circulating, presenting, producing, directing, manufacturing, issuing,  
23 publishing, displaying, exhibiting or advertising:

24 (A) For pecuniary profit; or

25 (B) with intent to arouse or gratify the sexual desire or appeal to the  
26 prurient interest of the offender or any other person;

27 (3) "performance" means any film, photograph, negative, slide, book,  
28 magazine or other printed or visual medium, any audio tape recording or  
29 any photocopy, video tape, video laser disk, computer hardware, software,  
30 floppy disk or any other computer related equipment or computer  
31 generated image that contains or incorporates in any manner any film,  
32 photograph, negative, photocopy, video tape or video laser disk or any  
33 play or other live presentation;

34 (4) "nude" means any state of undress in which the human genitals,  
35 pubic region, buttock or female breast, at a point below the top of the  
36 areola, is less than completely and opaquely covered; and

37 (5) "visual depiction" means any photograph, film, video picture,  
38 digital or computer-generated image or picture, whether made or produced  
39 by electronic, mechanical or other means.

40 (e) The provisions of this section shall not apply to possession of a  
41 visual depiction of a child in a state of nudity if the person possessing such  
42 visual depiction is the child who is the subject of such visual depiction.

43 Sec. 8. K.S.A. 2016 Supp. 21-6421 is hereby amended to read as

1 follows: 21-6421. (a) Buying sexual relations is knowingly:

2 (1) Entering or remaining in a place where sexual relations are being  
3 sold or offered for sale with intent to engage in manual or other bodily  
4 contact stimulation of the genitals of any person with the intent to arouse  
5 or gratify the sexual desires of the offender or another, sexual intercourse,  
6 sodomy or any unlawful sexual act with a person selling sexual relations  
7 who is 18 years of age or older; or

8 (2) hiring a person selling sexual relations who is 18 years of age or  
9 older to engage in manual or other bodily contact stimulation of the  
10 genitals of any person with the intent to arouse or gratify the sexual desires  
11 of the offender or another, sexual intercourse, sodomy or any unlawful  
12 sexual act.

13 (b) (1) Buying sexual relations is a:

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

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

19 (2) In addition to any other sentence imposed, a person convicted  
20 under subsection (b)(1)(A) shall be fined \$2,500. In addition to any other  
21 sentence imposed, a person convicted under subsection (b)(1)(B) this  
22 section shall be fined not less than \$1,200 nor more than \$5,000. One-half  
23 of all fines collected pursuant to this section shall be remitted to the human  
24 trafficking victim assistance fund created by K.S.A. 2016 Supp. 75-758,  
25 and amendments thereto, and the remainder shall be remitted as otherwise  
26 provided by law.

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

31 (c) For the purpose of determining whether a conviction is a first,  
32 second or subsequent conviction in sentencing under this section:

33 (1) Convictions for a violation of this section, or any prior version of  
34 this section, or a violation of an ordinance of any city or resolution of any  
35 county which prohibits the acts that this section prohibits, or entering into  
36 a diversion agreement in lieu of further criminal proceedings on a  
37 complaint alleging any such violations, shall be taken into account; and

38 (2) a person may enter into a diversion agreement in lieu of further  
39 criminal proceedings for a violation of this section or an ordinance which  
40 prohibits the acts of this section only once during the person's lifetime.

41 (d) (1) Nothing contained in this section shall be construed as  
42 preventing any city from enacting ordinances, or any county from adopting  
43 resolutions, declaring acts prohibited or made unlawful by this act as



1 unlawful or prohibited in such city or county and prescribing penalties for  
2 violation thereof.

3 (2) The minimum penalty prescribed by any such ordinance or  
4 resolution shall not be less than the minimum penalty prescribed by this  
5 section for the same violation, and the maximum penalty in any such  
6 ordinance or resolution shall not exceed the maximum penalty prescribed  
7 for the same violation.

8 Sec. 9. K.S.A. 2016 Supp. 21-6422 is hereby amended to read as  
9 follows: 21-6422. (a) Commercial sexual exploitation of a child is  
10 knowingly:

11 (1) ~~Giving, receiving, offering or agreeing to give, or offering or~~  
12 ~~agreeing to receive anything of value to perform any of the following acts:~~

13 (A) ~~Procuring, recruiting, inducing, soliciting, hiring or otherwise~~  
14 ~~obtaining any person younger than 18 years of age to engage in sexual~~  
15 ~~intercourse, sodomy or manual or other bodily contact stimulation of the~~  
16 ~~genitals of any person with the intent to arouse or gratify the sexual desires~~  
17 ~~of the offender or another; or~~

18 (B) ~~procuring, recruiting, inducing, soliciting, hiring or otherwise~~  
19 ~~obtaining a patron where there is an exchange of value, for any person~~  
20 ~~younger than 18 years of age to engage in sexual intercourse, sodomy or~~  
21 ~~manual or other bodily contact stimulation of the genitals of any person~~  
22 ~~with the intent to arouse or gratify the sexual desires of the patron, the~~  
23 ~~offender or another;~~

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

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

37 (4) ~~procuring transportation for, paying for the transportation of or~~  
38 ~~transporting any person younger than 18 years of age within this state with~~  
39 ~~the intent of causing, assisting or promoting that person's engaging in~~  
40 ~~selling sexual relations.~~

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

42 (A) Severity level—5 4, person felony, except as provided in  
43 subsections (b)(1)(B) and (b)(2); and

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

4 (2) Commercial sexual exploitation of a child or attempt, conspiracy  
5 or criminal solicitation to commit commercial sexual exploitation of a  
6 child is an off-grid person felony when the offender is 18 years of age or  
7 older and the victim is less than 14 years of age.

8 (3) 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) or ~~subsection (b)(2)~~ shall be fined not less than  
12 \$5,000. All fines collected pursuant to this section shall be remitted to the  
13 human trafficking victim assistance fund created by K.S.A. 2016 Supp. 75-  
14 758, and amendments thereto.

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

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

21 (1) ~~Subsection (e) of K.S.A. 2016 Supp. 21-5301(c)~~, and amendments  
22 thereto, shall not apply to a violation of attempting to commit the crime of  
23 commercial sexual exploitation of a child pursuant to this section;

24 (2) ~~subsection (e) of K.S.A. 2016 Supp. 21-5302(d)~~, and amendments  
25 thereto, shall not apply to a violation of conspiracy to commit the crime of  
26 commercial sexual exploitation of a child pursuant to this section; and

27 (3) ~~subsection (d) of K.S.A. 2016 Supp. 21-5303(d)~~, and amendments  
28 thereto, shall not apply to a violation of criminal solicitation to commit the  
29 crime of commercial sexual exploitation of a child pursuant to this section.

30 ~~(d) This section shall be part of and supplemental to the Kansas  
31 criminal code.~~

32 Sec. 10. K.S.A. 2016 Supp. 22-4902 is hereby amended to read as  
33 follows: 22-4902. As used in the Kansas offender registration act, unless  
34 the context otherwise requires:

35 (a) "Offender" means:

36 (1) A sex offender;

37 (2) a violent offender;

38 (3) a drug offender;

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

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

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

- 1 (1) On or after April 14, 1994, is convicted of any sexually violent  
2 crime;
- 3 (2) on or after July 1, 2002, is adjudicated as a juvenile offender for  
4 an act which if committed by an adult would constitute the commission of  
5 a sexually violent crime, unless the court, on the record, finds that the act  
6 involved non-forcible sexual conduct, the victim was at least 14 years of  
7 age and the offender was not more than four years older than the victim;
- 8 (3) has been determined to be a sexually violent predator;
- 9 (4) on or after July 1, 1997, is convicted of any of the following  
10 crimes when one of the parties involved is less than 18 years of age:
- 11 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
12 K.S.A. 2016 Supp. 21-5511, and amendments thereto;
- 13 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its  
14 repeal, or K.S.A. 2016 Supp. 21-5504(a)(1) or (a)(2), and amendments  
15 thereto;
- 16 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
17 repeal, or K.S.A. 2016 Supp. 21-6420, prior to its amendment by section  
18 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
- 19 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
20 repeal, or K.S.A. 2016 Supp. 21-6421, prior to its amendment by section  
21 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
- 22 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior  
23 to its repeal, or K.S.A. 2016 Supp. 21-5513, and amendments thereto;
- 24 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior  
25 to its repeal, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5505(a), and  
26 amendments thereto;
- 27 (6) is convicted of an attempt, conspiracy or criminal solicitation, as  
28 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
29 K.S.A. 2016 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,  
30 of an offense defined in this subsection; or
- 31 (7) has been convicted of an offense that is comparable to any crime  
32 defined in this subsection, or any out-of-state conviction for an offense that  
33 under the laws of this state would be an offense defined in this subsection.
- 34 (c) "Sexually violent crime" means:
- 35 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
36 2016 Supp. 21-5503, and amendments thereto;
- 37 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
38 to its repeal, or K.S.A. 2016 Supp. 21-5506(a), and 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. 2016 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. 2016 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. 2016 Supp. 21-5504(b), and amendments thereto;

4 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
5 prior to its repeal, or K.S.A. 2016 Supp. 21-5508(a), and amendments  
6 thereto;

7 (7) aggravated indecent solicitation of a child, as defined in K.S.A.  
8 21-3511, prior to its repeal, or K.S.A. 2016 Supp. 21-5508(b), and  
9 amendments thereto;

10 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
11 to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

12 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
13 its repeal, or K.S.A. 2016 Supp. 21-5505(b), and amendments thereto;

14 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
15 repeal, or K.S.A. 2016 Supp. 21-5604(b), and amendments thereto;

16 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
17 repeal, and K.S.A. 2016 Supp. 21-5509, and amendments thereto;

18 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
19 its repeal, or K.S.A. 2016 Supp. 21-5512, and amendments thereto;

20 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,  
21 prior to its repeal, or K.S.A. 2016 Supp. 21-5426(b), and amendments  
22 thereto, if committed in whole or in part for the purpose of the sexual  
23 gratification of the defendant or another;

24 (14) commercial sexual exploitation of a child, as defined in K.S.A.  
25 2016 Supp. 21-6422, and amendments thereto;

26 (15) *promoting the sale of sexual relations, as defined in K.S.A. 2016*  
27 *Supp. 21-6420, and amendments thereto;*

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

32 ~~(16)~~(17) an attempt, conspiracy or criminal solicitation, as defined in  
33 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016  
34 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually  
35 violent crime, as defined in this subsection; or

36 ~~(17)~~(18) any act which has been determined beyond a reasonable  
37 doubt to have been sexually motivated, unless the court, on the record,  
38 finds that the act involved non-forcible sexual conduct, the victim was at  
39 least 14 years of age and the offender was not more than four years older  
40 than the victim. As used in this paragraph, "sexually motivated" means that  
41 one of the purposes for which the defendant committed the crime was for  
42 the purpose of the defendant's sexual gratification.

43 (d) "Sexually violent predator" means any person who, on or after

1 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.  
2 59-29a01 et seq., and amendments thereto.

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

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

6 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
7 or K.S.A. 2016 Supp. 21-5401, and amendments thereto;

8 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
9 its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;

10 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior  
11 to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments thereto;

12 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its  
13 repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;

14 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
15 its repeal, or K.S.A. 2016 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and  
16 amendments thereto. The provisions of this paragraph shall not apply to  
17 violations of K.S.A. 2016 Supp. 21-5405(a)(3), and amendments thereto,  
18 which occurred on or after July 1, 2011, through July 1, 2013;

19 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
20 K.S.A. 2016 Supp. 21-5408(a), and amendments thereto;

21 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
22 repeal, or K.S.A. 2016 Supp. 21-5408(b), and amendments thereto;

23 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
24 repeal, or K.S.A. 2016 Supp. 21-5411, and amendments thereto, except by  
25 a parent, and only when the victim is less than 18 years of age; or

26 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
27 to its repeal, or K.S.A. 2016 Supp. 21-5426(b), and amendments thereto, if  
28 not committed in whole or in part for the purpose of the sexual  
29 gratification of the defendant or another;

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

33 (3) has been convicted of an offense that is comparable to any crime  
34 defined in this subsection, 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 or

37 (4) is convicted of an attempt, conspiracy or criminal solicitation, as  
38 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or  
39 K.S.A. 2016 Supp. 21-5301, 21-5302 and 21-5303, and amendments  
40 thereto, of an offense defined in this subsection.

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

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

43 (A) Unlawful manufacture or attempting such of any controlled

1 substance or controlled substance analog, as defined in K.S.A. 65-4159,  
2 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or  
3 K.S.A. 2016 Supp. 21-5703, and amendments thereto;

4 (B) possession of ephedrine, pseudoephedrine, red phosphorus,  
5 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized  
6 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
7 isomers with intent to use the product to manufacture a controlled  
8 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010  
9 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2016 Supp. 21-5709(a),  
10 and amendments thereto;

11 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-  
12 36a05(a)(1), prior to its transfer, or K.S.A. 2016 Supp. 21-5705(a)(1), and  
13 amendments thereto. The provisions of this paragraph shall not apply to  
14 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)  
15 which occurred on or after July 1, 2009, through April 15, 2010;

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

20 (3) is or has been convicted of an attempt, conspiracy or criminal  
21 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to  
22 their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 and 21-5303, and  
23 amendments thereto, of an offense defined in this subsection.

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

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

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

42 (j) "Reside" means to stay, sleep or maintain with regularity or  
43 temporarily one's person and property in a particular place other than a

1 location where the offender is incarcerated. It shall be presumed that an  
2 offender resides at any and all locations where the offender stays, sleeps or  
3 maintains the offender's person for three or more consecutive days or parts  
4 of days, or for ten or more nonconsecutive days in a period of 30  
5 consecutive days.

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

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

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

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

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

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

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

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

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

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

38 (A) Convicted of unlawful transmission of a visual depiction of a  
39 child, as defined in K.S.A. 2016 Supp. 21-5611(a), and amendments  
40 thereto, aggravated unlawful transmission of a visual depiction of a child,  
41 as defined in K.S.A. 2016 Supp. 21-5611(b), and amendments thereto, or  
42 unlawful possession of a visual depiction of a child, as defined in K.S.A.  
43 2016 Supp. 21-5610, and amendments thereto; or

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

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

7 Sec. 11. K.S.A. 2016 Supp. 22-4906 is hereby amended to read as  
8 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted  
9 of any of the following offenses, an offender's duration of registration shall  
10 be, if confined, 15 years after the date of parole, discharge or release,  
11 whichever date is most recent, or, if not confined, 15 years from the date of  
12 conviction:

13 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
14 or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5505(a), and amendments  
15 thereto;

16 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or  
17 K.S.A. 2016 Supp. 21-5511, and amendments thereto, when one of the  
18 parties involved is less than 18 years of age;

19 (C) *promoting the sale of sexual relations, as defined in K.S.A. 2016*  
20 *Supp. 21-6420, and amendments thereto;*

21 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its  
22 repeal, or K.S.A. 2016 Supp. 21-6421, prior to its amendment by section  
23 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,  
24 when one of the parties involved is less than 18 years of age;

25 ~~(D)~~(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508,  
26 prior to its repeal, or K.S.A. 2016 Supp. 21-5513, and amendments  
27 thereto, when one of the parties involved is less than 18 years of age;

28 ~~(E)~~(F) capital murder, as defined in K.S.A. 21-3439, prior to its  
29 repeal, or K.S.A. 2016 Supp. 21-5401, and amendments thereto;

30 ~~(F)~~(G) murder in the first degree, as defined in K.S.A. 21-3401, prior  
31 to its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;

32 ~~(G)~~(H) murder in the second degree, as defined in K.S.A. 21-3402,  
33 prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments  
34 thereto;

35 ~~(H)~~(I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to  
36 its repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;

37 ~~(I)~~(J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior  
38 to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4) of~~ K.S.A. 2016 Supp.  
39 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto;

40 ~~(J)~~(K) criminal restraint, as defined in K.S.A. 21-3424, prior to its  
41 repeal, or K.S.A. 2016 Supp. 21-5411, and amendments thereto, except by  
42 a parent, and only when the victim is less than 18 years of age;

43 ~~(K)~~(L) any act which has been determined beyond a reasonable doubt



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

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

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

11 ~~(N)~~(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. 2016 Supp. 21-5703, and amendments thereto;

15 ~~(O)~~(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 ~~subsection (a) of~~ K.S.A. 65-7006(a), prior to its  
20 repeal, ~~subsection (a) of~~ K.S.A. 2010 Supp. 21-36a09(a), prior to its  
21 transfer, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5709(a), and  
22 amendments thereto;

23 ~~(P)~~(Q) K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of~~ K.S.A.  
24 2010 Supp. 21-36a05(a)(1), prior to its transfer, or ~~subsection (a)(1) of~~  
25 K.S.A. 2016 Supp. 21-5705(a)(1), and amendments thereto; or

26 ~~(Q)~~(R) any attempt, conspiracy or criminal solicitation, as defined in  
27 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016  
28 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
29 offense defined in this subsection.

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

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

42 (A) Criminal sodomy, as defined in ~~subsection (a)(1) of~~ K.S.A. 21-  
43 3505(a)(1), prior to its repeal, or ~~subsection (a)(1) or (a)(2) of~~ K.S.A. 2016

1 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto, when one of the  
2 parties involved is less than 18 years of age;

3 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
4 prior to its repeal, or ~~subsection (a) of K.S.A. 2016 Supp. 21-5508(a)~~, and  
5 amendments thereto;

6 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
7 repeal, or K.S.A. 2016 Supp. 21-5509, and amendments thereto;

8 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
9 repeal, or ~~subsection (b) of K.S.A. 2016 Supp. 21-5604(b)~~, and  
10 amendments thereto;

11 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
12 to its repeal, or ~~subsection (a) of K.S.A. 2016 Supp. 21-5506(a)~~, and  
13 amendments thereto;

14 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
15 its repeal, or K.S.A. 2016 Supp. 21-5512, and amendments thereto;

16 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
17 to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto, if  
18 the victim is 14 or more years of age but less than 18 years of age;

19 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
20 its repeal, or ~~subsection (b) of K.S.A. 2016 Supp. 21-5505(b)~~, and  
21 amendments thereto;

22 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
23 repeal, or K.S.A. 2016 Supp. 21-6420, prior to its amendment by section  
24 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if  
25 the person selling sexual relations is 14 or more years of age but less than  
26 18 years of age; or

27 (J) any attempt, conspiracy or criminal solicitation, as defined in  
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016  
29 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
30 offense defined in this subsection.

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

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

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

- 1 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
2 2016 Supp. 21-5503, and amendments thereto;
- 3 (2) aggravated indecent solicitation of a child, as defined in K.S.A.  
4 21-3511, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-  
5 5508(b), and amendments thereto;
- 6 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
7 21-3504, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-  
8 5506(b), and amendments thereto;
- 9 (4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3)~~ of  
10 K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or~~  
11 ~~(a)(4)~~ of K.S.A. 2016 Supp. 21-5504(a)(3) or (a)(4), and amendments  
12 thereto;
- 13 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
14 to its repeal, or ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-5504(b), and  
15 amendments thereto;
- 16 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
17 to its repeal, or ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-5426(b), and  
18 amendments thereto;
- 19 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
20 to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto, if  
21 the victim is less than 14 years of age;
- 22 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
23 repeal, or K.S.A. 2016 Supp. 21-6420, prior to its amendment by section  
24 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if  
25 the person selling sexual relations is less than 14 years of age;
- 26 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or  
27 ~~subsection (a)~~ of K.S.A. 2016 Supp. 21-5408(a), and amendments thereto;
- 28 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
29 repeal, or ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-5408(b), and  
30 amendments thereto;
- 31 (11) commercial sexual exploitation of a child, as defined in K.S.A.  
32 2016 Supp. 21-6422, and amendments thereto; or
- 33 (12) any attempt, conspiracy or criminal solicitation, as defined in  
34 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016  
35 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
36 offense defined in this subsection.
- 37 (e) Any person who has been declared a sexually violent predator  
38 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall  
39 register for such person's lifetime.
- 40 (f) Notwithstanding any other provisions of this section, for an  
41 offender less than 14 years of age who is adjudicated as a juvenile offender  
42 for an act which if committed by an adult would constitute a sexually  
43 violent crime set forth in ~~subsection (e)~~ of K.S.A. 22-4902(c), and

1 amendments thereto, the court shall:

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

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

11 (3) require registration, but such registration information shall not be  
12 open to inspection by the public or posted on any internet website, as  
13 provided in K.S.A. 22-4909, and amendments thereto. If the court requires  
14 registration but such registration is not open to the public, such offender  
15 shall provide a copy of such court order to the registering law enforcement  
16 agency at the time of registration. The registering law enforcement agency  
17 shall forward a copy of such court order to the Kansas bureau of  
18 investigation.

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

22 (g) Notwithstanding any other provisions of this section, for an  
23 offender 14 years of age or more who is adjudicated as a juvenile offender  
24 for an act which if committed by an adult would constitute a sexually  
25 violent crime set forth in ~~subsection (e) of~~ K.S.A. 22-4902(c), and  
26 amendments thereto, and such crime is not an off-grid felony or a felony  
27 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-  
28 4704, prior to its repeal, or K.S.A. 2016 Supp. 21-6804, and amendments  
29 thereto, the court shall:

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

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

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

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

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

7 (h) Notwithstanding any other provisions of this section, an offender  
8 14 years of age or more who is adjudicated as a juvenile offender for an  
9 act which if committed by an adult would constitute a sexually violent  
10 crime set forth in ~~subsection (e) of K.S.A. 22-4902(c)~~, and amendments  
11 thereto, and such crime is an off-grid felony or a felony ranked in severity  
12 level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its  
13 repeal, or K.S.A. 2016 Supp. 21-6804, and amendments thereto, shall be  
14 required to register for such offender's lifetime.

15 (i) Notwithstanding any other provision of law, if a diversionary  
16 agreement or probation order, either adult or juvenile, or a juvenile  
17 offender sentencing order, requires registration under the Kansas offender  
18 registration act for an offense that would not otherwise require registration  
19 as provided in ~~subsection (a)(5) of K.S.A. 22-4902(a)(5)~~, and amendments  
20 thereto, then all provisions of the Kansas offender registration act shall  
21 apply, except that the duration of registration shall be controlled by such  
22 diversionary agreement, probation order or juvenile offender sentencing  
23 order.

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

27 (k) For any person moving to Kansas who has been convicted or  
28 adjudicated in an out-of-state court, or who was required to register under  
29 an out-of-state law, the duration of registration shall be the length of time  
30 required by the out-of -state jurisdiction or by the Kansas offender  
31 registration act, whichever length of time is longer. The provisions of this  
32 subsection shall apply to convictions or adjudications prior to June 1,  
33 2006, and to persons who moved to Kansas prior to June 1, 2006, and to  
34 convictions or adjudications on or after June 1, 2006, and to persons who  
35 moved to Kansas on or after June 1, 2006.

36 (l) For any person residing, maintaining employment or attending  
37 school in this state who has been convicted or adjudicated by an out-of-  
38 state court of an offense that is comparable to any crime requiring  
39 registration pursuant to the Kansas offender registration act, but who was  
40 not required to register in the jurisdiction of conviction or adjudication, the  
41 duration of registration shall be the duration required for the comparable  
42 offense pursuant to the Kansas offender registration act.

43 Sec. 12. K.S.A. 2016 Supp. 38-2312 is hereby amended to read as

1 follows: 38-2312. (a) Except as provided in ~~subsection~~ *subsections* (b) and  
2 (c), any records or files specified in this code concerning a juvenile may be  
3 expunged upon application to a judge of the court of the county in which  
4 the records or files are maintained. The application for expungement may  
5 be made by the juvenile, if 18 years of age or older or, if the juvenile is  
6 less than 18 years of age, by the juvenile's parent or next friend.

7 (b) There shall be no expungement of records or files concerning acts  
8 committed by a juvenile which, if committed by an adult, would constitute  
9 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-  
10 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,  
11 prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments  
12 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,  
13 or K.S.A. 2016 Supp. 21-5404, and amendments thereto, voluntary  
14 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2016 Supp.  
15 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-  
16 3439, prior to its repeal, or K.S.A. 2016 Supp. 21-5401, and amendments  
17 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2016  
18 Supp. 21-5405(a)(3), and amendments thereto, involuntary manslaughter  
19 while driving under the influence of alcohol or drugs; K.S.A. 21-3502,  
20 prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments  
21 thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A. 2016 Supp. 21-  
22 5506(a), and amendments thereto, indecent liberties with a child; K.S.A.  
23 21-3504, prior to its repeal, or K.S.A. 2016 Supp. 21-5506(b), and  
24 amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-  
25 3506, prior to its repeal, or K.S.A. 2016 Supp. 21-5504(b), and  
26 amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior  
27 to its repeal, or K.S.A. 2016 Supp. 21-5508(a), and amendments thereto,  
28 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or  
29 K.S.A. 2016 Supp. 21-5508(b), and amendments thereto, aggravated  
30 indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or  
31 K.S.A. 2016 Supp. 21-5510, and amendments thereto, sexual exploitation  
32 of a child; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2016 Supp. 21-  
33 5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608,  
34 prior to its repeal, or K.S.A. 2016 Supp. 21-5601(a), and amendments  
35 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.  
36 2016 Supp. 21-5602, and amendments thereto, abuse of a child; or which  
37 would constitute an attempt to commit a violation of any of the offenses  
38 specified in this subsection.

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

1 offender registration act.

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

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

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

20 (ii) one year has elapsed since the final discharge for an adjudication  
21 concerning acts committed by a juvenile which, if committed by an adult,  
22 would constitute a violation of K.S.A. 2016 Supp. 21-6419, and  
23 amendments thereto; *or*

24 (iii) *the juvenile is a victim of human trafficking, aggravated human*  
25 *trafficking or commercial sexual exploitation of a child, the adjudication*  
26 *concerned acts committed by the juvenile as a result of such victimization,*  
27 *including, but not limited to, acts which, if committed by an adult, would*  
28 *constitute a violation of K.S.A. 2016 Supp. 21-6203 or 21-6419, and*  
29 *amendments thereto, and the hearing on expungement occurred on or*  
30 *after the date of final discharge. The provisions of this clause shall not*  
31 *allow an expungement of records or files concerning acts described in*  
32 *subsection (b);*

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

38 (C) the circumstances and behavior of the petitioner warrant  
39 expungement.

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

42 (f) Upon entry of an order expunging records or files, the offense  
43 which the records or files concern shall be treated as if it never occurred,

1 except that upon conviction of a crime or adjudication in a subsequent  
2 action under this code the offense may be considered in determining the  
3 sentence to be imposed. The petitioner, the court and all law enforcement  
4 officers and other public offices and agencies shall properly reply on  
5 inquiry that no record or file exists with respect to the juvenile. Inspection  
6 of the expunged files or records thereafter may be permitted by order of  
7 the court upon petition by the person who is the subject thereof. The  
8 inspection shall be limited to inspection by the person who is the subject of  
9 the files or records and the person's designees.

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

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

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

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

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

29 (1) The person whose record was expunged;

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

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

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

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

43 (6) the Kansas lottery, and the request is accompanied by a statement



1 that the request is being made to aid in determining qualifications for  
2 employment with the Kansas lottery or for work in sensitive areas within  
3 the Kansas lottery as deemed appropriate by the executive director of the  
4 Kansas lottery;

5 (7) the governor or the Kansas racing commission, or a designee of  
6 the commission, and the request is accompanied by a statement that the  
7 request is being made to aid in determining qualifications for executive  
8 director of the commission, for employment with the commission, for  
9 work in sensitive areas in parimutuel racing as deemed appropriate by the  
10 executive director of the commission or for licensure, renewal of licensure  
11 or continued licensure by the commission;

12 (8) the Kansas sentencing commission; or

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

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

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

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

22 Sec. 13. K.S.A. 2016 Supp. 74-7305 is hereby amended to read as  
23 follows: 74-7305. (a) An application for compensation shall be made in the  
24 manner and form prescribed by the board.

25 (b) Compensation may not be awarded unless an application has been  
26 filed with the board within two years of the reporting of the incident to law  
27 enforcement officials if the victim was less than 16 years of age and the  
28 injury or death is the result of any of the following crimes: (1) Indecent  
29 liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or  
30 K.S.A. 2016 Supp. 21-5506(a), and amendments thereto; (2) aggravated  
31 indecent liberties with a child as defined in K.S.A. 21-3504, prior to its  
32 repeal, or K.S.A. 2016 Supp. 21-5506(b), and amendments thereto; (3)  
33 aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its  
34 repeal, or K.S.A. 2016 Supp. 21-5504(b), and amendments thereto; (4)  
35 enticement of a child as defined in K.S.A. 21-3509 prior to its repeal; (5)  
36 indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its  
37 repeal, or K.S.A. 2016 Supp. 21-5508(a), and amendments thereto; (6)  
38 aggravated indecent solicitation of a child as defined in K.S.A. 21-3511,  
39 prior to its repeal, or K.S.A. 2016 Supp. 21-5508(b), and amendments  
40 thereto; (7) sexual exploitation of a child as defined in K.S.A. 21-3516,  
41 prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments  
42 thereto; (8) aggravated incest as defined in K.S.A. 21-3603, prior to its  
43 repeal, or K.S.A. 2016 Supp. 21-5604(b), and amendments thereto; (9)

1 human trafficking as defined in K.S.A. 21-3446, prior to its repeal, or  
2 K.S.A. 2016 Supp. 21-5426(a), and amendments thereto; (10) aggravated  
3 human trafficking as defined in K.S.A. 21-3447, prior to its repeal, or  
4 K.S.A. 2016 Supp. 21-5426(b), and amendments thereto; or (11)  
5 commercial sexual exploitation of a child as defined in K.S.A. 2016 Supp.  
6 21-6422, and amendments thereto. Compensation for mental health  
7 counseling may be awarded, if a claim is filed within two years of  
8 testimony, to a claimant who is, or will be, required to testify in a sexually  
9 violent predator commitment, pursuant to article 29a of chapter 59 of the  
10 Kansas Statutes Annotated, and amendments thereto, of an offender who  
11 victimized the claimant or the victim on whose behalf the claim is made.  
12 For all other incidents of criminally injurious conduct, compensation may  
13 not be awarded unless the claim has been filed with the board within two  
14 years after the injury or death upon which the claim is based.  
15 Compensation may not be awarded to a claimant who was the offender or  
16 an accomplice of the offender and may not be awarded to another person if  
17 the award would unjustly benefit the offender or accomplice.

18 (c) Compensation otherwise payable to a claimant shall be reduced or  
19 denied, to the extent, if any that the:

20 (1) Economic loss upon which the claimant's claim is based is  
21 recouped from other persons, including collateral sources;

22 (2) board deems reasonable because of the contributory misconduct  
23 of the claimant or of a victim through whom the claimant claims; or

24 (3) board deems reasonable, because the victim was likely engaging  
25 in, or attempting to engage in, unlawful activity at the time of the crime  
26 upon which the claim for compensation is based. This subsection shall not  
27 be construed to reduce or deny compensation to a victim of domestic  
28 abuse or sexual assault.

29 (d) Compensation may be awarded only if the board finds that unless  
30 the claimant is awarded compensation the claimant will suffer financial  
31 stress as the result of economic loss otherwise reparable. A claimant  
32 suffers financial stress only if the claimant cannot maintain the claimant's  
33 customary level of health, safety and education for self and dependents  
34 without undue financial hardship. In making its determination of financial  
35 stress, the board shall consider all relevant factors, including:

36 (1) The number of claimant's dependents;

37 (2) the usual living expenses of the claimant and the claimant's  
38 family;

39 (3) the special needs of the claimant and the claimant's dependents;

40 (4) the claimant's income and potential earning capacity; and

41 (5) the claimant's resources.

42 (e) Compensation may not be awarded unless the criminally injurious  
43 conduct resulting in injury or death was reported to a law enforcement

1 officer within 72 hours after its occurrence or the board finds there was  
2 good cause for the failure to report within that time.

3 (f) The board, upon finding that the claimant or victim has not fully  
4 cooperated with appropriate law enforcement agencies, may deny,  
5 withdraw or reduce an award of compensation.

6 (g) Except in K.S.A. 21-3602 or 21-3603, prior to their repeal, or  
7 K.S.A. 2016 Supp. 21-5604, and amendments thereto, or cases of sex  
8 offenses established in article 35 of chapter 21, of the Kansas Statutes  
9 Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas  
10 Statutes Annotated, and amendments thereto, K.S.A. 2016 Supp. 21-6419  
11 through 21-6422, and amendments thereto, or human trafficking or  
12 aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447,  
13 prior to their repeal, or K.S.A. 2016 Supp. 21-5426, and amendments  
14 thereto, compensation may not be awarded if the economic loss is less than  
15 \$100.

16 (h) Compensation for work loss, replacement services loss,  
17 dependent's economic loss and dependent's replacement service loss may  
18 not exceed \$400 per week or actual loss, whichever is less.

19 (i) Compensation payable to a victim and to all other claimants  
20 sustaining economic loss because of injury to or death of that victim may  
21 not exceed \$25,000 in the aggregate.

22 (j) *Nothing in subsections (c)(2), (c)(3), (e) and (f) shall be construed*  
23 *to reduce or deny compensation to a victim of human trafficking or*  
24 *aggravated human trafficking, as defined in K.S.A. 2016 Supp. 21-5426,*  
25 *and amendments thereto, or commercial sexual exploitation of a child, as*  
26 *defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto, who was*  
27 *18 years of age or younger at the time the crime was committed and is*  
28 *otherwise qualified for compensation.*

29 Sec. 14. K.S.A. 2016 Supp. 75-759 is hereby amended to read as  
30 follows: 75-759. (a) A notice offering help to victims of human trafficking  
31 shall be accessible on the official website of the attorney general, the  
32 official website of the department for children and families and the official  
33 website of the department of labor, and may be posted in a prominent and  
34 accessible location in workplaces.

35 (b) The notice shall provide such information as the attorney general  
36 determines appropriate to help and support victims of human trafficking,  
37 including, but not limited to, information regarding the national human  
38 trafficking resource center (NHTRC) hotline as follows:

39 "If you or someone you know is being forced to engage in any activity  
40 and cannot leave — whether it is commercial sex, housework, farm work  
41 or any other activity — call the toll-free National Human Trafficking  
42 Resource Center Hotline at 1-888-373-7888 to access help and services.  
43 The toll-free hotline is:

- 1 • Available 24 hours a day, 7 days a week
- 2 • Operated by a nonprofit, nongovernmental organization
- 3 • Anonymous and confidential
- 4 • Accessible in 170 languages
- 5 • Able to provide help, referral to services, training, and general
- 6 information."

7 (c) The notice described in this section shall be made available in  
8 English, Spanish, and, if requested by an employer, another language.

9 (d) The secretary of labor, in consultation with the attorney general,  
10 shall develop and implement an education plan to raise awareness among  
11 Kansas employers about the problem of human trafficking, about the  
12 hotline described in this section, and about other resources that may be  
13 available to employers, employees, and potential victims of human  
14 trafficking. On or before February 1, 2014, the secretary shall report to the  
15 standing committees on judiciary in the senate and the house of  
16 representatives, respectively, on the progress achieved in developing and  
17 implementing the notice requirement and education plan required by this  
18 section.

19 Sec. 15. K.S.A. 2016 Supp. 12-4120, 21-5426, 21-5510, 21-6421, 21-  
20 6422, 22-4902, 22-4906, 38-2312, 74-7305 and 75-759 are hereby  
21 repealed

22 Sec. 16. This act shall take effect and be in force from and after its  
23 publication in the statute book.