

HOUSE BILL No. 2604

By Representative Helmer

2-10

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to the Kansas offender registration act; child abuse; aggravated child
3 abandonment; amending K.S.A. 2019 Supp. 22-4902 and 22-4906 and
4 repealing the existing sections.

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

7 Section 1. K.S.A. 2019 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. 2019 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. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
33 thereto;

34 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
35 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
36 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

- 1 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
2 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
3 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
4 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
5 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto;
6 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
7 to its repeal, or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;
8 (6) is convicted of an attempt, conspiracy or criminal solicitation, as
9 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
10 K.S.A. 2019 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
11 of an offense defined in this subsection; or
12 (7) has been convicted of an offense that is comparable to any crime
13 defined in this subsection, or any out-of-state conviction for an offense that
14 under the laws of this state would be an offense defined in this subsection.
15 (c) "Sexually violent crime" means:
16 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
17 2019 Supp. 21-5503, and amendments thereto;
18 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
19 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;
20 (3) aggravated indecent liberties with a child, as defined in K.S.A.
21 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
22 amendments thereto;
23 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
24 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
25 amendments thereto;
26 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
27 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;
28 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
29 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
30 thereto;
31 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
32 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
33 amendments thereto;
34 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
35 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto;
36 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
37 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;
38 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
39 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;
40 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
41 repeal, and K.S.A. 2019 Supp. 21-5509, and amendments thereto;
42 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
43 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;

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

5 (14) commercial sexual exploitation of a child, as defined in K.S.A.
6 2019 Supp. 21-6422, and amendments thereto;

7 (15) promoting the sale of sexual relations, as defined in K.S.A. 2019
8 Supp. 21-6420, and amendments thereto;

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

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

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

24 (d) "Sexually violent predator" means any person who, on or after
25 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
26 59-29a01 et seq., and amendments thereto.

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

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

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

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

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

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

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

43 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or

1 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

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

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

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

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

14 (3) *on or after July 1, 2020, is convicted of:*

15 (A) *Abuse of a child, as defined in K.S.A. 2019 Supp. 21-5602, and*
16 *amendments thereto; or*

17 (B) *aggravated abandonment of a child, as defined in K.S.A. 21-*
18 *5605, and amendments thereto;*

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

23 ~~(4)~~(5) is convicted of an attempt, conspiracy or criminal solicitation,
24 as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
25 K.S.A. 2019 Supp. 21-5301, 21-5302 and 21-5303, and amendments
26 thereto, of an offense defined in this subsection.

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

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

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

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

40 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
41 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
42 amendments thereto. The provisions of this paragraph shall not apply to
43 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)

1 which occurred on or after July 1, 2009, through April 15, 2010;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (A) Convicted of unlawful transmission of a visual depiction of a
25 child, as defined in K.S.A. 2019 Supp. 21-5611(a), and amendments
26 thereto, aggravated unlawful transmission of a visual depiction of a child,
27 as defined in K.S.A. 2019 Supp. 21-5611(b), and amendments thereto, or
28 unlawful possession of a visual depiction of a child, as defined in K.S.A.
29 2019 Supp. 21-5610, and amendments thereto; or

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

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

36 Sec. 2. K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
37 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
38 of any of the following offenses, an offender's duration of registration shall
39 be, if confined, 15 years after the date of parole, discharge or release,
40 whichever date is most recent, or, if not confined, 15 years from the date of
41 conviction:

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

- 1 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
2 K.S.A. 2019 Supp. 21-5511, and amendments thereto, when one of the
3 parties involved is less than 18 years of age;
- 4 (C) promoting the sale of sexual relations, as defined in K.S.A. 2019
5 Supp. 21-6420, and amendments thereto;
- 6 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
7 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
8 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
9 when one of the parties involved is less than 18 years of age;
- 10 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
11 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto,
12 when one of the parties involved is less than 18 years of age;
- 13 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
14 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;
- 15 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
16 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;
- 17 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
18 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;
- 19 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
20 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;
- 21 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
22 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
23 amendments thereto;
- 24 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
25 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
26 a parent, and only when the victim is less than 18 years of age;
- 27 (L) any act which has been determined beyond a reasonable doubt to
28 have been sexually motivated, unless the court, on the record, finds that
29 the act involved non-forcible sexual conduct, the victim was at least 14
30 years of age and the offender was not more than four years older than the
31 victim;
- 32 (M) conviction of any person required by court order to register for
33 an offense not otherwise required as provided in the Kansas offender
34 registration act;
- 35 (N) conviction of any person felony and the court makes a finding on
36 the record that a deadly weapon was used in the commission of such
37 person felony;
- 38 (O) unlawful manufacture or attempting such of any controlled
39 substance or controlled substance analog, as defined in K.S.A. 65-4159,
40 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
41 K.S.A. 2019 Supp. 21-5703, and amendments thereto;
- 42 (P) possession of ephedrine, pseudoephedrine, red phosphorus,
43 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized

1 ammonia or phenylpropanolamine, or their salts, isomers or salts of
2 isomers with intent to use the product to manufacture a controlled
3 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
4 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-
5 5709(a), and amendments thereto;

6 (Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
7 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
8 amendments thereto; or

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

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

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

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

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

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

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

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

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

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

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

1 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
2 repeal, or K.S.A. 2019 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, if
4 the person selling sexual relations is 14 or more years of age but less than
5 18 years of age; ~~or~~

6 (J) *abuse of a child, as defined in K.S.A. 2019 Supp. 21-5602, and*
7 *amendments thereto; or*

8 (K) *aggravated abandonment of a child, as defined in K.S.A. 21-*
9 *5605, and amendments thereto; or*

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

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

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

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

27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
28 2019 Supp. 21-5503, and amendments thereto;

29 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
30 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
31 amendments thereto;

32 (3) aggravated indecent liberties with a child, as defined in K.S.A.
33 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
34 amendments thereto;

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

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

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

42 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
43 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if

1 the victim is less than 14 years of age;

2 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
3 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
4 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
5 the person selling sexual relations is less than 14 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (h) Notwithstanding any other provisions of this section, an offender
29 14 years of age or more who is adjudicated as a juvenile offender for an
30 act which if committed by an adult would constitute a sexually violent
31 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
32 crime is an off-grid felony or a felony ranked in severity level 1 of the
33 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
34 2019 Supp. 21-6804, and amendments thereto, shall be required to register
35 for such offender's lifetime.

36 (i) Notwithstanding any other provision of law, if a diversionary
37 agreement or probation order, either adult or juvenile, or a juvenile
38 offender sentencing order, requires registration under the Kansas offender
39 registration act for an offense that would not otherwise require registration
40 as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all
41 provisions of the Kansas offender registration act shall apply, except that
42 the duration of registration shall be controlled by such diversionary
43 agreement, probation order or juvenile offender sentencing order.

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

4 (k) For any person moving to Kansas who has been convicted or
5 adjudicated in an out-of-state court, or who was required to register under
6 an out-of-state law, the duration of registration shall be the length of time
7 required by the out-of-state jurisdiction or by the Kansas offender
8 registration act, whichever length of time is longer. The provisions of this
9 subsection shall apply to convictions or adjudications prior to June 1,
10 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
11 convictions or adjudications on or after June 1, 2006, and to persons who
12 moved to Kansas on or after June 1, 2006.

13 (l) For any person residing, maintaining employment or attending
14 school in this state who has been convicted or adjudicated by an out-of-
15 state court of an offense that is comparable to any crime requiring
16 registration pursuant to the Kansas offender registration act, but who was
17 not required to register in the jurisdiction of conviction or adjudication, the
18 duration of registration shall be the duration required for the comparable
19 offense pursuant to the Kansas offender registration act.

20 Sec. 3. K.S.A. 2019 Supp. 22-4902 and 22-4906 are hereby repealed.

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