

Session of 2022

HOUSE BILL No. 2515

By Committee on Corrections and Juvenile Justice

1-20

1 AN ACT concerning offender registration; relating to the Kansas offender
2 registration act; providing a mechanism to seek relief from registration
3 requirements for drug offenders; expungement for such offenses;
4 amending K.S.A. 2021 Supp. 21-6614 and 22-4908 and repealing the
5 existing sections.

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

8 Section 1. K.S.A. 2021 Supp. 21-6614 is hereby amended to read as
9 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
10 and (f), any person convicted in this state of a traffic infraction, cigarette
11 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
12 committed on or after July 1, 1993, any nongrid felony or felony ranked in
13 severity levels 6 through 10 of the nondrug grid, or for crimes committed
14 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
15 severity level 4 of the drug grid, or for crimes committed on or after July
16 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
17 the convicting court for the expungement of such conviction or related
18 arrest records if three or more years have elapsed since the person: (A)
19 Satisfied the sentence imposed; or (B) was discharged from probation, a
20 community correctional services program, parole, postrelease supervision,
21 conditional release or a suspended sentence.

22 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
23 person who has fulfilled the terms of a diversion agreement may petition
24 the district court for the expungement of such diversion agreement and
25 related arrest records if three or more years have elapsed since the terms of
26 the diversion agreement were fulfilled.

27 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
28 3512, prior to its repeal, convicted of a violation of K.S.A. 2021 Supp. 21-
29 6419, and amendments thereto, or who entered into a diversion agreement
30 in lieu of further criminal proceedings for such violation, may petition the
31 convicting court for the expungement of such conviction or diversion
32 agreement and related arrest records if:

33 (1) One or more years have elapsed since the person satisfied the
34 sentence imposed or the terms of a diversion agreement or was discharged
35 from probation, a community correctional services program, parole,
36 postrelease supervision, conditional release or a suspended sentence; and

1 *known. The victim or victim's family shall not be compelled to testify or*
2 *provide any discovery to the offender.*

3 *(6) The county or district attorney shall have access to all applicable*
4 *records, including records that are otherwise confidential or privileged.*

5 *(e) (1) The court may require a drug offender who is petitioning for*
6 *relief under this section to undergo a risk assessment.*

7 *(2) Any risk assessment ordered under this subsection shall be*
8 *performed by a professional agreed upon by the parties or a professional*
9 *approved by the court. Such risk assessment shall be performed at the*
10 *offender's expense.*

11 *(f) The court shall order relief from registration requirements if the*
12 *offender shows by clear and convincing evidence that:*

13 *(1) The offender has not been convicted or adjudicated of a felony,*
14 *other than a felony violation or aggravated felony violation of K.S.A. 22-*
15 *4903, and amendments thereto, within the five years immediately*
16 *preceding the filing of the petition, and no proceedings involving any such*
17 *felony are presently pending or being instituted against the offender;*

18 *(2) the offender's circumstances, behavior and treatment history*
19 *demonstrate that the offender is sufficiently rehabilitated to warrant relief;*
20 *and*

21 *(3) registration of the offender is no longer necessary to promote*
22 *public safety.*

23 *(g) If the court denies an offender's petition for relief, the offender*
24 *shall not file another petition for relief until three years have elapsed,*
25 *unless a shorter time period is ordered by the court.*

26 *(h) If the court grants relief from registration requirements, the court*
27 *shall order that the offender be removed from the offender registry and*
28 *that the offender is no longer required to comply with registration*
29 *requirements. Within 14 days of any order, the court shall notify the*
30 *Kansas bureau of investigation and any local law enforcement agency that*
31 *registers the offender that the offender has been granted relief from*
32 *registration requirements. The Kansas bureau of investigation shall*
33 *remove such offender from any internet website maintained pursuant to*
34 *K.S.A. 22-4909, and amendments thereto.*

35 *(i) An offender may combine a petition for relief under this section*
36 *with a petition for expungement under K.S.A. 2021 Supp. 21-6614, and*
37 *amendments thereto, if the offense requiring registration is otherwise*
38 *eligible for expungement.*

39 *Sec. 3. K.S.A. 2021 Supp. 21-6614 and 22-4908 are hereby repealed.*

40 *Sec. 4. This act shall take effect and be in force from and after its*
41 *publication in the statute book.*