

SENATE BILL No. 406

By Senator Journey

1-19

9 AN ACT concerning the Kansas offender registration act; providing for
10 motor vehicle identification markings; penalties; amending K.S.A. 8-
11 255 and K.S.A. 2005 Supp. 22-4904 and 22-4905 and repealing the
12 existing sections.
13

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

15 New Section 1. (a) Any person required to register as an offender
16 under K.S.A. 22-4901 et seq., and amendments thereto, shall also be
17 required to attach to and display on any motor vehicle owned, borrowed,
18 leased or rented by such person, or on any motor vehicle in which such
19 person is a passenger, a symbol or other device indicating that the person
20 is a registered offender under K.S.A. 22-4901 et seq., and amendments
21 thereto. The symbol or other device shall be attached to the front and
22 rear bumper of any such motor vehicle.

23 (b) The attorney general shall design and provide for the issuance
24 and distribution of the symbols or other devices required in subsection
25 (a).

26 (c) Any person required to attach and display a symbol or other device
27 under subsection (a) shall do so for the same period of time that the
28 person is required to be registered under K.S.A. 22-4906, and amend-
29 ments thereto.

30 (d) Any person who violates any of the provisions of this section, upon
31 conviction, shall have such person's driving privileges suspended for a
32 period of 10 years.

33 (e) Any person who violates any of the provisions of this section is
34 guilty of a severity level 6, nonperson felony.

35 (f) This section shall be part of and supplemental to the Kansas of-
36 fender registration act.

37 Sec. 2. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a)
38 The division is authorized to restrict, suspend or revoke a person's driving
39 privileges upon a showing by its records or other sufficient evidence the
40 person:

41 (1) Has been convicted with such frequency of serious offenses
42 against traffic regulations governing the movement of vehicles as to in-
43 dicate a disrespect for traffic laws and a disregard for the safety of other

1 persons on the highways;

2 (2) has been convicted of three or more moving traffic violations com-
3 mitted on separate occasions within a 12-month period;

4 (3) is incompetent to drive a motor vehicle;

5 (4) has been convicted of a moving traffic violation, committed at a
6 time when the person's driving privileges were restricted, suspended or
7 revoked; or

8 (5) is a member of the armed forces of the United States stationed
9 at a military installation located in the state of Kansas, and the authorities
10 of the military establishment certify that such person's on-base driving
11 privileges have been suspended, by action of the proper military author-
12 ities, for violating the rules and regulations of the military installation
13 governing the movement of vehicular traffic or for any other reason re-
14 lating to the person's inability to exercise ordinary and reasonable control
15 in the operation of a motor vehicle.

16 (b) The division shall suspend a person's driving privileges when re-
17 quired by K.S.A. 8-262, 8-1014 or 41-727, and amendments thereto, and
18 K.S.A. ~~2000~~ 2005 Supp. 21-3765, and amendments thereto, *section 1, and*
19 *amendments thereto* and shall disqualify a person's privilege to drive com-
20 mercial motor vehicles when required by K.S.A. 8-2,142, and amend-
21 ments thereto.

22 (c) When the action by the division restricting, suspending, revoking
23 or disqualifying a person's driving privileges is based upon a report of a
24 conviction or convictions from a convicting court, the person may not
25 request a hearing but, within 30 days after notice of restriction, suspen-
26 sion, revocation or disqualification is mailed, may submit a written request
27 for administrative review and provide evidence to the division to show
28 the person whose driving privileges have been restricted, suspended, re-
29 voked or disqualified by the division was not convicted of the offense
30 upon which the restriction, suspension, revocation or disqualification is
31 based. Within 30 days of its receipt of the request for administrative
32 review, the division shall notify the person whether the restriction, sus-
33 pension, revocation or disqualification has been affirmed or set aside. The
34 request for administrative review shall not stay any action taken by the
35 division.

36 (d) Upon restricting, suspending, revoking or disqualifying the driv-
37 ing privileges of any person as authorized by this act, the division shall
38 immediately notify the person in writing. Except as provided by K.S.A.
39 8-1002 and 8-2,145, and amendments thereto, and subsection (c) of this
40 section, if the person makes a written request for hearing within 30 days
41 after such notice of restriction, suspension or revocation is mailed, the
42 division shall afford the person an opportunity for a hearing as early as
43 practical not sooner than five days nor more than 30 days after such

1 request is mailed. If the division has not revoked or suspended the per-
2 son's driving privileges or vehicle registration prior to the hearing, the
3 hearing may be held within not to exceed 45 days. Except as provided by
4 K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall
5 be held in the person's county of residence or a county adjacent thereto,
6 unless the division and the person agree that the hearing may be held in
7 some other county. Upon the hearing, the director or the director's duly
8 authorized agent may administer oaths and may issue subpoenas for the
9 attendance of witnesses and the production of relevant books and papers
10 and may require an examination or reexamination of the person. When
11 the action proposed or taken by the division is authorized but not re-
12 quired, the division, upon the hearing, shall either rescind or affirm its
13 order of restriction, suspension or revocation or, good cause appearing
14 therefor, extend the restriction or suspension of the person's driving priv-
15 ileges, modify the terms of the restriction or suspension or revoke the
16 person's driving privileges. When the action proposed or taken by the
17 division is required, the division, upon the hearing, shall either affirm its
18 order of restriction, suspension, revocation or disqualification, or, good
19 cause appearing therefor, dismiss the administrative action. If the person
20 fails to request a hearing within the time prescribed or if, after a hearing,
21 the order of restriction, suspension, revocation or disqualification is up-
22 held, the person shall surrender to the division, upon proper demand,
23 any driver's license in the person's possession.

24 (e) In case of failure on the part of any person to comply with any
25 subpoena issued in behalf of the division or the refusal of any witness to
26 testify to any matters regarding which the witness may be lawfully inter-
27 rogated, the district court of any county, on application of the division,
28 may compel obedience by proceedings for contempt, as in the case of
29 disobedience of the requirements of a subpoena issued from the court or
30 a refusal to testify in the court. Each witness who appears before the
31 director or the director's duly authorized agent by order or subpoena,
32 other than an officer or employee of the state or of a political subdivision
33 of the state, shall receive for the witness' attendance the fees and mileage
34 provided for witnesses in civil cases in courts of record, which shall be
35 audited and paid upon the presentation of proper vouchers sworn to by
36 the witness.

37 (f) The division, in the interest of traffic and safety, may establish
38 driver improvement clinics throughout the state and, upon reviewing the
39 driving record of a person whose driving privileges are subject to suspen-
40 sion under subsection (a)(2), may permit the person to retain such per-
41 son's driving privileges by attending a driver improvement clinic. A person
42 who is required to attend a driver improvement clinic shall pay a fee of
43 \$15. Amounts received under this subsection shall be remitted to the state

1 treasurer in accordance with the provisions of K.S.A. 75-4215, and
2 amendments thereto. Upon receipt of each such remittance, the state
3 treasurer shall deposit the same in the state treasury to the credit of the
4 division of vehicles operating fund.

5 Sec. 3. K.S.A. 2005 Supp. 22-4904 is hereby amended to read as
6 follows: 22-4904. (a) (1) Except as provided in subsection (a)(2), within
7 10 days of the offender coming into any county in which the offender
8 resides or is temporarily domiciled for more than 10 days, the offender
9 shall register with the sheriff of the county.

10 (2) Within 10 days of the offender coming into any county in which
11 the offender resides or temporarily resides for more than 10 days, any
12 offender who has provided the information and completed and signed
13 the registration form as required in K.S.A. 22-4905 and amendments
14 thereto, shall verify with the sheriff of the county that the sheriff has
15 received such offender's information and registration form.

16 (3) Upon registration with a school or educational institution, a non-
17 resident student attending such school or educational institution shall
18 register with the sheriff within 10 days of the commencement of the
19 school term.

20 (4) Upon commencement of employment, a nonresident worker shall
21 register with the sheriff within 10 days of the commencement date of
22 employment.

23 (5) For persons required to register as provided in subsections (a)(1),
24 (a)(3) and (a)(4), the sheriff shall: (A) Explain the duty to register and the
25 procedure for registration;

26 (B) obtain the information required for registration as provided in
27 K.S.A. 22-4907 and amendments thereto;

28 (C) inform the offender that the offender must give written notice of
29 any change of address within 10 days of a change in residence to the law
30 enforcement agency where last registered and the Kansas bureau of
31 investigation;

32 (D) inform the nonresident student offender that the offender must
33 give written notice to the sheriff and the Kansas bureau of investigation
34 of any change or termination of attendance at the school or educational
35 institution the offender is attending, within 10 days of such change or
36 termination;

37 (E) inform the nonresident worker offender that the offender must
38 give written notice to the sheriff and the Kansas bureau of investigation
39 of any termination of employment at the offender's place of employment,
40 within 10 days of such termination;

41 (F) inform the offender that if the offender changes residence to
42 another state, the offender must inform the law enforcement agency
43 where last registered and the Kansas bureau of investigation of such

1 change in residence and must register in the new state within 10 days of
2 such change in residence;

3 (G) inform the offender that the offender must also register in any
4 state or county where the offender is employed, carries on a vocation or
5 is a student;

6 (H) inform the offender that if the offender expects to or subse-
7 quently becomes enrolled in any institution of higher education in the
8 state of Kansas on a full-time or part-time basis or have any full-time or
9 part-time employment at an institution of higher education in the state
10 of Kansas, with or without compensation, for more than 14 days, or for
11 an aggregate period exceeding 30 days in one calendar year, the offender
12 must provide written notice to the Kansas bureau of investigation within
13 10 days upon commencement of enrollment or employment;

14 (I) inform the offender that if there is any change or termination in
15 attendance or employment at an institution of higher education, the of-
16 fender must provide written notice to the Kansas bureau of investigation
17 within 10 days of the change or termination; ~~and~~

18 (J) *inform the offender of the requirement of operating motor vehicles*
19 *only with the identification devices pursuant to section 1, and amend-*
20 *ments thereto; and*

21 ~~†~~ (K) require the offender to read and sign the registration form
22 which shall include a statement that the requirements provided in this
23 subsection have been explained to the offender.

24 (6) Such sheriff, within three days of receipt of the initial registration
25 shall forward this information to the Kansas bureau of investigation.

26 (7) Notwithstanding any other provision of law, if a diversionary
27 agreement or probation order, either adult or juvenile, or a juvenile of-
28 fender sentencing order, requires registration under the Kansas offender
29 registration act then all provisions of that act shall apply, except that the
30 term of registration shall be controlled by such diversionary agreement,
31 probation order or juvenile offender sentencing order.

32 (b) (1) If any person required to register as provided in this act
33 changes the address of the person's residence, the offender, within 10
34 days, shall inform in writing the Kansas bureau of investigation of the new
35 address.

36 (2) After receipt of the change of address, the Kansas bureau of in-
37 vestigation shall forward this information to the law enforcement agency
38 having jurisdiction of the new place of residence within 10 days of such
39 receipt of the change of address.

40 (c) For any person required to register as provided in this act, every
41 90 days after the person's initial registration date during the period the
42 person is required to register, the following applies:

43 (1) The Kansas bureau of investigation shall mail a nonforwardable

- 1 verification form to the last reported address of the person.
- 2 (2) The person shall mail the verification form to the Kansas bureau
3 of investigation within 10 days after receipt of the form.
- 4 (3) The verification form shall be signed by the person and shall pro-
5 vide the following information, as applicable, to the Kansas bureau of
6 investigation: (A) Whether the person still resides at the address last re-
7 ported; (B) whether the person still attends the school or educational
8 institution last reported; (C) whether the person is still employed at the
9 place of employment last reported; and (D) whether the person's vehicle
10 registration information is the same as last reported.
- 11 (4) If the person fails to mail the verification form to the Kansas
12 bureau of investigation within 10 days after receipt of the form, the person
13 shall be in violation of the Kansas offender registration act.
- 14 (5) Nothing contained in this section shall be construed to alleviate
15 any person required to register as provided in this act from meeting the
16 requirements prescribed in subsections (a)(1), (a)(2) and (b)(1).
- 17 Sec. 4. K.S.A. 2005 Supp. 22-4905 is hereby amended to read as
18 follows: 22-4905. (a) (1) Any offender, who is discharged or paroled from
19 a prison, hospital or other institution or facility involving a violation of any
20 crime or confinement as provided in subsection (a), (b), (d) or (f) of K.S.A.
21 22-4902 and amendments thereto, prior to discharge, parole or release,
22 shall be informed by the staff of the facility in which the offender was
23 confined of the duty to register as provided in this act.
- 24 (2) (A) The staff of the facility shall: (i) Explain the duty to register
25 and the procedure for registration;
- 26 (ii) obtain the information required for registration as provided in
27 K.S.A. 22-4907 and amendments thereto;
- 28 (iii) inform the offender that the offender must give written notice
29 of any change of address within 10 days of a change in residence to the
30 law enforcement agency where last registered and the Kansas bureau of
31 investigation;
- 32 (iv) inform the offender that if the offender changes residence to
33 another state, the offender must inform the law enforcement agency
34 where last registered and the Kansas bureau of investigation of such
35 change in residence and must register in the new state within 10 days of
36 such change in residence;
- 37 (v) inform the offender that the offender must also register in any
38 state or county where the offender is employed, carries on a vocation or
39 is a student;
- 40 (vi) inform the offender that if the offender expects to or subse-
41 quently becomes enrolled in any institution of higher education in the
42 state of Kansas on a full-time or part-time basis or have any full-time or
43 part-time employment at an institution of higher education in the state

1 of Kansas, with or without compensation, for more than 14 days or an
2 aggregate period exceeding 30 days in one calendar year, the offender
3 must provide written notice to the Kansas bureau of investigation within
4 10 days upon commencement of enrollment or employment;

5 (vii) inform the offender that if there is any change or termination in
6 attendance or employment, at an institution of higher education, the of-
7 fender must provide written notice to the Kansas bureau of investigation
8 within 10 days of the change or termination; ~~and~~

9 (viii) *inform the offender of the requirement of operating motor ve-*
10 *hicles only with the identification devices pursuant to section 1, and*
11 *amendments thereto; and*

12 ~~(viii)~~ (ix) require the offender to read and sign the registration form
13 which shall include a statement that the requirements provided in this
14 subsection have been explained to the offender.

15 (B) The staff of the facility shall give one copy of the form to the
16 person, within three days, and shall send two copies of the form provided
17 by subsection (2)(A)(v) to the Kansas bureau of investigation, which shall
18 then forward one copy to the law enforcement agency having jurisdiction
19 where the person expects to reside upon discharge, parole or release. The
20 Kansas bureau of investigation must immediately ensure that such infor-
21 mation is entered in the state law enforcement record system. The Kansas
22 bureau of investigation shall transmit such conviction data and finger-
23 prints to the federal bureau of investigation.

24 (b) (1) Any offender who is released on probation, receives a sus-
25 pended sentence, sentenced to community corrections or released on
26 postrelease supervision because of the commission of any crime as pro-
27 vided in subsection (a), (b) or (d) of K.S.A. 22-4902 and amendments
28 thereto, prior to release, shall be informed of the offenders duty to reg-
29 ister as provided in this act by the court in which the offender is convicted.

30 (2) (A) The court shall: (i) Explain the duty to register and the pro-
31 cedure for registration;

32 (ii) obtain the information required for registration as provided in
33 K.S.A. 22-4907 and amendments thereto;

34 (iii) inform the offender that the offender must give written notice
35 of any change of address within 10 days of a change in residence to the
36 law enforcement agency where last registered and the Kansas bureau of
37 investigation;

38 (iv) inform the offender that if the offender changes residence to
39 another state, the offender must inform the law enforcement agency
40 where last registered and the Kansas bureau of investigation of such
41 change in residence and must register in the new state within 10 days of
42 such change in residence;

43 (v) inform the offender that the offender must also register in any

- 1 state or county where the offender is employed, carries on a vocation or
2 is a student;
- 3 (vi) inform the offender that if the offender expects to or subse-
4 quently becomes enrolled in any institution of higher education in the
5 state of Kansas on a full-time or part-time basis or have any full-time or
6 part-time employment at an institution of higher education in the state
7 of Kansas, with or without compensation, for more than 14 days or for
8 an aggregate period exceeding 30 days in one calendar year, the offender
9 must provide written notice to the Kansas bureau of investigation within
10 10 days upon commencement of enrollment or employment;
- 11 (vii) inform the offender that if there is any change or termination in
12 attendance or employment at an institution of higher education, the of-
13 fender must provide written notice to the Kansas bureau of investigation
14 within 10 days of the change or termination; ~~and~~
- 15 *(viii) inform the offender of the requirement of operating motor ve-*
16 *hicles only with the identification devices pursuant to section 1, and*
17 *amendments thereto; and*
- 18 ~~(viii)~~ (ix) require the offender to read and sign the registration form
19 which shall include a statement that the requirements provided in this
20 subsection have been explained to the offender.
- 21 (B) The court shall give one copy of the form to the person and,
22 within three days, shall send two copies of the form provided by subsec-
23 tion (2)(A)(v) to the Kansas bureau of investigation which shall then for-
24 ward one copy to the law enforcement agency having jurisdiction where
25 the person expects to reside upon release. The Kansas bureau of inves-
26 tigation must immediately ensure that such information is entered in the
27 state law enforcement record system. The Kansas bureau of investigation
28 shall transmit such conviction data and fingerprints to the federal bureau
29 of investigation.
- 30 Sec. 5. K.S.A. 8-255 and K.S.A. 2005 Supp. 22-4904 and 22-4905 are
31 hereby repealed.
- 32 Sec. 6. This act shall take effect and be in force from and after its
33 publication in the statute book.