

SESSION OF 2007

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 204**

As Amended by House Committee of the Whole

**Brief\***

SB 204, as amended, would amend the Kansas Offender Registration Act by:

- Adding the attempt, conspiracy or solicitation to commit the new crime of aggravated trafficking to the list of crimes that require registration on the Kansas Offender Registry;
- Expanding the definition of “offender” to include a person convicted of aggravated trafficking;
- Clarifying that jurisdiction for the prosecution of an offender’s failure to register or report would lie with the county of residence of the offender or the county where the non-resident offender is required to register;
- Requiring written notification of a change of address also be given to the Kansas Bureau of Investigation (KBI);
- Eliminating the requirement that the KBI send letters to offenders every 90 days to verify the offender’s information of residence, employment, school of attendance, and vehicle registration;
- Requiring the offender to update his or her information and photograph, in person at the sheriff’s office, at least three times a year, instead of twice a year, and would require the offender to verify:
  - Whether the person still resides at the address last reported;

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

- Whether the person still attends the school or educational institution last reported;
- Whether the person is still employed at the place last reported; and
- Whether the person's vehicle registration information is the same as last reported;
- Requiring that the updated information and photograph of the offender be sent to the KBI;
- Requiring the money collected from the statutory fee required to be paid by the offender each time he or she reports to the sheriff's office would be used solely by the sheriff's office for law enforcement and criminal prosecution purposes;
- Requiring an offender, convicted in another state, who is moving to Kansas to register for the same length of time required by that state or Kansas, whichever length of time is longer. This provision would apply to convictions prior to June 1, 2006 and to persons who moved to Kansas prior to June 1, 2006;
- Requiring offenders to provide the registration number of each license plate assigned to a motor vehicle normally operated by the offender;
- Requiring the offender to provide any email addresses and online identities; and
- Requiring the Kansas Bureau of Investigation to provide the public with sex offender safety and education resources on the KBI website.
- Inserting a retroactive provision regarding the discretion of a court to not require a juvenile to register.

## **Background**

The proponents of the bill included Paul Morrison, Attorney General, and Kyle Smith, Deputy Director with the Kansas Bureau of Investigation. General Morrison testified that the bill seeks to tighten the procedures involved with the offender registration process and to bring Kansas into compliance with several provisions of the federal Adam Walsh Child Protection and Safety Act.

Ed Klumpp with the Kansas Association of Chiefs of Police provided written testimony in support of the bill.

There was no testimony in opposition to the bill.

The Senate Committee amended the bill to add the attempt, conspiracy or solicitation to commit the new crime of aggravated trafficking to the list of crimes that require registration on the Kansas Offender Registry. Additionally, the Committee amended the bill to repeal the statute that was designed for a few “Romeo and Juliet” cases to petition the court for relief from the requirement to register pursuant to the Kansas Offender Registration Act.

The Senate Committee of the Whole amended the bill to strike the language that would repeal the statute that was designed for a few “Romeo and Juliet” cases to petition the court for relief from the requirement to register pursuant to the Kansas Offender Registration Act.

The House Committee amended the bill to do the following:

- Remove the 3-day time period for registration and updating information;
- Delete the provision regarding a juvenile from another state to register; and

- Delete the retroactive provision regarding persons convicted in another state.
- Insert a retroactive provision regarding the discretion of a court to not require a juvenile to register.

The House Committee of the Whole reinserted the retroactive provision regarding persons convicted in another state who then move to Kansas.

The fiscal note from the Division of Budget on the original bill states that the KBI currently mails information verification letters to all offenders required to register every 90 days. The bill eliminates this requirement; therefore, the agency estimates that it would save \$30,408 annually from fee funds on mailings. However, a portion of the savings would be used to maintain the additional internet and vehicle information required by the bill. Given these additional costs, the agency cannot estimate the exact savings the bill would generate.

The bill would affect cities and counties by limiting how the \$20 fee is spent and increasing offender visits each year. The bill requires the \$20 offenders pay when they report to the sheriff's office to be used only for law enforcement and criminal prosecutions. It is not known how each city and county currently spends revenues from the \$20 fee. Therefore, the effect to cities' and counties' budgets cannot be estimated. Furthermore, because the bill would increase the number of times offenders must report to the local sheriff's officer from two to three times a year, cities and counties would see an increase in expenditures to process the additional visits. The exact fiscal effect of the bill to cities and counties cannot be estimated because the cost to process offenders one more time each year would vary by jurisdiction.