

Session of 2025

HOUSE BILL No. 2173

By Committee on Judiciary

Requested by Representative Schreiber

1-30

1 AN ACT concerning the Kansas offender registration act; ~~relating to relief~~
2 ~~from registration requirements~~, authorizing certain offenders to petition
3 for such relief, amending K.S.A. 22-4908 and repealing the existing
4 ~~section~~ sections

prohibiting certain sex offenders from residing within
1,000 feet of any school property

from registration requirements

22-4901, 22-4902 and

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

Insert Attachment A

7 Section 1. K.S.A. 22-4908 is hereby amended to read as follows: 22-
8 4908. (a) (1) Except as provided in subsection (b), a drug offender who is
9 required to register under the Kansas offender registration act may file a
10 verified petition for relief from registration requirements if the offender
11 has registered for a period of at least five years after the date of parole,
12 discharge or release, whichever date is most recent, or, if not confined, five
13 years from the date of conviction or adjudication.

And by renumbering sections accordingly

14 (2) *Except as provided in subsection (b), an offender described in this*
15 *paragraph who is required to register under the Kansas offender*
16 *registration act may file a verified petition for relief from registration*
17 *requirements if the offender has registered for a period of at least 10 years*
18 *after the date of parole, discharge or release, whichever date is most*
19 *recent, or, if not confined, 10 years from the date of conviction or*
20 *adjudication:*

21 (A) *An offender who was convicted or adjudicated of an offense prior*
22 *to July 1, 2011, that, at the time of conviction or adjudication, did not*
23 *require such offender to register under the Kansas offender registration*
24 *act, but is required to register because of the retroactive application of*
25 *section 6 of chapter 95 of the 2011 Session Laws of Kansas; and*

26 (B) *an offender who was originally required to register under the*
27 *Kansas offender registration act for 10 years for an offense committed*
28 *prior to July 1, 2011, but is required to register for a longer period*
29 *because of the retroactive application of section 6 of chapter 95 of the*
30 *2011 Session Laws of Kansas.*

31 (b) An offender who is required to register pursuant to K.S.A. 22-
32 4906(k), and amendments thereto, because of an out-of-state conviction or
33 adjudication may not petition for relief from registration requirements in
34 this state if the offender would be required to register under the law of the
35 state or jurisdiction where the conviction or adjudication occurred. If the

1 offender would no longer be required to register under the law of the state
2 or jurisdiction where the conviction or adjudication occurred, the offender
3 may file a verified petition pursuant to subsection (a).

4 (c) Any period of time during which an offender is incarcerated in
5 any jail or correctional facility or during which the offender does not
6 substantially comply with the requirements of the Kansas offender
7 registration act shall not count toward the duration of registration required
8 in subsection (a).

9 (d) (1) A verified petition for relief from registration requirements
10 shall be filed in the district court in the county where the offender was
11 convicted or adjudicated of the offense requiring registration. If the
12 offender was not convicted or adjudicated in this state of the offense
13 requiring registration, such petition shall be filed in the district court of
14 any county where the offender is currently required to register. The docket
15 fee shall be as provided in K.S.A. 60-2001, and amendments thereto.

16 (2) The petition shall include:

17 (A) The offender's full name;

18 (B) the offender's full name at the time of conviction or adjudication
19 for the offense or offenses requiring registration, if different than the
20 offender's current name;

21 (C) the offender's sex, race and date of birth;

22 (D) the offense or offenses requiring registration;

23 (E) the date of conviction or adjudication for the offense or offenses
24 requiring registration;

25 (F) the court in which the offender was convicted or adjudicated of
26 the offense or offenses requiring registration;

27 (G) whether the offender has been arrested, convicted, adjudicated or
28 entered into a diversion agreement for any crime during the period the
29 offender is required to register; and

30 (H) the names of all treatment providers and agencies that have
31 treated the offender for mental health, substance abuse and offense-related
32 behavior since the date of the offense or offenses requiring registration.

33 (3) The judicial council shall develop a petition form for use under
34 this section.

35 (4) When a petition is filed, the court shall set a date for a hearing on
36 such petition and cause notice of the hearing to be given to the county or
37 district attorney in the county where the petition is filed. Any person who
38 may have relevant information about the offender may testify at the
39 hearing.

40 (5) The county or district attorney shall notify any victim of the
41 offense requiring registration who is alive and whose address is known or,
42 if the victim is deceased, the victim's family if the family's address is
43 known. The victim or victim's family shall not be compelled to testify or

1 provide any discovery to the offender.

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

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

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

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

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

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

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

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

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

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

38 Sec. 2. K.S.A. 22-4908 ~~is~~ hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the Kansas register.

22-4901, 22-4902 and

are

New Section 1. (a) Except as provided in subsection (b), a sex offender who is 18 years of age or older and required to register for such offender's lifetime and whose underlying crime for which the offender is required to register under the Kansas offender registration act was a crime against a victim who was less than 18 years of age shall not reside within 1,000 feet of any school property.

(b) A sex offender described in subsection (a) may reside within 1,000 feet of a school property if such offender:

(1) Resides in a residence prior to July 1, 2025, that is within 1,000 feet of a school property. Such offender shall, prior to July 31, 2025, notify the registering law enforcement agency of the county or location of jurisdiction where such school property is located that such offender resides within 1,000 feet of such school property and provide verifiable proof to such agency that such offender resided in such residence prior to July 1, 2025; or

(2) resides in a residence that was not within 1,000 feet of a school property but school property has been subsequently built or acquired within 1,000 feet of such residence. Not later than 7 days after such school property begins being used for instruction of students, such offender shall notify the registering law enforcement agency of the county or location of jurisdiction where such school property is located that such offender resides within 1,000 feet of such school property and provide verifiable proof to such agency that such offender resided in such residence prior to such school property being used for instruction of students.

(c) For the purposes of this section, 1,000 feet shall be measured from the edge of the structure in which the offender resides, including an attached garage, that is nearest to the school property to the edge of the school property that is nearest to such structure.

(d) This section shall be a part of and supplemental to the Kansas offender registration act.

Sec. 2. K.S.A. 22-4901 is hereby amended to read as follows: 22-4901. ~~K.S.A. 22-4901 through 22-4911 and 22-4913~~ Article 49 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, shall be known and may be cited as the Kansas offender registration act.

Sec. 3. K.S.A. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

(a) "Offender" means:

(1) A sex offender;

(2) a violent offender;

(3) a drug offender;

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

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

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

(1) On or after April 14, 1994, is convicted of any sexually violent crime;

(2) on or after July 1, 2002, is adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(3) has been determined to be a sexually violent predator;

(4) on or after July 1, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:

(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 21-5511, and amendments thereto;

(B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its repeal, or K.S.A. 21-5504(a)(1) or (a)(2), and amendments thereto;

- (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
 - (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
 - (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 21-5513, and amendments thereto;
 - (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 21-5505(a), and amendments thereto;
 - (6) is convicted of sexual extortion, as defined in K.S.A. 21-5515, and amendments thereto;
 - (7) is convicted of breach of privacy, as defined in K.S.A. 21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto;
 - (8) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or
 - (9) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out-of-state conviction for an offense that under the laws of this state would be an offense defined in this subsection.
- (c) "Sexually violent crime" means:
- (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto;
 - (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto;
 - (3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments thereto;
 - (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments thereto;
 - (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto;
 - (6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;
 - (7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto;
 - (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto;
 - (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto;
 - (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto;
 - (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and K.S.A. 21-5509, and amendments thereto;
 - (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and amendments thereto;
 - (13) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;
 - (14) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto;
 - (15) promoting the sale of sexual relations, as defined in K.S.A. 21-6420, and amendments thereto;
 - (16) internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. 21-5514, and amendments thereto;
 - (17) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out-of-state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;
 - (18) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for instruction for students enrolled in kindergarten or any of the grades one through 12.

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

(A) Convicted of unlawful transmission of a visual depiction of a child, as defined in K.S.A. 21-5611(a), and amendments thereto, aggravated unlawful transmission of a visual depiction of a child, as defined in K.S.A. 21-5611(b), and amendments thereto, or unlawful possession of a visual depiction of a child, as defined in K.S.A. 21-5610, and amendments thereto;

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

(C) adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute the commission of sexual extortion as defined in K.S.A. 21-5515, and amendments thereto; or

(D) adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute a violation of K.S.A. 21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto.

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