

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **HB 2404** be amended on page 1, in line 8, after "(a)" by inserting "(1) Except as provided in paragraphs (2), (3) and (4),"; in line 11, by striking "18" and inserting "16"; following line 12, by inserting:

"(2) The provisions of this subsection shall not apply to a person who enters onto school property for the sole purpose of:

(A) Voting in an election when such school property is being used as a polling place and the person leaves such school property immediately after voting; or

(B) attending a religious service when such school property is being used for a religious service and the person leaves such school property immediately after such religious service.

(3) The provisions of this subsection shall not apply to a person who enters onto school property for instruction or attendance when the person is a student enrolled at a school in the unified school district that is using such property or at an accredited nonpublic school that is using such property. Such school district or school may take actions as necessary to protect the safety of students and school employees.

(4) The provisions of this subsection shall not apply if such offender is a parent or guardian of an enrolled student and complies with any procedures established by the local school board to monitor the whereabouts of the offender for the duration of such offender's presence on the school property or attendance at the school activity. A local school board may create such procedures and, if created, shall publish such procedures on the board's public website and include a method to notify parents of any plan approved for such an offender to be present on

school property or attend a school activity at least 14 days prior to such presence or attendance.";

Also on page 1, in line 14, by striking "6" and inserting "8"; following line 19, by inserting:

"New Sec. 2. (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) As used in this section, "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.

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

On page 7, following line 30, by inserting:

"Sec. 5. K.S.A. 22-4908 is hereby amended to read as follows: 22-4908. (a) (1) Except as provided in subsection (b), a drug offender who is required to register under the Kansas offender registration act may file a verified petition for relief from registration requirements if the offender has registered for a period of at least five years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, five years from the date of conviction or adjudication.

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

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

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

2011 Session Laws of Kansas.

(b) An offender who is required to register pursuant to K.S.A. 22-4906(k), and amendments thereto, because of an out-of-state conviction or adjudication may not petition for relief from registration requirements in this state if the offender would be required to register under the law of the state or jurisdiction where the conviction or adjudication occurred. If the offender would no longer be required to register under the law of the state or jurisdiction where the conviction or adjudication occurred, the offender may file a verified petition pursuant to subsection (a).

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

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

(2) The petition shall include:

- (A) The offender's full name;
- (B) the offender's full name at the time of conviction or adjudication for the offense or offenses requiring registration, if different than the offender's current name;
- (C) the offender's sex, race and date of birth;
- (D) the offense or offenses requiring registration;

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

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

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

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

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

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

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

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

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

(2) Any risk assessment ordered under this subsection shall be performed by a professional agreed upon by the parties or a professional approved by the court. Such risk

assessment shall be performed at the offender's expense.

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

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

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

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

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

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

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

Also on page 7, in line 31, by striking "and" and inserting a comma; also in line 31, after

"22-4902" by inserting "and 22-4908";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "for" by inserting "certain"; in line 4, after the semicolon by inserting "prohibiting certain adult sex offenders from residing within 1,000 feet of any school property; authorizing certain offenders to petition for relief from registration requirements;"; also in line 4, by striking the first "and" and inserting a comma; also in line 4, after "22-4902" by inserting "and 22-4908"; and the bill be passed as amended.

_____Chairperson