

HOUSE BILL No. 2756

By Committee on Judiciary

Requested by Representative Barrett

2-6

1 AN ACT concerning the Kansas offender registration act; prohibiting
2 certain sex offenders from residing within 1,000 feet of any school
3 property; amending K.S.A. 22-4902 and repealing the existing section.
4

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

6 New Section 1. (a) Except as provided in subsection (b), a sex
7 offender who is 18 years of age or older and required to register for such
8 offender's lifetime and whose underlying crime for which the offender is
9 required to register under the Kansas offender registration act was a crime
10 against a victim who was less than 14 years of age shall not reside within
11 1,000 feet of any school property.

12 (b) A sex offender described in subsection (a) may reside within
13 1,000 feet of school property if such offender:

14 (1) Resides in a residence prior to July 1, 2026, that is within 1,000
15 feet of school property. Such offender shall, prior to September 30, 2026,
16 notify the registering law enforcement agency of the county or location of
17 jurisdiction where such school property is located that such offender
18 resides within 1,000 feet of such school property and provide verifiable
19 proof to such agency that such offender resided in such residence prior to
20 July 1, 2026; or

21 (2) resides in a residence that previously was not within 1,000 feet of
22 school property, but such school property has been subsequently built or
23 acquired within 1,000 feet of such residence. Such offender shall, not later
24 than 90 days after such school property starts being used for instruction of
25 students, notify the registering law enforcement agency of the county or
26 location of jurisdiction where such school property is located that such
27 offender resides within 1,000 feet of such school property and provide
28 verifiable proof to such agency that such offender has resided in such
29 residence prior to such school property being used for instruction of
30 students.

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

35 (d) This section shall be a part of and supplemental to the Kansas

1 offender registration act.

2 Sec. 2. K.S.A. 22-4902 is hereby amended to read as follows: 22-
3 4902. As used in the Kansas offender registration act, unless the context
4 otherwise requires:

5 (a) "Offender" means:

6 (1) A sex offender;

7 (2) a violent offender;

8 (3) a drug offender;

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

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

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

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

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

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

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

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

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

28 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
29 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter
30 120 of the 2013 Session Laws of Kansas on July 1, 2013;

31 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
32 repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter
33 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

34 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
35 to its repeal, or K.S.A. 21-5513, and amendments thereto;

36 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
37 to its repeal, or K.S.A. 21-5505(a), and amendments thereto;

38 (6) is convicted of sexual extortion, as defined in K.S.A. 21-5515,
39 and amendments thereto;

40 (7) is convicted of breach of privacy, as defined in K.S.A. 21-6101(a)
41 (6), (a)(7) or (a)(8), and amendments thereto;

42 (8) is convicted of an attempt, conspiracy or criminal solicitation, as
43 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or

1 K.S.A. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense
2 defined in this subsection; or

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

6 (c) "Sexually violent crime" means:

7 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
8 21-5503, and amendments thereto;

9 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
10 to its repeal, or K.S.A. 21-5506(a), and amendments thereto;

11 (3) aggravated indecent liberties with a child, as defined in K.S.A.
12 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments
13 thereto;

14 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
15 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments
16 thereto;

17 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
18 to its repeal, or K.S.A. 21-5504(b), and amendments thereto;

19 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
20 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;

21 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
22 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments
23 thereto;

24 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
25 to its repeal, or K.S.A. 21-5510, and amendments thereto;

26 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
27 its repeal, or K.S.A. 21-5505(b), and amendments thereto;

28 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
29 repeal, or K.S.A. 21-5604(b), and amendments thereto;

30 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
31 repeal, and K.S.A. 21-5509, and amendments thereto;

32 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
33 its repeal, or K.S.A. 21-5512, and amendments thereto;

34 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
35 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if
36 committed in whole or in part for the purpose of the sexual gratification of
37 the defendant or another;

38 (14) commercial sexual exploitation of a child, as defined in K.S.A.
39 21-6422, and amendments thereto;

40 (15) promoting the sale of sexual relations, as defined in K.S.A. 21-
41 6420, and amendments thereto;

42 (16) internet trading in child pornography or aggravated internet
43 trading in child pornography, as defined in K.S.A. 21-5514, and

1 amendments thereto;

2 (17) any conviction or adjudication for an offense that is comparable
3 to a sexually violent crime as defined in this subsection, or any out-of-state
4 conviction or adjudication for an offense that under the laws of this state
5 would be a sexually violent crime as defined in this subsection;

6 (18) an attempt, conspiracy or criminal solicitation, as defined in
7 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
8 5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent
9 crime, as defined in this subsection; or

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

17 (d) "Sexually violent predator" means any person who, on or after
18 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
19 59-29a01 et seq., and amendments thereto.

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

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

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

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

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

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

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

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

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

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

43 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior

1 to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if not
2 committed in whole or in part for the purpose of the sexual gratification of
3 the defendant or another;

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

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

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

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

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

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

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

28 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
29 36a05(a)(1), prior to its transfer, or K.S.A. 21-5705(a)(1), and
30 amendments thereto. The provisions of this paragraph shall not apply to
31 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b) that
32 occurred on or after July 1, 2009, through April 15, 2010;

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

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

41 (g) Convictions or adjudications that result from or are connected
42 with the same act, or result from crimes committed at the same time, shall
43 be counted for the purpose of this section as one conviction or

1 adjudication. Any conviction or adjudication set aside pursuant to law is
2 not a conviction or adjudication for purposes of this section. A conviction
3 or adjudication from any out-of-state court shall constitute a conviction or
4 adjudication for purposes of this section.

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

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

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

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

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

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

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

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

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

1 and amendments thereto.

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

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

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

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

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

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

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

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

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

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

34 Sec. 3. K.S.A. 22-4902 is hereby repealed.

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the Kansas register.