

SENATE BILL No. 461

By Committee on Judiciary

2-3

1 AN ACT concerning the Kansas offender registration act; requiring
2 offenders convicted of distribution of a controlled substance causing
3 great bodily harm or death to register under the act for 15 years;
4 amending K.S.A. 22-4902 and 22-4906 and repealing the existing
5 sections.

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

8 Section 1. K.S.A. 22-4902 is hereby amended to read as follows: 22-
9 4902. As used in the Kansas offender registration act, unless the context
10 otherwise requires:

11 (a) "Offender" means:

12 (1) A sex offender;

13 (2) a violent offender;

14 (3) a drug offender;

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

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

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

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

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

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

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

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

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

34 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
35 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter
36 120 of the 2013 Session Laws of Kansas on July 1, 2013;

1 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
2 repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter
3 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

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

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

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

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

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

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

19 (c) "Sexually violent crime" means:

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

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

24 (3) aggravated indecent liberties with a child, as defined in K.S.A.
25 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments
26 thereto;

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

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

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

34 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
35 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments
36 thereto;

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

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

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

43 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its

1 repeal, and K.S.A. 21-5509, and amendments thereto;

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

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

8 (14) commercial sexual exploitation of a child, as defined in K.S.A.
9 21-6422, and amendments thereto;

10 (15) promoting the sale of sexual relations, as defined in K.S.A. 21-
11 6420, and amendments thereto;

12 (16) internet trading in child pornography or aggravated internet
13 trading in child pornography, as defined in K.S.A. 21-5514, and
14 amendments thereto;

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

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

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

30 (d) "Sexually violent predator" means any person who, on or after
31 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
32 59-29a01 et seq., and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

17 (J) *distribution of a controlled substance causing great bodily harm*
18 *or or distribution of a controlled substance causing death, as defined in*
19 *K.S.A. 21-5430, and amendments thereto;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (2) Notwithstanding any other provision of law, a court shall not

1 order any person to register under the Kansas offender registration act for
2 the offenses described in subsection (t)(1).

3 Sec. 2. K.S.A. 22-4906 is hereby amended to read as follows: 22-
4 4906. (a) (1) Except as provided in subsection (c), if convicted of any of
5 the following offenses, an offender's duration of registration shall be, if
6 confined, 15 years after the date of parole, discharge or release, whichever
7 date is most recent, or, if not confined, 15 years from the date of
8 conviction:

9 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
10 or K.S.A. 21-5505(a), and amendments thereto;

11 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
12 K.S.A. 21-5511, and amendments thereto, when one of the parties
13 involved is less than 18 years of age;

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

16 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
17 repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter
18 120 of the 2013 Session Laws of Kansas on July 1, 2013, when one of the
19 parties involved is less than 18 years of age;

20 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
21 to its repeal, or K.S.A. 21-5513, and amendments thereto, when one of the
22 parties involved is less than 18 years of age;

23 (F) 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 (G) 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 (H) 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 (I) 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 (J) 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;

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

37 (L) sexual extortion, as defined in K.S.A. 21-5515, and amendments
38 thereto, when one of the parties involved is less than 18 years of age;

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

41 (N) any act that has been determined beyond a reasonable doubt to
42 have been sexually motivated, unless the court, on the record, finds that
43 the act involved non-forcible sexual conduct, the victim was at least 14

1 years of age and the offender was not more than four years older than the
2 victim;

3 (O) conviction of any person required by court order to register for an
4 offense not otherwise required as provided in the Kansas offender
5 registration act;

6 (P) conviction of any person felony and the court makes a finding on
7 the record that a deadly weapon was used in the commission of such
8 person felony;

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

13 (R) possession of ephedrine, pseudoephedrine, red phosphorus,
14 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
15 ammonia or phenylpropanolamine, or their salts, isomers or salts of
16 isomers with intent to use the product to manufacture a controlled
17 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
18 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 21-5709(a), and
19 amendments thereto;

20 (S) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
21 36a05(a)(1), prior to its transfer, or K.S.A. 21-5705(a)(1), and
22 amendments thereto; ~~or~~

23 (T) *distribution of a controlled substance causing great bodily harm*
24 *or death, as defined in K.S.A. 21-5430, and amendments thereto; or*

25 (U) any attempt, conspiracy or criminal solicitation, as defined in
26 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
27 5301, 21-5302 and 21-5303, and amendments thereto, of an offense
28 defined in this subsection.

29 (2) Except as otherwise provided by the Kansas offender registration
30 act, the duration of registration terminates, if not confined, at the
31 expiration of 15 years from the date of conviction. Any period of time
32 during which any offender is incarcerated in any jail or correctional
33 facility or during which the offender does not comply with any and all
34 requirements of the Kansas offender registration act shall not count toward
35 the duration of registration.

36 (b) (1) Except as provided in subsection (c), if convicted of any of the
37 following offenses, an offender's duration of registration shall be, if
38 confined, 25 years after the date of parole, discharge or release, whichever
39 date is most recent, or, if not confined, 25 years from the date of
40 conviction:

41 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
42 repeal, or K.S.A. 21-5504(a)(1) or (a)(2), and amendments thereto, when
43 one of the parties involved is less than 18 years of age;

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

3 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
4 repeal, or K.S.A. 21-5509, and amendments thereto;

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

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

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

11 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
12 to its repeal, or K.S.A. 21-5510, and amendments thereto, if the victim is
13 14 or more years of age but less than 18 years of age;

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

16 (I) internet trading in child pornography, as defined in K.S.A. 21-
17 5514, and amendments thereto;

18 (J) aggravated internet trading in child pornography, as defined in
19 K.S.A. 21-5514, and amendments thereto, if the victim is 14 or more years
20 of age but less than 18 years of age;

21 (K) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
22 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter
23 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person
24 selling sexual relations is 14 or more years of age but less than 18 years of
25 age; or

26 (L) any attempt, conspiracy or criminal solicitation, as defined in
27 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
28 5301, 21-5302 and 21-5303, and amendments thereto, of an offense
29 defined in this subsection.

30 (2) Except as otherwise provided by the Kansas offender registration
31 act, the duration of registration terminates, if not confined, at the
32 expiration of 25 years from the date of conviction. Any period of time
33 during which any offender is incarcerated in any jail or correctional
34 facility or during which the offender does not comply with any and all
35 requirements of the Kansas offender registration act shall not count toward
36 the duration of registration.

37 (c) Upon a second or subsequent conviction of an offense requiring
38 registration, an offender's duration of registration shall be for such
39 offender's lifetime.

40 (d) The duration of registration for any offender who has been
41 convicted of any of the following offenses shall be for such offender's
42 lifetime:

43 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.

1 21-5503, and amendments thereto;

2 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
3 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments
4 thereto;

5 (3) aggravated indecent liberties with a child, as defined in K.S.A.
6 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments
7 thereto;

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

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

13 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
14 to its repeal, or K.S.A. 21-5426(b), and amendments thereto;

15 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
16 to its repeal, or K.S.A. 21-5510, and amendments thereto, if the victim is
17 less than 14 years of age;

18 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
19 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter
20 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person
21 selling sexual relations is less than 14 years of age;

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

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

26 (11) aggravated internet trading in child pornography, as defined in
27 K.S.A. 21-5514, and amendments thereto, if the victim is less than 14
28 years of age;

29 (12) commercial sexual exploitation of a child, as defined in K.S.A.
30 21-6422, and amendments thereto; or

31 (13) any attempt, conspiracy or criminal solicitation, as defined in
32 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
33 5301, 21-5302 and 21-5303, and amendments thereto, of an offense
34 defined in this subsection.

35 (e) Any person who has been declared a sexually violent predator
36 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall
37 register for such person's lifetime.

38 (f) Notwithstanding any other provisions of this section, for an
39 offender less than 14 years of age who is adjudicated as a juvenile offender
40 for an act which, if committed by an adult, would constitute a sexually
41 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the
42 court shall:

43 (1) Require registration until such offender reaches 18 years of age, at

1 the expiration of five years from the date of adjudication or, if confined,
2 from release from confinement, whichever date occurs later. Any period of
3 time during which the offender is incarcerated in any jail, juvenile facility
4 or correctional facility or during which the offender does not comply with
5 any and all requirements of the Kansas offender registration act shall not
6 count toward the duration of registration;

7 (2) not require registration if the court, on the record, finds substantial
8 and compelling reasons therefor; or

9 (3) require registration, but such registration information shall not be
10 open to inspection by the public or posted on any internet website, as
11 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
12 registration but such registration is not open to the public, such offender
13 shall provide a copy of such court order to the registering law enforcement
14 agency at the time of registration. The registering law enforcement agency
15 shall forward a copy of such court order to the Kansas bureau of
16 investigation.

17 If such offender violates a condition of release during the term of the
18 conditional release, the court may require such offender to register
19 pursuant to paragraph (1).

20 (g) Notwithstanding any other provisions of this section, for an
21 offender 14 years of age or more who is adjudicated as a juvenile offender
22 for an act which, if committed by an adult, would constitute a sexually
23 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
24 such crime is not an off-grid felony or a felony ranked in severity level 1
25 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
26 K.S.A. 21-6804, and amendments thereto, the court shall:

27 (1) Require registration until such offender reaches 18 years of age, at
28 the expiration of five years from the date of adjudication or, if confined,
29 from release from confinement, whichever date occurs later. Any period of
30 time during which the offender is incarcerated in any jail, juvenile facility
31 or correctional facility or during which the offender does not comply with
32 any and all requirements of the Kansas offender registration act shall not
33 count toward the duration of registration;

34 (2) not require registration if the court, on the record, finds substantial
35 and compelling reasons therefor; or

36 (3) require registration, but such registration information shall not be
37 open to inspection by the public or posted on any internet website, as
38 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
39 registration but such registration is not open to the public, such offender
40 shall provide a copy of such court order to the registering law enforcement
41 agency at the time of registration. The registering law enforcement agency
42 shall forward a copy of such court order to the Kansas bureau of
43 investigation.

1 If such offender violates a condition of release during the term of the
2 conditional release, the court may require such offender to register
3 pursuant to paragraph (1).

4 (h) Notwithstanding any other provisions of this section, an offender
5 14 years of age or more who is adjudicated as a juvenile offender for an
6 act which, if committed by an adult, would constitute a sexually violent
7 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
8 crime is an off-grid felony or a felony ranked in severity level 1 of the
9 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
10 21-6804, and amendments thereto, shall be required to register for such
11 offender's lifetime.

12 (i) Notwithstanding any other provision of law, if a diversionary
13 agreement or probation order, either adult or juvenile, or a juvenile
14 offender sentencing order, requires registration under the Kansas offender
15 registration act for an offense that would not otherwise require registration
16 as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all
17 provisions of the Kansas offender registration act shall apply, except that
18 the duration of registration shall be controlled by such diversionary
19 agreement, probation order or juvenile offender sentencing order.

20 (j) The duration of registration does not terminate if the convicted or
21 adjudicated offender again becomes liable to register as provided by the
22 Kansas offender registration act during the required period of registration.

23 (k) For any person moving to Kansas who has been convicted or
24 adjudicated in an out-of-state court, or who was required to register under
25 an out-of-state law, the duration of registration shall be the length of time
26 required by the out-of-state jurisdiction or by the Kansas offender
27 registration act, whichever length of time is longer. The provisions of this
28 subsection shall apply to convictions or adjudications prior to June 1,
29 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
30 convictions or adjudications on or after June 1, 2006, and to persons who
31 moved to Kansas on or after June 1, 2006.

32 (l) For any person residing, maintaining employment or attending
33 school in this state who has been convicted or adjudicated by an out-of-
34 state court of an offense that is comparable to any crime requiring
35 registration pursuant to the Kansas offender registration act, but who was
36 not required to register in the jurisdiction of conviction or adjudication, the
37 duration of registration shall be the duration required for the comparable
38 offense pursuant to the Kansas offender registration act.

39 Sec. 3. K.S.A. 22-4902 and 22-4906 are hereby repealed.

40 Sec. 4. This act shall take effect and be in force from and after its
41 publication in the statute book.