

SENATE BILL No. 487

By Committee on Judiciary

2-4

1 AN ACT concerning the Kansas offender registration act; relating to
2 agencies that register offenders under the act; requiring the Kansas
3 bureau of investigation to provide a statewide offender registration
4 system; allowing offenders required to register under the act to report
5 where such offender works or attends school at a single point of
6 registration; amending K.S.A. 22-4904 and 22-4905 and repealing the
7 existing sections.
8

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

10 New Section 1. (a) The Kansas bureau of investigation shall provide a
11 statewide offender registration system for registering law enforcement
12 agencies to use when registering offenders under the Kansas offender
13 registration act. Such system shall be used to maintain compliance with the
14 Kansas offender registration act and ensure real-time delivery of offender
15 relocation notifications. The Kansas bureau of investigation, in
16 consultation with the Kansas sheriffs' association, shall provide each
17 registering law enforcement agency and any state agency required to
18 register offenders with access to the statewide offender registration system.

19 (b) Registering law enforcement agencies shall submit registration
20 data collected pursuant to K.S.A. 22-4904, and amendments thereto, to the
21 statewide offender registration system of Kansas bureau of investigation in
22 a form and manner approved by the director of the Kansas bureau of
23 investigation in consultation with the Kansas sheriffs' association.

24 (c) Offenders who are required to register shall remit payment of a
25 technology fee to the sheriff's office at the time of registration as provided
26 in K.S.A. 22-4905, and amendments thereto. The amount of the fee shall
27 be fixed by rules and regulations adopted by the director of the Kansas
28 bureau of investigation, except that such fee shall not exceed \$10. Such
29 technology fee shall be remitted to the state treasurer in accordance with
30 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
31 of each such remittance, the state treasurer shall deposit the entire amount
32 in the state treasury to the credit of the offender registration technology
33 fund.

34 (d) There is hereby created in the state treasury the offender
35 registration technology fund. The director of the Kansas bureau of
36 investigation shall administer the fund. All expenditures from the fund

1 shall be for the purpose of developing and maintaining the statewide
2 offender registration system. All expenditures from the offender
3 registration technology fund shall be made in accordance with
4 appropriation acts upon warrants of the director of accounts and reports
5 issued pursuant to vouchers approved by the director of the Kansas bureau
6 of investigation.

7 (e) The Kansas bureau of investigation shall be responsible for the
8 costs of administering, purchasing and maintaining the statewide offender
9 registration system used by registering law enforcement agencies.

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

12 Sec. 2. K.S.A. 22-4904 is hereby amended to read as follows: 22-
13 4904. (a) (1) At the time of conviction or adjudication for an offense
14 requiring registration as provided in K.S.A. 22-4902, and amendments
15 thereto, the court shall:

16 (A) Inform any offender, on the record, of the procedure to register
17 and the requirements of K.S.A. 22-4905, and amendments thereto; and

18 (B) if the offender is released:

19 (i) Complete a notice of duty to register, which shall include title and
20 statute number of conviction or adjudication, date of conviction or
21 adjudication, case number, county of conviction or adjudication, and the
22 following offender information: Name, address, date of birth, social
23 security number, race, ethnicity and gender;

24 (ii) require the offender to read and sign the notice of duty to register,
25 which shall include a statement that the requirements provided in this
26 subsection have been explained to the offender;

27 (iii) order the offender to report within three business days to the
28 registering law enforcement agency in the county or tribal land of
29 conviction or adjudication and to the registering law enforcement agency
30 in any place where the offender resides, ~~maintains employment or attends~~
31 ~~school~~, to complete the registration form with all information and any
32 updated information required for registration as provided in K.S.A. 22-
33 4907, and amendments thereto; and

34 (iv) provide one copy of the notice of duty to register to the offender
35 and, within three business days, send a copy of the form to the law
36 enforcement agency having initial jurisdiction and to the Kansas bureau of
37 investigation.

38 (2) At the time of sentencing or disposition for an offense requiring
39 registration as provided in K.S.A. 22-4902, and amendments thereto, the
40 court shall ensure the age of the victim is documented in the journal entry
41 of conviction or adjudication.

42 (3) Upon commitment for control, care and treatment by the Kansas
43 department for aging and disability services pursuant to K.S.A. 59-29a07,

1 and amendments thereto, the court shall notify the registering law
2 enforcement agency of the county where the offender resides during
3 commitment of such offender's commitment. Such notice shall be prepared
4 by the office of the attorney general for transmittal by the court by
5 electronic means, including by fax or e-mail.

6 (b) The staff of any correctional facility or the registering law
7 enforcement agency's designee shall:

8 (1) ~~At the time~~*Within three business days* of initial custody, register
9 any offender ~~within three business days by entering all required~~
10 *registration information in the statewide offender registration system and:*

11 (A) Inform the offender of the procedure for registration and of the
12 offender's registration requirements as provided in K.S.A. 22-4905, and
13 amendments thereto;

14 (B) complete the registration form with all information and updated
15 information required for registration as provided in K.S.A. 22-4907, and
16 amendments thereto;

17 (C) require the offender to read and sign the registration form, which
18 shall include a statement that the requirements provided in this subsection
19 have been explained to the offender;

20 (D) provide one copy of the form to the offender and, within three
21 business days, ~~send a copy of the form to enter the registration~~
22 *information into the statewide offender registration system provided by the*
23 *Kansas bureau of investigation; and*

24 (E) enter all offender information, *including updates to such*
25 *information, required by the national crime information center and for*
26 *registration as provided in K.S.A. 22-4907, and amendments thereto, into*
27 ~~the national sex offender registry system within three business days of~~
28 ~~completing the registration or electronically submit all information and~~
29 ~~updated information required for registration as provided in K.S.A. 22-~~
30 ~~4907, and amendments thereto, within three business days to the statewide~~
31 *offender registration system provided by the Kansas bureau of*
32 *investigation;*

33 (2) notify the Kansas bureau of investigation of the incarceration of
34 any offender and of the location or any change in location of the offender
35 while in custody;

36 (3) prior to any offender being discharged, paroled, furloughed or
37 released on work or school release that does not require the daily return to
38 a correctional facility:

39 (A) Inform the offender of the procedure for registration and of the
40 offender's registration requirements as provided in K.S.A. 22-4905, and
41 amendments thereto;

42 (B) complete the registration form with all information and updated
43 information required for registration as provided in K.S.A. 22-4907, and

1 amendments thereto;

2 (C) require the offender to read and sign the registration form, which
3 shall include a statement that the requirements provided in this subsection
4 have been explained to the offender;

5 (D) photograph the offender's face and any identifying marks;

6 (E) obtain fingerprint and palm prints of the offender; and

7 (F) provide one copy of the form to the offender and, ~~within three~~
8 ~~business days, send a copy of the form and of enter the registration~~
9 ~~information, including the photograph or photographs, to the law~~
10 ~~enforcement agency having initial jurisdiction and to into the statewide~~
11 ~~registration system provided by the Kansas bureau of investigation; and~~

12 (4) notify the law enforcement agency having initial jurisdiction and
13 the Kansas bureau of investigation seven business days prior to any
14 offender being discharged, paroled, furloughed or released on work or
15 school release.

16 (c) The staff of any treatment facility shall:

17 (1) Within three business days of an offender's arrival for inpatient
18 treatment, inform the registering law enforcement agency of the county or
19 location of jurisdiction in which the treatment facility is located of the
20 offender's presence at the treatment facility and the expected duration of
21 the treatment, and immediately notify the registering law enforcement
22 agency of an unauthorized or unexpected absence of the offender during
23 the offender's treatment;

24 (2) inform the registering law enforcement agency of the county or
25 location of jurisdiction in which the treatment facility is located within
26 three business days of an offender's discharge or release; and

27 (3) provide information upon request to any registering law
28 enforcement agency having jurisdiction relevant to determining the
29 presence of an offender within the treatment facility.

30 (d) The registering law enforcement agency, upon the reporting of
31 any offender, shall:

32 (1) Inform the offender of the duty to register as provided by the
33 Kansas offender registration act;

34 (2) (A) explain the procedure for registration and the offender's
35 registration requirements as provided in K.S.A. 22-4905, and amendments
36 thereto;

37 (B) obtain the information required for registration as provided in
38 K.S.A. 22-4907, and amendments thereto; and

39 (C) require the offender to read and sign the registration form, which
40 shall include a statement that the requirements provided in this subsection
41 have been explained to the offender;

42 (3) complete the registration form with all information and updated
43 information required for registration, as provided in K.S.A. 22-4907, and

1 amendments thereto, each time the offender reports to the registering law
2 enforcement agency. All information and updated information reported by
3 an offender shall ~~be forwarded to~~ *entered into the statewide offender*
4 *registration system provided by the Kansas bureau of investigation* ~~within~~
5 ~~three business days;~~

6 (4) maintain the original signed registration form, provide one copy
7 of the completed registration form to the offender and, ~~within three~~
8 ~~business days, send one copy of the completed form to enter the~~
9 *registration information into the statewide offender registration system*
10 *provided by the Kansas bureau of investigation;*

11 (5) forward a copy of any certified letter used for reporting pursuant
12 to K.S.A. 22-4905, and amendments thereto, when utilized, within three
13 business days to the Kansas bureau of investigation;

14 (6) obtain registration information from every offender required to
15 register regardless of whether or not the offender remits payment;

16 (7) upon every required reporting, update the photograph or
17 photographs of the offender's face and any new identifying marks and
18 immediately forward copies or electronic files of the photographs to the
19 Kansas bureau of investigation;

20 (8) enter all offender information required by the national crime
21 information center into the national sex offender registry system within
22 three business days of completing the registration or electronically submit
23 all information and updated information required for registration as
24 provided in K.S.A. 22-4907, and amendments thereto, within three
25 business days to the Kansas bureau of investigation;

26 (9) maintain a special fund for the deposit and maintenance of fees
27 paid by offenders. All funds retained by the registering law enforcement
28 agency pursuant to the provisions of this section shall be credited to a
29 special fund of the registering law enforcement agency which shall be used
30 solely for law enforcement and criminal prosecution purposes and which
31 shall not be used as a source of revenue to reduce the amount of funding
32 otherwise made available to the registering law enforcement agency; and

33 (10) forward any initial registration and updated registration
34 information within three business days to any out-of-state jurisdiction
35 where the offender is expected to reside, maintain employment or attend
36 school.

37 (e) (1) The Kansas bureau of investigation shall, *through the use of*
38 *the statewide offender registration system:*

39 (A) Forward all additions or changes in information to any registering
40 law enforcement agency, other than the agency that submitted the form,
41 where the offender expects to reside, maintain employment or attend
42 school;

43 (B) ensure that offender information is immediately entered in the

1 state registered offender database and the Kansas registered offender
2 website, as provided in K.S.A. 22-4909, and amendments thereto;

3 (C) transmit offender conviction or adjudication data, fingerprints and
4 palm prints to the federal bureau of investigation; and

5 (D) ensure all offender information required by the national crime
6 information center is transmitted into the national sex offender registry
7 system within three business days of such information being electronically
8 submitted to the Kansas bureau of investigation.

9 (2) The director of the Kansas bureau of investigation may adopt
10 rules and regulations necessary to implement the provisions of the Kansas
11 offender registration act.

12 (f) The attorney general shall, within 10 business days of an offender
13 being declared a sexually violent predator, forward to the Kansas bureau of
14 investigation all relevant court documentation declaring an offender a
15 sexually violent predator.

16 (g) The state department of education shall annually notify any school
17 of the Kansas bureau of investigation internet website, and any internet
18 website containing information on the Kansas offender registration act
19 sponsored or created by the registering law enforcement agency of the
20 county or location of jurisdiction in which the school is located, for the
21 purpose of locating offenders who reside near such school. Such
22 notification shall include information that the registering law enforcement
23 agency of the county or location of jurisdiction where such school is
24 located is available to the school to assist in using the registry and
25 providing additional information on registered offenders.

26 (h) The secretary of health and environment shall annually notify any
27 licensed child care facility of the Kansas bureau of investigation internet
28 website, and any internet website containing information on the Kansas
29 offender registration sponsored or created by the registering law
30 enforcement agency of the county in which the facility is located, for the
31 purpose of locating offenders who reside near such facility. Such
32 notification shall include information that the registering law enforcement
33 agency of the county or location of jurisdiction where such child care
34 facility is located is available to the child care facilities to assist in using
35 the registry and providing additional information on registered offenders.

36 (i) Upon request, the clerk of any court of record shall provide the
37 Kansas bureau of investigation copies of complaints, indictments,
38 information, journal entries, commitment orders or any other documents
39 necessary to the performance of the duties of the Kansas bureau of
40 investigation under the Kansas offender registration act. No fees or
41 charges for providing such documents may be assessed.

42 Sec. 3. K.S.A. 22-4905 is hereby amended to read as follows: 22-
43 4905. Any offender required to register as provided in the Kansas offender

1 registration act shall:

2 (a) Except as otherwise provided in this subsection, register in person
3 with the registering law enforcement agency within three business days of
4 coming into any county or location of jurisdiction in which the offender
5 resides or intends to reside, maintains employment or intends to maintain
6 employment, or attends school or intends to attend school. Any such
7 offender who cannot physically register in person with the registering law
8 enforcement agency for such reasons including, but not limited to,
9 incapacitation or hospitalization, as determined by a person licensed to
10 practice medicine or surgery, or involuntarily committed pursuant to the
11 Kansas sexually violent predator act, shall be subject to verification
12 requirements other than in-person registration, as determined by the
13 registering law enforcement agency having jurisdiction;

14 (b) except as provided further, for any: (1) Sex offender, including a
15 violent offender or drug offender who is also a sex offender, report in
16 person four times each year to the registering law enforcement agency in
17 the county or location of jurisdiction in which the offender resides,
18 maintains employment or is attending a school; and (2) violent offender or
19 drug offender, report in person four times each year to the registering law
20 enforcement agency in the county or location of jurisdiction in which the
21 offender resides, maintains employment or is attending a school, except
22 that, at the discretion of the registering law enforcement agency, one of the
23 four required reports may be conducted by certified letter. When utilized,
24 the certified letter for reporting shall be sent by the registering law
25 enforcement agency to the reported residence of the offender. The offender
26 shall indicate any changes in information as required for reporting in
27 person. The offender shall respond by returning the certified letter to the
28 registering law enforcement agency within 10 business days by certified
29 mail. The offender shall be required to report to the registering law
30 enforcement agency once during the month of the offender's birthday and
31 every third, sixth and ninth month occurring before and after the month of
32 the offender's birthday. The registering law enforcement agency may
33 determine the appropriate times and days for reporting by the offender,
34 consistent with this subsection. Nothing contained in this subsection shall
35 be construed to alleviate any offender from meeting the requirements
36 prescribed in the Kansas offender registration act;

37 (c) provide the information required for registration as provided in
38 K.S.A. 22-4907, and amendments thereto, and verify all information
39 previously provided is accurate;

40 (d) if in the custody of a correctional facility, register with the
41 correctional facility within three business days of initial custody ~~and but~~
42 shall not be required to update such registration until discharged, paroled,
43 furloughed or released on work or school release from a correctional

1 facility. A copy of the registration form and any updated registrations for
2 an offender released on work or school release shall be sent, ~~within three~~
3 ~~business days,~~ *entered into the statewide offender registration system to*
4 *distribute the information* to the registering law enforcement agency where
5 the offender is incarcerated, maintains employment or attends school; and
6 to the Kansas bureau of investigation;

7 (e) if involuntarily committed pursuant to the Kansas sexually violent
8 predator act, register within three business days of arrival in the county
9 where the offender resides during commitment. The offender shall not be
10 required to update such registration until placed in a reintegration facility,
11 on transitional release or on conditional release. Upon placement in a
12 reintegration facility, on transitional release or on conditional release, the
13 offender shall be personally responsible for complying with the provisions
14 of the Kansas offender registration act;

15 (f) notwithstanding subsections (a) and (b), if the offender is
16 transient, report in person to the registering law enforcement agency of
17 such county or location of jurisdiction in which the offender is physically
18 present within three business days of arrival in the county or location of
19 jurisdiction. Such offender shall be required to register in person with the
20 registering law enforcement agency every 30 days, or more often at the
21 discretion of the registering law enforcement agency. Such offender shall
22 comply with the provisions of the Kansas offender registration act and, in
23 addition, shall:

24 (1) Provide a list of places where the offender has slept and otherwise
25 frequented during the period of time since the last date of registration; and

26 (2) provide a list of places where the offender may be contacted and
27 where the offender intends to sleep and otherwise frequent during the
28 period of time prior to the next required date of registration;

29 (g) if required by out-of-state law, register in any out-of-state
30 jurisdiction, where the offender resides, maintains employment or attends
31 school;

32 (h) register in person upon any commencement, change or
33 termination of residence location, employment status, school attendance or
34 other information as provided in K.S.A. 22-4907, and amendments thereto,
35 within three business days of such commencement, change or termination,
36 to the registering law enforcement agency or agencies where last
37 registered and provide written notice to the Kansas bureau of
38 investigation;

39 (i) report in person to the registering law enforcement agency or
40 agencies within three business days of any change in name;

41 (j) if receiving inpatient treatment at any treatment facility, inform the
42 treatment facility of the offender's status as an offender and inform the
43 registering law enforcement agency of the county or location of

1 jurisdiction in which the treatment facility is located of the offender's
2 presence at the treatment facility and the expected duration of the
3 treatment;

4 (k) submit to the taking of an updated photograph by the registering
5 law enforcement agency on each occasion when the offender registers with
6 or reports to the registering law enforcement agency in the county or
7 location of jurisdiction in which the offender resides, maintains
8 employment or attends school. In addition, such offender shall submit to
9 the taking of a photograph to document any changes in identifying
10 characteristics, including, but not limited to, scars, marks and tattoos;

11 (l) remit payment to the sheriff's office in the amount of \$20 *plus the*
12 *technology fee described in section 1, and amendments thereto*, as part of
13 the reporting process required pursuant to subsection (b) in each county in
14 which the offender resides, maintains employment or is attending school.
15 Registration will be completed regardless of whether or not the offender
16 remits payment. Failure of the offender to remit full payment within 15
17 days of registration is a violation of the Kansas offender registration act
18 and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments
19 thereto. Notwithstanding other provisions herein, payment of ~~this fee~~ *such*
20 *fees* is not required:

21 (1) When an offender provides updates or changes in information or
22 during an initial registration unless such updates, changes or initial
23 registration is during the month of such offender's birthday and every
24 third, sixth and ninth month occurring before and after the month of the
25 offender's birthday;

26 (2) when an offender is transient and is required to register every 30
27 days, or more frequently as ordered by the registering law enforcement
28 agency, except during the month of the offender's birthday and every third,
29 sixth and ninth month occurring before and after the month of the
30 offender's birthday; or

31 (3) if an offender has, prior to the required reporting and within the
32 last three years, been determined to be indigent by a court of law, and the
33 basis for that finding is recorded by the court;

34 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and
35 amendments thereto, and annually renew any identification card pursuant
36 to K.S.A. 2025 Supp. 8-1325a, and amendments thereto;

37 (n) if maintaining primary residence in this state, surrender all driver's
38 licenses and identification cards from other states, territories and the
39 District of Columbia, except if the offender is presently serving and
40 maintaining active duty in any branch of the United States military or the
41 offender is an immediate family member of a person presently serving and
42 maintaining active duty in any branch of the United States military;

43 (o) read and sign the registration form noting whether the

1 requirements provided in this section have been explained to the offender;
2 and

3 (p) report in person to the registering law enforcement agency in the
4 jurisdiction of the offender's residence and provide written notice to the
5 Kansas bureau of investigation 21 days prior to any travel outside of the
6 United States, and provide an itinerary including, but not limited to,
7 destination, means of transport and duration of travel, or if under
8 emergency circumstances, within three business days of making travel
9 arrangements.

10 Sec. 4. K.S.A. 22-4904 and 22-4905 are hereby repealed.

11 Sec. 5. This act shall take effect and be in force from and after its
12 publication in the statute book.