

SESSION OF 2025

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2404**

As Amended by House Committee on Judiciary

**Brief\***

HB 2404, as amended, would create and amend law in the Kansas Offender Registration Act to make it unlawful for certain sex offenders to enter onto school property or attend a school activity, subject to certain exceptions; allow certain offenders to petition for relief from registration requirements; and prohibit sex offenders from residing within 1,000 feet of a school property, with certain exceptions.

The bill would also make technical and conforming amendments.

***Sex Offenders—Presence on School Property***

The bill would prohibit certain sex offenders from entering school property. Under the bill, this prohibition would apply to any registered sex offender who is:

- At least 18 years of age; and
- Convicted of a crime requiring registration involving a victim less than 16 years of age.

***Exceptions***

**Voting and Religious Services.** The bill would provide the following voting and religious service exceptions that would allow prohibited persons to enter school property to:

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Vote in an election when such school property is being used as a polling place, provided the person leaves school property immediately after voting; or
- Attend a religious service when such school property is being used for a religious service, provided the person leaves school property immediately after such service.

**Enrolled Students.** The bill would provide an exception that would allow a prohibited person to receive instruction or attend school when the person is an enrolled student at the school using the property.

If the person is an enrolled student, the school district or school would be allowed to take actions as necessary to protect the safety of students and school employees.

**Parent or Guardian of a Student.** If the prohibited person is a parent or guardian of an enrolled student, the bill would allow such person to enter school property if they comply with any procedures established by the local school board to monitor the whereabouts of the offender for the duration of their presence on school property or attendance at the school activity.

The bill would allow a local school board to create such monitoring procedures, and if created, would require the school board to publish the procedures on its public website. Such procedures would also be required to include a method to notify parents of any approved plan that would allow a prohibited person to be present on school property or attend a school activity at least 14 days prior to such presence or attendance.

#### *Penalties for Violation*

A violation of the prohibited conduct would be classified as follows:

- Upon a first conviction, a severity level 8 person felony;
- Upon a second conviction, a severity level 5 person felony; and
- Upon a third or subsequent conviction, a severity level 3 person felony.

### *Definitions*

The bill would define the terms “school activity” and “school property.”

“School activity” would mean an activity sponsored by a unified school district or a non-public school at which students in kindergarten or any of the grades 1 through 12, or children under the age of eligibility to attend kindergarten who attend a preschool program, are the primary intended participants or the primary intended audience, including, but not limited to:

- School instructional time;
- After school care;
- After school tutoring;
- Athletic events;
- School dances and social events;
- Field trips; or
- School plays or assemblies.

“School property” would mean property upon which is located a structure used by a unified school district or an accredited non-public school for instruction, attendance, or extracurricular activities for students enrolled in kindergarten or any of the grades 1 through 12 or for children under the

age of eligibility to attend kindergarten who attend a preschool program.

### ***Petition for Relief from Registration Requirements***

The bill would allow certain offenders registered for a period of at least 10 years after the most recent date of parole, discharge, or release, or if not confined, 10 years from the date of conviction or adjudication, to file a verified petition for relief from registration requirements.

[Note: 2011 House Sub. for SB 37 made several amendments to the Kansas Offender Registration Act by, among other changes, requiring registration by certain offenders for terms of 15 years, 25 years, or for the offender's lifetime. These changes were applied retroactively, resulting in some offenders whose registration terms were extended.]

Under the bill, offenders allowed to petition for relief would include persons who were:

- Convicted of an offense prior to July 1, 2011, who at the time of conviction or adjudication were not required to register, but became required to register due to retroactive application of the 2011 bill; or
- Required to register for 10 years for an offense committed prior to July 1, 2011, but were required to register for a longer period due to retroactive application of the 2011 bill.

Offenders required to register in Kansas due to an out-of-state conviction or adjudication would be excluded from this bill.

### ***Sex Offender Residency Restrictions***

The bill would create residency restrictions for registered sex offenders who are over age 18 and whose underlying crime requiring registration was a crime against a victim who was younger than 18. Such persons would be prohibited from residing within 1,000 feet of any school property, measured from the edge of the residency structure that is nearest to the school property, including an attached garage, to the nearest edge of the school property.

### ***Residency Exceptions***

A sex offender would be allowed to reside within 1,000 feet of the school property if such offender:

- Resides in a residence prior to July 1, 2025, that is within 1,000 feet of a school property; or
- Resides in a residence that was not originally within 1,000 feet of a school property, but the school property was subsequently built or acquired within 1,000 feet of the residence.

**Notifications.** Offenders subject to either exception would be required to notify the registering law enforcement agency of the county or other local jurisdiction and provide proof that their residency began prior to the effective date of the bill.

Offenders residing within 1,000 feet of a school property prior to July 1, 2025, would be required to notify the agency prior to July 31, 2025.

Offenders whose residence later becomes subject to the 1,000 feet prohibition due to a newly built or acquired school property would be required to provide such notification within seven days after the school property begins being used for instruction of students.

### *Definitions*

For the purposes of residency restrictions, “school property” would mean property upon which is located a structure used by a unified school district or an accredited non-public school for instruction for students enrolled in kindergarten or any of the grades 1 through 12.

### **Background**

The House Committee on Judiciary made various amendments to the underlying provisions of HB 2404 and inserted the provisions of HB 2173, as recommended by the House Committee on Judiciary. Background information for both bills is provided below.

### ***HB 2404 (Sex Offenders—Presence on School Property)***

HB 2404 was introduced by the House Committee on Taxation at the request of Representative Estes.

### *House Committee on Judiciary*

In the House Committee hearing, **proponent** testimony was provided by Senator Warren; the Johnson County District Attorney; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and five private citizens. The proponents discussed a recent incident during which a person previously convicted of a sex crime had been present at a school dance. The conferees stated the bill would codify state restrictions on the ability of certain sex offenders to visit or be present at a school building.

Written-only proponent testimony was provided by representatives of the Kansas National Education Association, the Superintendent of USD 229 (Blue Valley), and three private citizens.

**Opponent** testimony was provided by a representative of the Board of Indigents' Defense Services. The opponent stated the bill would not reduce recidivism, but would further isolate sex offenders. The conferee further noted their concern regarding the ability of offenders to be present in the education of their children or grandchildren, attend church services on school property, or vote at a polling place.

Neutral testimony was provided by a representative of the Kansas Association of School Boards. Written-only neutral testimony was provided by a representative of Wichita Public Schools.

The House Committee amended the bill by:

- Lowering the felony classification for first-time offenders who enter school property in violation of the bill;
- Adding exceptions for voting, attending religious services, attending school as an enrolled student, and for parents and guardians of enrolled students;
- Lowering the victim age to align with the age of consent (age 16);
- Inserting the contents of HB 2173 related to petition for relief from registration requirements; and
- Inserting provisions that would prohibit registered sex offenders from residing within 1,000 feet of a school, subject to certain exceptions.

***HB 2173 (Petition for Relief from Registration Requirements)***

HB 2173 was introduced by the House Committee on Judiciary at the request of Representative Schreiber.

### *House Committee on Judiciary*

In the House Committee hearing, **proponent** testimony was provided by Representative Sutton on behalf of a constituent, a representative of the State Board of Indigents' Defense Services, and two private citizens. The proponents generally stated the bill would provide opportunities for those who had been subject to retroactive application of the 2011 bill on the offender registry, who have been rehabilitated, to get off the registry.

Written-only proponent testimony was provided by a representative of the Kansas Judicial Council and five private citizens.

Neutral testimony was provided by a representative of the Kansas Bureau of Investigation (KBI). The testimony generally stated the bill could jeopardize the State's compliance with the requirements of the federal Adam Walsh Sex Offender Registration and Notice Act (SORNA), which could result in the State losing a portion of its federal justice assistance grant funds.

No other testimony was provided.

### **Fiscal Information**

#### ***HB 2404 (Sex Offenders—Presence on School Property)***

According to the fiscal note prepared by the Division of the Budget on HB 2404, as introduced, the Board of Indigents' Defense Services (Board) indicates HB 2404 would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 5 or 6 person felony case requires 57 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$125 per hour for



assigned counsel, each new severity level 5 or 6 person felony case brought to the agency would result in State General Fund (SGF) expenditures of \$4,752 to \$7,125.

The Board indicates that on average, a severity level 3 person felony case requires 99 hours of defense attorney work. Therefore, each new severity level 3 person felony case brought to the agency would result in SGF expenditures of \$8,253 to \$12,375. The Board indicates it may require 1.00 new FTE attorney position and possibly additional support staff, depending on the number of new cases brought to the agency under the bill.

The Judicial Branch indicates the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and non-judicial personnel in processing, researching, and hearing cases. However, the Branch is unable to calculate a precise estimate of this effect. the bill has the potential to increase the collection of docket fees that are deposited in the SGF; however, the amount of additional collections is unknown.

The Department of Corrections indicates the bill has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates the bill has the potential to increase county government expenditures on legal proceedings. The League of Kansas Municipalities indicates the bill would have no fiscal effect on cities.

According to the Prison Bed Impact Statement prepared by the Sentencing Commission (Commission) on the bill, as introduced, the bill has the potential to increase prison admissions and the number of prison beds needed and may impact the workload of the Commission; however, a precise estimate of this effect cannot be determined.

### ***HB 2173 (Relief from Offender Registration)***

According to the fiscal note prepared by the Division of the Budget on HB 2173, as introduced, the KBI indicates enactment of the bill would increase expenditures by \$159,266 from the SGF in FY 2026 and FY 2027 for 2.00 Administrative Officer positions.

The KBI states that there are currently 25,409 sex, drug, and violent offenders on the registry. Of those, there are over 5,500 sex offenders who were convicted of an offense that, prior to July 1, 2011, would have required ten years of registration and could petition for relief. There are approximately 1,500 violent offenders who were convicted of an offense that, prior to July 1, 2011, would have required ten years of registration and could petition for relief. The KBI notes that drug offenders already have the ability to apply for relief within five years, and the bill would have no fiscal effect for those offenders.

The KBI indicates it cannot estimate the number of offenders who will apply for relief from registration and would be approved; however, it takes the KBI approximately 75 minutes per offender to end their registration. If all 7,000 offenders applied and were approved immediately upon enactment of the bill, it would take 4.0 Administrative Officers working full-time for approximately 55 weeks to remove the offenders from the registry.

The KBI states the cost per Administrative Officer position is \$79,633 for salaries and wages. The KBI indicates it is unlikely that all offenders would apply for and be approved at once, so the KBI would only require 2.0 Administrative Officer positions to end the registrations. The KBI also notes that local sheriff's offices collect \$20 per quarter per offender and would see an approximate loss in revenue totaling \$560,000.

The Office of Judicial Administration indicates enactment of the bill could increase expenditures for the Judicial Branch

because it would allow more offenders to file a verified petition for relief from registration requirements. This would increase the time spent by district court judicial and non-judicial personnel in processing these petitions. However, the Office states that until the courts have had an opportunity to operate under the provisions of the bill, an accurate estimate of the fiscal effect cannot be estimated. The Office notes that enactment of the bill could reduce revenues to local law enforcement agencies due to fewer offenders paying registration fees. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

According to the Prison Bed Impact Statement prepared by the Commission on the bill, enactment will decrease prison admissions, prison beds, and the workload of the Commission but the total cannot be determined.

Kansas Offender Registration Act; sex offenders; schools; petition for relief; SORNA