

KBI

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RS - JThompson - 02/15/12

1 felony.
2 (2) Aggravated violation of the Kansas offender registration act is a
3 severity level 3, person felony.
4 (d) Prosecution of violations of this section may be held:
5 (1) In any county in which the offender resides;
6 (2) in any county in which the offender is required to be registered
7 under the Kansas offender registration act;
8 (3) in any county in which the offender is located during which time
9 the offender is not in compliance with the Kansas offender registration act;
10 or
11 (4) in the county in which any conviction *or adjudication* occurred
12 for which the offender is required to be registered under the Kansas
13 offender registration act.
14 Sec. 3, K.S.A. 2011 Supp. 22-4904 is hereby amended to read as
15 follows: 22-4904.
16 (a) At the time of sentencing ~~or disposition~~ conviction *or*
17 adjudication for an offense requiring registration as provided in K.S.A. 22-
18 4902, and amendments thereto, the court shall:
19 (1) Inform any offender, on the record, of the procedure to register
20 and the requirements of K.S.A. 22-4905, and amendments thereto;
21 ~~(2) if the offender is released on probation, receiving a suspended~~
22 ~~sentence, sentenced to community corrections or released on postrelease~~
23 ~~supervision;~~
24 ~~(A) (2) Complete the initial registration form with all information and~~
25 updated information required for registration as provided in K.S.A. 22-
26 4907, and amendments thereto;
27 ~~(B) (3) require the offender to read and sign the registration form,~~
28 which shall include a statement that the requirements provided in this
29 subsection have been explained to the offender; and
30 (4) *provide one copy of the form to the offender and, within three*
31 *business days, send a copy of the form to the law enforcement agency*
32 *having initial jurisdiction and to the Kansas bureau of investigation;*
33 ~~(5) order the offender to report within three business days to the~~
34 registering law enforcement agency in the county or tribal land of
35 conviction or adjudication and to the registering law enforcement agency
36 in any place where the offender resides, maintains employment or attends
37 school, to complete the registration form with all information and any
38 updated information required for registration as provided in K.S.A. 22-
39 4907, and amendments thereto; and
40 ~~(3) if the offender is to remain in custody until sentencing, direct the~~
41 ~~correctional facility to complete the initial registration form within three~~
42 ~~business days for submission to the Kansas bureau of investigation, as set~~
43 ~~forth in subsection (b); and~~

1 (4) (6) ensure the age of the victim is documented in the journal entry
2 of conviction or adjudication.

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

5 (1) At the time of initial custody, register any offender within three
6 business days:

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

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

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

16 (D) provide one copy of the form to the offender and, within three
17 business days, send a copy of the form to the Kansas bureau of
18 investigation; and

19 (E) enter all offender information required by the national crime
20 information center into the national sex offender registry system within
21 three business days of completing the registration;

22 (4) (2) notify the Kansas bureau of investigation of the incarceration
23 of any offender and of the location or any change in location of the
24 offender while in custody;

25 (2) (3) prior to any offender being discharged, paroled, furloughed or
26 released on work or school release from a correctional facility, or
27 otherwise released from incarceration:

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

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

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

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

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

39 (4) (F) provide one copy of the form to the offender and, within three
40 business days, send a copy of the form and of the photograph or
41 photographs to the law enforcement agency having initial jurisdiction and
42 to the Kansas bureau of investigation; and

43 (5) (4) notify the law enforcement agency having initial jurisdiction

or electronically submit all offender information within three business days to the Kansas bureau of investigation as required by K.S.A. 22-4907, and amendments thereto

1 and the Kansas bureau of investigation seven business days prior to any
2 offender being discharged, paroled, furloughed or released on work or
3 school release; and

4 ~~(f) enter all offender information required by the national crime-~~
5 ~~information center into the national sex offender registry system.~~

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

7 (1) Within three business days of an offender's arrival for inpatient
8 treatment, inform the registering law enforcement agency of the county or
9 location of jurisdiction in which the treatment facility is located of the
10 offender's presence at the treatment facility and the expected duration of
11 the treatment, and immediately notify the registering law enforcement
12 agency of an unauthorized or unexpected absence of the offender during
13 the offender's treatment;

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

17 (2) (3) provide information upon request to any registering law
18 enforcement agency having jurisdiction relevant to determining the
19 presence of an offender within the treatment facility; and

20 (3) ~~prior to any offender receiving court ordered treatment being~~
21 ~~discharged or otherwise released;~~

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

25 (B) ~~obtain the information required for registration as provided in~~
26 ~~K.S.A. 22-4907; and amendments thereto; and~~

27 (C) ~~require the offender to read and sign the registration form which~~
28 ~~shall include a statement that the requirements provided in this subsection~~
29 ~~have been explained to the offender.~~

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 additions or changes in the information~~ All
 3 information and updated information reported by an offender shall be
 4 forwarded to the Kansas bureau of investigation within three business
 5 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 the Kansas bureau
 9 of investigation;

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

13 (5) (6) obtain registration information from every offender required to
 14 register regardless of whether or not the offender remits payment. Failure
 15 of the offender to remit payment is a violation of the Kansas offender
 16 registration act and is subject to prosecution pursuant to K.S.A. 22-4903,
 17 and amendments thereto;

18 (6) (7) upon every required reporting, update the photograph or
 19 photographs of the offender's face and any new identifying marks and
 20 immediately forward copies or electronic files of the photographs to the
 21 Kansas bureau of investigation;

22 (7) (8) enter all offender information required by the national crime
 23 information center into the national sex offender registry system within
 24 three business days of completing the registration;

25 (8) (9) maintain a special fund for the deposit and maintenance of
 26 fees paid by offenders. All funds retained by the registering law
 27 enforcement agency pursuant to the provisions of this section shall be
 28 credited to a special fund of the registering law enforcement agency which
 29 shall be used solely for law enforcement and criminal prosecution
 30 purposes and which shall not be used as a source of revenue to reduce the
 31 amount of funding otherwise made available to the registering law
 32 enforcement agency; and

33 (9) (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:

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

42 (B) ensure that offender information is immediately entered in the state
 43 registered offender database and the Kansas registered offender website, as

or electronically submit all offender
 information within three business
 days to the Kansas bureau of
 investigation as required by K.S.A.
 22-4907, and amendments thereto

1 provided in K.S.A. 22-4909, and amendments thereto; and

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

4 ~~(D) transmit offender information required by the national crime
5 information center into the national sex offender registry system within
6 three business days.~~

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

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

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

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

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

40 Sec. 4. K.S.A. 2011 Supp. 22-4905 is hereby amended to read as
41 follows: 22-4905. Any offender required to register as provided in the
42 Kansas offender registration act shall:

43 (a) Except as otherwise provided in this subsection, register in person

ensure all offender information
required by the national crime
information center is transmitted
into the national sex offender
registry system within three
business days of such information
being electronically submitted to the
Kansas bureau of investigation