

HOUSE BILL No. 2565

By Committee on Corrections and Juvenile Justice

1-29

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to the Kansas offender registration act; drug offenders; amending
3 K.S.A. 2017 Supp. 22-4902, 22-4905, 22-4906 and 22-4909 and
4 repealing the existing sections.

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

7 Section 1. K.S.A. 2017 Supp. 22-4902 is hereby amended to read as
8 follows: 22-4902. As used in the Kansas offender registration act, unless
9 the context otherwise requires:

10 (a) "Offender" means:

11 (1) A sex offender;

12 (2) a violent offender;

13 ~~(3) a drug offender;~~

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

16 ~~(5)~~ (4) any person required by court order to register for an offense
17 not otherwise required as provided in the Kansas offender registration act.

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

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

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

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

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

29 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
30 K.S.A. 2017 Supp. 21-5511, and amendments thereto;

31 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
32 repeal, or K.S.A. 2017 Supp. 21-5504(a)(1) or (a)(2), and amendments
33 thereto;

34 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
35 repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section
36 17 of chapter 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. 2017 Supp. 21-6421, prior to its amendment by section
3 18 of chapter 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. 2017 Supp. 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. 2017 Supp. 21-5505(a), and amendments thereto;

8 (6) is convicted of an attempt, conspiracy or criminal solicitation, as
9 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
10 K.S.A. 2017 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
11 of an offense defined in this subsection; or

12 (7) has been convicted of an offense that is comparable to any crime
13 defined in this subsection, or any out-of-state conviction for an offense that
14 under the laws of this state would be an offense defined in this subsection.

15 (c) "Sexually violent crime" means:

16 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
17 2017 Supp. 21-5503, and amendments thereto;

18 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
19 to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;

20 (3) aggravated indecent liberties with a child, as defined in K.S.A.
21 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and
22 amendments thereto;

23 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
24 prior to its repeal, or K.S.A. 2017 Supp. 21-5504(a)(3) or (a)(4), and
25 amendments thereto;

26 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
27 to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;

28 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
29 prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments
30 thereto;

31 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
32 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and
33 amendments thereto;

34 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
35 to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto;

36 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
37 its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;

38 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
39 repeal, or K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;

40 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
41 repeal, and K.S.A. 2017 Supp. 21-5509, and amendments thereto;

42 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
43 its repeal, or K.S.A. 2017 Supp. 21-5512, and amendments thereto;

- 1 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
- 2 prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments
- 3 thereto, if committed in whole or in part for the purpose of the sexual
- 4 gratification of the defendant or another;
- 5 (14) commercial sexual exploitation of a child, as defined in K.S.A.
- 6 2017 Supp. 21-6422, and amendments thereto;
- 7 (15) promoting the sale of sexual relations, as defined in K.S.A. 2017
- 8 Supp. 21-6420, and amendments thereto;
- 9 (16) any conviction or adjudication for an offense that is comparable
- 10 to a sexually violent crime as defined in this subsection, or any out-of-state
- 11 conviction or adjudication for an offense that under the laws of this state
- 12 would be a sexually violent crime as defined in this subsection;
- 13 (17) an attempt, conspiracy or criminal solicitation, as defined in
- 14 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017
- 15 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
- 16 violent crime, as defined in this subsection; or
- 17 (18) any act which has been determined beyond a reasonable doubt to
- 18 have been sexually motivated, unless the court, on the record, finds that
- 19 the act involved non-forcible sexual conduct, the victim was at least 14
- 20 years of age and the offender was not more than four years older than the
- 21 victim. As used in this paragraph, "sexually motivated" means that one of
- 22 the purposes for which the defendant committed the crime was for the
- 23 purpose of the defendant's sexual gratification.
- 24 (d) "Sexually violent predator" means any person who, on or after
- 25 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
- 26 59-29a01 et seq., and amendments thereto.
- 27 (e) "Violent offender" includes any person who:
- 28 (1) On or after July 1, 1997, is convicted of any of the following
- 29 crimes:
- 30 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
- 31 or K.S.A. 2017 Supp. 21-5401, and amendments thereto;
- 32 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
- 33 its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;
- 34 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
- 35 to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;
- 36 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
- 37 repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;
- 38 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
- 39 its repeal, or K.S.A. 2017 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
- 40 amendments thereto. The provisions of this paragraph shall not apply to
- 41 violations of K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto,
- 42 which occurred on or after July 1, 2011, through July 1, 2013;
- 43 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or

- 1 K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;
- 2 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
- 3 repeal, or K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;
- 4 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
- 5 repeal, or K.S.A. 2017 Supp. 21-5411, and amendments thereto, except by
- 6 a parent, and only when the victim is less than 18 years of age; or
- 7 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
- 8 to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if
- 9 not committed in whole or in part for the purpose of the sexual
- 10 gratification of the defendant or another;
- 11 (2) on or after July 1, 2006, is convicted of any person felony and the
- 12 court makes a finding on the record that a deadly weapon was used in the
- 13 commission of such person felony;
- 14 (3) has been convicted of an offense that is comparable to any crime
- 15 defined in this subsection, any out-of-state conviction for an offense that
- 16 under the laws of this state would be an offense defined in this subsection;
- 17 or
- 18 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
- 19 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
- 20 K.S.A. 2017 Supp. 21-5301, 21-5302 and 21-5303, and amendments
- 21 thereto, of an offense defined in this subsection.
- 22 (f) "Drug offender" includes any person who, on or after July 1, 2007:
- 23 (1) Is convicted of any of the following crimes:
- 24 (A) ~~Unlawful manufacture or attempting such of any controlled~~
- 25 ~~substance or controlled substance analog, as defined in K.S.A. 65-4159,~~
- 26 ~~prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or~~
- 27 ~~K.S.A. 2017 Supp. 21-5703, and amendments thereto;~~
- 28 (B) ~~possession of ephedrine, pseudoephedrine, red phosphorus,~~
- 29 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~
- 30 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~
- 31 ~~isomers with intent to use the product to manufacture a controlled~~
- 32 ~~substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010~~
- 33 ~~Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2017 Supp. 21-5709(a),~~
- 34 ~~and amendments thereto;~~
- 35 (C) ~~K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-~~
- 36 ~~36a05(a)(1), prior to its transfer, or K.S.A. 2017 Supp. 21-5705(a)(1), and~~
- 37 ~~amendments thereto. The provisions of this paragraph shall not apply to~~
- 38 ~~violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)-~~
- 39 ~~which occurred on or after July 1, 2009, through April 15, 2010;~~
- 40 (2) ~~has been convicted of an offense that is comparable to any crime~~
- 41 ~~defined in this subsection, any out-of-state conviction for an offense that~~
- 42 ~~under the laws of this state would be an offense defined in this subsection;~~
- 43 ~~or~~

1 ~~(3) is or has been convicted of an attempt, conspiracy or criminal~~
 2 ~~solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to~~
 3 ~~their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 and 21-5303, and~~
 4 ~~amendments thereto, of an offense defined in this subsection.~~

5 ~~(g)~~ (f) Convictions or adjudications which result from or are
 6 connected with the same act, or result from crimes committed at the same
 7 time, shall be counted for the purpose of this section as one conviction or
 8 adjudication. Any conviction or adjudication set aside pursuant to law is
 9 not a conviction or adjudication for purposes of this section. A conviction
 10 or adjudication from any out-of-state court shall constitute a conviction or
 11 adjudication for purposes of this section.

12 ~~(h)~~ (g) "School" means any public or private educational institution,
 13 including, but not limited to, postsecondary school, college, university,
 14 community college, secondary school, high school, junior high school,
 15 middle school, elementary school, trade school, vocational school or
 16 professional school providing training or education to an offender for three
 17 or more consecutive days or parts of days, or for 10 or more
 18 nonconsecutive days in a period of 30 consecutive days.

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

23 ~~(j)~~ (i) "Reside" means to stay, sleep or maintain with regularity or
 24 temporarily one's person and property in a particular place other than a
 25 location where the offender is incarcerated. It shall be presumed that an
 26 offender resides at any and all locations where the offender stays, sleeps or
 27 maintains the offender's person for three or more consecutive days or parts
 28 of days, or for ten or more nonconsecutive days in a period of 30
 29 consecutive days.

30 ~~(k)~~ (j) "Residence" means a particular and definable place where an
 31 individual resides. Nothing in the Kansas offender registration act shall be
 32 construed to state that an offender may only have one residence for the
 33 purpose of such act.

34 ~~(l)~~ (k) "Transient" means having no fixed or identifiable residence.

35 ~~(m)~~ (l) "Law enforcement agency having initial jurisdiction" means
 36 the registering law enforcement agency of the county or location of
 37 jurisdiction where the offender expects to most often reside upon the
 38 offender's discharge, parole or release.

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

41 ~~(o)~~ (n) "Registering entity" means any person, agency or other
 42 governmental unit, correctional facility or registering law enforcement
 43 agency responsible for obtaining the required information from, and

1 explaining the required registration procedures to, any person required to
2 register pursuant to the Kansas offender registration act. "Registering
3 entity" shall include, but not be limited to, sheriff's offices, tribal police
4 departments and correctional facilities.

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

9 ~~(q)~~ (p) "Correctional facility" means any public or private
10 correctional facility, juvenile detention facility, prison or jail.

11 ~~(r)~~ (q) "Out-of-state" means: the District of Columbia; any federal,
12 military or tribal jurisdiction, including those within this state; any foreign
13 jurisdiction; or any state or territory within the United States, other than
14 this state.

15 ~~(s)~~ (r) "Duration of registration" means the length of time during
16 which an offender is required to register for a specified offense or
17 violation.

18 ~~(t)~~ (s) (1) Notwithstanding any other provision of this section,
19 "offender" shall not include any person who is:

20 (A) Convicted of unlawful transmission of a visual depiction of a
21 child, as defined in K.S.A. 2017 Supp. 21-5611(a), and amendments
22 thereto, aggravated unlawful transmission of a visual depiction of a child,
23 as defined in K.S.A. 2017 Supp. 21-5611(b), and amendments thereto, or
24 unlawful possession of a visual depiction of a child, as defined in K.S.A.
25 2017 Supp. 21-5610, and amendments thereto; or

26 (B) adjudicated as a juvenile offender for an act which if committed
27 by an adult would constitute the commission of a crime defined in
28 subsection ~~(t)~~ (s)(1)(A).

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

32 Sec. 2. K.S.A. 2017 Supp. 22-4905 is hereby amended to read as
33 follows: 22-4905. Any offender required to register as provided in the
34 Kansas offender registration act shall:

35 (a) Except as otherwise provided in this subsection, register in person
36 with the registering law enforcement agency within three business days of
37 coming into any county or location of jurisdiction in which the offender
38 resides or intends to reside, maintains employment or intends to maintain
39 employment, or attends school or intends to attend school. Any such
40 offender who cannot physically register in person with the registering law
41 enforcement agency for such reasons including, but not limited to,
42 incapacitation or hospitalization, as determined by a person licensed to
43 practice medicine or surgery, or involuntarily committed pursuant to the

1 Kansas sexually violent predator act, shall be subject to verification
2 requirements other than in-person registration, as determined by the
3 registering law enforcement agency having jurisdiction;

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

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

30 (d) if in the custody of a correctional facility, register with the
31 correctional facility within three business days of initial custody and shall
32 not be required to update such registration until discharged, paroled,
33 furloughed or released on work or school release from a correctional
34 facility. A copy of the registration form and any updated registrations for
35 an offender released on work or school release shall be sent, within three
36 business days, to the registering law enforcement agency where the
37 offender is incarcerated, maintains employment or attends school, and to
38 the Kansas bureau of investigation;

39 (e) if involuntarily committed pursuant to the Kansas sexually violent
40 predator act, register within three business days of arrival in the county
41 where the offender resides during commitment. The offender shall not be
42 required to update such registration until placed in a reintegration facility,
43 on transitional release or on conditional release. Upon placement in a

1 reintegration facility, on transitional release or on conditional release, the
2 offender shall be personally responsible for complying with the provisions
3 of the Kansas offender registration act;

4 (f) notwithstanding subsections (a) and (b), if the offender is
5 transient, report in person to the registering law enforcement agency of
6 such county or location of jurisdiction in which the offender is physically
7 present within three business days of arrival in the county or location of
8 jurisdiction. Such offender shall be required to register in person with the
9 registering law enforcement agency every 30 days, or more often at the
10 discretion of the registering law enforcement agency. Such offender shall
11 comply with the provisions of the Kansas offender registration act and, in
12 addition, shall:

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

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

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

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

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

30 (j) if receiving inpatient treatment at any treatment facility, inform the
31 treatment facility of the offender's status as an offender and inform the
32 registering law enforcement agency of the county or location of
33 jurisdiction in which the treatment facility is located of the offender's
34 presence at the treatment facility and the expected duration of the
35 treatment;

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

43 (l) remit payment to the sheriff's office in the amount of \$20 as part of

1 the reporting process required pursuant to subsection (b) in each county in
2 which the offender resides, maintains employment or is attending school.
3 Registration will be completed regardless of whether or not the offender
4 remits payment. Failure of the offender to remit full payment within 15
5 days of registration is a violation of the Kansas offender registration act
6 and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments
7 thereto. Notwithstanding other provisions herein, payment of this fee is not
8 required:

9 (1) When an offender provides updates or changes in information or
10 during an initial registration unless such updates, changes or initial
11 registration is during the month of such offender's birthday and every
12 third, sixth and ninth month occurring before and after the month of the
13 offender's birthday;

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

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

22 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and
23 amendments thereto, and annually renew any identification card pursuant
24 to K.S.A. 2017 Supp. 8-1325a, and amendments thereto;

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

31 (o) read and sign the registration form noting whether the
32 requirements provided in this section have been explained to the offender;
33 and

34 (p) report in person to the registering law enforcement agency in the
35 jurisdiction of the offender's residence and provide written notice to the
36 Kansas bureau of investigation 21 days prior to any travel outside of the
37 United States, and provide an itinerary including, but not limited to,
38 destination, means of transport and duration of travel, or if under
39 emergency circumstances, within three business days of making travel
40 arrangements.

41 Sec. 3. K.S.A. 2017 Supp. 22-4906 is hereby amended to read as
42 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
43 of any of the following offenses, an offender's duration of registration shall

1 be, if confined, 15 years after the date of parole, discharge or release,
 2 whichever date is most recent, or, if not confined, 15 years from the date of
 3 conviction:

4 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
 5 or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto;

6 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
 7 K.S.A. 2017 Supp. 21-5511, and amendments thereto, when one of the
 8 parties involved is less than 18 years of age;

9 (C) promoting the sale of sexual relations, as defined in K.S.A. 2017
 10 Supp. 21-6420, and amendments thereto;

11 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
 12 repeal, or K.S.A. 2017 Supp. 21-6421, prior to its amendment by section
 13 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
 14 when one of the parties involved is less than 18 years of age;

15 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
 16 to its repeal, or K.S.A. 2017 Supp. 21-5513, and amendments thereto,
 17 when one of the parties involved is less than 18 years of age;

18 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
 19 or K.S.A. 2017 Supp. 21-5401, and amendments thereto;

20 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
 21 its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;

22 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
 23 to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;

24 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
 25 repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;

26 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
 27 its repeal, or K.S.A. 2017 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
 28 amendments thereto;

29 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
 30 repeal, or K.S.A. 2017 Supp. 21-5411, and amendments thereto, except by
 31 a parent, and only when the victim is less than 18 years of age;

32 (L) any act which has been determined beyond a reasonable doubt to
 33 have been sexually motivated, unless the court, on the record, finds that
 34 the act involved non-forcible sexual conduct, the victim was at least 14
 35 years of age and the offender was not more than four years older than the
 36 victim;

37 (M) conviction of any person required by court order to register for
 38 an offense not otherwise required as provided in the Kansas offender
 39 registration act;

40 (N) conviction of any person felony and the court makes a finding on
 41 the record that a deadly weapon was used in the commission of such
 42 person felony;

43 ~~(O) unlawful manufacture or attempting such of any controlled~~

1 ~~substance or controlled substance analog, as defined in K.S.A. 65-4159,~~
2 ~~prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or~~
3 ~~K.S.A. 2017 Supp. 21-5703, and amendments thereto;~~

4 ~~(P) possession of ephedrine, pseudoephedrine, red phosphorus,~~
5 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~
6 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~
7 ~~isomers with intent to use the product to manufacture a controlled~~
8 ~~substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.~~
9 ~~2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2017 Supp. 21-~~
10 ~~5709(a), and amendments thereto;~~

11 ~~(Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-~~
12 ~~36a05(a)(1), prior to its transfer, or K.S.A. 2017 Supp. 21-5705(a)(1), and~~
13 ~~amendments thereto; or~~

14 ~~(R)(O) any attempt, conspiracy or criminal solicitation, as defined in~~
15 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017~~
16 ~~Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an~~
17 ~~offense defined in this subsection.~~

18 (2) Except as otherwise provided by the Kansas offender registration
19 act, the duration of registration terminates, if not confined, at the
20 expiration of 15 years from the date of conviction. Any period of time
21 during which any offender is incarcerated in any jail or correctional
22 facility or during which the offender does not comply with any and all
23 requirements of the Kansas offender registration act shall not count toward
24 the duration of registration.

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

30 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
31 repeal, or K.S.A. 2017 Supp. 21-5504(a)(1) or (a)(2), and amendments
32 thereto, when one of the parties involved is less than 18 years of age;

33 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
34 prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments
35 thereto;

36 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
37 repeal, or K.S.A. 2017 Supp. 21-5509, and amendments thereto;

38 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
39 repeal, or K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;

40 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
41 to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;

42 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
43 its repeal, or K.S.A. 2017 Supp. 21-5512, and amendments thereto;

1 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
2 to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, if
3 the victim is 14 or more years of age but less than 18 years of age;

4 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
5 its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;

6 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
7 repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section
8 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
9 the person selling sexual relations is 14 or more years of age but less than
10 18 years of age; or

11 (J) any attempt, conspiracy or criminal solicitation, as defined in
12 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017
13 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
14 offense defined in this subsection.

15 (2) Except as otherwise provided by the Kansas offender registration
16 act, the duration of registration terminates, if not confined, at the
17 expiration of 25 years from the date of conviction. Any period of time
18 during which any offender is incarcerated in any jail or correctional
19 facility or during which the offender does not comply with any and all
20 requirements of the Kansas offender registration act shall not count toward
21 the duration of registration.

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

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

28 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
29 2017 Supp. 21-5503, and amendments thereto;

30 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
31 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and
32 amendments thereto;

33 (3) aggravated indecent liberties with a child, as defined in K.S.A.
34 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and
35 amendments thereto;

36 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
37 prior to its repeal, or K.S.A. 2017 Supp. 21-5504(a)(3) or (a)(4), and
38 amendments thereto;

39 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
40 to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;

41 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
42 to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto;

43 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior

1 to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, if
2 the victim is less than 14 years of age;

3 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
4 repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section
5 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
6 the person selling sexual relations is less than 14 years of age;

7 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
8 K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;

9 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
10 repeal, or K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;

11 (11) commercial sexual exploitation of a child, as defined in K.S.A.
12 2017 Supp. 21-6422, and amendments thereto; or

13 (12) any attempt, conspiracy or criminal solicitation, as defined in
14 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017
15 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
16 offense defined in this subsection.

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

20 (f) Notwithstanding any other provisions of this section, for an
21 offender less than 14 years of age 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, the
24 court shall:

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

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

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

42 If such offender violates a condition of release during the term of the
43 conditional release, the court may require such offender to register

1 pursuant to paragraph (1).

2 (g) Notwithstanding any other provisions of this section, for an
3 offender 14 years of age or more who is adjudicated as a juvenile offender
4 for an act which if committed by an adult would constitute a sexually
5 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
6 such crime is not an off-grid felony or a felony ranked in severity level 1
7 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
8 K.S.A. 2017 Supp. 21-6804, and amendments thereto, the court shall:

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

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

18 (3) require registration, but such registration information shall not be
19 open to inspection by the public or posted on any internet website, as
20 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
21 registration but such registration is not open to the public, such offender
22 shall provide a copy of such court order to the registering law enforcement
23 agency at the time of registration. The registering law enforcement agency
24 shall forward a copy of such court order to the Kansas bureau of
25 investigation.

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

29 (h) Notwithstanding any other provisions of this section, an offender
30 14 years of age or more who is adjudicated as a juvenile offender for an
31 act which if committed by an adult would constitute a sexually violent
32 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
33 crime is an off-grid felony or a felony ranked in severity level 1 of the
34 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
35 2017 Supp. 21-6804, and amendments thereto, shall be required to register
36 for such offender's lifetime.

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

1 agreement, probation order or juvenile offender sentencing order.

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

5 (k) For any person moving to Kansas who has been convicted or
6 adjudicated in an out-of-state court, or who was required to register under
7 an out-of-state law, the duration of registration shall be the length of time
8 required by the out-of-state jurisdiction or by the Kansas offender
9 registration act, whichever length of time is longer. The provisions of this
10 subsection shall apply to convictions or adjudications prior to June 1,
11 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
12 convictions or adjudications on or after June 1, 2006, and to persons who
13 moved to Kansas on or after June 1, 2006.

14 (l) For any person residing, maintaining employment or attending
15 school in this state who has been convicted or adjudicated by an out-of-
16 state court of an offense that is comparable to any crime requiring
17 registration pursuant to the Kansas offender registration act, but who was
18 not required to register in the jurisdiction of conviction or adjudication, the
19 duration of registration shall be the duration required for the comparable
20 offense pursuant to the Kansas offender registration act.

21 Sec. 4. K.S.A. 2017 Supp. 22-4909 is hereby amended to read as
22 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) and
23 (f) of this section and ~~subsections (f) and (g) of K.S.A. 22-4906(f) and (g)~~,
24 and amendments thereto, the statements or any other information required
25 by the Kansas offender registration act shall be open to inspection by the
26 public at the registering law enforcement agency, at the headquarters of the
27 Kansas bureau of investigation and on any internet website sponsored or
28 created by a registering law enforcement agency or the Kansas bureau of
29 investigation that contains such statements or information, and specifically
30 are subject to the provisions of the Kansas open records act, K.S.A. 45-215
31 et seq., and amendments thereto.

32 (b) Any information posted on an internet website sponsored or
33 created by a registering law enforcement agency or the Kansas bureau of
34 investigation shall identify, in a prominent manner, whether an offender is
35 a sex offender; *or* a violent offender ~~or a drug offender~~. Such internet
36 websites shall include the following information for each offender:

37 (1) Name of the offender, including any aliases;

38 (2) address of each residence at which the offender resides or will
39 reside and, if the offender does not have any present or expected residence
40 address, other information about where the offender has their home or
41 habitually lives. If current information of this type is not available because
42 the offender is in violation of the requirement to register or cannot be
43 located, the website must so note;

- 1 (3) temporary lodging information;
- 2 (4) address of any place where the offender is a student or will be a
3 student;
- 4 (5) license plate number and a description of any vehicle owned or
5 operated by the offender, including any aircraft or watercraft;
- 6 (6) physical description of the offender;
- 7 (7) the offense or offenses for which the offender is registered and
8 any other offense for which the offender has been convicted or
9 adjudicated;
- 10 (8) a current photograph of the offender; and
- 11 (9) all professional licenses, designations and certifications.
- 12 (c) Notwithstanding subsection (a), information posted on an internet
13 website sponsored or created by a registering law enforcement agency or
14 the Kansas bureau of investigation shall not contain the address of any
15 place where the offender is an employee or any other information about
16 where the offender works. Such internet website shall contain a statement
17 that employment information is publicly available and may be obtained by
18 contacting the appropriate registering law enforcement agency or by
19 signing up for community notification through the official website of the
20 Kansas bureau of investigation.
- 21 (d) Notwithstanding subsection (a), pursuant to a court finding
22 petitioned by the prosecutor, any offender who is required to register
23 pursuant to the Kansas offender registration act, but has been provided a
24 new identity and relocated under the federal witness security program or
25 who has worked as a confidential informant, or is otherwise a protected
26 witness, shall be required to register pursuant to the Kansas offender
27 registration act, but shall not be subject to public registration.
- 28 (e) Notwithstanding subsection (a), when a court orders expungement
29 of a conviction or adjudication that requires an offender to register
30 pursuant to the Kansas offender registration act, the registration
31 requirement for such conviction or adjudication does not terminate. Such
32 offender shall be required to continue registering pursuant to the Kansas
33 offender registration act, but shall not be subject to public registration. If a
34 court orders expungement of a conviction or adjudication that requires an
35 offender to register pursuant to the Kansas offender registration act, and
36 the offender has any other conviction or adjudication that requires
37 registration, such offender shall be required to register pursuant to the
38 Kansas offender registration act, and the registration for such other
39 conviction or adjudication shall be open to inspection by the public and
40 shall be subject to the provisions of subsection (a), unless such registration
41 has been ordered restricted pursuant to ~~subsection (f) or (g)~~ of K.S.A. 22-
42 4906(f) or (g), and amendments thereto.
- 43 (f) Notwithstanding subsection (a), the following information shall

1 not be disclosed other than to law enforcement agencies:

2 (1) The name, address, telephone number or any other information
3 which specifically and individually identifies the identity of any victim of
4 a registerable offense;

5 (2) the social security number of the offender;

6 (3) the offender's criminal history arrests that did not result in
7 convictions or adjudications;

8 (4) travel and immigration document numbers of the offender; and

9 (5) internet identifiers of the offender.

10 Sec. 5. K.S.A. 2017 Supp. 22-4902, 22-4905, 22-4906 and 22-4909
11 are hereby repealed.

12 Sec. 6. This act shall take effect and be in force from and after its
13 publication in the statute book.