

As Amended by House Committee

Session of 2020

HOUSE BILL No. 2474

By Committee on Corrections and Juvenile Justice

1-23

1 AN ACT concerning the Kansas offender registration act; relating to
2 violation of act; penalties; waiver of fees by the court; obstructing
3 apprehension or prosecution; **registration locations; information**
4 **required to register;** amending K.S.A. 2019 Supp. 21-5913, 21-6804,
5 22-4903 ~~and~~, 22-4905 **and 22-4907** and repealing the existing sections.

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

8 New Section 1. (a) A person required to register as an offender
9 pursuant to the Kansas offender registration act may petition the district
10 court in the county where the offender resides to waive payment of the
11 registration fee required by K.S.A. 22-4905, and amendments thereto.
12 Such offender shall submit an affidavit to the court in the form prescribed
13 by the judicial council. There shall be no docket fee required.

14 (b) The court may:

15 (1) Question the offender under oath concerning the contents of the
16 affidavit; and

17 (2) require the offender to produce evidence on the issue of the
18 offender's financial inability to make the payment required by K.S.A. 22-
19 4905, and amendments thereto.

20 (c) If it appears to the satisfaction of the court that requiring the
21 payment will impose manifest hardship on the offender or the offender's
22 immediate family, the court may:

23 (1) Waive the current payment owed by the offender;

24 (2) extend the time in which the offender has to make the payment; or

25 (3) waive the payment for a specified period of time, not to exceed
26 three years.

27 (d) If the court issues an order modifying an offender's obligation to
28 pay the registration fee required by K.S.A. 22-4905, and amendments
29 thereto, the court shall provide the offender with a copy of the order. Such
30 order shall be effective to modify the offender's obligation to pay the
31 registration fee in any county where the offender is required to register.

32 Sec. 2. K.S.A. 2019 Supp. 21-5913 is hereby amended to read as
33 follows: 21-5913. (a) Obstructing apprehension or prosecution is
34 knowingly harboring, concealing or aiding any person who:

35 (1) Has committed or who has been charged with committing a
36 felony or misdemeanor under the laws of this state, other than a violation

1 of K.S.A. 22-4903, and amendments thereto, or another state or the United
2 States with intent that such person shall avoid or escape from arrest, trial,
3 conviction or punishment for such felony or misdemeanor; or

4 (2) is required to register under the Kansas offender registration act,
5 K.S.A. 22-4901 et seq., and amendments thereto, and who is not in
6 compliance with the requirements of such act with intent that such person
7 shall avoid or escape from registration, arrest, trial, conviction, punishment
8 or any criminal charges arising from the person's failure to comply with
9 the requirements of such act.

10 (b) Obstructing apprehension or prosecution ~~as defined in:~~

11 ~~(1) Subsection (a)(1) is a:~~

12 ~~(A)(1)~~ Severity level 8, nonperson felony if the person who is
13 harbored, concealed or aided has committed or has been charged with
14 committing a felony; and

15 ~~(B)(2)~~ class C misdemeanor if the person who is aided has committed
16 or has been charged with committing a misdemeanor; ~~and~~

17 ~~(2) subsection (a)(2) is a severity level 5, person felony.~~

18 Sec. 3. K.S.A. 2019 Supp. 21-6804 is hereby amended to read as
19 follows: 21-6804. (a) The provisions of this section shall be applicable to
20 the sentencing guidelines grid for nondrug crimes. The following
21 sentencing guidelines grid shall be applicable to nondrug felony crimes:

1
2

SENTENCING RANGE - NONDRUG OFFENSES

| Category ↓ | A | B | C | D | E | F | G | H | I |
|------------------------|---------------------------|-------------------------|---------------------------------------|-----------------------|------------------------------|----------------------------|--------------------------|---------------------|-------------------------------|
| Severity Level ↓ | 3 + Person Felonies | 2 Person Felonies | 1 Person & 1 Nonperson Felonies | 1 Person Felony | 3 + Nonperson Felonies | 2 Nonperson Felonies | 1 Nonperson Felony | 2 + Misdemeanors | 1 Misdemeanor No Record |
| I | 653 620 592 | 618 586 554 | 285 272 258 | 267 253 240 | 246 234 221 | 226 214 203 | 203 195 184 | 186 176 166 | 165 155 147 |
| II | 493 467 442 | 460 438 416 | 216 205 194 | 200 190 181 | 184 174 165 | 168 160 152 | 154 146 138 | 138 131 123 | 123 117 109 |
| III | 247 233 221 | 228 216 206 | 107 102 96 | 100 94 89 | 92 88 82 | 83 79 74 | 77 72 68 | 71 66 61 | 61 59 55 |
| IV | 172 162 154 | 162 154 144 | 75 71 68 | 69 66 62 | 64 60 57 | 59 56 52 | 52 50 47 | 48 45 42 | 43 41 38 |
| V | 156 130 122 | 128 120 114 | 60 57 53 | 55 52 50 | 51 49 46 | 47 44 41 | 43 41 38 | 38 36 34 | 34 32 31 |
| VI | 46 43 40 | 41 39 37 | 38 36 34 | 36 34 32 | 32 30 28 | 29 27 25 | 26 24 22 | 21 20 19 | 19 18 17 |
| VII | 34 32 30 | 31 29 27 | 29 27 25 | 26 24 22 | 23 21 19 | 19 18 17 | 17 16 15 | 14 13 12 | 13 12 11 |
| VIII | 23 21 19 | 20 19 18 | 19 18 17 | 17 16 15 | 15 14 13 | 13 12 11 | 11 10 9 | 11 10 9 | 9 8 7 |
| IX | 17 16 15 | 15 14 13 | 13 12 11 | 13 12 11 | 11 10 9 | 10 9 8 | 9 8 7 | 8 7 6 | 7 6 5 |
| X | 13 12 11 | 12 11 10 | 11 10 9 | 10 9 8 | 9 8 7 | 8 7 6 | 7 6 5 | 7 6 5 | 7 6 5 |

| |
|--------------------------|
| LEGEND |
| Presumptive Probation |
| Presumptive Imprisonment |

1 (b) Sentences expressed in the sentencing guidelines grid for nondrug
2 crimes represent months of imprisonment.

3 (c) The sentencing guidelines grid is a two-dimensional crime
4 severity and criminal history classification tool. The grid's vertical axis is
5 the crime severity scale which classifies current crimes of conviction. The
6 grid's horizontal axis is the criminal history scale which classifies criminal
7 histories.

8 (d) The sentencing guidelines grid for nondrug crimes as provided in
9 this section defines presumptive punishments for felony convictions,
10 subject to the sentencing court's discretion to enter a departure sentence.
11 The appropriate punishment for a felony conviction should depend on the
12 severity of the crime of conviction when compared to all other crimes and
13 the offender's criminal history.

14 (e) (1) The sentencing court has discretion to sentence at any place
15 within the sentencing range. In the usual case it is recommended that the
16 sentencing judge select the center of the range and reserve the upper and
17 lower limits for aggravating and mitigating factors insufficient to warrant a
18 departure.

19 (2) In presumptive imprisonment cases, the sentencing court shall
20 pronounce the complete sentence which shall include the:

21 (A) Prison sentence;

22 (B) maximum potential reduction to such sentence as a result of good
23 time; and

24 (C) period of postrelease supervision at the sentencing hearing.
25 Failure to pronounce the period of postrelease supervision shall not negate
26 the existence of such period of postrelease supervision.

27 (3) In presumptive nonprison cases, the sentencing court shall
28 pronounce the:

29 (A) Prison sentence; and

30 (B) duration of the nonprison sanction at the sentencing hearing.

31 (f) Each grid block states the presumptive sentencing range for an
32 offender whose crime of conviction and criminal history place such
33 offender in that grid block. If an offense is classified in a grid block below
34 the dispositional line, the presumptive disposition shall be
35 nonimprisonment. If an offense is classified in a grid block above the
36 dispositional line, the presumptive disposition shall be imprisonment. If an
37 offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose
38 an optional nonprison sentence as provided in subsection (q).

39 (g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal,
40 aggravated battery against a law enforcement officer committed prior to
41 July 1, 2006, or a violation of K.S.A. 2019 Supp. 21-5412(d), and
42 amendments thereto, aggravated assault against a law enforcement officer,
43 which places the defendant's sentence in grid block 6-H or 6-I shall be

1 presumed imprisonment. The court may impose an optional nonprison
2 sentence as provided in subsection (q).

3 (h) When a firearm is used to commit any person felony, the
4 offender's sentence shall be presumed imprisonment. The court may
5 impose an optional nonprison sentence as provided in subsection (q).

6 (i) (1) The sentence for the violation of the felony provision of K.S.A.
7 8-2,144 and 8-1567 and K.S.A. 2019 Supp. 21-5414(b)(3), 21-5823(b)(3)
8 and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall be as
9 provided by the specific mandatory sentencing requirements of that section
10 and shall not be subject to the provisions of this section or K.S.A. 2019
11 Supp. 21-6807, and amendments thereto.

12 (2) If because of the offender's criminal history classification the
13 offender is subject to presumptive imprisonment or if the judge departs
14 from a presumptive probation sentence and the offender is subject to
15 imprisonment, the provisions of this section and K.S.A. 2019 Supp. 21-
16 6807, and amendments thereto, shall apply and the offender shall not be
17 subject to the mandatory sentence as provided in K.S.A. 2019 Supp. 21-
18 5823, and amendments thereto.

19 (3) Notwithstanding the provisions of any other section, the term of
20 imprisonment imposed for the violation of the felony provision of K.S.A.
21 8-2,144, and 8-1567 and K.S.A. 2019 Supp. 21-5414(b)(3), 21-5823(b)(3)
22 and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall not be
23 served in a state facility in the custody of the secretary of corrections,
24 except that the term of imprisonment for felony violations of K.S.A. 8-
25 2,144 or 8-1567, and amendments thereto, may be served in a state
26 correctional facility designated by the secretary of corrections if the
27 secretary determines that substance abuse treatment resources and facility
28 capacity is available. The secretary's determination regarding the
29 availability of treatment resources and facility capacity shall not be subject
30 to review. Prior to imposing any sentence pursuant to this subsection, the
31 court may consider assigning the defendant to a house arrest program
32 pursuant to K.S.A. 2019 Supp. 21-6609, and amendments thereto.

33 (j) (1) The sentence for any persistent sex offender whose current
34 convicted crime carries a presumptive term of imprisonment shall be
35 double the maximum duration of the presumptive imprisonment term. The
36 sentence for any persistent sex offender whose current conviction carries a
37 presumptive nonprison term shall be presumed imprisonment and shall be
38 double the maximum duration of the presumptive imprisonment term.

39 (2) Except as otherwise provided in this subsection, as used in this
40 subsection, "persistent sex offender" means a person who:

41 (A) (i) Has been convicted in this state of a sexually violent crime, as
42 defined in K.S.A. 22-3717, and amendments thereto; and

43 (ii) at the time of the conviction under subsection (j)(2)(A)(i) has at

1 least one conviction for a sexually violent crime, as defined in K.S.A. 22-
2 3717, and amendments thereto, in this state or comparable felony under
3 the laws of another state, the federal government or a foreign government;
4 or

5 (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502,
6 prior to its repeal, or K.S.A. 2019 Supp. 21-5503, and amendments
7 thereto; and

8 (ii) at the time of the conviction under subsection (j)(2)(B)(i) has at
9 least one conviction for rape in this state or comparable felony under the
10 laws of another state, the federal government or a foreign government.

11 (3) Except as provided in subsection (j)(2)(B), the provisions of this
12 subsection shall not apply to any person whose current convicted crime is
13 a severity level 1 or 2 felony.

14 (k) (1) If it is shown at sentencing that the offender committed any
15 felony violation for the benefit of, at the direction of, or in association with
16 any criminal street gang, with the specific intent to promote, further or
17 assist in any criminal conduct by gang members, the offender's sentence
18 shall be presumed imprisonment. The court may impose an optional
19 nonprison sentence as provided in subsection (q).

20 (2) As used in this subsection, "criminal street gang" means any
21 organization, association or group of three or more persons, whether
22 formal or informal, having as one of its primary activities:

23 (A) The commission of one or more person felonies; or

24 (B) the commission of felony violations of article 57 of chapter 21 of
25 the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010
26 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony
27 violation of any provision of the uniform controlled substances act prior to
28 July 1, 2009; and

29 (C) its members have a common name or common identifying sign or
30 symbol; and

31 (D) its members, individually or collectively, engage in or have
32 engaged in the commission, attempted commission, conspiracy to commit
33 or solicitation of two or more person felonies or felony violations of article
34 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
35 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
36 transfer, any felony violation of any provision of the uniform controlled
37 substances act prior to July 1, 2009, or any substantially similar offense
38 from another jurisdiction.

39 (l) Except as provided in subsection (o), the sentence for a violation
40 of K.S.A. 2019 Supp. 21-5807(a)(1), and amendments thereto, or any
41 attempt or conspiracy, as defined in K.S.A. 2019 Supp. 21-5301 and 21-
42 5302, and amendments thereto, to commit such offense, when such person
43 being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a)

1 or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2019 Supp.
2 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any
3 attempt or conspiracy to commit such offense, shall be presumptive
4 imprisonment.

5 (m) The sentence for a violation of ~~K.S.A. 22-4903~~ or K.S.A. 2019
6 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive
7 imprisonment. If an offense under such sections is classified in grid blocks
8 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison
9 sentence as provided in subsection (q).

10 (n) The sentence for a violation of criminal deprivation of property, as
11 defined in K.S.A. 2019 Supp. 21-5803, and amendments thereto, when
12 such property is a motor vehicle, and when such person being sentenced
13 has any combination of two or more prior convictions of K.S.A. 21-
14 3705(b), prior to its repeal, or of criminal deprivation of property, as
15 defined in K.S.A. 2019 Supp. 21-5803, and amendments thereto, when
16 such property is a motor vehicle, shall be presumptive imprisonment. Such
17 sentence shall not be considered a departure and shall not be subject to
18 appeal.

19 (o) The sentence for a felony violation of theft of property as defined
20 in K.S.A. 2019 Supp. 21-5801, and amendments thereto, or burglary as
21 defined in K.S.A. 2019 Supp. 21-5807(a), and amendments thereto, when
22 such person being sentenced has no prior convictions for a violation of
23 K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as
24 defined in K.S.A. 2019 Supp. 21-5801, and amendments thereto, or
25 burglary as defined in K.S.A. 2019 Supp. 21-5807(a), and amendments
26 thereto; or the sentence for a felony violation of theft of property as
27 defined in K.S.A. 2019 Supp. 21-5801, and amendments thereto, when
28 such person being sentenced has one or two prior felony convictions for a
29 violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or
30 theft of property as defined in K.S.A. 2019 Supp. 21-5801, and
31 amendments thereto, or burglary or aggravated burglary as defined in
32 K.S.A. 2019 Supp. 21-5807, and amendments thereto; or the sentence for a
33 felony violation of burglary as defined in K.S.A. 2019 Supp. 21-5807(a),
34 and amendments thereto, when such person being sentenced has one prior
35 felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716,
36 prior to their repeal, or theft of property as defined in K.S.A. 2019 Supp.
37 21-5801, and amendments thereto, or burglary or aggravated burglary as
38 defined in K.S.A. 2019 Supp. 21-5807, and amendments thereto, shall be
39 the sentence as provided by this section, except that the court may order an
40 optional nonprison sentence for a defendant to participate in a drug
41 treatment program, including, but not limited to, an approved after-care
42 plan, if the court makes the following findings on the record:

43 (1) Substance abuse was an underlying factor in the commission of

1 the crime;

2 (2) substance abuse treatment in the community is likely to be more
3 effective than a prison term in reducing the risk of offender recidivism;
4 and

5 (3) participation in an intensive substance abuse treatment program
6 will serve community safety interests.

7 A defendant sentenced to an optional nonprison sentence under this
8 subsection shall be supervised by community correctional services. The
9 provisions of K.S.A. 2019 Supp. 21-6824(f)(1), and amendments thereto,
10 shall apply to a defendant sentenced under this subsection. The sentence
11 under this subsection shall not be considered a departure and shall not be
12 subject to appeal.

13 (p) The sentence for a felony violation of theft of property as defined
14 in K.S.A. 2019 Supp. 21-5801, and amendments thereto, when such
15 person being sentenced has any combination of three or more prior felony
16 convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to
17 their repeal, or theft of property as defined in K.S.A. 2019 Supp. 21-5801,
18 and amendments thereto, or burglary or aggravated burglary as defined in
19 K.S.A. 2019 Supp. 21-5807, and amendments thereto; or the sentence for a
20 violation of burglary as defined in K.S.A. 2019 Supp. 21-5807(a), and
21 amendments thereto, when such person being sentenced has any
22 combination of two or more prior convictions for violations of K.S.A. 21-
23 3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as
24 defined in K.S.A. 2019 Supp. 21-5801, and amendments thereto, or
25 burglary or aggravated burglary as defined in K.S.A. 2019 Supp. 21-5807,
26 and amendments thereto, shall be presumed imprisonment and the
27 defendant shall be sentenced to prison as provided by this section, except
28 that the court may recommend that an offender be placed in the custody of
29 the secretary of corrections, in a facility designated by the secretary to
30 participate in an intensive substance abuse treatment program, upon
31 making the following findings on the record:

32 (1) Substance abuse was an underlying factor in the commission of
33 the crime;

34 (2) substance abuse treatment with a possibility of an early release
35 from imprisonment is likely to be more effective than a prison term in
36 reducing the risk of offender recidivism; and

37 (3) participation in an intensive substance abuse treatment program
38 with the possibility of an early release from imprisonment will serve
39 community safety interests by promoting offender reformation.

40 The intensive substance abuse treatment program shall be determined
41 by the secretary of corrections, but shall be for a period of at least four
42 months. Upon the successful completion of such intensive treatment
43 program, the offender shall be returned to the court and the court may

1 modify the sentence by directing that a less severe penalty be imposed in
2 lieu of that originally adjudged within statutory limits. If the offender's
3 term of imprisonment expires, the offender shall be placed under the
4 applicable period of postrelease supervision. The sentence under this
5 subsection shall not be considered a departure and shall not be subject to
6 appeal.

7 (q) As used in this section, an "optional nonprison sentence" is a
8 sentence which the court may impose, in lieu of the presumptive sentence,
9 upon making the following findings on the record:

10 (1) An appropriate treatment program exists which is likely to be
11 more effective than the presumptive prison term in reducing the risk of
12 offender recidivism; and

13 (2) the recommended treatment program is available and the offender
14 can be admitted to such program within a reasonable period of time; or

15 (3) the nonprison sanction will serve community safety interests by
16 promoting offender reformation.

17 Any decision made by the court regarding the imposition of an optional
18 nonprison sentence shall not be considered a departure and shall not be
19 subject to appeal.

20 (r) The sentence for a violation of K.S.A. 2019 Supp. 21-5413(c)(2),
21 and amendments thereto, shall be presumptive imprisonment and shall be
22 served consecutively to any other term or terms of imprisonment imposed.
23 Such sentence shall not be considered a departure and shall not be subject
24 to appeal.

25 (s) The sentence for a violation of K.S.A. 2019 Supp. 21-5512, and
26 amendments thereto, shall be presumptive imprisonment. Such sentence
27 shall not be considered a departure and shall not be subject to appeal.

28 (t) (1) If the trier of fact makes a finding beyond a reasonable doubt
29 that an offender wore or used ballistic resistant material in the commission
30 of, or attempt to commit, or flight from any felony, in addition to the
31 sentence imposed pursuant to the Kansas sentencing guidelines act, the
32 offender shall be sentenced to an additional 30 months' imprisonment.

33 (2) The sentence imposed pursuant to subsection (t)(1) shall be
34 presumptive imprisonment and shall be served consecutively to any other
35 term or terms of imprisonment imposed. Such sentence shall not be
36 considered a departure and shall not be subject to appeal.

37 (3) As used in this subsection, "ballistic resistant material" means:
38 (A) Any commercially produced material designed with the purpose of
39 providing ballistic and trauma protection, including, but not limited to,
40 bulletproof vests and kevlar vests; and (B) any homemade or fabricated
41 substance or item designed with the purpose of providing ballistic and
42 trauma protection.

43 (u) The sentence for a violation of K.S.A. 2019 Supp. 21-6107, and

1 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.
2 2019 Supp. 21-5301 and 21-5302, and amendments thereto, to commit
3 such offense, when such person being sentenced has a prior conviction for
4 a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2019 Supp. 21-
5 6107, and amendments thereto, or any attempt or conspiracy to commit
6 such offense, shall be presumptive imprisonment. Such sentence shall not
7 be considered a departure and shall not be subject to appeal.

8 (v) The sentence for a third or subsequent violation of K.S.A. 8-1568,
9 and amendments thereto, shall be presumptive imprisonment and shall be
10 served consecutively to any other term or terms of imprisonment imposed.
11 Such sentence shall not be considered a departure and shall not be subject
12 to appeal.

13 (w) The sentence for aggravated criminal damage to property as
14 defined in K.S.A. 2019 Supp. 21-5813(b), and amendments thereto, when
15 such person being sentenced has a prior conviction for any nonperson
16 felony shall be presumptive imprisonment. Such sentence shall not be
17 considered a departure and shall not be subject to appeal.

18 (x) The sentence for a violation of K.S.A. 2019 Supp. 21-5807(a)(1),
19 and amendments thereto, shall be presumptive imprisonment if the offense
20 under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such
21 sentence shall not be considered a departure and shall not be subject to
22 appeal.

23 (y) (1) Except as provided in subsection (y)(3), if the trier of fact
24 makes a finding beyond a reasonable doubt that an offender committed a
25 nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A.
26 2019 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a
27 nondrug felony offense, against a law enforcement officer, as defined in
28 K.S.A. 2019 Supp. 21-5111(p)(1) and (3), and amendments thereto, while
29 such officer was engaged in the performance of such officer's duty, or in
30 whole or in any part because of such officer's status as a law enforcement
31 officer, the sentence for such offense shall be:

32 (A) If such offense is classified in severity level 2 through 10, one
33 severity level above the appropriate level for such offense; and

34 (B) (i) if such offense is classified in severity level 1, except as
35 otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and
36 such offender shall not be eligible for probation or suspension,
37 modification or reduction of sentence. In addition, such offender shall not
38 be eligible for parole prior to serving 25 years' imprisonment, and such 25
39 years' imprisonment shall not be reduced by the application of good time
40 credits. No other sentence shall be permitted.

41 (ii) The provisions of subsection (y)(1)(B)(i) requiring the court to
42 impose a mandatory minimum term of imprisonment of 25 years shall not
43 apply if the court finds the offender, because of the offender's criminal

1 history classification, is subject to presumptive imprisonment and
2 sentencing range exceeds 300 months. In such case, the offender is
3 required to serve a mandatory minimum term equal to the sentence
4 established pursuant to the sentencing range.

5 (2) The sentence imposed pursuant to subsection (y)(1) shall not be
6 considered a departure and shall not be subject to appeal.

7 (3) The provisions of this subsection shall not apply to an offense
8 described in subsection (y)(1) if the factual aspect concerning a law
9 enforcement officer is a statutory element of such offense.

10 *(z) The sentence for a violation of K.S.A. 22-4903(b), and*
11 *amendments thereto, shall be presumptive imprisonment.*

12 Sec. 4. K.S.A. 2019 Supp. 22-4903 is hereby amended to read as
13 follows: 22-4903. (a) Violation of the Kansas offender registration act is
14 the failure by an offender, as defined in K.S.A. 22-4902, and amendments
15 thereto, to comply with any and all provisions of such act, including any
16 and all duties set forth in K.S.A. 22-4905 through 22-4907, and
17 amendments thereto. Any violation of the Kansas offender registration act
18 which continues for more than ~~30~~ 90 consecutive days shall, upon the ~~31st~~
19 91st consecutive day, constitute a new and separate offense, and shall
20 continue to constitute a new and separate offense every 30 days thereafter
21 for as long as the violation continues.

22 (b) Aggravated violation of the Kansas offender registration act is
23 violation of the Kansas offender registration act ~~which continues for more~~
24 ~~than 180 consecutive days. Any aggravated violation of the Kansas~~
25 ~~offender registration act which continues for more than 180 consecutive~~
26 ~~days shall, upon the 181st consecutive day, constitute a new and separate~~
27 ~~offense, and shall continue to constitute a new and separate violation of the~~
28 ~~Kansas offender registration act every 30 days thereafter, or a new and~~
29 ~~separate aggravated violation of the Kansas offender registration act every~~
30 ~~180 days thereafter, for as long as the violation continues:~~

31 (1) *That continues for one year or more; or*

32 (2) *committed by a person with two or more prior convictions of*
33 *violations of this section.*

34 (c) (1) Except as provided in ~~subsection~~ *subsections (c)(3) and (c)(4)*,
35 violation of the Kansas offender registration act is:

36 (A) Upon a first conviction, a ~~severity level 6 felony class B~~
37 ~~nonperson misdemeanor~~; and

38 (B) upon a second conviction, a ~~severity level 5 felony~~; and *class A*
39 *nonperson misdemeanor*

40 (C) ~~upon a third or subsequent conviction, a severity level 3 felony.~~

41 ~~Such violation shall be designated as a person or nonperson crime in~~
42 ~~accordance with the designation assigned to the underlying crime for~~
43 ~~which the offender is required to be registered under the Kansas offender~~

1 registration act. If the offender is required to be registered under both a
2 person and nonperson underlying crime, the violation shall be designated
3 as a person crime.

4 (2) Except as provided in ~~subsection~~ *subsections (c)(3) and (c)(4)*,
5 aggravated violation of the Kansas offender registration act is a severity
6 level-3 8, *nonperson* felony.

7 ~~Such violation shall be designated as a person or nonperson crime in~~
8 ~~accordance with the designation assigned to the underlying crime for~~
9 ~~which the offender is required to be registered under the Kansas offender~~
10 ~~registration act. If the offender is required to be registered under both a~~
11 ~~person and nonperson underlying crime, the violation shall be designated~~
12 ~~as a person crime.~~

13 (3) Violation of the Kansas offender registration act or aggravated
14 violation of the Kansas offender registration act consisting only of failing
15 to remit payment to the sheriff's office as required in K.S.A. 22-4905(l),
16 and amendments thereto, is:

17 ~~(A) Except as provided in subsection (c)(3)(B), a class A C~~
18 ~~*nonperson* misdemeanor if, within 15 days of registration, full payment is~~
19 ~~not remitted to the sheriff's office;~~

20 ~~(B) a severity level 9 felony if, within 15 days of the most recent~~
21 ~~registration, two or more full payments have not been remitted to the~~
22 ~~sheriff's office.~~

23 ~~Such violation shall be designated as a person or nonperson crime in~~
24 ~~accordance with the designation assigned to the underlying crime for~~
25 ~~which the offender is required to be registered under the Kansas offender~~
26 ~~registration act. If the offender is required to be registered under both a~~
27 ~~person and nonperson underlying crime, the violation shall be designated~~
28 ~~as a person crime.~~

29 *(4) Aggravated violation of the Kansas offender registration act is a*
30 *class A nonperson misdemeanor when the underlying crime for which the*
31 *offender is required to be registered under the Kansas offender*
32 *registration act is a misdemeanor.*

33 (d) Prosecution of violations of this section may be held:

34 (1) In any county in which the offender resides;

35 (2) in any county in which the offender is required to be registered
36 under the Kansas offender registration act;

37 (3) in any county in which the offender is located during which time
38 the offender is not in compliance with the Kansas offender registration act;
39 or

40 (4) in the county in which any conviction or adjudication occurred for
41 which the offender is required to be registered under the Kansas offender
42 registration act.

43 Sec. 5. K.S.A. 2019 Supp. 22-4905 is hereby amended to read as

1 follows: 22-4905. Any offender required to register as provided in the
2 Kansas offender registration act shall:

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

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

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

41 (d) if in the custody of a correctional facility, register with the
42 correctional facility within three business days of initial custody and shall
43 not be required to update such registration until discharged, paroled,

1 furloughed or released on work or school release from a correctional
2 facility. A copy of the registration form and any updated registrations for
3 an offender released on work or school release shall be sent, within three
4 business days, to the registering law enforcement agency where the
5 offender is incarcerated, maintains employment or attends school, and to
6 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 as part of
12 the reporting process required pursuant to subsection (b) in each county in
13 which the offender resides, ~~maintains employment or is attending school~~.
14 Registration will be completed regardless of whether or not the offender
15 remits payment. Failure of the offender to remit full payment within 15
16 days of registration is a violation of the Kansas offender registration act
17 and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments
18 thereto. Notwithstanding other provisions ~~herein~~ *of this section*, payment
19 of this fee is not required:

20 (1) *When the offender is under 18 years of age;*

21 (2) 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)(3)~~ when an offender is transient and is required to register every
27 30 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)(4)~~ 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 *in the*
33 *criminal case for which the offender is required to register*, and the basis
34 for that finding is recorded by the court; *or*

35 (5) *if the court has determined that requiring payment of the fee*
36 *would impose manifest hardship on the offender or the offender's*
37 *immediate family pursuant to section 1, and amendments thereto.*

38 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and
39 amendments thereto, and annually renew any identification card pursuant
40 to K.S.A. 2019 Supp. 8-1325a, and amendments thereto;

41 (n) if maintaining primary residence in this state, surrender all driver's
42 licenses and identification cards from other states, territories and the
43 District of Columbia, except if the offender is presently serving and

1 maintaining active duty in any branch of the United States military or the
2 offender is an immediate family member of a person presently serving and
3 maintaining active duty in any branch of the United States military;

4 (o) read and sign the registration form noting whether the
5 requirements provided in this section have been explained to the offender;
6 and

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

14 **Sec. 6. K.S.A. 2019 Supp. 22-4907 is hereby amended to read as**
15 **follows: 22-4907. (a) Registration as required by the Kansas offender**
16 **registration act shall consist of a form approved by the Kansas bureau**
17 **of investigation, which shall include a statement that the requirements**
18 **provided in this section have been reviewed and explained to the**
19 **offender, and shall be signed by the offender and, except when such**
20 **reporting is conducted by certified letter as provided in ~~subsection (b)~~**
21 **of K.S.A. 22-4905(b), and amendments thereto, witnessed by the**
22 **person registering the offender. Such registration form shall include**
23 **the following offender information:**

24 (1) Name and all alias names;

25 (2) date and city, state and country of birth, and any alias dates
26 or places of birth;

27 (3) title and statute number of each offense or offenses
28 committed, date of each conviction or adjudication and court case
29 numbers for each conviction or adjudication;

30 (4) city, county, state or country of conviction or adjudication;

31 (5) sex and date of birth or purported age of each victim of all
32 offenses requiring registration;

33 (6) current residential address, any anticipated future residence
34 and any temporary lodging information including, but not limited to,
35 address, telephone number and dates of travel for any place in which
36 the offender is staying for seven or more days; and, if transient, the
37 locations where the offender has stayed and frequented since last
38 reporting for registration;

39 (7) all telephone numbers at which the offender may be contacted
40 including, but not limited to, all mobile telephone numbers;

41 (8) social security number, and all alias social security numbers;

42 (9) identifying characteristics such as race, ethnicity, skin tone,
43 sex, age, height, weight, hair and eye color, scars, tattoos and blood

1 type;

2 (10) occupation and name, address or addresses and telephone
3 number of employer or employers, and name of any anticipated
4 employer and place of employment;

5 (11) all current driver's licenses or identification cards, including
6 a photocopy of all such driver's licenses or identification cards and
7 their numbers, states of issuance and expiration dates;

8 (12) all vehicle information, including the license plate number,
9 registration number and any other identifier and description of any
10 vehicle owned or operated by the offender, or any vehicle the offender
11 regularly drives, either for personal use or in the course of
12 employment, and information concerning the location or locations
13 such vehicle or vehicles are habitually parked or otherwise kept;

14 (13) license plate number, registration number or other identifier
15 and description of any aircraft or watercraft owned or operated by the
16 offender, and information concerning the location or locations such
17 aircraft or watercraft are habitually parked, docked or otherwise
18 kept;

19 (14) all professional licenses, designations and certifications;

20 (15) documentation of any treatment received for a mental
21 abnormality or personality disorder of the offender; for purposes of
22 documenting the treatment received, registering law enforcement
23 agencies, correctional facility officials, treatment facility officials and
24 courts may rely on information that is readily available to them from
25 existing records and the offender;

26 (16) a photograph or photographs;

27 (17) fingerprints and palm prints;

28 (18) any and all schools and satellite schools attended or expected
29 to be attended and the locations of attendance and telephone number;

30 (19) any and all: E-mail addresses; online identities used by the
31 offender on the internet; information relating to membership in any
32 and all personal web pages or online social networks; and internet
33 screen names;

34 (20) all travel and immigration documents; and

35 (21) name and telephone number of the offender's probation,
36 parole or community corrections officer.

37 (b) The offender shall provide biological samples for DNA
38 analysis to the registering law enforcement agency as required by
39 K.S.A. 21-2511, and amendments thereto. The biological samples shall
40 be in the form using a DNA databank kit authorized by the Kansas
41 bureau of investigation. The registering law enforcement agency shall
42 forward such biological samples to the Kansas bureau of investigation.
43 Prior to taking such sample, the registering law enforcement agency

1 **shall search the Kansas criminal justice information system to**
2 **determine if such person's DNA profile is currently on file. If such**
3 **person's DNA profile is on file with the Kansas bureau of**
4 **investigation, the registering law enforcement agency is not required**
5 **to take biological samples.**

6 *(c) If an offender reports an employer pursuant to subsection (a)(10)*
7 *or a school pursuant to subsection (a)(18) that is in a county other than*
8 *the county in which the offender resides or intends to reside, the Kansas*
9 *bureau of investigation shall notify the sheriff of the county in which the*
10 *employer or school is located of the registration information for such*
11 *offender.*

12 ~~Sec.-6. 7.~~ K.S.A. 2019 Supp. 21-5913, 21-6804, 22-4903 ~~and~~, 22-
13 4905 ~~and 22-4907~~ are hereby repealed.

14 ~~Sec.-7. 8.~~ This act shall take effect and be in force from and after its
15 publication in the statute book.