

As Amended by House Committee

Session of 2020

HOUSE BILL No. 2475

By Committee on Corrections and Juvenile Justice

1-23

1 AN ACT concerning the Kansas offender registration act; relating to drug
2 offenses; ~~law enforcement access~~ **length of registration**; amending
3 K.S.A. 2019 Supp. 22-4906 ~~and 22-4909~~ and repealing the existing
4 ~~sections~~ **section**.

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

7 Section 1. K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
8 follows: 22-4906. (a) (1) Except as provided in subsection ~~(e)~~ (d), if
9 convicted of any of the following offenses, an offender's duration of
10 registration shall be, if confined, 15 years after the date of parole,
11 discharge or release, whichever date is most recent, or, if not confined, 15
12 years from the date of conviction:

13 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
14 or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;

15 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
16 K.S.A. 2019 Supp. 21-5511, and amendments thereto, when one of the
17 parties involved is less than 18 years of age;

18 (C) promoting the sale of sexual relations, as defined in K.S.A. 2019
19 Supp. 21-6420, and amendments thereto;

20 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
21 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
22 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
23 when one of the parties involved is less than 18 years of age;

24 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
25 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto,
26 when one of the parties involved is less than 18 years of age;

27 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
28 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;

29 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
30 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;

31 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
32 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;

33 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
34 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;

35 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
36 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and

1 amendments thereto;

2 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
3 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
4 a parent, and only when the victim is less than 18 years of age;

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

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

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

16 (O) unlawful manufacture or attempting such of any controlled
17 substance or controlled substance analog, as defined in K.S.A. 65-4159,
18 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
19 K.S.A. 2019 Supp. 21-5703, and amendments thereto; *or*

20 ~~(P) possession of ephedrine, pseudoephedrine, red phosphorus,
21 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
22 ammonia or phenylpropanolamine, or their salts, isomers or salts of
23 isomers with intent to use the product to manufacture a controlled
24 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
25 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-
26 5709(a), and amendments thereto;~~

27 ~~(Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
28 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
29 amendments thereto; or~~

30 ~~(R)—any attempt, conspiracy or criminal solicitation, as defined in
31 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
32 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
33 offense defined in this subsection.~~

34 (2) Except as otherwise provided by the Kansas offender registration
35 act, the duration of registration terminates, if not confined, at the
36 expiration of 15 years from the date of conviction. Any period of time
37 during which any offender is incarcerated in any jail or correctional
38 facility or during which the offender does not comply with any and all
39 requirements of the Kansas offender registration act shall not count toward
40 the duration of registration.

41 (b) (1) Except as provided in subsection ~~(e)~~ (d), if convicted of any of
42 the following offenses, an offender's duration of registration shall be, if
43 confined, 25 years after the date of parole, discharge or release, whichever

1 date is most recent, or, if not confined, 25 years from the date of
2 conviction:

3 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
4 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
5 thereto, when one of the parties involved is less than 18 years of age;

6 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
7 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
8 thereto;

9 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
10 repeal, or K.S.A. 2019 Supp. 21-5509, and amendments thereto;

11 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
12 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;

13 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
14 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;

15 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
16 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;

17 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
18 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if
19 the victim is 14 or more years of age but less than 18 years of age;

20 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
21 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;

22 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
23 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
24 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
25 the person selling sexual relations is 14 or more years of age but less than
26 18 years of age; or

27 (J) any attempt, conspiracy or criminal solicitation, as defined in
28 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
29 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
30 offense defined in this subsection.

31 (2) Except as otherwise provided by the Kansas offender registration
32 act, the duration of registration terminates, if not confined, at the
33 expiration of 25 years from the date of conviction. Any period of time
34 during which any offender is incarcerated in any jail or correctional
35 facility or during which the offender does not comply with any and all
36 requirements of the Kansas offender registration act shall not count toward
37 the duration of registration.

38 (c) (1) *Except as provided in subsection (d), if convicted of any of the*
39 *following offenses, an offender's duration of registration shall be, if*
40 *confined, five years after the date of parole, discharge or release,*
41 *whichever date is most recent, or, if not confined, five years from the date*
42 *of conviction:*

43 (A) *Possession of ephedrine, pseudoephedrine, red phosphorus,*

1 *lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized*
2 *ammonia or phenylpropanolamine, or their salts, isomers or salts of*
3 *isomers with intent to use the product to manufacture a controlled*
4 *substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.*
5 *2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-*
6 *5709(a), and amendments thereto;*

7 (B) *K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-*
8 *36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and*
9 *amendments thereto; or*

10 (C) *any attempt, conspiracy or criminal solicitation, as defined in*
11 *K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019*
12 *Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an*
13 *offense defined in this subsection.*

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

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

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

27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
28 2019 Supp. 21-5503, and amendments thereto;

29 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
30 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
31 amendments thereto;

32 (3) aggravated indecent liberties with a child, as defined in K.S.A.
33 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
34 amendments thereto;

35 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
36 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
37 amendments thereto;

38 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
39 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;

40 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
41 to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments thereto;

42 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
43 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if

1 the victim is less than 14 years of age;

2 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
3 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
4 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
5 the person selling sexual relations is less than 14 years of age;

6 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
7 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

8 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
9 repeal, or K.S.A. 2019 Supp. 21-5408(b), and amendments thereto;

10 (11) commercial sexual exploitation of a child, as defined in K.S.A.
11 2019 Supp. 21-6422, and amendments thereto; or

12 (12) any attempt, conspiracy or criminal solicitation, as defined in
13 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
14 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
15 offense defined in this subsection.

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

19 ~~(f)~~(g) Notwithstanding any other provisions of this section, for an
20 offender less than 14 years of age who is adjudicated as a juvenile offender
21 for an act which if committed by an adult would constitute a sexually
22 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the
23 court shall:

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

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

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

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

1 ~~(g)~~(h) Notwithstanding any other provisions of this section, for an
2 offender 14 years of age or more who is adjudicated as a juvenile offender
3 for an act which if committed by an adult would constitute a sexually
4 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
5 such crime is not an off-grid felony or a felony ranked in severity level 1
6 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
7 K.S.A. 2019 Supp. 21-6804, and amendments thereto, the court shall:

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

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

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

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

28 ~~(h)~~(i) Notwithstanding any other provisions of this section, an
29 offender 14 years of age or more who is adjudicated as a juvenile offender
30 for an act which if committed by an adult would constitute a sexually
31 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
32 such crime is an off-grid felony or a felony ranked in severity level 1 of
33 the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
34 K.S.A. 2019 Supp. 21-6804, and amendments thereto, shall be required to
35 register for such offender's lifetime.

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

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

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

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

20 ~~(n)~~ *Registration information for a person required to register for an*
21 *offense described in subsection (e) shall be made available only to law*
22 *enforcement and shall not be open to inspection by the public or posted on*
23 *any website, as provided in K.S.A. 22-4909, and amendments thereto.*

24 Sec. 2. K.S.A. 2019 Supp. 22-4909 is hereby amended to read as
25 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) and,
26 (f) of this section and subsections (f) and (g) of *and (g) and* K.S.A. 22-
27 4906(g), ~~(h) and (n)~~, and amendments thereto, the statements or any other
28 information required by the Kansas offender registration act shall be open
29 to inspection by the public at the registering law enforcement agency, at
30 the headquarters of the Kansas bureau of investigation and on any internet
31 website sponsored or created by a registering law enforcement agency or
32 the Kansas bureau of investigation that contains such statements or
33 information, and specifically are subject to the provisions of the Kansas
34 open records act, K.S.A. 45-215 et seq., and amendments thereto.

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

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

41 ~~(2)~~ address of each residence at which the offender resides or will
42 reside and, if the offender does not have any present or expected residence
43 address, other information about where the offender has their home or

1 habitually lives. If current information of this type is not available because
2 the offender is in violation of the requirement to register or cannot be
3 located, the website must so note;

4 ~~(3) temporary lodging information;~~

5 ~~(4) address of any place where the offender is a student or will be a
6 student;~~

7 ~~(5) license plate number and a description of any vehicle owned or
8 operated by the offender, including any aircraft or watercraft;~~

9 ~~(6) physical description of the offender;~~

10 ~~(7) the offense or offenses for which the offender is registered and
11 any other offense for which the offender has been convicted or
12 adjudicated;~~

13 ~~(8) a current photograph of the offender; and~~

14 ~~(9) all professional licenses, designations and certifications.~~

15 ~~(c) Notwithstanding subsection (a), information posted on an internet
16 website sponsored or created by a registering law enforcement agency or
17 the Kansas bureau of investigation shall not contain the address of any
18 place where the offender is an employee or any other information about
19 where the offender works. Such internet website shall contain a statement
20 that employment information is publicly available and may be obtained by
21 contacting the appropriate registering law enforcement agency or by
22 signing up for community notification through the official website of the
23 Kansas bureau of investigation.~~

24 ~~(d) Notwithstanding subsection (a), pursuant to a court finding
25 petitioned by the prosecutor, any offender who is required to register
26 pursuant to the Kansas offender registration act, but has been provided a
27 new identity and relocated under the federal witness security program or
28 who has worked as a confidential informant, or is otherwise a protected
29 witness, shall be required to register pursuant to the Kansas offender
30 registration act, but shall not be subject to public registration.~~

31 ~~(e) Notwithstanding subsection (a), when a court orders expungement
32 of a conviction or adjudication that requires an offender to register
33 pursuant to the Kansas offender registration act, the registration
34 requirement for such conviction or adjudication does not terminate. Such
35 offender shall be required to continue registering pursuant to the Kansas
36 offender registration act, but shall not be subject to public registration. If a
37 court orders expungement of a conviction or adjudication that requires an
38 offender to register pursuant to the Kansas offender registration act, and
39 the offender has any other conviction or adjudication that requires
40 registration, such offender shall be required to register pursuant to the
41 Kansas offender registration act, and the registration for such other
42 conviction or adjudication shall be open to inspection by the public and
43 shall be subject to the provisions of subsection (a), unless such registration~~

1 has been ordered restricted pursuant to subsection (f) or (g) of K.S.A. 22-
2 4906(g), (h) or (n), and amendments thereto.

3 ~~(f) Notwithstanding subsection (a), the following information shall~~
4 ~~not be disclosed other than to law enforcement agencies:~~

5 ~~(1) The name, address, telephone number or any other information~~
6 ~~which specifically and individually identifies the identity of any victim of~~
7 ~~a registerable offense;~~

8 ~~(2) the social security number of the offender;~~

9 ~~(3) the offender's criminal history arrests that did not result in~~
10 ~~convictions or adjudications;~~

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

12 ~~(5) internet identifiers of the offender.~~

13 ~~(g) Notwithstanding subsection (a), registration information for a~~
14 ~~person whose registration has been ordered restricted pursuant to K.S.A.~~
15 ~~22-4906(g), (h) or (n), and amendments thereto, shall be made available~~
16 ~~only to law enforcement and shall not be open to inspection by the public~~
17 ~~or posted on any website pursuant to this section.~~

18 ~~Sec. 3. 2. K.S.A. 2019 Supp. 22-4906 and 22-4909 are~~ hereby
19 ~~repealed.~~

20 ~~Sec. 4. 3. This act shall take effect and be in force from and after its~~
21 ~~publication in the statute book.~~