

House Corrections and Juvenile Justice Committee
February 7, 2012
Testimony of Kansas Association of Criminal Defense Lawyers
as prepared and presented by Jennifer Roth
Opponent of House Bill 2568

The Kansas Association of Criminal Defense Lawyers is a 350-member organization dedicated to justice and due process for people accused of crimes. **KACDL opposes House Bill 2568**, which continues to unnecessarily expand the scope of the Kansas Offender Registration Act (KORA) – and continues to do so retroactively.

SORNA continues to present Kansas with a large-scale, unfunded mandate. The deadline for states to comply with SORNA was July 27, 2011. As February 3, 2012, 15 states were in substantial compliance with SORNA (as well as 22 tribes and two territories). There is a grant program for FY 2012, but the 20-page document describing said program does not state how much money is available.¹ This grant money is inapplicable to almost half of the offenders who make up our state's registry, as explained below.

Kansas continues to burden itself by treating all registered offenders the same. It bears repeating: SORNA only covers sex offenders, yet KORA treats all offenders the same. Last year, the proponents of what started as HB 2322 and passed as SB 37 testified there were 9,000 offenders on the registry: 5,000 sex and 4,000 drug and violent. The KBI said the changes made in SB 37 would add 2,150 offenders *per year*. **We are paying for a registry where almost half of the registrants have no relevance whatsoever to the unfunded federal mandate.**

HB 2568 adds municipal court convictions as qualifying offenses – and does so retroactively. HB 2568 adds to the definitions of sex offender, violent offender and drug offender: “has been convicted of an offense . . . that is comparable to any crime defined in this subsection, or any out of state conviction *or any municipal conviction* for an offense that under the laws of this state would be an offense defined in this subsection.”

Municipal courts in Kansas are not courts of record (meaning there is no court reporter making a record of everything said by witnesses, the parties, the judge, etc.). Defendants are not entitled to jury trials. In fact, defendants are not entitled to appointed counsel unless they are at risk of jail time. Even when defendants are at risk of jail time (or not), they often sign waivers of their right to counsel. According to the Kansas Judicial Branch's website, municipal court judges can be non-lawyers.

Without researching all municipal courts in Kansas (and the other 49 states), it is impossible to know all of the offenses handled in those courts across the nation. These so-called “minor offenses” could result in someone being ordered to register for a minimum of 15 years and subject to a severity level 6/5/3 person felony if they don't. And it is retroactive. This provision presents a number of constitutional issues: due process, Ex Post Facto, right to counsel, cruel and unusual punishment, etc.

¹ : <http://www.ojp.usdoj.gov/smart/pdfs/SMARTFY12AWA.pdf>, pg. 7: “Individual grant awards will be up to \$400,000, depending on funding availability, for a period of up to 24 months. Thirty percent of the total amount awarded under this solicitation will be set aside for tribal jurisdictions.”

HB 2568 expands what qualifies as a registerable juvenile adjudication – and does so retroactively. Juvenile adjudications “for an offense that is comparable to a sexually violent crime” in Kansas as well as out of state adjudications would be registerable. Without researching juvenile criminal law in 49 states, it is impossible to know how adjudications are handled in those courts across the nation – what rights a juvenile has, etc. This also presents a number of constitutional issues.

HB 2568 retroactively applies KORA to unlawful sexual relations. Right now, unlawful sexual relations is a qualifying offense when “committed on or after July 1, 2010.” Deleting this start date is an Ex Post Facto violation.

HB 2568 retroactively applies KORA to all sexual battery convictions. Currently, sexual battery – a Class A misdemeanor – is a registerable offense only when the victim is under 18. It would retroactively become a registerable offense regardless of the age of the victim. Consequently, the penalty for failing to comply with KORA would be substantially greater than the underlying offense (on that note, the same is true for most of the qualifying drug offenses, a lot of the qualifying violent offenses and even some of the other qualifying sex offenses).

Final note on retroactivity. The KBI contends “[t]he Kansas Offender Registration Act is a regulatory scheme that is civil and nonpunitive, and therefore all provisions are retroactive and apply to offenders, regardless of when their underlying offense(s) occurred. *Smith v. Doe*, 538 U.S. 84 (2003).” (Form letter sent to offenders in June 2011 notifying them of SB 37 changes.) Attached is a chart comparing Alaska law at issue in *Smith v. Doe* to Kansas current law passed in SB 37. **This Committee should have serious concerns about relying on *Smith v. Doe* to justify retroactive legislation.**

Some additional concerns.

- HB 2568 (p. 1, lines 11, 12, 13, 20, 27, 28) deletes the references to the definitions sections. This arguably places no limits on defining “sex offender”, “violent offender” and “drug offender.”
- Under HB 2568 (p. 15, lines 30-32), the minimum registration period would be 15 years for “any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act”, a category added by SB 37 (i.e. anything, whether drug, sex, or violence-related or not). There is no provision in KORA that permits early termination; in fact, K.S.A. 22-4908 specifically prohibits it for every type of offender.
- HB 2568 (p. 22, line 38) does not change the current requirement that public KBI and law enforcement offender registry websites must list the addresses of offenders’ employment and places even more obligations on transient or homeless offenders, as well as students and employees (p. 5, lines 19-21, 23-25, 30-31).

Thank you for your consideration,



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<p>Alaska Sex Offender Registry Act (at issue in <i>Smith v. Doe</i>)ⁱ</p>	<p>Offender registration after 7/1/11 (House Sub. for SB 37)ⁱⁱ</p>
<p>Definitions of Offender.</p> <p>Alaska Administrative Code, Title 13, 09.900</p> <p>(b) In this chapter, unless the context requires otherwise,</p> <p>(4) "offender" means a person required to comply with registration requirements under AS 12.63; "offender" includes both a sex offender and a child kidnapper;</p> <p>Code of Criminal Procedure, 12.63.100 Definitions.</p> <p>(1) "aggravated sex offense" means</p> <p>(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);</p> <p>(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:</p> <p>(i) sexual assault in the first degree;</p> <p>(ii) sexual assault in the second degree;</p> <p>(iii) sexual abuse of a minor in the first degree; or</p> <p>(iv) sexual abuse of a minor in the second degree; or</p> <p>(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under AS 11.41.410, 11.41.434, or a similar law of another jurisdiction or a similar provision under a former law of this state;</p> <p>(2) "child kidnapping" means</p> <p>(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit kidnapping;</p> <p>(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit kidnapping if the victim was under 18 years of age at the time of the offense; or</p> <p>(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under AS 11.41.300, or a similar law of another jurisdiction or a similar provision under a former law of this state, if the victim was under 18 years of age at the time of the offense;</p> <p>(3) "conviction" means that an adult, or a juvenile charged as an adult under AS 47.12 or a similar procedure in another jurisdiction, has entered a</p>	<p>22-4902: definitions of offenderⁱⁱⁱ</p> <p>(a)(1) A sex offender, as defined in subsection (b);</p> <p>(2) a violent offender, as defined in subsection (e);</p> <p>(3) a drug offender, as defined in subsection (f);</p> <p>(4) any person who has been required to register under any out of state law or is otherwise required to be registered; and</p> <p>(5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.</p> <p>(b) "Sex offender" includes any person who:</p> <p>(1) On or after April 14, 1994, is convicted of any sexually violent crime set forth in subsection (c);</p> <p>(2) On or after April 14, 1994, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c), unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;</p> <p>(3) has been determined to be a sexually violent predator, as defined in subsection (d);</p> <p>(4) on or after May 29, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:</p> <p>(A) Adultery, as defined in K.S.A. 21-3507;</p> <p>(B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505;</p> <p>(C) promoting prostitution, as defined in K.S.A. 21-3513;</p> <p>(D) patronizing a prostitute, as defined in K.S.A. 21-3515; or</p> <p>(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508;</p> <p>(5) is convicted of sexual battery, as defined in K.S.A. 21-3517;</p> <p>(6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense defined in this subsection; or</p> <p>(7) has been convicted of an offense in effect at any time prior to July 1, 2011, that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.</p> <p>(c) "Sexually violent crime" means:</p> <p>(1) Rape as defined in K.S.A. 21-3502;</p> <p>(2) indecent liberties with a child as defined in K.S.A. 21-3503;</p>

plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty but mentally ill by a court or jury, of a sex offense or child kidnapping regardless of whether the judgment was set aside under AS 12.55.085 or a similar procedure in another jurisdiction or was the subject of a pardon or other executive clemency; "conviction" does not include a judgment that has been reversed or vacated by a court;

....

(5) "sex offender or child kidnapper" means a person convicted of a sex offense or child kidnapping in this state or another jurisdiction regardless of whether the conviction occurred before, after, or on January 1, 1999;

(6) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction, in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree; or

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410--11.41.438;

(ii) AS 11.41.440(a)(2);

(iii) AS 11.41.450--11.41.458;

(iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense;

(v) AS 11.61.125--11.61.128;

(vi) AS 11.66.110 or 11.66.130(a)(2) if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense;

(vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200; or

(viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;

(7) "unconditional discharge" has the meaning given in AS 12.55.185.

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504; (4) criminal sodomy as defined in subsection (a)(2) and or (a)(3) of K.S.A. 21-3505;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506;

(6) indecent solicitation of a child as defined in K.S.A. 21-3510;

(7) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511;

(8) sexual exploitation of a child as defined in K.S.A. 21-3516;

(9) aggravated sexual battery as defined in K.S.A. 21-3518;

(10) aggravated incest as defined in K.S.A. 21-3603;

(11) electronic solicitation as defined in K.S.A. 21-3523;

(12) unlawful sexual relations as defined in K.S.A. 21-3520;

(13) any conviction for an offense in effect at any time prior to July 1, 2011, that is comparable to a sexually violent crime as defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

(14) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of a sexually violent crime, as defined in this subsection; or

(15) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved nonforcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this Oparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(e) "Violent offender" includes any person who;

(1) On or after May 29, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined in K.S.A. 21-3439;

(B) murder in the first degree, as defined in K.S.A. 21-3401;

(C) murder in the second degree, as defined in K.S.A. 21-3402;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404;

(F) kidnapping, as defined in K.S.A. 21-3420;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421;

(H) criminal restraint, as defined in K.S.A. 21-3424, except by a parent, and only when the victim is less than 18 years of age; or

	<p>(1) aggravated human trafficking, as defined in K.S.A. 21-3447;</p> <p>(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;</p> <p>(3) has been convicted of an offense in effect at any time prior to July 1, 2011, that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or</p> <p>(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense defined in this subsection.</p> <p>(f) "Drug offender" means any person who has been convicted of:</p> <p>(1) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal, or K.S.A. 2010 Supp. 21-36a03;</p> <p>(2) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined in subsection (a) of K.S.A. 65-7006, prior to its repeal, or subsection (a) of K.S.A. 2010 Supp. 21-36a09;</p> <p>(3) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto, which occurred on or after July 1, 2009, through April 15, 2010;</p> <p>(4) an offense in effect at any time prior to July 1, 2011, that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or</p> <p>(5) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, of an offense defined in this subsection.</p>
<p>Criminal Law, Penalties for failure to register:</p> <p>11.56.840 Failure to register as a sex offender or child kidnapper in the second degree.</p>	<p>22-4903: Penalties</p> <p>(a) Violation of the Kansas offender registration act is the failure by an offender, as defined in K.S.A. 22-4902, and amendments thereto, to comply with any and all provisions of such act, including any and all duties set forth in K.S.A. 22-4905 through 22-4907, and amendments thereto. Any violation of the Kansas offender registration act which continues for more than 30</p>

- (a) A person commits the crime of failure to register as a sex offender or child kidnapper in the second degree if the person
- (1) is required to register under AS 12.63.010;
 - (2) knows that the person is required to register under AS 12.63.010; and
 - (3) fails to

(A) register;

(B) file written notice of

(i) change of residence;

(ii) change of mailing address;

(iii) establishment of an electronic or messaging address or any change

to an electronic or messaging address; or

(iv) establishment of an Internet communication identifier or any change

to an Internet communication identifier;

(C) file the annual or quarterly written verification; or

(D) supply accurate and complete information required to be submitted under this paragraph.

(b) In a prosecution for failure to register as a sex offender or child

kidnapper in the second degree under (a) of this section, it is an affirmative defense that

(1) unforeseeable circumstances, outside the control of the person, prevented the person from registering under (a)(3)(A) of this section or filing or supplying the written notices, verification, and other information required under (a)(3)(B)–(D) of this section; and

(2) the person contacted the Department of Public Safety orally and in writing immediately upon being able to perform the requirements described in this section.

(c) Failure to register as a sex offender or child kidnapper in the second degree is a class A misdemeanor.

11.56.835 Failure to register as a sex offender or child kidnapper in the first degree.

(a) A person commits the crime of failure to register as a sex offender or child kidnapper in the first degree if the person violates AS 11.56.840

(1) and the person has been previously convicted of a crime under this section or AS 11.56.840 or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section or AS 11.56.840; or

(2) with intent to escape detection or identification and, by escaping

consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate offense every 30 days thereafter for as long as the violation continues.

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

(c) (1) Violation of the Kansas offender registration act is:

(A) Upon a first conviction, a severity level 6, person felony;

(B) upon a second conviction, a severity level 5, person felony; and

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

(2) Aggravated violation of the Kansas offender registration act is a severity level 3, person felony.

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

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

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

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

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

K.S.A. 21-5203. Guilt without culpable mental state, when.

A person may be guilty of a crime without having a culpable mental state if the crime is:

(a) A misdemeanor, cigarette or tobacco infraction or traffic infraction and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;

(b) a felony and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;

(c) a violation of K.S.A. 8-1567 or 8-1567a, and amendments thereto;

(d) a violation of K.S.A. 8-2,144, and amendments thereto; or

(e) a violation of K.S.A. 22-4901 et seq., and amendments thereto.

detection or identification, to facilitate the person's commission of a sex offense or child kidnapping.

(b) In a prosecution under (a)(2) of this section, the fact that the defendant, for a period of at least one year, failed to register as a sex offender or child kidnapper, failed to file the annual or quarterly written verification, or changed the sex offender's or child kidnapper's address and did not file the required notice of change of address, is prima facie evidence that the defendant intended to escape detection or identification and, by escaping detection or identification, to facilitate the person's commission of a sex offense or child kidnapping.

(c) In this section, "child kidnapping" and "sex offense" have the meanings given in AS 12.63.100.

(d) Failure to register as a sex offender or child kidnapper in the first degree is a class C felony.

Alaska Administrative Code, Registration.

Title 13, 09.030

(a) Within 90 days after an offender registers under this chapter, the department will mail the offender a registration verification form that includes, based on the most recent information the department has obtained about the offender under AS 18.65.087(a),

- (1) a statement of the duration of the offender's duty to register;
- (2) an explanation of the annual or quarterly schedule by which the offender must submit registration verification information to the department for the duration of the offender's duty to register;
- (3) the name of the offender's registration agency.

(b) If five or more years have passed since the date of an offender's registration photograph or there is another reason to believe the offender's appearance has changed significantly, a registration agency may instruct the offender in writing

- (1) to appear in person at the registration agency to allow a photograph to be taken; or
- (2) if authorized in writing by the department, to submit a new photograph without appearing in person.

Title 13, 09.040

(a) An offender shall, in complying with AS 12.63.010(c) and providing notice of change of residence, provide the offender's mailing address. The offender

22-4904: Registration

(a) At the time of sentencing or disposition for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall:

- (1) Inform any offender, on the record, of the procedure to register and the requirements of K.S.A. 22-4905, and amendments thereto;
- (2) if the offender is released on probation, receiving a suspended sentence, sentenced to community corrections or released on postrelease supervision:

(A) Complete the initial registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

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

(C) order the offender to report within three business days to the registering law enforcement agency in the county or tribal land of conviction or adjudication and to the registering law enforcement agency in any place where the offender resides, maintains employment or attends school, to complete the registration form with all information and any updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(3) if the offender is to remain in custody until sentencing, direct the correctional facility to complete the initial registration form within three business days for submission to the Kansas bureau of investigation, as set forth in subsection (b); and

(4) ensure the age of the victim is documented in the journal entry of

shall furnish the information on a form approved or provided by the department.

(b) For the purposes of AS 12.63.010, an offender is considered to have changed residence on the date that the offender leaves the residence without intending to return to continue living there, or the date that the offender has been away from the residence for 30 consecutive days, whichever occurs first.

conviction or adjudication.

(b) The staff of any correctional facility shall:

(1) Notify the Kansas bureau of investigation of the incarceration of any offender and of the location or any change in location of the offender while in custody;

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

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

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

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

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

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

(5) notify the law enforcement agency having initial jurisdiction and the Kansas bureau of investigation seven business days prior to any offender being discharged, paroled, furloughed or released on work or school release; and

(6) enter all offender information required by the national crime information center into the national sex offender registry system.

(c) The staff of any treatment facility shall:

(1) Within three days of an offender's arrival for inpatient treatment,

inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected duration of the treatment, and immediately notify the registering law enforcement agency of an unauthorized or unexpected absence of the offender during the offender's treatment;

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

(3) prior to any offender receiving court ordered treatment being discharged or otherwise released:

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

	<p>amendments thereto;</p> <p>(B) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and</p> <p>(C) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.</p> <p>(d) The registering law enforcement agency, upon the reporting of any offender, shall:</p> <p>(1) Inform the offender of the duty to register as provided by the Kansas offender registration act;</p> <p>(2) (A) Explain the procedure for registration and the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;</p> <p>(B) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and</p> <p>(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;</p> <p>(3) complete the registration form with all information and updated information required for registration, as provided in K.S.A. 22-4907, and amendments thereto, each time the offender reports to the registering law enforcement agency. All additions or changes in the information reported by an offender shall be forwarded to the Kansas bureau of investigation within three business days;</p> <p>(4) maintain the original signed registration form, provide one copy of the completed registration form to the offender and, within three business days, send one copy of the completed form to the Kansas bureau of investigation;</p> <p>(5) obtain registration information from every offender required to register regardless of whether or not the offender remits payment. Failure of the offender to remit payment is a violation of the Kansas offender registration act and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments thereto;</p> <p>(6) upon every required reporting, update the photograph or photographs of the offender's face and any new identifying marks and immediately forward copies or electronic files of the photographs to the Kansas bureau of investigation;</p> <p>(7) enter all offender information required by the national crime information center into the national sex offender registry system within three days of completing the registration;</p> <p>(8) maintain a special fund for the deposit and maintenance of fees paid by offenders. All funds retained by the registering law enforcement agency</p>
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pursuant to the provisions of this section shall be credited to a special fund of the registering law enforcement agency which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to reduce the amount of funding otherwise made available to the registering law enforcement agency; and

(9) forward any initial registration and updated registration information within three days to any out of state jurisdiction where the offender is expected to reside, maintain employment or attend school.

(e) (1) The Kansas bureau of investigation shall:

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

(B) ensure that offender information is immediately entered in the state registered offender database and the Kansas registered offender website, as provided in K.S.A. 22-4909, and amendments thereto; and

(C) transmit offender conviction or adjudication data and fingerprints to the federal bureau of investigation.

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

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

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

(h) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration sponsored or created by the registering law enforcement agency of the county in which the facility is located, for the purpose of locating offenders who reside near such facility. Such notification shall include information that the

<p>Code of Criminal Procedure, 12.63.020 Duration of sex offender or child kidnapper duty to register.</p> <p>(a) The duty of a sex offender or child kidnapper to comply with the requirements of AS 12.63.010 for each sex offense or child kidnapping</p> <p>(1) continues for the lifetime of a sex offender or child kidnapper convicted of</p> <p>(A) one aggravated sex offense; or</p> <p>(B) two or more sex offenses, two or more child kidnappings, or one sex offense and one child kidnapping; for purposes of this section, a person convicted of indecent exposure before a person under 16 years of age under AS 11.41.460 more than two times has been convicted of two or more sex offenses;</p> <p>(2) ends 15 years following the sex offender's or child kidnappers unconditional discharge from a conviction for a single sex offense that is not an aggravated sex offense or for a single child kidnapping if the sex offender or child kidnapper has supplied proof that is acceptable to the department of the unconditional discharge; the registration period under this paragraph</p> <p>(A) is tolled for each year that a sex offender or child kidnapper</p> <p>(i) fails to comply with the requirements of this chapter,</p> <p>(ii) is incarcerated for the offense or kidnapping for which the offender or kidnapper is required to register or for any other offense.</p> <p>(B) may include the time a sex offender or child kidnapper was absent from this state if the sex offender or child kidnapper has complied with any sex offender or child kidnapper registration requirements of the jurisdiction in which the offender or kidnapper was located and if the sex offender or child kidnapper provides the department with proof of the compliance while the sex offender or child kidnapper was absent from this state; and</p> <p>(C) continues for a sex offender or child kidnapper who has not supplied</p>	<p>registering law enforcement agency of the county or location of jurisdiction where such child care facility is located is available to the child care facilities to assist in using the registry and providing additional information on registered offenders.</p> <p>(i) Upon request, the clerk of any court of record shall provide the Kansas bureau of investigation copies of complaints, indictments, information, journal entries, commitment orders or any other documents necessary to the performance of the duties of the Kansas bureau of investigation under the Kansas offender registration act. No fees or charges for providing such documents may be assessed.</p> <p>22-4906: Time period to register</p> <p>(a) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 15 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:</p> <p>(A) Sexual battery, as defined in K.S.A. 21-3517, when one of the parties involved is less than 18 years of age;</p> <p>(B) adultery, as defined in K.S.A. 21-3507, when one of the parties involved is less than 18 years of age;</p> <p>(C) patronizing a prostitute, as defined in K.S.A. 21-3515, when one of the parties involved is less than 18 years of age;</p> <p>(D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, when one of the parties involved is less than 18 years of age;</p> <p>(E) capital murder, as defined in K.S.A. 21-3439;</p> <p>(F) murder in the first degree, as defined in K.S.A. 21-3401;</p> <p>(G) murder in the second degree, as defined in K.S.A. 21-3402;</p> <p>(H) voluntary manslaughter, as defined in K.S.A. 21-3403;</p> <p>(I) involuntary manslaughter, as defined in K.S.A. 21-3404;</p> <p>(J) criminal restraint, as defined in K.S.A. 21-3424, except by a parent, and only when the victim is less than 18 years of age;</p> <p>(K) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forceful sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;</p> <p>(L) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;</p> <p>(M) unlawful manufacture or attempting such of any controlled substance or</p>
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proof acceptable to the department of the offender's or kidnapper's unconditional discharge for the sex offense or child kidnapping requiring registration.

(b) The department shall adopt, by regulation, procedures to notify a sex offender or child kidnapper who, on the registration form under AS 12.63.010, lists a conviction for a sex offense or child kidnapping that is a violation of a former law of this state or a law of another jurisdiction, of the duration of the offender's or kidnapper's duty under (a) of this section for that sex offense or child kidnapping. As a part of the regulations, the department shall require the offender or kidnapper to supply proof acceptable to the department of unconditional discharge and the date it occurred.

Note: time periods also set out in Alaska Administrative Code, Title 13, 09.027

controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03;

(N) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal or subsection (a) of K.S.A. 2010 Supp. 21-36a09;

(O) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05; or

(P) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense defined in this subsection.

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

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

(A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, when one of the parties involved is less than 18 years of age;

(B) indecent solicitation of a child, as defined in K.S.A. 21-3510;

(C) electronic solicitation, as defined in K.S.A. 21-3523;

(D) aggravated incest, as defined in K.S.A. 21-3603;

(E) indecent liberties with a child, as defined in K.S.A. 21-3503;

(F) unlawful sexual relations, as defined in K.S.A. 21-3520;

(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, if the victim is 14 or more years of age but less than 18 years of age;

(H) aggravated sexual battery, as defined in K.S.A. 21-3518;

(I) promoting prostitution, as defined in K.S.A. 21-3513, if the prostitute is 14 or more years of age but less than 18 years of age; or

(J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the

	<p>offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.</p> <p>(c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.</p> <p>(d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender's lifetime:</p> <ol style="list-style-type: none"> (1) Rape, as defined in K.S.A. 21-3502; (2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511; (3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504; (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505; (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506; (6) aggravated human trafficking, as defined in K.S.A. 21-3447, if the victim is less than 18 years of age; (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, if the victim is less than 14 years of age; (8) promoting prostitution, as defined in K.S.A. 21-3513, if the prostitute is less than 14 years of age; (9) kidnapping, as defined in K.S.A. 21-3420; (10) aggravated kidnapping, as defined in K.S.A. 21-3421; or (11) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense defined in this subsection. <p>(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq, and amendments thereto, shall register for such person's lifetime.</p> <p>(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, the court shall:</p> <ol style="list-style-type: none"> (1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration; (2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or (3) require registration, but such registration information shall not be
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open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

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

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall:

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

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

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

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

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is

<p>Alaska Administrative Code, Title 13, 09.025. Registration Forms.</p> <p>(a) The department will approve or provide forms for an offender or a registration agency to submit registration information to the department, including</p> <p>(1) initial registration information required under AS 12.63.010(b)(1);</p> <p>(2) a photograph required under AS 12.63.010(b)(2);</p>	<p>an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be required to register for such offender's lifetime.</p> <p>(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments thereto, then all provisions of the Kansas offender registration act shall apply, except that the duration of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.</p> <p>(j) The duration of registration does not terminate if the convicted or adjudicated offender again becomes liable to register as provided by the Kansas offender registration act during the required period of registration.</p> <p>(k) For any person moving to Kansas who has been convicted or adjudicated in an out of state court, and who was required to register under an out of state law, the duration of registration shall be the length of time required by the out of state jurisdiction or by the Kansas offender registration act, whichever length of time is longer. The provisions of this subsection shall apply to convictions prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006, and to convictions on or after June 1, 2006, and to persons who moved to Kansas on or after June 1, 2006.</p> <p>(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out of state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act. The duration of registration shall begin upon establishing residency, beginning employment or beginning school.</p> <p>22-4907.</p> <p>(a) Registration as required by the Kansas offender registration act shall consist of a form approved by the Kansas bureau of investigation, which shall include a statement that the requirements provided in this section have been reviewed and explained to the offender, and shall be signed by the offender and, except when such reporting is conducted by certified letter as provided in subsection (b) of K.S.A. 22-4905, and amendments thereto, witnessed by the person registering the offender. Such registration form shall include the following offender information:</p>
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(3) a set of fingerprints required under AS 12.63.010(b)(2);

(4) notice of change of address required under AS 12.63.010(c);

(5) annual or quarterly verification of registration information required under AS 12.63.010(d);

(6) proof of unconditional discharge date as provided in AS 12.63.020(a)(2)(A) and (C) and 12.63.020(b);

(7) proof of compliance with a sex offender registration program in a jurisdiction outside this state as provided in AS 12.63.020(a)(2)(B);

(8) proof that an offender is not physically present in this state as provided in AS 18.65.087(a);

(9) a request to review or have corrected information maintained in the registry about the offender as provided in AS 18.65.087(d);

(10) a request to appeal an adverse decision under (9) of this subsection;

(11) notice of establishment of or change to an electronic mail address, instant messaging address, or other Internet communication identifier required under AS 12.63.010(b) and (c).

(b) The department's forms will contain a notice that offenders who move out of this state must comply with registration requirements of their new locations.

(c) When an offender appears in person to submit information to a registration agency, the registration agency shall collect the information from the offender on a form approved or provided by the department. The registration agency shall review the completed form in the presence of the offender. If the form or any document submitted in connection with the form has obvious discrepancies, is incomplete, or is not legible, the registration agency may not accept the form until the offender makes all necessary corrections.

(d) When an offender submits a registration form to a registration agency without appearing in person, the registration agency shall review the form. If the form or any document submitted in connection with the form has obvious discrepancies, is incomplete, or is not legible, the registration agency will notify the offender of the need for corrections and may not accept the form until the offender makes all necessary corrections.

(e) If registration information is accepted by a registration agency, an offender is considered to have submitted the information on the date that

- (1) it is delivered in person to a registration agency;
- (2) it is postmarked, if mailed;
- (3) delivery is documented according to written instructions on a registration form, if a method of delivery other than in-person or mail is approved by the department.

(f) An offender who is unable to submit registration information required

(1) Name and all alias names;

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

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

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

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

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

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

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

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

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

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

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

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

(14) all professional licenses, designations and certifications;

(15) documentation of any treatment received for a mental abnormality or personality disorder of the offender; for purposes of documenting the treatment received, registering law enforcement agencies, correctional facility officials, treatment facility officials and courts may rely on information that is readily

under AS 12.63.010(b)(1) or (d) because the offender is incapacitated is not exempt from the registration requirements. A court-appointed guardian may submit registration forms on the offender's behalf. The department may require a copy of the guardianship order or other proof satisfactory to the department that the offender is incapacitated.

available to them from existing records and the offender;

- (16) a photograph or photographs;
- (17) fingerprints and palm prints;
- (18) any and all schools and satellite schools attended or expected to be attended and the locations of attendance and telephone number;
- (19) any and all e-mail addresses, any and all online identities used by the offender on the internet and any information relating to membership in any online social networks;
- (20) all travel and immigration documents; and
- (21) name and telephone number of the offender's probation, parole or community corrections officer.

(b) (1) The offender shall also provide to the registering law enforcement agency DNA exemplars, unless already on file at the Kansas bureau of investigation.

(2) If the exemplars to be taken require the withdrawal of blood, such withdrawal may be performed only by:

- (A) A person licensed to practice medicine and or surgery, or a person acting under the supervision of any such licensed person;
- (B) a registered nurse or a licensed practical nurse;
- (C) any qualified medical technician; or
- (D) a licensed phlebotomist.

Alaska Statutes Annotated, 18.65.087, Central registry of sex offenders.

b) Information about a sex offender or child kidnapper that is contained in the central registry, including sets of fingerprints, is confidential and not subject to public disclosure except as to the sex offender's or child kidnapper's name, aliases, address, photograph, physical description, description of motor vehicles, license numbers of motor vehicles, and vehicle identification numbers of motor vehicles, place of employment, date of birth, crime for which convicted, date of conviction, place and court of conviction, length and conditions of sentence, and a statement as to whether the offender or kidnapper is in compliance with requirements of AS 12.63 or cannot be located.

(c) Notwithstanding (b) of this section, if a sex offender has been convicted in this state or another jurisdiction of a sex offense identified as "incest," that offense may be disclosed under (b) of this section only as a "felony sexual abuse of a minor" conviction.

22-4909.

a) Except as prohibited by subsections (c) and (d) of this section and subsections (e) and (f) of K.S.A. 22-4906, and amendments thereto, the statements or any other information required by the Kansas offender registration act shall be open to inspection by the public at the registering law enforcement agency, at the headquarters of the Kansas bureau of investigation and on any internet website sponsored or created by a registering law enforcement agency or the Kansas bureau of investigation that contains such statements or information, and specifically are subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

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

- (1) Name of the offender, including any aliases;
- (2) address of each residence at which the offender resides or will reside and, if the offender does not have any present or expected residence address, other

available to them from existing records and the offender;

- (16) a photograph or photographs;
- (17) fingerprints and palm prints;
- (18) any and all schools and satellite schools attended or expected to be attended and the locations of attendance and telephone number;
- (19) any and all e-mail addresses, any and all online identities used by the offender on the internet and any information relating to membership in any online social networks;
- (20) all travel and immigration documents; and
- (21) name and telephone number of the offender's probation, parole or community corrections officer.

(b) (1) The offender shall also provide to the registering law enforcement agency DNA exemplars, unless already on file at the Kansas bureau of investigation.

(2) If the exemplars to be taken require the withdrawal of blood, such withdrawal may be performed only by:

- (A) A person licensed to practice medicine and or surgery, or a person acting under the supervision of any such licensed person;
- (B) a registered nurse or a licensed practical nurse;
- (C) any qualified medical technician; or
- (D) a licensed phlebotomist.

information about where the offender has their home or habitually lives. If current information of this type is not available because the offender is in violation of the requirement to register or cannot be located, the website must so note;

- (3) temporary lodging information;
 - (4) address of any place where the offender is an employee or will be an employee and, if the offender is employed but does not have a definite employment address, other information about where the offender works;
 - (5) address of any place where the offender is a student or will be a student;
 - (6) license plate number and a description of any vehicle owned or operated by the offender, including any aircraft or watercraft;
 - (7) physical description of the offender;
 - (8) the offense or offenses for which the offender is registered and any other offense for which the offender has been convicted or adjudicated;
 - (9) a current photograph of the offender; and
 - (10) all professional licenses, designations and certifications.
- (c) Notwithstanding subsection (a), pursuant to a court finding petitioned by the prosecutor, any offender who is required to register pursuant to the Kansas offender registration act, but has been provided a new identity and relocated under the federal witness security program or who has worked as a confidential informant, or is otherwise a protected witness, shall be required to register pursuant to the Kansas offender registration act, but shall not be subject to public registration.
- (d) Notwithstanding subsection (a), the following information shall not be disclosed other than to law enforcement agencies:
- (1) The name, address, telephone number or any other information which specifically and individually identifies the identity of any victim of a registerable offense;
 - (2) the social security number of the offender;
 - (3) the offender's criminal history arrests that did not result in convictions;
 - (4) travel and immigration document numbers of the offender; and
 - (5) internet identifiers of the offender.

N/A

Alaska Administrative Code, Title 13, 09.060

(a) Upon receiving a completed department form from a person asking the department to review or correct information maintained in the registry about that person, the department will respond in writing within 30 days. If the request is denied, the department will state the reasons for the decision.

(b) An adverse response under (a) of this section may be appealed to the commissioner within 30 days after the person receives the response. The appeal must be in writing and must set out the reasons for the appeal. The commissioner will respond in writing within 45 days after receipt of the appeal.

Alaska Administrative Code, Title 13, 09.070

An offender may appeal a final decision of the department by filing a notice of appeal with the superior court within 30 days after the date that the final decision appealed from is mailed or otherwise distributed.

ⁱ This chart is a starting point to demonstrate the differences between Alaska's provisions at the time of *Smith v. Doe* and Kansas's current law. The criminal law, code of criminal procedure and administrative code in Alaska cited herein are present-day statutes and code (and I started with the statute numbers in *Smith v. Doe*, which are the same to this day). In other words, I did not use historical statutes/codes, in part because I am not certain what year the offenders in *Doe* were required to begin registering. Noteworthy is the fact that after *Smith v. Doe* in 2003, retroactive application of the Alaska Sex Offender Registry Act was nevertheless found unconstitutional by the Alaska Supreme Court in *Doe v. State*, 189 P.3d 999 (2008) (Court held ASORA was so punitive in purpose or effect as to overcome legislature's civil intent, and thus application of the ASORA as to sex offender who committed his crime and was convicted and sentenced before ASORA was enacted violated ex post facto clause of State Constitution).

ⁱⁱ This chart does not contain all changes made to KORA by SB 37. Please see 2011 Session Laws, Chapter 95 for complete changes.

ⁱⁱⁱ The 2011 law makes references to former Chapter 21 statute numbers as well as citations to 2010 Session Laws (because of recodification and because statute numbers had not been assigned at the time SB 37 was passed). However, I eliminated the Session Laws references to make this chart less cumbersome.

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