



State of Kansas

Office of Judicial Administration

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House Committee on Corrections and Juvenile Justice
Tuesday, February 7, 2012

Neutral Testimony Requesting a Procedural Amendment to HB 2568
Chris Mechler

It is likely that passage of HB 2568 would result in a significant amount of additional time spent by court services officers and judges on cases that require offender registration. **Section 3 of the bill, in particular, would require the court to complete the registration form at the time of conviction or adjudication.** The registration is a detailed form that requires a significant amount of additional judge time to fill out.

Completing the registration form is a current obligation of the court that would not change under the terms of this bill. It is the timing as to when the form must be completed, however, that would change under the terms of this bill and which would cause additional expenditures of judge and court services officer (CSO) time. Under current law, the registration form is filled out at the time of sentencing or disposition. The sentencing or disposition is an event that is set for a specified date and time, and a court services officer would be present either in court or immediately after sentencing or disposition to ensure that the registration form is completed.

Unlike the time of a sentencing or disposition, the date and time of a conviction or adjudication may not be firmly fixed. A criminal defendant may enter a plea prior to or during trial, and the court would accept that plea, resulting in a previously unscheduled conviction or adjudication. Under the terms of HB 2568, the judge would have to immediately complete the registration form or call for a CSO to do so. In some multi-county districts, the CSO may not even be present in the county, because the CSO may be required to meet with probationers or attend court in another county in the district. Moreover, the offender will not have met with a CSO, and probably will not have available all of the information required on the registration form.

The attached balloon amendment would allow the court to collect the information critical to law enforcement and the Kansas Bureau of Investigation so that they **can** locate the offender if the offender **does** not report as directed, but it would lessen the time obligation imposed on the court. While the court would still incur some additional expenditure of time under the terms of this amendment, it is believed that the balloon language would provide a satisfactory compromise.

We ask that you favorably consider the balloon amendment. Thank you for the opportunity to appear before you today. I would be happy to stand for questions.

House Corrections and Juvenile Justice
Committee
2012 Session

- 1 felony.
- 2 (2) Aggravated violation of the Kansas offender registration act is a
3 severity level 3, person felony.
- 4 (d) Prosecution of violations of this section may be held:
- 5 (1) In any county in which the offender resides;
- 6 (2) in any county in which the offender is required to be registered
7 under the Kansas offender registration act;
- 8 (3) in any county in which the offender is located during which time
9 the offender is not in compliance with the Kansas offender registration act;
10 or
- 11 (4) in the county in which any conviction *or adjudication* occurred
12 for which the offender is required to be registered under the Kansas
13 offender registration act.

14 Sec. 3. K.S.A. 2011 Supp. 22-4904 is hereby amended to read as
15 follows: 22-4904.

16 (a) At the time of ~~sentencing or disposition~~ *conviction or*
17 *adjudication* for an offense requiring registration as provided in K.S.A. 22-
18 4902, and amendments thereto, the court shall:

19 (1) Inform any offender, on the record, of the procedure to register
20 and the requirements of K.S.A. 22-4905, and amendments thereto; and

21 ~~(2) if the offender is released on probation, receiving a suspended~~
22 ~~sentence, sentenced to community corrections or released on postrelease~~
23 ~~supervision;~~

24 ~~(A) (2) Complete the initial registration form with all information and~~
25 ~~updated information required for registration as provided in K.S.A. 22-~~
26 ~~4907, and amendments thereto;~~

27 ~~(B) (3) require the offender to read and sign the registration form;~~
28 ~~which shall include a statement that the requirements provided in this~~
29 ~~subsection have been explained to the offender; and~~

30 ~~(4) provide one copy of the form to the offender and, within three~~
31 ~~business days, send a copy of the form to the law enforcement agency~~
32 ~~having initial jurisdiction and to the Kansas bureau of investigation;~~

33 ~~(C) (5) order the offender to report within three business days to the~~
34 ~~registering law enforcement agency in the county or tribal land of~~
35 ~~conviction or adjudication and to the registering law enforcement agency~~
36 ~~in any place where the offender resides, maintains employment or attends~~
37 ~~school, to complete the registration form with all information and any~~
38 ~~updated information required for registration as provided in K.S.A. 22-~~
39 ~~4907, and amendments thereto; and~~

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

See attached for new (3)

(2)

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

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

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

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

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

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

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

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

22 ~~(1)~~ (2) notify the Kansas bureau of investigation of the incarceration
23 of any offender and of the location or any change in location of the
24 offender while in custody;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (d) The registering law enforcement agency, upon the reporting of
31 any offender, shall:

32 (1) Inform the offender of the duty to register as provided by the
33 Kansas offender registration act;

34 (2) (A) explain the procedure for registration and the offender's
35 registration requirements as provided in K.S.A. 22-4905, and amendments
36 thereto;

37 (B) obtain the information required for registration as provided in
38 K.S.A. 22-4907, and amendments thereto; and

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

42 (3) complete the registration form with all information and updated
43 information required for registration, as provided in K.S.A. 22-4907, and

(3) *If the offender is released, the court shall:*

(a) complete a notice of duty to register. The notice shall include title and statute number of conviction or adjudication, date of conviction or adjudication, case number, county of conviction or adjudication, and the following offender information: name, address, date of birth, social security number, race, ethnicity and gender;

(b) require the offender to read and sign the notice of duty to register, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(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;

(d) provide one copy of the notice of duty to register to the offender and, within three business days, send a copy of the form to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation.

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

State of Kansas

vs

Case Number _____

Defendant /Respondent

NOTICE OF DUTY TO REGISTER

You have been convicted of an offense requiring registration as provided by the Kansas Offender Registration Act (K.S.A. 22-____). You have three business days to report to the registering law enforcement agency in the county or tribal land of the conviction or adjudication and to the registering law enforcement agency in any place where you reside, maintain employment, or attend school. You must 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.

Title and Statute Number of Conviction(s): _____

Date of Conviction or Adjudication: _____

Offender Name: _____

Offender Residential Address, Including City, State, and Zip Code: _____

Offender Date of Birth (MM/DD/YYYY): _____

Offender Social Security Number: _____

Offender Gender: Male Female

Offender Race: White Black Asian/Pacific Islander American Indian/Alaskan

Offender Ethnicity: Hispanic Non-Hispanic

I have received a copy of this notice: _____

Signature

BY ORDER OF THE COURT this _____ day of _____, 20 ____.

Judge

21

KANSAS OFFENDER REGISTRATION FORM



INITIAL REGISTRATION

REGISTRATION UPDATE

DUAL REGISTRATION

| | |
|-------------------|-------|
| For Use by the SO | |
| Birth month | _____ |
| 2nd Req Visit | _____ |
| 3rd Req Visit | _____ |
| 4th Req Visit | _____ |

PLEASE PRINT OR TYPE ALL INFORMATION

OFFENDER INFORMATION

| | | | | | | | | | |
|---|-----|------------|-------------------|------------|--------|--|------------|------------------------|-------------------------|
| REGISTERING AGENCY NAME | | | AGENCY ORI NUMBER | | | REGISTRATION DATE | | | |
| SOP NUMBER (FOR KBI USE ONLY) | | KBI NUMBER | | FBI NUMBER | | COURT DETERMINED SEXUAL PREDATOR YES <input type="checkbox"/> NO <input type="checkbox"/> | | | |
| NAME OF OFFENDER LAST | | SFX | | FIRST | | MIDDLE | | SOCIAL SECURITY NUMBER | |
| ALIAS NAME LAST | | SFX | | FIRST | | MIDDLE | | DATE OF BIRTH | CITY AND STATE OF BIRTH |
| MONIKERS/PSEUDONYMS/ETHNIC OR TRIBAL NAMES | | | | | | PASSPORT NUMBER | | IMMIGRATION NUMBER | |
| RACE | SEX | ETHNICITY | SKIN TONE | HEIGHT | WEIGHT | EYE COLOR | HAIR COLOR | BLOOD TYPE | DOC NUMBER |
| SCARS / MARKS / TATTOOS (Location & Description) | | | | | | | | | |
| MENTAL HEALTH TREATMENT: PLEASE EXPLAIN ANY TREATMENT RECEIVED FOR MENTAL ABNORMALITY OR PERSONALITY DISORDER | | | | | | | | | |

VEHICLE INFORMATION

| | | | | | | | | |
|--|--|--------------|---------------------------|----------------------|------------------|--------------------|------------------------|------------------------|
| DRIVERS LICENSE/ID NUMBER | | STATE | EXP. DATE | LICENSE PLATE NUMBER | | STATE REGISTERED | LICENSE PLATE TYPE | LICENSE PLATE EXP DATE |
| VEHICLE IDENTIFICATION NUMBER | | VEHICLE TYPE | | VEHICLE YEAR | VEHICLE MAKE | VEHICLE MODEL | VEHICLE STYLE | VEHICLE COLOR |
| VEHICLE USE | | | GENERAL PARKING LOCATIONS | | | | | |
| AIRCRAFT/WATERCRAFT LICENSE PLATE NUMBER | | | | | STATE REGISTERED | LICENSE PLATE TYPE | LICENSE PLATE EXP DATE | |
| VEHICLE IDENTIFICATION NUMBER | | VEHICLE TYPE | | VEHICLE YEAR | VEHICLE MAKE | VEHICLE MODEL | VEHICLE STYLE | VEHICLE COLOR |
| VEHICLE USE | | | GENERAL PARKING LOCATIONS | | | | | |

ADDRESS INFORMATION

| | | | | | | | | |
|----------------------------|--|-------------------|-------|---------------------------|--------|-------|-----|--------------|
| CURRENT PHYSICAL RESIDENCE | | STREET | APT # | CITY | COUNTY | STATE | ZIP | PHONE NUMBER |
| LOCATION START DATE | | LOCATION END DATE | | ALTERNATE PHONE NUMBER(S) | | | | |
| MAILING ADDRESS | | STREET | APT # | CITY | COUNTY | STATE | ZIP | PHONE NUMBER |
| LOCATION START DATE | | LOCATION END DATE | | ALTERNATE PHONE NUMBER(S) | | | | |
| TEMPORARY OR ANTICIPATED | | STREET | APT # | CITY | COUNTY | STATE | ZIP | PHONE NUMBER |
| LOCATION START DATE | | LOCATION END DATE | | ALTERNATE PHONE NUMBER(S) | | | | |

EMPLOYMENT INFORMATION

| | | | | | | | |
|------------------------------------|--|--|------|--------------|----------------|--------------------|-----------------|
| OCCUPATION / JOB TITLE | | CURRENT OR ANTICIPATED PLACE OF EMPLOYMENT | | | | NAME OF SUPERVISOR | |
| WORK ADDRESS | | STREET | CITY | COUNTY | STATE | ZIP | PHONE |
| EMPLOYMENT START DATE | | EMPLOYMENT END DATE | | | | | |
| PROFESSIONAL LICENSE/CERTIFICATION | | LICENSE NUMBER | | LICENSE TYPE | ISSUING AGENCY | ISSUING STATE | EXPIRATION DATE |

| SCHOLARSHIP INFORMATION | | | | |
|---|---------------------|-----------------|--------------------|------------|
| NAME OF CURRENT OR ANTICIPATED EDUCATIONAL INSTITUTION: | | | | |
| STREET | CITY | COUNTY | STATE | ZIP |
| | | | | PHONE |
| ATTENDANCE START DATE | ATTENDANCE END DATE | | | |
| INTERNET INFORMATION | | | | |
| ALL EMAIL ADDRESSES/ONLINE IDENTITIES/PERSONAL WEB PAGES/SCREEN NAMES/SITE AFFILIATIONS/DESIGNATIONS | | | | |
| CRIMINAL INFORMATION | | | | |
| OFFENSE(S) DESCRIPTION | STATUTE NUMBER | DATE OF OFFENSE | DATE OF CONVICTION | |
| CITY, COUNTY, STATE OF ADJUDICATION/CONVICTION | COURT CASE NUMBER | SEX OF VICTIM | AGE OF VICTIM | |
| PAROLE OR PROBATION OFFICER'S NAME | | PHONE | | |
| NAME OF PERSON THAT REGISTERED THE OFFENDER | COMMENTS | PHONE | | |
| ATTENTION! BEFORE SIGNING, READ ACKNOWLEDGEMENT OF THE OFFENDER | | | | |
| <p>I have reviewed the Acknowledgement of the Offender and understand these duties under the Kansas Offender Registration Act.</p> <p>I have provided truthful information which is contained above. I declare, verify and certify under the penalty of perjury that the foregoing is true and correct, executed on _____ (date).</p> | | | | |
| SIGNATURE OF REGISTRANT: _____ | | | | DATE _____ |
| SIGNATURE OF WITNESS: _____ | | | | DATE _____ |
| REGISTERING LAW ENFORCEMENT AGENCY: RETAIN THE ORIGINAL FOR YOUR RECORDS AND PROVIDE A COPY TO THE OFFENDER. MAIL COPY TO: THE KANSAS BUREAU OF INVESTIGATION, OFFENDER REGISTRATION AT 1620 SW TYLER, TOPEKA, KS 66612-1837. | | | | |