

HOUSE BILL No. 2568

By Committee on Corrections and Juvenile Justice

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RS - JThompson - 02/15/12

1 AN ACT concerning the Kansas offender registration act; amending
2 K.S.A. 2011 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-
3 4907, 22-4908 and 22-4909 and repealing the existing sections; also
4 repealing K.S.A. 2011 Supp. 22-4902a and 22-4906a.
5

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

7 Section 1. K.S.A. 2011 Supp. 22-4902 is hereby amended to read as
8 follows: 22-4902. As used in the Kansas offender registration act, unless
9 the context otherwise requires:

10 (a) "Offender" means:

11 (1) A sex offender ~~as defined in subsection (b);~~

12 (2) a violent offender ~~as defined in subsection (c);~~

13 (3) a drug offender ~~as defined in subsection (d);~~

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

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

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

19 (1) On or after April 14, 1994, is convicted of any sexually violent
20 crime ~~set forth in subsection (e);~~

21 (2) On or after April 14, 1994, is adjudicated as a juvenile offender
22 for an act which if committed by an adult would constitute the commission
23 of a sexually violent crime ~~set forth in subsection (e);~~ unless the court, on
24 the record, finds that the act involved non-forcible sexual conduct, the
25 victim was at least 14 years of age and the offender was not more than four
26 years older than the victim;

27 (3) has been determined to be a sexually violent predator; ~~as defined~~
28 ~~in subsection (f);~~

29 (4) on or after May 29, 1997, is convicted of any of the following
30 crimes when one of the parties involved is less than 18 years of age:

31 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
32 K.S.A. 2011 Supp. 21-5111, and amendments thereto;

33 (B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-
34 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2011
35 Supp. 21-5504, and amendments thereto;

36 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its

1 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto;
 2
 3 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
 4 repeal, or K.S.A. 2011 Supp. 21-6421, and amendments thereto; or
 5 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
 6 to its repeal, or K.S.A. 2011 Supp. 21-5513, and amendments thereto;
 7 ~~(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior~~
 8 ~~to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5505, and~~
 9 ~~amendments thereto;~~
 10 ~~(6) (5) is convicted of an attempt, conspiracy or criminal solicitation,~~
 11 ~~as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or~~
 12 ~~K.S.A. 2011 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,~~
 13 ~~of an offense defined in this subsection; or~~
 14 ~~(7) (6) has been convicted of an offense in effect at any time prior to~~
 15 ~~July 1, 2011, that is comparable to any crime defined in this subsection, or~~
 16 ~~any out of state conviction ~~or any municipal conviction~~ for an offense that~~
 17 ~~under the laws of this state would be an offense defined in this subsection.~~
 18 (c) "Sexually violent crime" means:
 19 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
 20 2011 Supp. 21-5503, and amendments thereto;
 21 (2) indecent liberties with a child as defined in K.S.A. 21-3503, prior
 22 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5506, and
 23 amendments thereto;
 24 (3) aggravated indecent liberties with a child as defined in K.S.A. 21-
 25 3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5506,
 26 and amendments thereto;
 27 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
 28 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
 29 2011 Supp. 21-5504, and amendments thereto;
 30 (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
 31 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5504, and
 32 amendments thereto;
 33 (6) indecent solicitation of a child as defined in K.S.A. 21-3510, prior
 34 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5508, and
 35 amendments thereto;
 36 (7) aggravated indecent solicitation of a child as defined in K.S.A.
 37 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
 38 5508, and amendments thereto;
 39 (8) sexual exploitation of a child as defined in K.S.A. 21-3516, prior
 40 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto;
 41 (9) aggravated sexual battery as defined in K.S.A. 21-3518, prior to
 42 its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5505, and
 43 amendments thereto;
 (10) aggravated incest as defined in K.S.A. 21-3603, prior to its

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1 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5605, and amendments
2 thereto;
3 (11) electronic solicitation as defined in K.S.A. 21-3523, prior to its
4 repeal, and K.S.A. 2011 Supp. 21-5509, and amendments thereto,
5 committed on or after April 17, 2008;
6 (12) unlawful sexual relations as defined in K.S.A. 21-3520, prior to
7 its repeal, or K.S.A. 2011 Supp. 21-5512, and amendments thereto;
8 ~~committed on or after July 1, 2010;~~
9 (13) ~~sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,~~
10 ~~or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments thereto;~~
11 ~~(13) (14) any conviction or adjudication for an offense in effect at~~
12 ~~any time prior to July 1, 2011, that is comparable to a sexually violent~~
13 ~~crime as defined in this subsection, or any out of state conviction or~~
14 ~~adjudication for an offense that under the laws of this state would be a~~
15 ~~sexually violent crime as defined in this subsection;~~
16 ~~(14) (15) an attempt, conspiracy or criminal solicitation, as defined in~~
17 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011~~
18 ~~Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually~~
19 ~~violent crime, as defined in this subsection; or~~
20 ~~(15) (16) any act which at the time of sentencing for the offense has~~
21 ~~been determined beyond a reasonable doubt to have been sexually~~
22 ~~motivated, unless the court, on the record, finds that the act involved non-~~
23 ~~forcible sexual conduct, the victim was at least 14 years of age and the~~
24 ~~offender was not more than four years older than the victim. As used in~~
25 ~~this paragraph, "sexually motivated" means that one of the purposes for~~
26 ~~which the defendant committed the crime was for the purpose of the~~
27 ~~defendant's sexual gratification.~~
28 (d) "Sexually violent predator" means any person who, on or after
29 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
30 59-29a01 ~~et seq.~~, and amendments thereto.
31 (e) "Violent offender" includes any person who:
32 (1) On or after May 29, 1997, is convicted of any of the following
33 crimes:
34 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
35 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;
36 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
37 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;
38 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
39 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;
40 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
41 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;
42 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
43 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;

1 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
2 subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

3 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
4 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments
5 thereto;

6 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
7 repeal, or K.S.A. 2011 Supp. 21-5411, and amendments thereto, except by
8 a parent, and only when the victim is less than 18 years of age; or

9 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
10 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5426, and
11 amendments thereto;

12 (2) on or after July 1, 2006, is convicted of any person felony and the
13 court makes a finding on the record that a deadly weapon was used in the
14 commission of such person felony;

15 (3) has been convicted of an offense in effect at any time prior to
16 July 1, 2011, that is comparable to any crime defined in this subsection, or
17 any out of state conviction ~~or any municipal conviction~~ for an offense that
18 under the laws of this state would be an offense defined in this subsection;
19 or

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20 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
21 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
22 K.S.A. 2011 Supp. 21-5301, 21-5302 and 21-5303, and amendments
23 thereto, of an offense defined in this subsection.

24 (f) "Drug offender" means any person who has been convicted of:
25 (1) Unlawful manufacture or attempting such of any controlled
26 substance or controlled substance analog as defined in K.S.A. 65-4159,
27 prior to its repeal, or K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
28 K.S.A. 2011 Supp. 21-5703, and amendments thereto;

29 (2) possession of ephedrine, pseudoephedrine, red phosphorus,
30 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
31 ammonia or phenylpropanolamine, or their salts, isomers or salts of
32 isomers with intent to use the product to manufacture a controlled
33 substance as defined in subsection (a) of K.S.A. 65-7006, prior to its
34 repeal, or subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its
35 transfer, or subsection (a) of K.S.A. 2011 Supp. 21-5709, and amendments
36 thereto;

37 (3) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A.
38 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A.
39 2011 Supp. 21-5705, and amendments thereto. The provisions of this
40 paragraph shall not apply to violations of subsections (a)(2) through (a)(6)
41 or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto, which
42 occurred on or after July 1, 2009, through April 15, 2010;
43 (4) an offense in effect at any time prior to July 1, 2011, that is

1 comparable to any crime defined in this subsection, ~~or~~ any out of state
2 conviction ~~of a crime committed~~ for an offense that under the laws
3 of this state would be an offense defined in this subsection; or

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4 (5) an attempt, conspiracy or criminal solicitation, as defined in
5 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011
6 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
7 offense defined in this subsection.

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

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

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

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

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

37 (l) "Transient" means having no fixed or identifiable residence.

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

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

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1 (o) "Registering entity" means any person, agency or other
 2 governmental unit, ~~or~~ correctional facility; ~~treatment facility~~ or registering
 3 law enforcement agency responsible for obtaining the required information
 4 from, and explaining the required registration procedures to, any person
 5 required to register pursuant to the Kansas offender registration act.
 6 "Registering entity" shall include, but not be limited to, sheriff's offices,
 7 tribal police departments; *and* correctional facilities ~~and treatment~~
 8 ~~facilities~~.

9 (p) "Treatment facility" means any public or private facility; ~~hospital~~
 10 or institution providing inpatient *mental health, drug or alcohol* treatment
 11 or counseling.

12 (q) "Correctional facility" means any public or private correctional
 13 facility, juvenile detention facility, prison or jail.

14 (r) "Out of state" means: the District of Columbia; any federal,
 15 military or tribal jurisdiction, including those within this state; any foreign
 16 jurisdiction; or any state or territory within the United States, other than
 17 this state.

18 (s) "Duration of registration" means the length of time during which
 19 an offender is required to register for a specified offense or violation.
 20 Sec. 2. K.S.A. 2011 Supp. 22-4903 is hereby amended to read as
 21 follows: 22-4903.

22 (a) Violation of the Kansas offender registration act is the failure by
 23 an offender, as defined in K.S.A. 22-4902, and amendments thereto, to
 24 comply with any and all provisions of such act, including any and all
 25 duties set forth in K.S.A. 22-4905 through 22-4907, and amendments
 26 thereto. Any violation of the Kansas offender registration act which
 27 continues for more than 30 consecutive days shall, upon the 31st
 28 consecutive day, constitute a new and separate offense, and shall continue
 29 to constitute a new and separate offense every 30 days thereafter for as
 30 long as the violation continues.

31 (b) Aggravated violation of the Kansas offender registration act is
 32 violation of the Kansas offender registration act which continues for more
 33 than 180 consecutive days. Any aggravated violation of the Kansas
 34 offender registration act which continues for more than 180 consecutive
 35 days shall, upon the 181st consecutive day, constitute a new and separate
 36 offense, and shall continue to constitute a new and separate violation of the
 37 Kansas offender registration act every 30 days thereafter, or a new and
 38 separate aggravated violation of the Kansas offender registration act every
 39 180 days thereafter, for as long as the violation continues.

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

- 41 (A) Upon a first conviction, a severity level 6, person felony;
- 42 (B) upon a second conviction, a severity level 5, person felony; and
- 43 (C) upon a third or subsequent conviction, a severity level 3, person

1 occurring before and after the month of the offender's birthday in each
2 county in which the offender resides, maintains employment or is
3 attending school. Notwithstanding other provisions herein, payment of this
4 fee is not required:

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

10 (2) when an offender is transient and is required to register every 30
11 days, or more frequently as ordered by the registering law enforcement
12 agency, except during the month of the offender's birthday and every third,
13 sixth and ninth month occurring before and after the month of the
14 offender's birthday; or
15 (3) if an offender has, prior to the required reporting and within the
16 last three years, been determined to be indigent by a court of law, and the
17 basis for that finding is recorded by the court;

18 (l) annually renew any driver's license pursuant to K.S.A. 8-247, and
19 amendments thereto, and annually renew any identification card pursuant
20 to K.S.A. 2011 Supp. 8-1325a, and amendments thereto;

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

27 (n) read and sign the registration form noting whether the
28 requirements provided in this section have been explained to the offender;
29 and

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

37 Sec. 5. K.S.A. 2011 Supp. 22-4906 is hereby amended to read as
38 follows: 22-4906.(a) (1) Except as provided in subsection (c), if convicted
39 of any of the following offenses, an offender's duration of registration shall
40 be, if confined, 15 years after the date of parole, discharge or release,
41 whichever date is most recent, or, if not confined, 15 years from the date of
42 conviction:

43 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,

1 or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments thereto;
2 ~~when one of the parties involved is less than 18 years of age;~~
3 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
4 K.S.A. 2011 Supp. 21-5511, and amendments thereto, when one of the
5 parties involved is less than 18 years of age;
6 (C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
7 repeal, or K.S.A. 2011 Supp. 21-6421, and amendments thereto, when one
8 of the parties involved is less than 18 years of age;
9 (D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
10 to its repeal, or K.S.A. 2011 Supp. 21-5513, and amendments thereto,
11 when one of the parties involved is less than 18 years of age;
12 (E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
13 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;
14 (F) murder in the first degree, as defined in K.S.A. 21-3401, prior to
15 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;
16 (G) murder in the second degree, as defined in K.S.A. 21-3402, prior
17 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;
18 (H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
19 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;
20 (I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
21 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;
22 (J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal,
23 or K.S.A. 2011 Supp. 21-5411, and amendments thereto, except by a
24 parent, and only when the victim is less than 18 years of age;
25 (K) any act which ~~at the time of sentencing for the offense~~ has been
26 determined beyond a reasonable doubt to have been sexually motivated,
27 unless the court, on the record, finds that the act involved non-forcible
28 sexual conduct, the victim was at least 14 years of age and the offender
29 was not more than four years older than the victim;
30 (L) *conviction of any person required by court order to register for*
31 *an offense not otherwise required as provided in the Kansas offender*
32 *registration act;*
33 (M) conviction of any person felony and the court makes a
34 finding on the record that a deadly weapon was used in the commission of
35 such person felony;
36 (N) unlawful manufacture or attempting such of any controlled
37 substance or controlled substance analog as defined in K.S.A. 65-4159,
38 prior to its repeal or, K.S.A. 2010 Supp. 21-36a03, *prior to its transfer; or*
39 *K.S.A. 2011 Supp. 21-5703, and amendments thereto;*
40 (O) possession of ephedrine, pseudoephedrine, red phosphorus,
41 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
42 ammonia or phenylpropanolamine, or their salts, isomers or salts of
43 isomers with intent to use the product to manufacture a controlled

1 substance as defined by subsection (a) of K.S.A. 65-7006, prior to its
 2 repeal ~~or~~, subsection (a) of K.S.A. 2010 Supp. 21-36a09, *prior to its*
 3 *transfer or subsection (a) of K.S.A. 2011 Supp. 21-5709*, and amendments
 4 thereto;

5 ~~(P)~~ *(P)*, K.S.A. 65-4161, prior to its repeal, ~~or~~ subsection (a)(1) of
 6 K.S.A. 2010 Supp. 21-36a05, *prior to its transfer or subsection (a)(1) of*
 7 *K.S.A. 2011 Supp. 21-5705*, and amendments thereto; or

8 ~~(Q)~~ *(Q)* any attempt, conspiracy or criminal solicitation, as defined in
 9 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011
 10 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
 11 offense defined in this subsection.

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

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

24 (A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-
 25 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2011
 26 Supp. 21-5504, and amendments thereto, when one of the parties involved
 27 is less than 18 years of age;

28 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
 29 prior to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5508, and
 30 amendments thereto;

31 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
 32 repeal, or K.S.A. 2011 Supp. 21-5509, and amendments thereto;

33 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
 34 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments
 35 thereto;

36 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
 37 to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5506, and
 38 amendments thereto;

39 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
 40 its repeal, or K.S.A. 2011 Supp. 21-5512, and amendments thereto;

41 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
 42 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto, if
 43 the victim is 14 or more years of age but less than 18 years of age;

1 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
2 its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5505, and
3 amendments thereto;

4 (1) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
5 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto, if the
6 prostitute is 14 or more years of age but less than 18 years of age; or

7 (J) any attempt, conspiracy or criminal solicitation, as defined in
8 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011
9 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
10 offense defined in this subsection.

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

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

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

24 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
25 2011 Supp. 21-5503, and amendments thereto;

26 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
27 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
28 5508, and amendments thereto;

29 (3) aggravated indecent liberties with a child, as defined in K.S.A.
30 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
31 5506, and amendments thereto;

32 (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of
33 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
34 2011 Supp. 21-5504, and amendments thereto;

35 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
36 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5504, and
37 amendments thereto;

38 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
39 to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5426, and
40 amendments thereto; ~~if the victim is less than 18 years of age;~~

41 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
42 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto, if
43 the victim is less than 14 years of age;

1 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
2 repeal, or K.S.A. 2011 Supp. 21-6420, and amendments thereto, if the
3 prostitute is less than 14 years of age;

4 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
5 subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

6 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
7 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments
8 thereto; or

9 (11) any attempt, conspiracy or criminal solicitation, as defined in
10 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011
11 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
12 offense defined in this subsection.

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

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

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

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

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

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

41 (g) Notwithstanding any other provisions of this section, for an
42 offender 14 years of age or more who is adjudicated as a juvenile offender
43 for an act which if committed by an adult would constitute a sexually

1 violent crime set forth in subsection (c) of K.S.A. 22-4902, and
2 amendments thereto, and such crime is not an off-grid felony or a felony
3 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-
4 4704, prior to its repeal, or K.S.A. 2011 Supp. 21-6804, and amendments
5 thereto, the court shall:

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

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

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

26 (h) Notwithstanding any other provisions of this section, an offender
27 14 years of age or more who is adjudicated as a juvenile offender for an
28 act which if committed by an adult would constitute a sexually violent
29 crime set forth in subsection (c) of K.S.A. 22-4902, and amendments
30 thereto, and such crime is an off-grid felony or a felony ranked in severity
31 level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its
32 repeal, or K.S.A. 2011 Supp. 21-6804, and amendments thereto, shall be
33 required to register for such offender's lifetime.

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

43 (j) The duration of registration does not terminate if the convicted or

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

3 (A) A person licensed to practice medicine or surgery, or a person
4 acting under the supervision of any such licensed person;

5 (B) a registered nurse or a licensed practical nurse;

6 (C) any qualified medical technician; or

7 (D) a licensed phlebotomist.

8 Sec. 7. K.S.A. 2011 Supp. 22-4908 is hereby amended to read as
9 follows: 22-4908. No person required to register as an offender pursuant to
10 the Kansas offender registration act shall be granted an order relieving the
11 offender of further registration under this act. This section shall include
12 any person with any out of state ~~or municipal~~ conviction or adjudication
13 for an offense that would require registration under the laws of this state.

Strike

14 Sec. 8. K.S.A. 2011 Supp. 22-4909 is hereby amended to read as
15 follows: 22-4909. (a) Except as prohibited by subsections (c), and (d) of
16 this section and subsections ~~(e) and (f) and (g)~~ of K.S.A. 22-4906, and
17 amendments thereto, the statements or any other information required by
18 the Kansas offender registration act shall be open to inspection by the
19 public at the registering law enforcement agency, at the headquarters of the
20 Kansas bureau of investigation and on any internet website sponsored or
21 created by a registering law enforcement agency or the Kansas bureau of
22 investigation that contains such statements or information, and specifically
23 are subject to the provisions of the Kansas open records act, K.S.A. 45-215
24 *et seq.*, and amendments thereto.

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

- 30 (1) Name of the offender, including any aliases;
- 31 (2) address of each residence at which the offender resides, or will
- 32 reside and, if the offender does not have any present or expected residence
- 33 address, other information about where the offender has their home or
- 34 habitually lives. If current information of this type is not available because
- 35 the offender is in violation of the requirement to register or cannot be
- 36 located, the website must so note;

37 (3) temporary lodging information;

38 (4) address of any place where the offender is an employee or will be
39 an employee and, if the offender is employed but does not have a definite
40 employment address, other information about where the offender works;

41 (5) address of any place where the offender is a student or will be a
42 student;

43 (6) license plate number and a description of any vehicle owned or