

Senate Judiciary Committee
March 11, 2013
Testimony of Jennifer Roth
Neutral conferee on HB 2209

Chairman King and Members of the Committee:

The Kansas Offender Registration Act (commonly referred to as KORA) found at K.S.A. 22-4901 et. seq. has had retroactive applications for most of its existence. The purpose of this testimony is not to argue about the constitutionality of retroactive applications of KORA, but rather to point out an additional fix necessary to fulfill the intent the bill appears to have.

In 2007, the Legislature passed SB 14, which added certain drug offenders to KORA. The statute did not indicate an effective starting date; consequently, the law was applied retroactively to include offenders whose offenses predated the law change. Pages 4-5 of HB 2209 contain language that changes the definition of “drug offender” to people convicted after July 1, 2007. It appears the intent is to eliminate retroactive application.

If that is the intent, then another change needs to be made in HB 2209. In 2011, the Legislature passed SB 37. It was an overhaul of KORA precipitated by SORNA deadlines. (For the record, SORNA has no relevance whatsoever to drug offenders.) SB 37 included the addition of more drug offenders, specifically people convicted in other states or by federal courts and people convicted in Kansas or anywhere else of attempts, conspiracy or solicitation of certain drug offenses. If the intent is to eliminate retroactive application of KORA to drug offenders, then a date clarification must be made to K.S.A. 22-4902(f)(2) and (3). **The attached balloon provides suggested language.**

KORA would continue to have many retroactive applications (even as to drug offenders) but, again, the purpose of this testimony is to point out an additional fix that would need to be made if in fact the intent is to exempt from the definition of drug offender those whose convictions predated changes in the law.

Thank you for your consideration,

Jennifer C. Roth
rothjennifer@yahoo.com
785.550.5365