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As Amended by House Committee

HOUSE BILL No. 2209

By Committee on Corrections and Juvenile Justice

2-4

HB2209-Balloon-KBI
Prepared By: Jason Thompson,
Office of Revisor of Statutes
March 21, 2013

1 AN ACT concerning the Kansas offender registration act; amending
2 K.S.A. 2012 Supp. 22-4902, 22-4904, 22-4905, 22-4906 and 22-4907
3 and repealing the existing sections.

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

5 Section 1. K.S.A. 2012 Supp. 22-4902 is hereby amended to read as
6 follows: 22-4902. As used in the Kansas offender registration act, unless
7 the context otherwise requires:

8 (a) "Offender" means:

9 (1) A sex offender;

10 (2) a violent offender;

11 (3) a drug offender;

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

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

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

17 (1) On or after April 14, 1994, is convicted of any sexually violent
18 crime;

19 (2) On or after ~~April 14, 1994~~ *July 1, 2002*, is adjudicated as a
20 juvenile offender for an act which if committed by an adult would
21 constitute the commission of a sexually violent crime, unless the court, on
22 the record, finds that the act involved non-forcible sexual conduct, the
23 victim was at least 14 years of age and the offender was not more than four
24 years older than the victim;

25 (3) has been determined to be a sexually violent predator;

26 (4) on or after ~~May 29~~ *July 1, 1997*, is convicted of any of the
27 following crimes when one of the parties involved is less than 18 years of
28 age;

29 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
30 K.S.A. 2012 Supp. 21-5511, and amendments thereto;

31 (B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-
32 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2012
33 Supp. 21-5504, and amendments thereto;

34 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
35 repeal, or K.S.A. 2012 Supp. 21-6420, and amendments thereto;
36

1 enforcement agency for such reasons including, but not limited to,
2 incapacitation or hospitalization, as determined by a person licensed to
3 practice medicine or surgery, shall be subject to verification requirements
4 other than in-person registration, as determined by the registering law
5 enforcement agency having jurisdiction;

6 (b) except as provided further, for any: (1) Sex offender, including a
7 violent offender or drug offender who is also a sex offender, report in
8 person four times each year to the registering law enforcement agency in
9 the county or location of jurisdiction in which the offender resides,
10 maintains employment or is attending a school; and (2) violent offender or
11 drug offender, report in person four times each year to the registering law
12 enforcement agency in the county or location of jurisdiction in which the
13 offender resides, maintains employment or is attending a school, except
14 that, at the discretion of the registering law enforcement agency, one of the
15 four required reports may be conducted by certified letter. When utilized,
16 the certified letter for reporting shall be sent by the registering law
17 enforcement agency to the reported residence of the offender. The offender
18 shall indicate any changes in information as required for reporting in
19 person. The offender shall respond by returning the certified letter to the
20 registering law enforcement agency within 10 business days by certified
21 mail. The offender shall be required to report once during the month of the
22 offender's birthday and every third, sixth and ninth month occurring before
23 and after the month of the offender's birthday. The registering law
24 enforcement agency may determine the appropriate times and days for
25 reporting by the offender, consistent with this subsection. Nothing
26 contained in this subsection shall be construed to alleviate any offender
27 from meeting the requirements prescribed in the Kansas offender
28 registration act;

29 (c) provide the information required for registration as provided in
30 K.S.A. 22-4907, and amendments thereto, and verify all information
31 previously provided is accurate;

32 (d) if in the custody of a correctional facility, register with the
33 correctional facility within three business days of initial custody and shall
34 not be required to update such registration until released from custody,
35 ~~granted work release or otherwise allowed to leave the grounds of the~~
36 ~~discharged, paroled, furloughed or released on work or school release~~
37 ~~from a correctional facility. A copy of the registration form and any~~
38 ~~updated registrations for an offender released on work or school~~

39 ~~release shall be sent to the registering law enforcement agency where~~
40 ~~the offender is incarcerated, maintains employment or attends school;~~

41 (e) notwithstanding subsections (a) and (b), if the offender is
42 transient, report in person to the registering law enforcement agency of
43 such county or location of jurisdiction in which the offender is physically

, within three business days,

and to the Kansas bureau of investigation