

Proposed Amendments to HB 2739
House Corrections and Juvenile Justice Committee
Prepared by: Natalie Scott, Assistant Revisor
March 21, 2018

Session of 2018

HOUSE BILL No. 2739

By Committee on Corrections and Juvenile Justice

2-9

crimes, punishment and criminal procedure;
relating to lewd and lascivious behavior; penalties

21-5513

section

1 AN ACT concerning the Kansas offender registration act; relating to the
2 sex offender registry; adjudicated juveniles; amending K.S.A. 2017
3 Supp. 22-4902 and 22-4906 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*
6 Section 1. ~~K.S.A. 2017 Supp. 22-4902 is hereby amended to read as~~
7 ~~follows: 22-4902. As used in the Kansas offender registration act, unless~~
8 ~~the context otherwise requires:~~

- 9 (a) ~~"Offender" means:~~
 - 10 (1) ~~A sex offender;~~
 - 11 (2) ~~a violent offender;~~
 - 12 (3) ~~a drug offender;~~
 - 13 (4) ~~any person who has been required to register under out-of-state~~
14 ~~law or is otherwise required to be registered; and~~
 - 15 (5) ~~any person required by court order to register for an offense not~~
16 ~~otherwise required as provided in the Kansas offender registration act.~~

17 (b) ~~"Sex offender" includes any person who:~~
18 (1) ~~On or after April 14, 1994, is convicted of any sexually violent~~
19 ~~crime;~~

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

25 (3) ~~has been determined to be a sexually violent predator;~~
26 (4) ~~on or after July 1, 1997, is convicted of any of the following~~
27 ~~crimes when one of the parties involved is less than 18 years of age:~~

28 (A) ~~Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or~~
29 ~~K.S.A. 2017 Supp. 21-5511, and amendments thereto;~~

30 (B) ~~criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its~~
31 ~~repeal, or K.S.A. 2017 Supp. 21-5504(a)(1) or (a)(2), and amendments~~
32 ~~thereto;~~

33 (C) ~~promoting prostitution, as defined in K.S.A. 21-3513, prior to its~~
34 ~~repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section~~
35 ~~17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;~~

36 (D) ~~patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its~~

1 ~~repeal, or K.S.A. 2017 Supp. 21-6421, prior to its amendment by section~~
2 ~~18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or~~
3 ~~(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior~~
4 ~~to its repeal, or K.S.A. 2017 Supp. 21-5513, and amendments thereto;~~
5 ~~(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior~~
6 ~~to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto;~~
7 ~~(6) is convicted of an attempt, conspiracy or criminal solicitation, as~~
8 ~~defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or~~
9 ~~K.S.A. 2017 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,~~
10 ~~of an offense defined in this subsection; or~~
11 ~~(7) has been convicted of an offense that is comparable to any crime~~
12 ~~defined in this subsection, or any out-of-state conviction for an offense that~~
13 ~~under the laws of this state would be an offense defined in this subsection.~~
14 ~~(c) "Sexually violent crime" means:~~
15 ~~(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.~~
16 ~~2017 Supp. 21-5503, and amendments thereto;~~
17 ~~(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior~~
18 ~~to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;~~
19 ~~(3) aggravated indecent liberties with a child, as defined in K.S.A.~~
20 ~~21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and~~
21 ~~amendments thereto;~~
22 ~~(4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),~~
23 ~~prior to its repeal, or K.S.A. 2017 Supp. 21-5504(a)(3) or (a)(4), and~~
24 ~~amendments thereto;~~
25 ~~(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior~~
26 ~~to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;~~
27 ~~(6) indecent solicitation of a child, as defined in K.S.A. 21-3510,~~
28 ~~prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments~~
29 ~~thereto;~~
30 ~~(7) aggravated indecent solicitation of a child, as defined in K.S.A.~~
31 ~~21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and~~
32 ~~amendments thereto;~~
33 ~~(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior~~
34 ~~to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto;~~
35 ~~(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to~~
36 ~~its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;~~
37 ~~(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its~~
38 ~~repeal, or K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;~~
39 ~~(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its~~
40 ~~repeal, and K.S.A. 2017 Supp. 21-5509, and amendments thereto;~~
41 ~~(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to~~
42 ~~its repeal, or K.S.A. 2017 Supp. 21-5512, and amendments thereto;~~
43 ~~(13) aggravated human trafficking, as defined in K.S.A. 21-3447,~~

1 ~~prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments~~
2 ~~thereto, if committed in whole or in part for the purpose of the sexual~~
3 ~~gratification of the defendant or another;~~

4 ~~(14) commercial sexual exploitation of a child, as defined in K.S.A.~~
5 ~~2017 Supp. 21-6422, and amendments thereto;~~

6 ~~(15) promoting the sale of sexual relations, as defined in K.S.A. 2017~~
7 ~~Supp. 21-6420, and amendments thereto;~~

8 ~~(16) any conviction or adjudication for an offense that is comparable~~
9 ~~to a sexually violent crime as defined in this subsection, or any out-of-state~~
10 ~~conviction or adjudication for an offense that under the laws of this state~~
11 ~~would be a sexually violent crime as defined in this subsection;~~

12 ~~(17) an attempt, conspiracy or criminal solicitation, as defined in~~
13 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017~~
14 ~~Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually~~
15 ~~violent crime, as defined in this subsection; or~~

16 ~~(18) any act which has been determined beyond a reasonable doubt to~~
17 ~~have been sexually motivated, unless the court, on the record, finds that~~
18 ~~the act involved non-forcible sexual conduct, the victim was at least 14~~
19 ~~years of age and the offender was not more than four years older than the~~
20 ~~victim. As used in this paragraph, "sexually motivated" means that one of~~
21 ~~the purposes for which the defendant committed the crime was for the~~
22 ~~purpose of the defendant's sexual gratification.~~

23 ~~(d) "Sexually violent predator" means any person who, on or after~~
24 ~~July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.~~
25 ~~59-29a01 et seq., and amendments thereto.~~

26 ~~(e) "Violent offender" includes any person who:~~

27 ~~(1) On or after July 1, 1997, is convicted of any of the following~~
28 ~~crimes:~~

29 ~~(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,~~
30 ~~or K.S.A. 2017 Supp. 21-5401, and amendments thereto;~~

31 ~~(B) murder in the first degree, as defined in K.S.A. 21-3401, prior to~~
32 ~~its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;~~

33 ~~(C) murder in the second degree, as defined in K.S.A. 21-3402, prior~~
34 ~~to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;~~

35 ~~(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its~~
36 ~~repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;~~

37 ~~(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to~~
38 ~~its repeal, or K.S.A. 2017 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and~~
39 ~~amendments thereto. The provisions of this paragraph shall not apply to~~
40 ~~violations of K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto,~~
41 ~~which occurred on or after July 1, 2011, through July 1, 2013;~~

42 ~~(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or~~
43 ~~K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;~~

- 1 ~~(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its~~
2 ~~repeal, or K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;~~
- 3 ~~(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its~~
4 ~~repeal, or K.S.A. 2017 Supp. 21-5411, and amendments thereto, except by~~
5 ~~a parent, and only when the victim is less than 18 years of age; or~~
- 6 ~~(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior~~
7 ~~to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if~~
8 ~~not committed in whole or in part for the purpose of the sexual~~
9 ~~gratification of the defendant or another;~~
- 10 ~~(2) on or after July 1, 2006, is convicted of any person felony and the~~
11 ~~court makes a finding on the record that a deadly weapon was used in the~~
12 ~~commission of such person felony;~~
- 13 ~~(3) has been convicted of an offense that is comparable to any crime~~
14 ~~defined in this subsection, any out-of-state conviction for an offense that~~
15 ~~under the laws of this state would be an offense defined in this subsection;~~
16 ~~or~~
- 17 ~~(4) is convicted of an attempt, conspiracy or criminal solicitation, as~~
18 ~~defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or~~
19 ~~K.S.A. 2017 Supp. 21-5301, 21-5302 and 21-5303, and amendments~~
20 ~~thereto, of an offense defined in this subsection.~~
- 21 ~~(f) "Drug offender" includes any person who, on or after July 1, 2007:~~
- 22 ~~(1) Is convicted of any of the following crimes:~~
- 23 ~~(A) Unlawful manufacture or attempting such of any controlled~~
24 ~~substance or controlled substance analog, as defined in K.S.A. 65-4159,~~
25 ~~prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or~~
26 ~~K.S.A. 2017 Supp. 21-5703, and amendments thereto;~~
- 27 ~~(B) possession of ephedrine, pseudoephedrine, red phosphorus,~~
28 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~
29 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~
30 ~~isomers with intent to use the product to manufacture a controlled~~
31 ~~substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010~~
32 ~~Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2017 Supp. 21-5709(a),~~
33 ~~and amendments thereto;~~
- 34 ~~(C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-~~
35 ~~36a05(a)(1), prior to its transfer, or K.S.A. 2017 Supp. 21-5705(a)(1), and~~
36 ~~amendments thereto. The provisions of this paragraph shall not apply to~~
37 ~~violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)~~
38 ~~which occurred on or after July 1, 2009, through April 15, 2010;~~
- 39 ~~(2) has been convicted of an offense that is comparable to any crime~~
40 ~~defined in this subsection, any out-of-state conviction for an offense that~~
41 ~~under the laws of this state would be an offense defined in this subsection;~~
42 ~~or~~
- 43 ~~(3) is or has been convicted of an attempt, conspiracy or criminal~~

1 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
2 their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 and 21-5303, and
3 amendments thereto, of an offense defined in this subsection.

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

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

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

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

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

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

34 (m) ~~"Law enforcement agency having initial jurisdiction" means the~~
35 ~~registering law enforcement agency of the county or location of~~
36 ~~jurisdiction where the offender expects to most often reside upon the~~
37 ~~offender's discharge, parole or release.~~

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

40 (o) ~~"Registering entity" means any person, agency or other~~
41 ~~governmental unit, correctional facility or registering law enforcement~~
42 ~~agency responsible for obtaining the required information from, and~~
43 ~~explaining the required registration procedures to, any person required to~~

1 ~~register pursuant to the Kansas offender registration act. "Registering~~
2 ~~entity" shall include, but not be limited to, sheriff's offices, tribal police~~
3 ~~departments and correctional facilities.~~

4 ~~(p) "Treatment facility" means any public or private facility or~~
5 ~~institution providing inpatient mental health, drug or alcohol treatment or~~
6 ~~counseling, but does not include a hospital, as defined in K.S.A. 65-425,~~
7 ~~and amendments thereto.~~

8 ~~(q) "Correctional facility" means any public or private correctional~~
9 ~~facility, juvenile detention facility, prison or jail.~~

10 ~~(r) "Out-of-state" means: the District of Columbia; any federal,~~
11 ~~military or tribal jurisdiction, including those within this state; any foreign~~
12 ~~jurisdiction; or any state or territory within the United States, other than~~
13 ~~this state.~~

14 ~~(s) "Duration of registration" means the length of time during which~~
15 ~~an offender is required to register for a specified offense or violation.~~

16 ~~(t) (1) Notwithstanding any other provision of this section, "offender"~~
17 ~~shall not include any person who is:~~

18 ~~(A) Convicted of unlawful transmission of a visual depiction of a~~
19 ~~child, as defined in K.S.A. 2017 Supp. 21-5611(a), and amendments~~
20 ~~thereto, aggravated unlawful transmission of a visual depiction of a child,~~
21 ~~as defined in K.S.A. 2017 Supp. 21-5611(b), and amendments thereto, or~~
22 ~~unlawful possession of a visual depiction of a child, as defined in K.S.A.~~
23 ~~2017 Supp. 21-5610, and amendments thereto; or~~

24 ~~(B) adjudicated as a juvenile offender for an act which if committed~~
25 ~~by an adult would constitute the commission of a crime defined in~~
26 ~~subsection (t)(1)(A).~~

27 ~~(2) Notwithstanding any other provision of law, a court shall not~~
28 ~~order any person to register under the Kansas offender registration act for~~
29 ~~the offenses described in subsection (t)(1).~~

30 ~~Sec. 2. K.S.A. 2017 Supp. 22-4906 is hereby amended to read as~~
31 ~~follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted~~
32 ~~of any of the following offenses, an offender's duration of registration shall~~
33 ~~be, if confined, 15 years after the date of parole, discharge or release,~~
34 ~~whichever date is most recent, or, if not confined, 15 years from the date of~~
35 ~~conviction:~~

36 ~~(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,~~
37 ~~or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto;~~

38 ~~(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or~~
39 ~~K.S.A. 2017 Supp. 21-5511, and amendments thereto, when one of the~~
40 ~~parties involved is less than 18 years of age;~~

41 ~~(C) promoting the sale of sexual relations, as defined in K.S.A. 2017~~
42 ~~Supp. 21-6420, and amendments thereto;~~

43 ~~(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its~~

1 ~~repeal, or K.S.A. 2017 Supp. 21-6421, prior to its amendment by section~~
2 ~~18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,~~
3 ~~when one of the parties involved is less than 18 years of age;~~

4 ~~(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior~~
5 ~~to its repeal, or K.S.A. 2017 Supp. 21-5513, and amendments thereto,~~
6 ~~when one of the parties involved is less than 18 years of age;~~

7 ~~(F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,~~
8 ~~or K.S.A. 2017 Supp. 21-5401, and amendments thereto;~~

9 ~~(G) murder in the first degree, as defined in K.S.A. 21-3401, prior to~~
10 ~~its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;~~

11 ~~(H) murder in the second degree, as defined in K.S.A. 21-3402, prior~~
12 ~~to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;~~

13 ~~(I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its~~
14 ~~repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;~~

15 ~~(J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to~~
16 ~~its repeal, or K.S.A. 2017 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and~~
17 ~~amendments thereto;~~

18 ~~(K) criminal restraint, as defined in K.S.A. 21-3424, prior to its~~
19 ~~repeal, or K.S.A. 2017 Supp. 21-5411, and amendments thereto, except by~~
20 ~~a parent, and only when the victim is less than 18 years of age;~~

21 ~~(L) any act which has been determined beyond a reasonable doubt to~~
22 ~~have been sexually motivated, unless the court, on the record, finds that~~
23 ~~the act involved non-forcible sexual conduct, the victim was at least 14~~
24 ~~years of age and the offender was not more than four years older than the~~
25 ~~victim;~~

26 ~~(M) conviction of any person required by court order to register for~~
27 ~~an offense not otherwise required as provided in the Kansas offender~~
28 ~~registration act;~~

29 ~~(N) conviction of any person felony and the court makes a finding on~~
30 ~~the record that a deadly weapon was used in the commission of such~~
31 ~~person felony;~~

32 ~~(O) unlawful manufacture or attempting such of any controlled~~
33 ~~substance or controlled substance analog, as defined in K.S.A. 65-4159,~~
34 ~~prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or~~
35 ~~K.S.A. 2017 Supp. 21-5703, and amendments thereto;~~

36 ~~(P) possession of ephedrine, pseudoephedrine, red phosphorus,~~
37 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~
38 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~
39 ~~isomers with intent to use the product to manufacture a controlled~~
40 ~~substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.~~
41 ~~2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2017 Supp. 21-~~
42 ~~5709(a), and amendments thereto;~~

43 ~~(Q) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-~~

1 ~~36a05(a)(1), prior to its transfer, or K.S.A. 2017 Supp. 21-5705(a)(1), and~~
2 ~~amendments thereto; or~~

3 ~~(R) any attempt, conspiracy or criminal solicitation, as defined in~~
4 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017~~
5 ~~Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an~~
6 ~~offense defined in this subsection.~~

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

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

19 ~~(A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its~~
20 ~~repeal, or K.S.A. 2017 Supp. 21-5504(a)(1) or (a)(2), and amendments~~
21 ~~thereto, when one of the parties involved is less than 18 years of age;~~

22 ~~(B) indecent solicitation of a child, as defined in K.S.A. 21-3510,~~
23 ~~prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments~~
24 ~~thereto;~~

25 ~~(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its~~
26 ~~repeal, or K.S.A. 2017 Supp. 21-5509, and amendments thereto;~~

27 ~~(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its~~
28 ~~repeal, or K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;~~

29 ~~(E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior~~
30 ~~to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;~~

31 ~~(F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to~~
32 ~~its repeal, or K.S.A. 2017 Supp. 21-5512, and amendments thereto;~~

33 ~~(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior~~
34 ~~to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, if~~
35 ~~the victim is 14 or more years of age but less than 18 years of age;~~

36 ~~(H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to~~
37 ~~its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;~~

38 ~~(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its~~
39 ~~repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section~~
40 ~~17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if~~
41 ~~the person selling sexual relations is 14 or more years of age but less than~~
42 ~~18 years of age; or~~

43 ~~(J) any attempt, conspiracy or criminal solicitation, as defined in~~

1 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017~~
2 ~~Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an~~
3 ~~offense defined in this subsection.~~

4 ~~(2) Except as otherwise provided by the Kansas offender registration~~
5 ~~act, the duration of registration terminates, if not confined, at the~~
6 ~~expiration of 25 years from the date of conviction. Any period of time~~
7 ~~during which any offender is incarcerated in any jail or correctional~~
8 ~~facility or during which the offender does not comply with any and all~~
9 ~~requirements of the Kansas offender registration act shall not count toward~~
10 ~~the duration of registration.~~

11 ~~(c) Upon a second or subsequent conviction of an offense requiring~~
12 ~~registration, an offender's duration of registration shall be for such~~
13 ~~offender's lifetime.~~

14 ~~(d) The duration of registration for any offender who has been~~
15 ~~convicted of any of the following offenses shall be for such offender's~~
16 ~~lifetime:~~

17 ~~(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.~~
18 ~~2017 Supp. 21-5503, and amendments thereto;~~

19 ~~(2) aggravated indecent solicitation of a child, as defined in K.S.A.~~
20 ~~21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and~~
21 ~~amendments thereto;~~

22 ~~(3) aggravated indecent liberties with a child, as defined in K.S.A.~~
23 ~~21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and~~
24 ~~amendments thereto;~~

25 ~~(4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),~~
26 ~~prior to its repeal, or K.S.A. 2017 Supp. 21-5504(a)(3) or (a)(4), and~~
27 ~~amendments thereto;~~

28 ~~(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior~~
29 ~~to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;~~

30 ~~(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior~~
31 ~~to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto;~~

32 ~~(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior~~
33 ~~to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, if~~
34 ~~the victim is less than 14 years of age;~~

35 ~~(8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its~~
36 ~~repeal, or K.S.A. 2017 Supp. 21-6420, prior to its amendment by section~~
37 ~~17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if~~
38 ~~the person selling sexual relations is less than 14 years of age;~~

39 ~~(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or~~
40 ~~K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;~~

41 ~~(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its~~
42 ~~repeal, or K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;~~

43 ~~(11) commercial sexual exploitation of a child, as defined in K.S.A.~~

1 ~~2017 Supp. 21-6422, and amendments thereto; or~~

2 ~~(12) any attempt, conspiracy or criminal solicitation, as defined in~~
3 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017-~~
4 ~~Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an~~
5 ~~offense defined in this subsection.~~

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

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

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

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

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

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

34 ~~(g) Notwithstanding any other provisions of this section, for an~~
35 ~~offender 14 years of age or more who is adjudicated as a juvenile offender~~
36 ~~for an act which if committed by an adult would constitute a sexually~~
37 ~~violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and~~
38 ~~such crime is not an off-grid felony or a felony ranked in severity level 1~~
39 ~~of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or~~
40 ~~K.S.A. 2017 Supp. 21-6804, and amendments thereto, the court shall:~~

41 ~~(1) Require registration until such offender reaches 18 years of age, at~~
42 ~~the expiration of five years from the date of adjudication or, if confined,~~
43 ~~from release from confinement, whichever date occurs later. Any period of~~

1 ~~time during which the offender is incarcerated in any jail, juvenile facility,~~
2 ~~or correctional facility or during which the offender does not comply with~~
3 ~~any and all requirements of the Kansas offender registration act shall not~~
4 ~~count toward the duration of registration;~~

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

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

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

18 ~~(h) Notwithstanding any other provisions of this section, an offender~~
19 ~~14 years of age or more who is adjudicated as a juvenile offender for an~~
20 ~~act which if committed by an adult would constitute a sexually violent~~
21 ~~crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such~~
22 ~~crime is an off-grid felony or a felony ranked in severity level 1 of the~~
23 ~~nonrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.~~
24 ~~2017 Supp. 21-6804, and amendments thereto, shall be required *require*~~
25 ~~the offender to register for such offender's lifetime.~~

26 ~~(i) Notwithstanding any other provision of law, if a diversionary~~
27 ~~agreement or probation order, either adult or juvenile, or a juvenile~~
28 ~~offender sentencing order, requires registration under the Kansas offender~~
29 ~~registration act for an offense that would not otherwise require registration~~
30 ~~as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all~~
31 ~~provisions of the Kansas offender registration act shall apply, except that~~
32 ~~the duration of registration shall be controlled by such diversionary~~
33 ~~agreement, probation order or juvenile offender sentencing order.~~

34 ~~(j) The duration of registration does not terminate if the convicted or~~
35 ~~adjudicated offender again becomes liable to register as provided by the~~
36 ~~Kansas offender registration act during the required period of registration.~~

37 ~~(k) For any person moving to Kansas who has been convicted or~~
38 ~~adjudicated in an out-of-state court, or who was required to register under~~
39 ~~an out-of-state law, the duration of registration shall be the length of time~~
40 ~~required by the out-of-state jurisdiction or by the Kansas offender~~
41 ~~registration act, whichever length of time is longer. The provisions of this~~
42 ~~subsection shall apply to convictions or adjudications prior to June 1,~~
43 ~~2006, and to persons who moved to Kansas prior to June 1, 2006, and to~~

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1 ~~convictions or adjudications on or after June 1, 2006, and to persons who~~
2 ~~moved to Kansas on or after June 1, 2006.~~

3 ~~(1) For any person residing, maintaining employment or attending~~
4 ~~school in this state who has been convicted or adjudicated by an out-of-~~
5 ~~state court of an offense that is comparable to any crime requiring~~
6 ~~registration pursuant to the Kansas offender registration act, but who was~~
7 ~~not required to register in the jurisdiction of conviction or adjudication, the~~
8 ~~duration of registration shall be the duration required for the comparable~~
9 ~~offense pursuant to the Kansas offender registration act.~~

21-5513 is

10 Sec. 3. K.S.A. 2017 Supp. 22-4902 and 22-4906 are hereby repealed.

11 Sec. 4. This act shall take effect and be in force from and after its
12 publication in the statute book.

Section 1. K.S.A. 2017 Supp. 21-5513 is hereby amended to read as follows: (a) Lewd and lascivious behavior is:
(1) Publicly engaging in otherwise lawful sexual intercourse or sodomy with knowledge or reasonable anticipation that the participants are being viewed by others; or
(2) publicly exposing a sex organ or exposing a sex organ in the presence of a person who is not the spouse of the offender and who has not consented thereto, with intent to arouse or gratify the sexual desires of the offender or another.
(b) Lewd and lascivious behavior is ~~a~~ as defined in:
(1) ~~Class B nonperson misdemeanor~~ Subsection (a)(1), if committed in the presence of a person 16 or more years of age, is a class B nonperson misdemeanor; and
(2) ~~severity level 9, person felony~~ as defined in subsection (a)(1) or (a)(2), if committed in the presence of a person under 16 years of age, is a severity level 9, person felony; and
(3) as defined in subsection (a)(2), if committed in the presence of a person 16 or more years of age, is a severity level 10, person felony.