

HOUSE BILL No. 2474

By Committee on Corrections and Juvenile Justice

1-23

Proposed Amendments to HB 2474 - Jennings
House Corrections and Juvenile Justice
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February 17, 2020

1 AN ACT concerning the Kansas offender registration act; relating to
2 violation of act; penalties; waiver of fees by the court; obstructing
3 apprehension or prosecution; amending K.S.A. 2019 Supp. 21-5913,
4 21-6804, 22-4903 and 22-4905 and repealing the existing sections.
5

registration locations;
information required to
register;

and 22-4907

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

7 New Section 1. (a) A person required to register as an offender
8 pursuant to the Kansas offender registration act may petition the district
9 court in the county where the offender resides to waive payment of the
10 registration fee required by K.S.A. 22-4905, and amendments thereto.
11 Such offender shall submit an affidavit to the court in the form prescribed
12 by the judicial council. There shall be no docket fee required.

13 (b) The court may:

14 (1) Question the offender under oath concerning the contents of the
15 affidavit; and

16 (2) require the offender to produce evidence on the issue of the
17 offender's financial inability to make the payment required by K.S.A. 22-
18 4905, and amendments thereto.

19 (c) If it appears to the satisfaction of the court that requiring the
20 payment will impose manifest hardship on the offender or the offender's
21 immediate family, the court may:

22 (1) Waive the current payment owed by the offender;

23 (2) extend the time in which the offender has to make the payment; or

24 (3) waive the payment for a specified period of time, not to exceed
25 three years.

26 (d) If the court issues an order modifying an offender's obligation to
27 pay the registration fee required by K.S.A. 22-4905, and amendments
28 thereto, the court shall provide the offender with a copy of the order. Such
29 order shall be effective to modify the offender's obligation to pay the
30 registration fee in any county where the offender is required to register.

31 Sec. 2. K.S.A. 2019 Supp. 21-5913 is hereby amended to read as
32 follows: 21-5913. (a) Obstructing apprehension or prosecution is
33 knowingly harboring, concealing or aiding any person who:

34 (1) Has committed or who has been charged with committing a
35 felony or misdemeanor under the laws of this state, other than a violation
36 of K.S.A. 22-4903, and amendments thereto, or another state or the United

1 follows: 22-4905. Any offender required to register as provided in the
2 Kansas offender registration act shall:

3 (a) Except as otherwise provided in this subsection, register in person
4 with the registering law enforcement agency within three business days of
5 coming into any county or location of jurisdiction in which the offender
6 resides or intends to reside, ~~maintains employment or intends to maintain~~
7 ~~employment, or attends school or intends to attend school.~~ Any such
8 offender who cannot physically register in person with the registering law
9 enforcement agency for such reasons including, but not limited to,
10 incapacitation or hospitalization, as determined by a person licensed to
11 practice medicine or surgery, or involuntarily committed pursuant to the
12 Kansas sexually violent predator act, shall be subject to verification
13 requirements other than in-person registration, as determined by the
14 registering law enforcement agency having jurisdiction;

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

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

41 (d) if in the custody of a correctional facility, register with the
42 correctional facility within three business days of initial custody and shall
43 not be required to update such registration until discharged, paroled,

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1 jurisdiction in which the treatment facility is located of the offender's
 2 presence at the treatment facility and the expected duration of the
 3 treatment;

4 (k) submit to the taking of an updated photograph by the registering
 5 law enforcement agency on each occasion when the offender registers with
 6 or reports to the registering law enforcement agency in the county or
 7 location of jurisdiction in which ~~the offender resides, maintains~~
 8 ~~employment or attends school.~~ In addition, such offender shall submit to
 9 the taking of a photograph to document any changes in identifying
 10 characteristics, including, but not limited to, scars, marks and tattoos;

11 (l) remit payment to the sheriff's office in the amount of \$20 as part of
 12 the reporting process required pursuant to subsection (b) in each county in
 13 which the offender resides, ~~maintains employment or is attending school.~~
 14 Registration will be completed regardless of whether or not the offender
 15 remits payment. Failure of the offender to remit full payment within 15
 16 days of registration is a violation of the Kansas offender registration act
 17 and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments
 18 thereto. Notwithstanding other provisions ~~herein~~ of this section, payment
 19 of this fee is not required:

20 (1) *When the offender is under 18 years of age;*

21 (2) when an offender provides updates or changes in information or
 22 during an initial registration unless such updates, changes or initial
 23 registration is during the month of such offender's birthday and every
 24 third, sixth and ninth month occurring before and after the month of the
 25 offender's birthday;

26 ~~(2)~~(3) when an offender is transient and is required to register every
 27 30 days, or more frequently as ordered by the registering law enforcement
 28 agency, except during the month of the offender's birthday and every third,
 29 sixth and ninth month occurring before and after the month of the
 30 offender's birthday; ~~or~~

31 ~~(3)~~(4) if an offender has, prior to the required reporting and within the
 32 last three years, ~~been~~ determined to be indigent by a court of law *in the*
 33 *criminal case for which the offender is required to register*, and the basis
 34 for that finding is recorded by the court; *or*

35 (5) *if the court has determined that requiring payment of the fee*
 36 *would impose manifest hardship on the offender or the offender's*
 37 *immediate family pursuant to section 1, and amendments thereto.*

38 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and
 39 amendments thereto, and annually renew any identification card pursuant
 40 to K.S.A. 2019 Supp. 8-1325a, and amendments thereto;

41 (n) if maintaining primary residence in this state, surrender all driver's
 42 licenses and identification cards from other states, territories and the
 43 District of Columbia, except if the offender is presently serving and



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1 maintaining active duty in any branch of the United States military or the
2 offender is an immediate family member of a person presently serving and
3 maintaining active duty in any branch of the United States military;

4 (o) read and sign the registration form noting whether the
5 requirements provided in this section have been explained to the offender;
6 and

7 (p) report in person to the registering law enforcement agency in the
8 jurisdiction of the offender's residence and provide written notice to the
9 Kansas bureau of investigation 21 days prior to any travel outside of the
10 United States, and provide an itinerary including, but not limited to,
11 destination, means of transport and duration of travel, or if under
12 emergency circumstances, within three business days of making travel
13 arrangements.

14 Sec. 6. K.S.A. 2019 Supp. 21-5913, 21-6804, 22-4903 and 22-4905
15 are hereby repealed.

16 Sec. 7. This act shall take effect and be in force from and after its
17 publication in the statute book.

Sec. 6. K.S.A. 2019 Supp. 22-4907 is hereby amended to read as follows: see attachment

and 22-4907

Renumber sections

Sec. 6. K.S.A. 2019 Supp. 22-4907 is hereby amended to read as follows: (a) Registration as required by the Kansas offender registration act shall consist of a form approved by the Kansas bureau of investigation, which shall include a statement that the requirements provided in this section have been reviewed and explained to the offender, and shall be signed by the offender and, except when such reporting is conducted by certified letter as provided in subsection (b) of K.S.A. 22-4905, and amendments thereto, witnessed by the person registering the offender. Such registration form shall include the following offender information:

- (1) Name and all alias names;
- (2) date and city, state and country of birth, and any alias dates or places of birth;
- (3) title and statute number of each offense or offenses committed, date of each conviction or adjudication and court case numbers for each conviction or adjudication;
- (4) city, county, state or country of conviction or adjudication;
- (5) sex and date of birth or purported age of each victim of all offenses requiring registration;
- (6) current residential address, any anticipated future residence and any temporary lodging information including, but not limited to, address, telephone number and dates of travel for any place in which the offender is staying for seven or more days; and, if transient, the locations where the offender has stayed and frequented since last reporting for registration;
- (7) all telephone numbers at which the offender may be contacted including, but not limited to, all mobile telephone numbers;
- (8) social security number, and all alias social security numbers;
- (9) identifying characteristics such as race, ethnicity, skin tone, sex, age, height, weight, hair and eye color, scars, tattoos and blood type;
- (10) occupation and name, address or addresses and telephone number of employer or employers, and name of any anticipated employer and place of employment;
- (11) all current driver's licenses or identification cards, including a photocopy of all such driver's licenses or identification cards and their numbers, states of issuance and expiration dates;
- (12) all vehicle information, including the license plate number, registration number and any other identifier and description of any vehicle owned or operated by the offender, or any vehicle the offender regularly drives, either for personal use or in the course of employment, and information concerning the location or locations such vehicle or vehicles are habitually parked or otherwise kept;
- (13) license plate number, registration number or other identifier and description of any aircraft or watercraft owned or operated by the offender, and information concerning the location or locations such aircraft or watercraft are habitually parked, docked or otherwise kept;
- (14) all professional licenses, designations and certifications;
- (15) documentation of any treatment received for a mental abnormality or personality disorder of the offender; for purposes of documenting the treatment received, registering law enforcement agencies, correctional facility officials, treatment facility officials and courts may rely on information that is readily available to them from existing records and the offender;
- (16) a photograph or photographs;
- (17) fingerprints and palm prints;
- (18) any and all schools and satellite schools attended or expected to be attended and the locations of attendance and telephone number;
- (19) any and all: E-mail addresses; online identities used by the offender on the internet; information relating to membership in any and all personal web pages or online social networks; and internet screen names;
- (20) all travel and immigration documents; and
- (21) name and telephone number of the offender's probation, parole or community corrections officer.

(b) The offender shall provide biological samples for DNA analysis to the registering law enforcement agency as required by K.S.A. 21-2511, and amendments thereto. The biological samples shall be in the form using a DNA databank kit authorized by the Kansas bureau of investigation. The registering law enforcement agency shall forward such biological samples to the Kansas bureau of investigation. Prior to taking such sample, the registering law enforcement agency shall search the Kansas criminal justice information system to determine if such person's DNA profile is currently on file. If such person's DNA profile is on file with the Kansas bureau of investigation, the registering law enforcement agency is not required to take biological samples.

(c) If an offender reports an employer pursuant to subsection (a)(10) or a school pursuant to subsection (a)(18) that is in a county other than the county in which the offender resides or intends to reside, the Kansas bureau of investigation shall notify the sheriff of the county in which the employer or school is located of the registration information for such offender.