

HOUSE BILL No. 2161

By Representative Alcalá

2-6

1 AN ACT relating to animals; creating the Kansas animal abuse offender
2 repository; establishing the repository within the Kansas bureau of
3 investigation; requiring district court clerks to forward case information
4 to the bureau; requiring certain individuals and entities licensed under
5 the Kansas pet animal act to check the repository.
6

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

8 Section 1. (a) The Kansas bureau of investigation shall establish the
9 Kansas animal abuse offender repository on or before November 1, 2020.
10 The repository shall gather information relating to persons who, on and
11 after November 1, 2019, have been convicted, whether upon a plea of
12 guilty, a plea of nolo contendere or a verdict of guilty, without regard to
13 whether the sentence was suspended or probation granted, or are serving a
14 sentence or any form of probation or parole for a crime of attempt to
15 commit any of the following crimes:

16 (1) Cruelty to animals pursuant to the provisions of K.S.A. 2018
17 Supp. 21-6412, and amendments thereto;

18 (2) unlawful disposition of animals pursuant to the provisions of
19 K.S.A. 2018 Supp. 21-6413, and amendments thereto;

20 (3) unlawful conduct of dog fighting, attendance of dog fighting or
21 possession of dog fighting paraphernalia pursuant to the provisions of
22 K.S.A. 2018 Supp. 21-6414, and amendments thereto;

23 (4) illegal ownership or keeping of an animal pursuant to K.S.A.
24 2018 Supp. 21-6415, and amendments thereto;

25 (5) harming or killing certain dogs pursuant to K.S.A. 2018 Supp. 21-
26 6416, and amendments thereto;

27 (6) unlawful conduct of cockfighting, attendance of cockfighting or
28 possession of cockfighting paraphernalia pursuant to K.S.A. 2018 Supp.
29 21-6417, and amendments thereto;

30 (7) permitting a dangerous animal to be at large pursuant to K.S.A.
31 2018 Supp. 21-6418, and amendments thereto;

32 (8) criminal sodomy or aggravated criminal sodomy involving an
33 animal pursuant to K.S.A. 2018 Supp. 21-5504, and amendments thereto;
34 or

35 (9) unlawful disposal of dead animals pursuant to K.S.A. 47-1219,
36 and amendments thereto.

1 (b) On an after November 1, 2020, the Kansas bureau of investigation
2 shall maintain the repository and an associated public website. The
3 repository shall consist of the following offender information:

4 (1) The full legal name and all alias names;

5 (2) the current or last known residential information;

6 (3) the date of birth;

7 (4) a photograph or photographs;

8 (5) the title and statute number of each offense or offenses
9 committed, date of each conviction or adjudication and court case numbers
10 for each conviction or adjudication of any offense provided for in
11 subsection (a);

12 (6) the city, county or state of conviction or adjudication; and

13 (7) such other identifying information as the Kansas bureau of
14 investigation determines is necessary and proper to identify the person.

15 (c) The clerk of any court of record shall provide the Kansas bureau
16 of investigation copies of complaints, indictments, information, journal
17 entries or any other documents necessary to the performance of the duties
18 of the Kansas bureau of investigation under this section. No fees or
19 charges for providing such documents may be assessed.

20 (d) (1) If an individual is convicted of any of the offenses listed in
21 subsection (a), the Kansas bureau of investigation shall maintain such
22 offender's information on the animal abuse offender repository for, if
23 confined, two years after the date of parole, discharge or release,
24 whichever date is most recent, or, if not confined, two years from the date
25 of conviction.

26 (2) Upon a second or subsequent conviction of any of the offenses
27 listed in subsection (a), the Kansas bureau of investigation shall maintain
28 the offender's information on the animal abuse offender repository for, if
29 confined, five years after the date of parole, discharge or release,
30 whichever date is most recent, or, if not confined, five years from the date
31 of conviction.

32 (e) (1) The provisions of this subsection shall apply to the following
33 entities and individuals licensed pursuant to K.S.A. 47-1701 et. seq., and
34 amendments thereto, and operating in the state of Kansas:

35 (A) Animal breeders;

36 (B) animal distributors;

37 (C) animal shelter operators;

38 (D) hobby breeders;

39 (E) pet shop operators; and

40 (F) retail breeders.

41 (2) On and after November 1, 2020, the animal abuse offender
42 repository shall be made available to the individuals and entities listed in
43 paragraph (1) for examination so that such individuals and entities may

1 determine whether the information of any person seeking to purchase,
2 adopt or otherwise obtain an animal from such entity or individual appears
3 on the animal abuse offender repository.

4 (f) The director of the Kansas bureau of investigation shall
5 promulgate rules and regulations on or before November 1, 2020, to
6 implement this section and to ensure notice of its provisions is provided to:

7 (1) Offenders who will be listed on the animal abuse offender
8 repository; and

9 (2) the individuals and entities listed in subsection (e)(1).

10 (g) The director of the Kansas bureau of investigation may apply for,
11 accept and expend grants, gifts and bequests from any source for the
12 purpose of carrying out the provisions of this section.

13 (h) This section shall be a part of and supplemental to the Kansas pet
14 animal act, K.S.A. 47-1701 et. seq., and amendments thereto.

15 Sec. 2. This act shall take effect and be in force from and after
16 November 1, 2019, and its publication in the statute book.