

As Amended by House Committee

As Amended by Senate Committee

Session of 2020

SENATE BILL No. 420

By Committee on Judiciary

2-12

1 AN ACT concerning the Kansas offender registration act; **violation of act;**
2 **penalties; waiver of fees by the court; obstructing apprehension or**
3 **prosecution; registration locations; information required to**
4 **register;** requiring registration for certain violations of breach of
5 privacy; amending K.S.A. 2019 Supp. **21-5913, 21-6804, 22-4902**~~and,~~
6 **22-4903, 22-4905, 22-4906 and 22-4907** and repealing the existing
7 sections.
8

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

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

16 *(b) The court may:*

17 *(1) Question the offender under oath concerning the contents of the*
18 *affidavit; and*

19 *(2) require the offender to produce evidence on the issue of the*
20 *offender's financial inability to make the payment required by K.S.A. 22-*
21 *4905, and amendments thereto.*

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

25 *(1) Waive the current payment owed by the offender;*

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

27 *(3) waive the payment for a specified period of time, not to exceed*
28 *three years.*

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

34 **Sec. 2. K.S.A. 2019 Supp. 21-5913 is hereby amended to read as**

1 follows: 21-5913. (a) Obstructing apprehension or prosecution is
2 knowingly harboring, concealing or aiding any person who:

3 (1) Has committed or who has been charged with committing a
4 felony or misdemeanor under the laws of this state, other than a
5 violation of K.S.A. 22-4903, and amendments thereto, or another state
6 or the United States with intent that such person shall avoid or escape
7 from arrest, trial, conviction or punishment for such felony or
8 misdemeanor; or

9 (2) is required to register under the Kansas offender registration
10 act, K.S.A. 22-4901 et seq., and amendments thereto, and who is not in
11 compliance with the requirements of such act with intent that such
12 person shall avoid or escape from registration, arrest, trial, conviction,
13 punishment or any criminal charges arising from the person's failure
14 to comply with the requirements of such act.

15 (b) Obstructing apprehension or prosecution as defined in:

16 ~~(1) Subsection (a)(1) is a:~~

17 ~~(A)(1) Severity level 8, nonperson felony if the person who is~~
18 ~~harbored, concealed or aided has committed or has been charged with~~
19 ~~committing a felony; and~~

20 ~~(B)(2) class C misdemeanor if the person who is aided has~~
21 ~~committed or has been charged with committing a misdemeanor; and~~

22 ~~(2) subsection (a)(2) is a severity level 5, person felony.~~

23 Sec. 3. K.S.A. 2019 Supp. 21-6804 is hereby amended to read as
24 follows: 21-6804. (a) The provisions of this section shall be applicable
25 to the sentencing guidelines grid for nondrug crimes. The following
26 sentencing guidelines grid shall be applicable to nondrug felony
27 crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category ↓	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Quarter Max
Presumptive Imprisonment

1 (b) Sentences expressed in the sentencing guidelines grid for
2 nondrug crimes represent months of imprisonment.

3 (c) The sentencing guidelines grid is a two-dimensional crime
4 severity and criminal history classification tool. The grid's vertical
5 axis is the crime severity scale which classifies current crimes of
6 conviction. The grid's horizontal axis is the criminal history scale
7 which classifies criminal histories.

8 (d) The sentencing guidelines grid for nondrug crimes as
9 provided in this section defines presumptive punishments for felony
10 convictions, subject to the sentencing court's discretion to enter a
11 departure sentence. The appropriate punishment for a felony
12 conviction should depend on the severity of the crime of conviction
13 when compared to all other crimes and the offender's criminal history.

14 (e) (1) The sentencing court has discretion to sentence at any
15 place within the sentencing range. In the usual case it is recommended
16 that the sentencing judge select the center of the range and reserve the
17 upper and lower limits for aggravating and mitigating factors
18 insufficient to warrant a departure.

19 (2) In presumptive imprisonment cases, the sentencing court shall
20 pronounce the complete sentence which shall include the:

21 (A) Prison sentence;

22 (B) maximum potential reduction to such sentence as a result of
23 good time; and

24 (C) period of postrelease supervision at the sentencing hearing.
25 Failure to pronounce the period of postrelease supervision shall not
26 negate the existence of such period of postrelease supervision.

27 (3) In presumptive nonprison cases, the sentencing court shall
28 pronounce the:

29 (A) Prison sentence; and

30 (B) duration of the nonprison sanction at the sentencing hearing.

31 (f) Each grid block states the presumptive sentencing range for
32 an offender whose crime of conviction and criminal history place such
33 offender in that grid block. If an offense is classified in a grid block
34 below the dispositional line, the presumptive disposition shall be
35 nonimprisonment. If an offense is classified in a grid block above the
36 dispositional line, the presumptive disposition shall be imprisonment.
37 If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may
38 impose an optional nonprison sentence as provided in subsection (q).

39 (g) The sentence for a violation of K.S.A. 21-3415, prior to its
40 repeal, aggravated battery against a law enforcement officer
41 committed prior to July 1, 2006, or a violation of K.S.A. 2019 Supp.
42 21-5412(d), and amendments thereto, aggravated assault against a law
43 enforcement officer, which places the defendant's sentence in grid

1 block 6-H or 6-I shall be presumed imprisonment. The court may
2 impose an optional nonprison sentence as provided in subsection (q).

3 (h) When a firearm is used to commit any person felony, the
4 offender's sentence shall be presumed imprisonment. The court may
5 impose an optional nonprison sentence as provided in subsection (q).

6 (i) (1) The sentence for the violation of the felony provision of
7 K.S.A. 8-2,144 and 8-1567 and K.S.A. 2019 Supp. 21-5414(b)(3), 21-
8 5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto,
9 shall be as provided by the specific mandatory sentencing
10 requirements of that section and shall not be subject to the provisions
11 of this section or K.S.A. 2019 Supp. 21-6807, and amendments thereto.

12 (2) If because of the offender's criminal history classification the
13 offender is subject to presumptive imprisonment or if the judge
14 departs from a presumptive probation sentence and the offender is
15 subject to imprisonment, the provisions of this section and K.S.A. 2019
16 Supp. 21-6807, and amendments thereto, shall apply and the offender
17 shall not be subject to the mandatory sentence as provided in K.S.A.
18 2019 Supp. 21-5823, and amendments thereto.

19 (3) Notwithstanding the provisions of any other section, the term
20 of imprisonment imposed for the violation of the felony provision of
21 K.S.A. 8-2,144, and 8-1567 and K.S.A. 2019 Supp. 21-5414(b)(3), 21-
22 5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto,
23 shall not be served in a state facility in the custody of the secretary of
24 corrections, except that the term of imprisonment for felony violations
25 of K.S.A. 8-2,144 or 8-1567, and amendments thereto, may be served
26 in a state correctional facility designated by the secretary of
27 corrections if the secretary determines that substance abuse treatment
28 resources and facility capacity is available. The secretary's
29 determination regarding the availability of treatment resources and
30 facility capacity shall not be subject to review. Prior to imposing any
31 sentence pursuant to this subsection, the court may consider assigning
32 the defendant to a house arrest program pursuant to K.S.A. 2019
33 Supp. 21-6609, and amendments thereto.

34 (j) (1) The sentence for any persistent sex offender whose current
35 convicted crime carries a presumptive term of imprisonment shall be
36 double the maximum duration of the presumptive imprisonment term.
37 The sentence for any persistent sex offender whose current conviction
38 carries a presumptive nonprison term shall be presumed
39 imprisonment and shall be double the maximum duration of the
40 presumptive imprisonment term.

41 (2) Except as otherwise provided in this subsection, as used in this
42 subsection, "persistent sex offender" means a person who:

43 (A) (i) Has been convicted in this state of a sexually violent crime,

1 as defined in K.S.A. 22-3717, and amendments thereto; and

2 (ii) at the time of the conviction under subsection (j)(2)(A)(i) has
3 at least one conviction for a sexually violent crime, as defined in
4 K.S.A. 22-3717, and amendments thereto, in this state or comparable
5 felony under the laws of another state, the federal government or a
6 foreign government; or

7 (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502,
8 prior to its repeal, or K.S.A. 2019 Supp. 21-5503, and amendments
9 thereto; and

10 (ii) at the time of the conviction under subsection (j)(2)(B)(i) has
11 at least one conviction for rape in this state or comparable felony
12 under the laws of another state, the federal government or a foreign
13 government.

14 (3) Except as provided in subsection (j)(2)(B), the provisions of
15 this subsection shall not apply to any person whose current convicted
16 crime is a severity level 1 or 2 felony.

17 (k) (1) If it is shown at sentencing that the offender committed
18 any felony violation for the benefit of, at the direction of, or in
19 association with any criminal street gang, with the specific intent to
20 promote, further or assist in any criminal conduct by gang members,
21 the offender's sentence shall be presumed imprisonment. The court
22 may impose an optional nonprison sentence as provided in subsection
23 (q).

24 (2) As used in this subsection, "criminal street gang" means any
25 organization, association or group of three or more persons, whether
26 formal or informal, having as one of its primary activities:

27 (A) The commission of one or more person felonies; or

28 (B) the commission of felony violations of article 57 of chapter 21
29 of the Kansas Statutes Annotated, and amendments thereto, K.S.A.
30 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any
31 felony violation of any provision of the uniform controlled substances
32 act prior to July 1, 2009; and

33 (C) its members have a common name or common identifying
34 sign or symbol; and

35 (D) its members, individually or collectively, engage in or have
36 engaged in the commission, attempted commission, conspiracy to
37 commit or solicitation of two or more person felonies or felony
38 violations of article 57 of chapter 21 of the Kansas Statutes Annotated,
39 and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-
40 36a17, prior to their transfer, any felony violation of any provision of
41 the uniform controlled substances act prior to July 1, 2009, or any
42 substantially similar offense from another jurisdiction.

43 (l) Except as provided in subsection (o), the sentence for a

1 violation of K.S.A. 2019 Supp. 21-5807(a)(1), and amendments thereto,
2 or any attempt or conspiracy, as defined in K.S.A. 2019 Supp. 21-5301
3 and 21-5302, and amendments thereto, to commit such offense, when
4 such person being sentenced has a prior conviction for a violation of
5 K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its
6 repeal, K.S.A. 2019 Supp. 21-5807(a)(1) or (a)(2) or 21-5807(b), and
7 amendments thereto, or any attempt or conspiracy to commit such
8 offense, shall be presumptive imprisonment.

9 (m) The sentence for a violation of ~~K.S.A. 22-4903~~ or K.S.A. 2019
10 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive
11 imprisonment. If an offense under such sections is classified in grid
12 blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional
13 nonprison sentence as provided in subsection (q).

14 (n) The sentence for a violation of criminal deprivation of
15 property, as defined in K.S.A. 2019 Supp. 21-5803, and amendments
16 thereto, when such property is a motor vehicle, and when such person
17 being sentenced has any combination of two or more prior convictions
18 of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of
19 property, as defined in K.S.A. 2019 Supp. 21-5803, and amendments
20 thereto, when such property is a motor vehicle, shall be presumptive
21 imprisonment. Such sentence shall not be considered a departure and
22 shall not be subject to appeal.

23 (o) The sentence for a felony violation of theft of property as
24 defined in K.S.A. 2019 Supp. 21-5801, and amendments thereto, or
25 burglary as defined in K.S.A. 2019 Supp. 21-5807(a), and amendments
26 thereto, when such person being sentenced has no prior convictions
27 for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or
28 theft of property as defined in K.S.A. 2019 Supp. 21-5801, and
29 amendments thereto, or burglary as defined in K.S.A. 2019 Supp. 21-
30 5807(a), and amendments thereto; or the sentence for a felony
31 violation of theft of property as defined in K.S.A. 2019 Supp. 21-5801,
32 and amendments thereto, when such person being sentenced has one
33 or two prior felony convictions for a violation of K.S.A. 21-3701, 21-
34 3715 or 21-3716, prior to their repeal, or theft of property as defined
35 in K.S.A. 2019 Supp. 21-5801, and amendments thereto, or burglary
36 or aggravated burglary as defined in K.S.A. 2019 Supp. 21-5807, and
37 amendments thereto; or the sentence for a felony violation of burglary
38 as defined in K.S.A. 2019 Supp. 21-5807(a), and amendments thereto,
39 when such person being sentenced has one prior felony conviction for
40 a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal,
41 or theft of property as defined in K.S.A. 2019 Supp. 21-5801, and
42 amendments thereto, or burglary or aggravated burglary as defined in
43 K.S.A. 2019 Supp. 21-5807, and amendments thereto, shall be the

1 sentence as provided by this section, except that the court may order
2 an optional nonprison sentence for a defendant to participate in a
3 drug treatment program, including, but not limited to, an approved
4 after-care plan, if the court makes the following findings on the
5 record:

6 (1) Substance abuse was an underlying factor in the commission
7 of the crime;

8 (2) substance abuse treatment in the community is likely to be
9 more effective than a prison term in reducing the risk of offender
10 recidivism; and

11 (3) participation in an intensive substance abuse treatment
12 program will serve community safety interests.

13 A defendant sentenced to an optional nonprison sentence under this
14 subsection shall be supervised by community correctional services.
15 The provisions of K.S.A. 2019 Supp. 21-6824(f)(1), and amendments
16 thereto, shall apply to a defendant sentenced under this subsection.
17 The sentence under this subsection shall not be considered a departure
18 and shall not be subject to appeal.

19 (p) The sentence for a felony violation of theft of property as
20 defined in K.S.A. 2019 Supp. 21-5801, and amendments thereto, when
21 such person being sentenced has any combination of three or more
22 prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or
23 21-3716, prior to their repeal, or theft of property as defined in K.S.A.
24 2019 Supp. 21-5801, and amendments thereto, or burglary or
25 aggravated burglary as defined in K.S.A. 2019 Supp. 21-5807, and
26 amendments thereto; or the sentence for a violation of burglary as
27 defined in K.S.A. 2019 Supp. 21-5807(a), and amendments thereto,
28 when such person being sentenced has any combination of two or
29 more prior convictions for violations of K.S.A. 21-3701, 21-3715 and
30 21-3716, prior to their repeal, or theft of property as defined in K.S.A.
31 2019 Supp. 21-5801, and amendments thereto, or burglary or
32 aggravated burglary as defined in K.S.A. 2019 Supp. 21-5807, and
33 amendments thereto, shall be presumed imprisonment and the
34 defendant shall be sentenced to prison as provided by this section,
35 except that the court may recommend that an offender be placed in
36 the custody of the secretary of corrections, in a facility designated by
37 the secretary to participate in an intensive substance abuse treatment
38 program, upon making the following findings on the record:

39 (1) Substance abuse was an underlying factor in the commission
40 of the crime;

41 (2) substance abuse treatment with a possibility of an early
42 release from imprisonment is likely to be more effective than a prison
43 term in reducing the risk of offender recidivism; and

1 **(3) participation in an intensive substance abuse treatment**
2 **program with the possibility of an early release from imprisonment**
3 **will serve community safety interests by promoting offender**
4 **reformation.**

5 **The intensive substance abuse treatment program shall be**
6 **determined by the secretary of corrections, but shall be for a period of**
7 **at least four months. Upon the successful completion of such intensive**
8 **treatment program, the offender shall be returned to the court and the**
9 **court may modify the sentence by directing that a less severe penalty**
10 **be imposed in lieu of that originally adjudged within statutory limits.**
11 **If the offender's term of imprisonment expires, the offender shall be**
12 **placed under the applicable period of postrelease supervision. The**
13 **sentence under this subsection shall not be considered a departure and**
14 **shall not be subject to appeal.**

15 **(q) As used in this section, an "optional nonprison sentence" is a**
16 **sentence which the court may impose, in lieu of the presumptive**
17 **sentence, upon making the following findings on the record:**

18 **(1) An appropriate treatment program exists which is likely to be**
19 **more effective than the presumptive prison term in reducing the risk**
20 **of offender recidivism; and**

21 **(2) the recommended treatment program is available and the**
22 **offender can be admitted to such program within a reasonable period**
23 **of time; or**

24 **(3) the nonprison sanction will serve community safety interests**
25 **by promoting offender reformation.**

26 **Any decision made by the court regarding the imposition of an**
27 **optional nonprison sentence shall not be considered a departure and**
28 **shall not be subject to appeal.**

29 **(r) The sentence for a violation of K.S.A. 2019 Supp. 21-5413(c)**
30 **(2), and amendments thereto, shall be presumptive imprisonment and**
31 **shall be served consecutively to any other term or terms of**
32 **imprisonment imposed. Such sentence shall not be considered a**
33 **departure and shall not be subject to appeal.**

34 **(s) The sentence for a violation of K.S.A. 2019 Supp. 21-5512, and**
35 **amendments thereto, shall be presumptive imprisonment. Such**
36 **sentence shall not be considered a departure and shall not be subject**
37 **to appeal.**

38 **(t) (1) If the trier of fact makes a finding beyond a reasonable**
39 **doubt that an offender wore or used ballistic resistant material in the**
40 **commission of, or attempt to commit, or flight from any felony, in**
41 **addition to the sentence imposed pursuant to the Kansas sentencing**
42 **guidelines act, the offender shall be sentenced to an additional 30**
43 **months' imprisonment.**

1 (2) The sentence imposed pursuant to subsection (t)(1) shall be
2 presumptive imprisonment and shall be served consecutively to any
3 other term or terms of imprisonment imposed. Such sentence shall not
4 be considered a departure and shall not be subject to appeal.

5 (3) As used in this subsection, "ballistic resistant material"
6 means: (A) Any commercially produced material designed with the
7 purpose of providing ballistic and trauma protection, including, but
8 not limited to, bulletproof vests and kevlar vests; and (B) any
9 homemade or fabricated substance or item designed with the purpose
10 of providing ballistic and trauma protection.

11 (u) The sentence for a violation of K.S.A. 2019 Supp. 21-6107, and
12 amendments thereto, or any attempt or conspiracy, as defined in
13 K.S.A. 2019 Supp. 21-5301 and 21-5302, and amendments thereto, to
14 commit such offense, when such person being sentenced has a prior
15 conviction for a violation of K.S.A. 21-4018, prior to its repeal, or
16 K.S.A. 2019 Supp. 21-6107, and amendments thereto, or any attempt
17 or conspiracy to commit such offense, shall be presumptive
18 imprisonment. Such sentence shall not be considered a departure and
19 shall not be subject to appeal.

20 (v) The sentence for a third or subsequent violation of K.S.A. 8-
21 1568, and amendments thereto, shall be presumptive imprisonment
22 and shall be served consecutively to any other term or terms of
23 imprisonment imposed. Such sentence shall not be considered a
24 departure and shall not be subject to appeal.

25 (w) The sentence for aggravated criminal damage to property as
26 defined in K.S.A. 2019 Supp. 21-5813(b), and amendments thereto,
27 when such person being sentenced has a prior conviction for any
28 nonperson felony shall be presumptive imprisonment. Such sentence
29 shall not be considered a departure and shall not be subject to appeal.

30 (x) The sentence for a violation of K.S.A. 2019 Supp. 21-5807(a)
31 (1), and amendments thereto, shall be presumptive imprisonment if
32 the offense under such paragraph is classified in grid blocks 7-C, 7-D
33 or 7-E. Such sentence shall not be considered a departure and shall
34 not be subject to appeal.

35 (y) (1) Except as provided in subsection (y)(3), if the trier of fact
36 makes a finding beyond a reasonable doubt that an offender
37 committed a nondrug felony offense, or any attempt or conspiracy, as
38 defined in K.S.A. 2019 Supp. 21-5301 and 21-5302, and amendments
39 thereto, to commit a nondrug felony offense, against a law
40 enforcement officer, as defined in K.S.A. 2019 Supp. 21-5111(p)(1) and
41 (3), and amendments thereto, while such officer was engaged in the
42 performance of such officer's duty, or in whole or in any part because
43 of such officer's status as a law enforcement officer, the sentence for

1 **such offense shall be:**

2 **(A) If such offense is classified in severity level 2 through 10, one**
3 **severity level above the appropriate level for such offense; and**

4 **(B) (i) if such offense is classified in severity level 1, except as**
5 **otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life,**
6 **and such offender shall not be eligible for probation or suspension,**
7 **modification or reduction of sentence. In addition, such offender shall**
8 **not be eligible for parole prior to serving 25 years' imprisonment, and**
9 **such 25 years' imprisonment shall not be reduced by the application of**
10 **good time credits. No other sentence shall be permitted.**

11 **(ii) The provisions of subsection (y)(1)(B)(i) requiring the court to**
12 **impose a mandatory minimum term of imprisonment of 25 years shall**
13 **not apply if the court finds the offender, because of the offender's**
14 **criminal history classification, is subject to presumptive imprisonment**
15 **and the sentencing range exceeds 300 months. In such case, the**
16 **offender is required to serve a mandatory minimum term equal to the**
17 **sentence established pursuant to the sentencing range.**

18 **(2) The sentence imposed pursuant to subsection (y)(1) shall not**
19 **be considered a departure and shall not be subject to appeal.**

20 **(3) The provisions of this subsection shall not apply to an offense**
21 **described in subsection (y)(1) if the factual aspect concerning a law**
22 **enforcement officer is a statutory element of such offense.**

23 *(z) The sentence for a violation of K.S.A. 22-4903(b), and*
24 *amendments thereto, shall be presumptive imprisonment.*

25 ~~Section 1.~~ *Sec. 4.* K.S.A. 2019 Supp. 22-4902 is hereby amended to
26 read as follows: 22-4902. As used in the Kansas offender registration act,
27 unless the context otherwise requires:

28 (a) "Offender" means:

29 (1) A sex offender;

30 (2) a violent offender;

31 (3) a drug offender;

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

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

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

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

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

- 1 (3) has been determined to be a sexually violent predator;
- 2 (4) on or after July 1, 1997, is convicted of any of the following
3 crimes when one of the parties involved is less than 18 years of age:
- 4 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
5 K.S.A. 2019 Supp. 21-5511, and amendments thereto;
- 6 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
7 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
8 thereto;
- 9 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
10 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
11 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
- 12 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
13 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
14 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
- 15 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
16 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto;
- 17 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
18 to its repeal, or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;
- 19 (6) *on and after July 1, 2020, is convicted of breach of privacy, as*
20 *defined in K.S.A. 2019 Supp. 21-6101(a)(6)—or; (a)(7) or (a)(8), and*
21 *amendments thereto;*
- 22 (7) is convicted of an attempt, conspiracy or criminal solicitation, as
23 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
24 K.S.A. 2019 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
25 of an offense defined in this subsection; or
- 26 ~~(7)~~(8) has been convicted of an offense that is comparable to any
27 crime defined in this subsection, or any out-of-state conviction for an
28 offense that under the laws of this state would be an offense defined in this
29 subsection.
- 30 (c) "Sexually violent crime" means:
- 31 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
32 2019 Supp. 21-5503, and amendments thereto;
- 33 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
34 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;
- 35 (3) aggravated indecent liberties with a child, as defined in K.S.A.
36 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
37 amendments thereto;
- 38 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
39 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
40 amendments thereto;
- 41 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
42 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;
- 43 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,

- 1 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
2 thereto;
- 3 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
4 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
5 amendments thereto;
- 6 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
7 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto;
- 8 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
9 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;
- 10 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
11 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;
- 12 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
13 repeal, and K.S.A. 2019 Supp. 21-5509, and amendments thereto;
- 14 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
15 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;
- 16 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
17 prior to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments
18 thereto, if committed in whole or in part for the purpose of the sexual
19 gratification of the defendant or another;
- 20 (14) commercial sexual exploitation of a child, as defined in K.S.A.
21 2019 Supp. 21-6422, and amendments thereto;
- 22 (15) promoting the sale of sexual relations, as defined in K.S.A. 2019
23 Supp. 21-6420, and amendments thereto;
- 24 (16) any conviction or adjudication for an offense that is comparable
25 to a sexually violent crime as defined in this subsection, or any out-of-state
26 conviction or adjudication for an offense that under the laws of this state
27 would be a sexually violent crime as defined in this subsection;
- 28 (17) an attempt, conspiracy or criminal solicitation, as defined in
29 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
30 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
31 violent crime, as defined in this subsection; or
- 32 (18) any act ~~which~~ *that* has been determined beyond a reasonable
33 doubt to have been sexually motivated, unless the court, on the record,
34 finds that the act involved non-forcible sexual conduct, the victim was at
35 least 14 years of age and the offender was not more than four years older
36 than the victim. As used in this paragraph, "sexually motivated" means that
37 one of the purposes for which the defendant committed the crime was for
38 the purpose of the defendant's sexual gratification.
- 39 (d) "Sexually violent predator" means any person who, on or after
40 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
41 59-29a01 et seq., and amendments thereto.
- 42 (e) "Violent offender" includes any person who:
- 43 (1) On or after July 1, 1997, is convicted of any of the following

1 crimes:

2 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
3 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;

4 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
5 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;

6 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
7 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;

8 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
9 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;

10 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
11 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
12 amendments thereto. The provisions of this paragraph shall not apply to
13 violations of K.S.A. 2019 Supp. 21-5405(a)(3), and amendments thereto,
14 ~~which~~ that occurred on or after July 1, 2011, through July 1, 2013;

15 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
16 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

17 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
18 repeal, or K.S.A. 2019 Supp. 21-5408(b), and amendments thereto;

19 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
20 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
21 a parent, and only when the victim is less than 18 years of age; or

22 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
23 to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments thereto, if
24 not committed in whole or in part for the purpose of the sexual
25 gratification of the defendant or another;

26 (2) on or after July 1, 2006, is convicted of any person felony and the
27 court makes a finding on the record that a deadly weapon was used in the
28 commission of such person felony;

29 (3) has been convicted of an offense that is comparable to any crime
30 defined in this subsection, any out-of-state conviction for an offense that
31 under the laws of this state would be an offense defined in this subsection;
32 or

33 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
34 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
35 K.S.A. 2019 Supp. 21-5301, 21-5302 and 21-5303, and amendments
36 thereto, of an offense defined in this subsection.

37 (f) "Drug offender" includes any person who, on or after July 1, 2007:

38 (1) Is convicted of any of the following crimes:

39 (A) Unlawful manufacture or attempting such of any controlled
40 substance or controlled substance analog, as defined in K.S.A. 65-4159,
41 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
42 K.S.A. 2019 Supp. 21-5703, and amendments thereto;

43 (B) possession of ephedrine, pseudoephedrine, red phosphorus,

1 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
2 ammonia or phenylpropanolamine, or their salts, isomers or salts of
3 isomers with intent to use the product to manufacture a controlled
4 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
5 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-5709(a),
6 and amendments thereto;

7 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
8 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
9 amendments thereto. The provisions of this paragraph shall not apply to
10 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
11 which occurred on or after July 1, 2009, through April 15, 2010;

12 (2) has been convicted of an offense that is comparable to any crime
13 defined in this subsection, any out-of-state conviction for an offense that
14 under the laws of this state would be an offense defined in this subsection;
15 or

16 (3) is or has been convicted of an attempt, conspiracy or criminal
17 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
18 their repeal, or K.S.A. 2019 Supp. 21-5301, 21-5302 and 21-5303, and
19 amendments thereto, of an offense defined in this subsection.

20 (g) Convictions or adjudications—~~which~~ *that* result from or are
21 connected with the same act, or result from crimes committed at the same
22 time, shall be counted for the purpose of this section as one conviction or
23 adjudication. Any conviction or adjudication set aside pursuant to law is
24 not a conviction or adjudication for purposes of this section. A conviction
25 or adjudication from any out-of-state court shall constitute a conviction or
26 adjudication for purposes of this section.

27 (h) "School" means any public or private educational institution,
28 including, but not limited to, postsecondary school, college, university,
29 community college, secondary school, high school, junior high school,
30 middle school, elementary school, trade school, vocational school or
31 professional school providing training or education to an offender for three
32 or more consecutive days or parts of days, or for 10 or more
33 nonconsecutive days in a period of 30 consecutive days.

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

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

1 consecutive days.

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

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

7 (m) "Law enforcement agency having initial jurisdiction" means the
8 registering law enforcement agency of the county or location of
9 jurisdiction where the offender expects to most often reside upon the
10 offender's discharge, parole or release.

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

13 (o) "Registering entity" means any person, agency or other
14 governmental unit, correctional facility or registering law enforcement
15 agency responsible for obtaining the required information from, and
16 explaining the required registration procedures to, any person required to
17 register pursuant to the Kansas offender registration act. "Registering
18 entity" ~~shall include~~ *includes*, but *is not* ~~be~~ limited to, sheriff's offices,
19 tribal police departments and correctional facilities.

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

24 (q) "Correctional facility" means any public or private correctional
25 facility, juvenile detention facility, prison or jail.

26 (r) "Out-of-state" means: the District of Columbia; any federal,
27 military or tribal jurisdiction, including those within this state; any foreign
28 jurisdiction; or any state or territory within the United States, other than
29 this state.

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

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

34 (A) *(i)* Convicted of unlawful transmission of a visual depiction of a
35 child, as defined in K.S.A. 2019 Supp. 21-5611(a), and amendments
36 thereto, aggravated unlawful transmission of a visual depiction of a child,
37 as defined in K.S.A. 2019 Supp. 21-5611(b), and amendments thereto, or
38 unlawful possession of a visual depiction of a child, as defined in K.S.A.
39 2019 Supp. 21-5610, and amendments thereto; or

40 ~~(B)~~ *(ii)* adjudicated as a juvenile offender for an act which, if
41 committed by an adult, would constitute the commission of a crime
42 defined in subsection (t)(1)(A)*(i)*; or

43 *(B)* *adjudicated as a juvenile offender for an act which, if committed*

1 *by an adult, would constitute a violation of K.S.A. 2019 Supp. 21-6101(a)*
 2 *(6), (a)(7) or (a)(8), and amendments thereto.*

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

6 **Sec. 5. K.S.A. 2019 Supp. 22-4903 is hereby amended to read as**
 7 **follows: 22-4903. (a) Violation of the Kansas offender registration act**
 8 **is the failure by an offender, as defined in K.S.A. 22-4902, and**
 9 **amendments thereto, to comply with any and all provisions of such**
 10 **act, including any and all duties set forth in K.S.A. 22-4905 through**
 11 **22-4907, and amendments thereto. Any violation of the Kansas**
 12 **offender registration act which continues for more than—30 90**
 13 **consecutive days shall, upon the—31st 91st consecutive day, constitute a**
 14 **new and separate offense, and shall continue to constitute a new and**
 15 **separate offense every 30 days thereafter for as long as the violation**
 16 **continues.**

17 **(b) Aggravated violation of the Kansas offender registration act is**
 18 **violation of the Kansas offender registration act—**~~which continues for~~
 19 ~~more than 180 consecutive days. Any aggravated violation of the Kansas~~
 20 ~~offender registration act which continues for more than 180 consecutive~~
 21 ~~days shall, upon the 181st consecutive day, constitute a new and separate~~
 22 ~~offense, and shall continue to constitute a new and separate violation of the~~
 23 ~~Kansas offender registration act every 30 days thereafter, or a new and~~
 24 ~~separate aggravated violation of the Kansas offender registration act every~~
 25 ~~180 days thereafter, for as long as the violation continues:~~

26 (1) *That continues for one year or more; or*

27 (2) *committed by a person with two or more prior convictions of*
 28 *violations of this section.*

29 **(c) (1) Except as provided in—subsection subsections (c)(3) and (c)**
 30 **(4), violation of the Kansas offender registration act is:**

31 **(A) Upon a first conviction, a—severity level 6 felony class B**
 32 **nonperson misdemeanor; and**

33 **(B) upon a second conviction, a—severity level 5 felony; and class A**
 34 **nonperson misdemeanor**

35 **(C) —upon a third or subsequent conviction, a severity level 3 felony.**

36 ~~Such violation shall be designated as a person or nonperson crime in~~
 37 ~~accordance with the designation assigned to the underlying crime for~~
 38 ~~which the offender is required to be registered under the Kansas offender~~
 39 ~~registration act. If the offender is required to be registered under both a~~
 40 ~~person and nonperson underlying crime, the violation shall be designated~~
 41 ~~as a person crime.~~

42 **(2) Except as provided in—subsection subsections (c)(3) and (c)(4),**
 43 **aggravated violation of the Kansas offender registration act is a**

1 **severity level 3 8, nonperson felony.**

2 ~~Such violation shall be designated as a person or nonperson crime in~~
3 ~~accordance with the designation assigned to the underlying crime for~~
4 ~~which the offender is required to be registered under the Kansas offender~~
5 ~~registration act. If the offender is required to be registered under both a~~
6 ~~person and nonperson underlying crime, the violation shall be designated~~
7 ~~as a person crime.~~

8 **(3) Violation of the Kansas offender registration act or**
9 **aggravated violation of the Kansas offender registration act consisting**
10 **only of failing to remit payment to the sheriff's office as required in**
11 **K.S.A. 22-4905(l), and amendments thereto, is:**

12 ~~(A) Except as provided in subsection (c)(3)(B), a class A C~~
13 ~~nonperson misdemeanor if, within 15 days of registration, full payment is~~
14 ~~not remitted to the sheriff's office;~~

15 ~~(B) a severity level 9 felony if, within 15 days of the most recent~~
16 ~~registration, two or more full payments have not been remitted to the~~
17 ~~sheriff's office.~~

18 ~~Such violation shall be designated as a person or nonperson crime in~~
19 ~~accordance with the designation assigned to the underlying crime for~~
20 ~~which the offender is required to be registered under the Kansas offender~~
21 ~~registration act. If the offender is required to be registered under both a~~
22 ~~person and nonperson underlying crime, the violation shall be designated~~
23 ~~as a person crime.~~

24 *(4) Aggravated violation of the Kansas offender registration act is a*
25 *class A nonperson misdemeanor when the underlying crime for which the*
26 *offender is required to be registered under the Kansas offender*
27 *registration act is a misdemeanor.*

28 **(d) Prosecution of violations of this section may be held:**

29 **(1) In any county in which the offender resides;**

30 **(2) in any county in which the offender is required to be**
31 **registered under the Kansas offender registration act;**

32 **(3) in any county in which the offender is located during which**
33 **time the offender is not in compliance with the Kansas offender**
34 **registration act; or**

35 **(4) in the county in which any conviction or adjudication**
36 **occurred for which the offender is required to be registered under the**
37 **Kansas offender registration act.**

38 **Sec. 6. K.S.A. 2019 Supp. 22-4905 is hereby amended to read as**
39 **follows: 22-4905. Any offender required to register as provided in the**
40 **Kansas offender registration act shall:**

41 **(a) Except as otherwise provided in this subsection, register in**
42 **person with the registering law enforcement agency within three**
43 **business days of coming into any county or location of jurisdiction in**

1 **which the offender resides or intends to reside, ~~maintains employment~~**
2 **or intends to maintain employment, or attends school or intends to attend**
3 **school. Any such offender who cannot physically register in person**
4 **with the registering law enforcement agency for such reasons**
5 **including, but not limited to, incapacitation or hospitalization, as**
6 **determined by a person licensed to practice medicine or surgery, or**
7 **involuntarily committed pursuant to the Kansas sexually violent**
8 **predator act, shall be subject to verification requirements other than**
9 **in-person registration, as determined by the registering law**
10 **enforcement agency having jurisdiction;**

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

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

39 **(d) if in the custody of a correctional facility, register with the**
40 **correctional facility within three business days of initial custody and**
41 **shall not be required to update such registration until discharged,**
42 **paroled, furloughed or released on work or school release from a**
43 **correctional facility. A copy of the registration form and any updated**

1 registrations for an offender released on work or school release shall
2 be sent, within three business days, to the registering law enforcement
3 agency where the offender is incarcerated, maintains employment or
4 attends school, and to the Kansas bureau of investigation;

5 (e) if involuntarily committed pursuant to the Kansas sexually
6 violent predator act, register within three business days of arrival in
7 the county where the offender resides during commitment. The
8 offender shall not be required to update such registration until placed
9 in a reintegration facility, on transitional release or on conditional
10 release. Upon placement in a reintegration facility, on transitional
11 release or on conditional release, the offender shall be personally
12 responsible for complying with the provisions of the Kansas offender
13 registration act;

14 (f) notwithstanding subsections (a) and (b), if the offender is
15 transient, report in person to the registering law enforcement agency
16 of such county or location of jurisdiction in which the offender is
17 physically present within three business days of arrival in the county
18 or location of jurisdiction. Such offender shall be required to register
19 in person with the registering law enforcement agency every 30 days,
20 or more often at the discretion of the registering law enforcement
21 agency. Such offender shall comply with the provisions of the Kansas
22 offender registration act and, in addition, shall:

23 (1) Provide a list of places where the offender has slept and
24 otherwise frequented during the period of time since the last date of
25 registration; and

26 (2) provide a list of places where the offender may be contacted
27 and where the offender intends to sleep and otherwise frequent during
28 the period of time prior to the next required date of registration;

29 (g) if required by out-of-state law, register in any out-of-state
30 jurisdiction, where the offender resides, maintains employment or
31 attends school;

32 (h) register in person upon any commencement, change or
33 termination of residence location, employment status, school
34 attendance or other information as provided in K.S.A. 22-4907, and
35 amendments thereto, within three business days of such
36 commencement, change or termination, to the registering law
37 enforcement agency or agencies where last registered and provide
38 written notice to the Kansas bureau of investigation;

39 (i) report in person to the registering law enforcement agency or
40 agencies within three business days of any change in name;

41 (j) if receiving inpatient treatment at any treatment facility,
42 inform the treatment facility of the offender's status as an offender
43 and inform the registering law enforcement agency of the county or

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

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

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

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

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

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

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

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

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

42 (n) if maintaining primary residence in this state, surrender all
43 driver's licenses and identification cards from other states, territories

1 **and the District of Columbia, except if the offender is presently**
2 **serving and maintaining active duty in any branch of the United**
3 **States military or the offender is an immediate family member of a**
4 **person presently serving and maintaining active duty in any branch of**
5 **the United States military;**

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

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

16 ~~Sec. 7.~~ K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
17 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
18 of any of the following offenses, an offender's duration of registration shall
19 be, if confined, 15 years after the date of parole, discharge or release,
20 whichever date is most recent, or, if not confined, 15 years from the date of
21 conviction:

22 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
23 or K.S.A. 2019 Supp. 21-5505(a), and amendments thereto;

24 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
25 K.S.A. 2019 Supp. 21-5511, and amendments thereto, when one of the
26 parties involved is less than 18 years of age;

27 (C) promoting the sale of sexual relations, as defined in K.S.A. 2019
28 Supp. 21-6420, and amendments thereto;

29 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
30 repeal, or K.S.A. 2019 Supp. 21-6421, prior to its amendment by section
31 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
32 when one of the parties involved is less than 18 years of age;

33 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
34 to its repeal, or K.S.A. 2019 Supp. 21-5513, and amendments thereto,
35 when one of the parties involved is less than 18 years of age;

36 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
37 or K.S.A. 2019 Supp. 21-5401, and amendments thereto;

38 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
39 its repeal, or K.S.A. 2019 Supp. 21-5402, and amendments thereto;

40 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
41 to its repeal, or K.S.A. 2019 Supp. 21-5403, and amendments thereto;

42 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
43 repeal, or K.S.A. 2019 Supp. 21-5404, and amendments thereto;

1 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
2 its repeal, or K.S.A. 2019 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
3 amendments thereto;

4 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
5 repeal, or K.S.A. 2019 Supp. 21-5411, and amendments thereto, except by
6 a parent, and only when the victim is less than 18 years of age;

7 (L) *breach of privacy, as defined in K.S.A. 2019 Supp. 21-6101(a)(6)*
8 ~~or, (a)(7)~~ **or (a)(8)**, and amendments thereto;

9 (M) any act ~~which~~ that has been determined beyond a reasonable
10 doubt to have been sexually motivated, unless the court, on the record,
11 finds that the act involved non-forcible sexual conduct, the victim was at
12 least 14 years of age and the offender was not more than four years older
13 than the victim;

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

17 ~~(N)~~(O) conviction of any person felony and the court makes a finding
18 on the record that a deadly weapon was used in the commission of such
19 person felony;

20 ~~(O)~~(P) unlawful manufacture or attempting such of any controlled
21 substance or controlled substance analog, as defined in K.S.A. 65-4159,
22 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
23 K.S.A. 2019 Supp. 21-5703, and amendments thereto;

24 ~~(P)~~(Q) possession of ephedrine, pseudoephedrine, red phosphorus,
25 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
26 ammonia or phenylpropanolamine, or their salts, isomers or salts of
27 isomers with intent to use the product to manufacture a controlled
28 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
29 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2019 Supp. 21-
30 5709(a), and amendments thereto;

31 ~~(Q)~~(R) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
32 36a05(a)(1), prior to its transfer, or K.S.A. 2019 Supp. 21-5705(a)(1), and
33 amendments thereto; or

34 ~~(R)~~(S) any attempt, conspiracy or criminal solicitation, as defined in
35 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
36 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
37 offense defined in this subsection.

38 (2) Except as otherwise provided by the Kansas offender registration
39 act, the duration of registration terminates, if not confined, at the
40 expiration of 15 years from the date of conviction. Any period of time
41 during which any offender is incarcerated in any jail or correctional
42 facility or during which the offender does not comply with any and all
43 requirements of the Kansas offender registration act shall not count toward

1 the duration of registration.

2 (b) (1) Except as provided in subsection (c), if convicted of any of the
3 following offenses, an offender's duration of registration shall be, if
4 confined, 25 years after the date of parole, discharge or release, whichever
5 date is most recent, or, if not confined, 25 years from the date of
6 conviction:

7 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
8 repeal, or K.S.A. 2019 Supp. 21-5504(a)(1) or (a)(2), and amendments
9 thereto, when one of the parties involved is less than 18 years of age;

10 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
11 prior to its repeal, or K.S.A. 2019 Supp. 21-5508(a), and amendments
12 thereto;

13 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
14 repeal, or K.S.A. 2019 Supp. 21-5509, and amendments thereto;

15 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
16 repeal, or K.S.A. 2019 Supp. 21-5604(b), and amendments thereto;

17 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
18 to its repeal, or K.S.A. 2019 Supp. 21-5506(a), and amendments thereto;

19 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
20 its repeal, or K.S.A. 2019 Supp. 21-5512, and amendments thereto;

21 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
22 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if
23 the victim is 14 or more years of age but less than 18 years of age;

24 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
25 its repeal, or K.S.A. 2019 Supp. 21-5505(b), and amendments thereto;

26 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
27 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
28 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
29 the person selling sexual relations is 14 or more years of age but less than
30 18 years of age; or

31 (J) any attempt, conspiracy or criminal solicitation, as defined in
32 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
33 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
34 offense defined in this subsection.

35 (2) Except as otherwise provided by the Kansas offender registration
36 act, the duration of registration terminates, if not confined, at the
37 expiration of 25 years from the date of conviction. Any period of time
38 during which any offender is incarcerated in any jail or correctional
39 facility or during which the offender does not comply with any and all
40 requirements of the Kansas offender registration act shall not count toward
41 the duration of registration.

42 (c) Upon a second or subsequent conviction of an offense requiring
43 registration, an offender's duration of registration shall be for such

1 offender's lifetime.

2 (d) The duration of registration for any offender who has been
3 convicted of any of the following offenses shall be for such offender's
4 lifetime:

5 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
6 2019 Supp. 21-5503, and amendments thereto;

7 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
8 21-3511, prior to its repeal, or K.S.A. 2019 Supp. 21-5508(b), and
9 amendments thereto;

10 (3) aggravated indecent liberties with a child, as defined in K.S.A.
11 21-3504, prior to its repeal, or K.S.A. 2019 Supp. 21-5506(b), and
12 amendments thereto;

13 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
14 prior to its repeal, or K.S.A. 2019 Supp. 21-5504(a)(3) or (a)(4), and
15 amendments thereto;

16 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
17 to its repeal, or K.S.A. 2019 Supp. 21-5504(b), and amendments thereto;

18 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
19 to its repeal, or K.S.A. 2019 Supp. 21-5426(b), and amendments thereto;

20 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
21 to its repeal, or K.S.A. 2019 Supp. 21-5510, and amendments thereto, if
22 the victim is less than 14 years of age;

23 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
24 repeal, or K.S.A. 2019 Supp. 21-6420, prior to its amendment by section
25 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
26 the person selling sexual relations is less than 14 years of age;

27 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
28 K.S.A. 2019 Supp. 21-5408(a), and amendments thereto;

29 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
30 repeal, or K.S.A. 2019 Supp. 21-5408(b), and amendments thereto;

31 (11) commercial sexual exploitation of a child, as defined in K.S.A.
32 2019 Supp. 21-6422, and amendments thereto; or

33 (12) any attempt, conspiracy or criminal solicitation, as defined in
34 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2019
35 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
36 offense defined in this subsection.

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

40 (f) Notwithstanding any other provisions of this section, for an
41 offender less than 14 years of age who is adjudicated as a juvenile offender
42 for an act which, if committed by an adult, would constitute a sexually
43 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the

1 court shall:

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

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

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

19 If such offender violates a condition of release during the term of the
20 conditional release, the court may require such offender to register
21 pursuant to paragraph (1).

22 (g) Notwithstanding any other provisions of this section, for an
23 offender 14 years of age or more who is adjudicated as a juvenile offender
24 for an act which, if committed by an adult, would constitute a sexually
25 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
26 such crime is not an off-grid felony or a felony ranked in severity level 1
27 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
28 K.S.A. 2019 Supp. 21-6804, and amendments thereto, the court shall:

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

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

38 (3) require registration, but such registration information shall not be
39 open to inspection by the public or posted on any internet website, as
40 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
41 registration but such registration is not open to the public, such offender
42 shall provide a copy of such court order to the registering law enforcement
43 agency at the time of registration. The registering law enforcement agency

1 shall forward a copy of such court order to the Kansas bureau of
2 investigation.

3 If such offender violates a condition of release during the term of the
4 conditional release, the court may require such offender to register
5 pursuant to paragraph (1).

6 (h) Notwithstanding any other provisions of this section, an offender
7 14 years of age or more who is adjudicated as a juvenile offender for an
8 act which, if committed by an adult, would constitute a sexually violent
9 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
10 crime is an off-grid felony or a felony ranked in severity level 1 of the
11 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
12 2019 Supp. 21-6804, and amendments thereto, shall be required to register
13 for such offender's lifetime.

14 (i) Notwithstanding any other provision of law, if a diversionary
15 agreement or probation order, either adult or juvenile, or a juvenile
16 offender sentencing order, requires registration under the Kansas offender
17 registration act for an offense that would not otherwise require registration
18 as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all
19 provisions of the Kansas offender registration act shall apply, except that
20 the duration of registration shall be controlled by such diversionary
21 agreement, probation order or juvenile offender sentencing order.

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

25 (k) For any person moving to Kansas who has been convicted or
26 adjudicated in an out-of-state court, or who was required to register under
27 an out-of-state law, the duration of registration shall be the length of time
28 required by the out-of-state jurisdiction or by the Kansas offender
29 registration act, whichever length of time is longer. The provisions of this
30 subsection shall apply to convictions or adjudications prior to June 1,
31 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
32 convictions or adjudications on or after June 1, 2006, and to persons who
33 moved to Kansas on or after June 1, 2006.

34 (l) For any person residing, maintaining employment or attending
35 school in this state who has been convicted or adjudicated by an out-of-
36 state court of an offense that is comparable to any crime requiring
37 registration pursuant to the Kansas offender registration act, but who was
38 not required to register in the jurisdiction of conviction or adjudication, the
39 duration of registration shall be the duration required for the comparable
40 offense pursuant to the Kansas offender registration act.

41 **Sec. 8. K.S.A. 2019 Supp. 22-4907 is hereby amended to read as**
42 **follows: 22-4907. (a) Registration as required by the Kansas offender**
43 **registration act shall consist of a form approved by the Kansas bureau**

1 of investigation, which shall include a statement that the requirements
2 provided in this section have been reviewed and explained to the
3 offender, and shall be signed by the offender and, except when such
4 reporting is conducted by certified letter as provided in ~~subsection (b)~~
5 ~~of~~ K.S.A. 22-4905(b), and amendments thereto, witnessed by the
6 person registering the offender. Such registration form shall include
7 the following offender information:

8 (1) Name and all alias names;

9 (2) date and city, state and country of birth, and any alias dates
10 or places of birth;

11 (3) title and statute number of each offense or offenses
12 committed, date of each conviction or adjudication and court case
13 numbers for each conviction or adjudication;

14 (4) city, county, state or country of conviction or adjudication;

15 (5) sex and date of birth or purported age of each victim of all
16 offenses requiring registration;

17 (6) current residential address, any anticipated future residence
18 and any temporary lodging information including, but not limited to,
19 address, telephone number and dates of travel for any place in which
20 the offender is staying for seven or more days; and, if transient, the
21 locations where the offender has stayed and frequented since last
22 reporting for registration;

23 (7) all telephone numbers at which the offender may be contacted
24 including, but not limited to, all mobile telephone numbers;

25 (8) social security number, and all alias social security numbers;

26 (9) identifying characteristics such as race, ethnicity, skin tone,
27 sex, age, height, weight, hair and eye color, scars, tattoos and blood
28 type;

29 (10) occupation and name, address or addresses and telephone
30 number of employer or employers, and name of any anticipated
31 employer and place of employment;

32 (11) all current driver's licenses or identification cards, including
33 a photocopy of all such driver's licenses or identification cards and
34 their numbers, states of issuance and expiration dates;

35 (12) all vehicle information, including the license plate number,
36 registration number and any other identifier and description of any
37 vehicle owned or operated by the offender, or any vehicle the offender
38 regularly drives, either for personal use or in the course of
39 employment, and information concerning the location or locations
40 such vehicle or vehicles are habitually parked or otherwise kept;

41 (13) license plate number, registration number or other identifier
42 and description of any aircraft or watercraft owned or operated by the
43 offender, and information concerning the location or locations such

1 aircraft or watercraft are habitually parked, docked or otherwise
2 kept;

3 (14) all professional licenses, designations and certifications;

4 (15) documentation of any treatment received for a mental
5 abnormality or personality disorder of the offender; for purposes of
6 documenting the treatment received, registering law enforcement
7 agencies, correctional facility officials, treatment facility officials and
8 courts may rely on information that is readily available to them from
9 existing records and the offender;

10 (16) a photograph or photographs;

11 (17) fingerprints and palm prints;

12 (18) any and all schools and satellite schools attended or expected
13 to be attended and the locations of attendance and telephone number;

14 (19) any and all: E-mail addresses; online identities used by the
15 offender on the internet; information relating to membership in any
16 and all personal web pages or online social networks; and internet
17 screen names;

18 (20) all travel and immigration documents; and

19 (21) name and telephone number of the offender's probation,
20 parole or community corrections officer.

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

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

39 ~~Sec. 3.~~ **9.** K.S.A. 2019 Supp. **21-5913, 21-6804, 22-4902~~and, 22-~~
40 **4903, 22-4905, 22-4906 and 22-4907** are hereby repealed.**

41 ~~Sec. 4.~~ **10.** This act shall take effect and be in force from and after its
42 publication in the statute book.