

HOUSE BILL No. 2001

By Representative Owens

12-3

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sex offenses; creating the crime of sexual extortion; requiring
3 registration of offenders; amending K.S.A. 2020 Supp. 22-4902 and 22-
4 4906 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) Sexual extortion is communicating by any means
8 a threat to injure the property or reputation of a person, commit violence
9 against a person, or distribute an image ~~or~~, video **or other recording** of a
10 person that is of a sexual nature or depicts such person in a state of nudity:

11 (1) With the intent to coerce such person to: (A) Engage in sexual
12 contact, sexual intercourse or conduct that is of a sexual nature; or (B)
13 produce, provide or distribute an image, video or other recording of a
14 person in a state of nudity or engaging in conduct that is of a sexual nature;
15 or

16 (2) that causes such person to: (A) Engage in sexual contact, sexual
17 intercourse or conduct that is of a sexual nature; or (B) produce, provide or
18 distribute an image, video or other recording of a person in a state of
19 nudity or engaging in conduct that is of a sexual nature.

20 (b) Sexual extortion as defined in:

21 (1) Subsection (a)(1) is a severity level 7, person felony; and

22 (2) subsection (a)(2) is a severity level 4, person felony.

23 (c) This section shall be part of and supplemental to the Kansas
24 criminal code.

25 Sec. 2. K.S.A. 2020 Supp. 22-4902 is hereby amended to read as
26 follows: 22-4902. As used in the Kansas offender registration act, unless
27 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

1 otherwise required as provided in the Kansas offender registration act.

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

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

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

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

11 (4) on or after July 1, 1997, is convicted of any of the following
12 crimes when one of the parties involved is less than 18 years of age:

13 (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
14 K.S.A. 2020 Supp. 21-5511, and amendments thereto;

15 (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
16 repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) or (a)(2), and amendments
17 thereto;

18 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
19 repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section
20 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

21 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
22 repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section
23 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

24 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
25 to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto;

26 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
27 to its repeal, or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;

28 (6) *is convicted of sexual extortion, as defined in section 1, and*
29 *amendments thereto;*

30 (7) is convicted of an attempt, conspiracy or criminal solicitation, as
31 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
32 K.S.A. 2020 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,
33 of an offense defined in this subsection; or

34 ~~(7)~~(8) has been convicted of an offense that is comparable to any
35 crime defined in this subsection, or any out-of-state conviction for an
36 offense that under the laws of this state would be an offense defined in this
37 subsection.

38 (c) "Sexually violent crime" means:

39 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
40 2020 Supp. 21-5503, and amendments thereto;

41 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
42 to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

43 (3) aggravated indecent liberties with a child, as defined in K.S.A.

- 1 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
2 amendments thereto;
- 3 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
4 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
5 amendments thereto;
- 6 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
7 to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;
- 8 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
9 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
10 thereto;
- 11 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
12 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and
13 amendments thereto;
- 14 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
15 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;
- 16 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
17 its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;
- 18 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
19 repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;
- 20 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
21 repeal, and K.S.A. 2020 Supp. 21-5509, and amendments thereto;
- 22 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
23 its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;
- 24 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
25 prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments
26 thereto, if committed in whole or in part for the purpose of the sexual
27 gratification of the defendant or another;
- 28 (14) commercial sexual exploitation of a child, as defined in K.S.A.
29 2020 Supp. 21-6422, and amendments thereto;
- 30 (15) promoting the sale of sexual relations, as defined in K.S.A. 2020
31 Supp. 21-6420, and amendments thereto;
- 32 (16) any conviction or adjudication for an offense that is comparable
33 to a sexually violent crime as defined in this subsection, or any out-of-state
34 conviction or adjudication for an offense that under the laws of this state
35 would be a sexually violent crime as defined in this subsection;
- 36 (17) an attempt, conspiracy or criminal solicitation, as defined in
37 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
38 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually
39 violent crime, as defined in this subsection; or
- 40 (18) any act which has been determined beyond a reasonable doubt to
41 have been sexually motivated, unless the court, on the record, finds that
42 the act involved non-forcible sexual conduct, the victim was at least 14
43 years of age and the offender was not more than four years older than the

1 victim. As used in this paragraph, "sexually motivated" means that one of
2 the purposes for which the defendant committed the crime was for the
3 purpose of the defendant's sexual gratification.

4 (d) "Sexually violent predator" means any person who, on or after
5 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
6 59-29a01 et seq., and amendments thereto.

7 (e) "Violent offender" includes any person who:

8 (1) On or after July 1, 1997, is convicted of any of the following
9 crimes:

10 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
11 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

12 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
13 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

14 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
15 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

16 (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
17 repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

18 (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
19 its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
20 amendments thereto. The provisions of this paragraph shall not apply to
21 violations of K.S.A. 2020 Supp. 21-5405(a)(3), and amendments thereto,
22 which occurred on or after July 1, 2011, through July 1, 2013;

23 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
24 K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;

25 (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
26 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

27 (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its
28 repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by
29 a parent, and only when the victim is less than 18 years of age; or

30 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
31 to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto, if
32 not committed in whole or in part for the purpose of the sexual
33 gratification of the defendant or another;

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

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

41 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
42 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
43 K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments

1 thereto, of an offense defined in this subsection.

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

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

4 (A) Unlawful manufacture or attempting such of any controlled
5 substance or controlled substance analog, as defined in K.S.A. 65-4159,
6 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
7 K.S.A. 2020 Supp. 21-5703, and amendments thereto;

8 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
9 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
10 ammonia or phenylpropanolamine, or their salts, isomers or salts of
11 isomers with intent to use the product to manufacture a controlled
12 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010
13 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-5709(a),
14 and amendments thereto;

15 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
16 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and
17 amendments thereto. The provisions of this paragraph shall not apply to
18 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
19 which occurred on or after July 1, 2009, through April 15, 2010;

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

24 (3) is or has been convicted of an attempt, conspiracy or criminal
25 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
26 their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and
27 amendments thereto, of an offense defined in this subsection.

28 (g) Convictions or adjudications which result from or are connected
29 with the same act, or result from crimes committed at the same time, shall
30 be counted for the purpose of this section as one conviction or
31 adjudication. Any conviction or adjudication set aside pursuant to law is
32 not a conviction or adjudication for purposes of this section. A conviction
33 or adjudication from any out-of-state court shall constitute a conviction or
34 adjudication for purposes of this section.

35 (h) "School" means any public or private educational institution,
36 including, but not limited to, postsecondary school, college, university,
37 community college, secondary school, high school, junior high school,
38 middle school, elementary school, trade school, vocational school or
39 professional school providing training or education to an offender for three
40 or more consecutive days or parts of days, or for 10 or more
41 nonconsecutive days in a period of 30 consecutive days.

42 (i) "Employment" means any full-time, part-time, transient, day-labor
43 employment or volunteer work, with or without compensation, for three or

1 more consecutive days or parts of days, or for 10 or more nonconsecutive
2 days in a period of 30 consecutive days.

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

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

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

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

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

21 (o) "Registering entity" means any person, agency or other
22 governmental unit, correctional facility or registering law enforcement
23 agency responsible for obtaining the required information from, and
24 explaining the required registration procedures to, any person required to
25 register pursuant to the Kansas offender registration act. "Registering
26 entity" shall include, but not be limited to, sheriff's offices, tribal police
27 departments and correctional facilities.

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

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

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

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

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

42 (A) Convicted of unlawful transmission of a visual depiction of a
43 child, as defined in K.S.A. 2020 Supp. 21-5611(a), and amendments

1 thereto, aggravated unlawful transmission of a visual depiction of a child,
2 as defined in K.S.A. 2020 Supp. 21-5611(b), and amendments thereto, or
3 unlawful possession of a visual depiction of a child, as defined in K.S.A.
4 2020 Supp. 21-5610, and amendments thereto; ~~or~~

5 (B) adjudicated as a juvenile offender for an act which if committed
6 by an adult would constitute the commission of a crime defined in
7 subsection (t)(1)(A); **or**

8 **(C) adjudicated as a juvenile offender for an act which if**
9 **committed by an adult would constitute the commission of sexual**
10 **extortion as defined in section 1, and amendments thereto.**

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

14 Sec. 3. K.S.A. 2020 Supp. 22-4906 is hereby amended to read as
15 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
16 of any of the following offenses, an offender's duration of registration shall
17 be, if confined, 15 years after the date of parole, discharge or release,
18 whichever date is most recent, or, if not confined, 15 years from the date of
19 conviction:

20 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
21 or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;

22 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
23 K.S.A. 2020 Supp. 21-5511, and amendments thereto, when one of the
24 parties involved is less than 18 years of age;

25 (C) promoting the sale of sexual relations, as defined in K.S.A. 2020
26 Supp. 21-6420, and amendments thereto;

27 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
28 repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section
29 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
30 when one of the parties involved is less than 18 years of age;

31 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
32 to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto,
33 when one of the parties involved is less than 18 years of age;

34 (F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
35 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

36 (G) murder in the first degree, as defined in K.S.A. 21-3401, prior to
37 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

38 (H) murder in the second degree, as defined in K.S.A. 21-3402, prior
39 to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

40 (I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
41 repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

42 (J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
43 its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and

1 amendments thereto;

2 (K) criminal restraint, as defined in K.S.A. 21-3424, prior to its
3 repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by
4 a parent, and only when the victim is less than 18 years of age;

5 (L) *sexual extortion, as defined in section 1, and amendments thereto,*
6 *when one of the parties involved is less than 18 years of age;*

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

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

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

18 ~~(O)~~(P) unlawful manufacture or attempting such of any controlled
19 substance or controlled substance analog, as defined in K.S.A. 65-4159,
20 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
21 K.S.A. 2020 Supp. 21-5703, and amendments thereto;

22 ~~(P)~~(Q) possession of ephedrine, pseudoephedrine, red phosphorus,
23 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
24 ammonia or phenylpropanolamine, or their salts, isomers or salts of
25 isomers with intent to use the product to manufacture a controlled
26 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
27 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-
28 5709(a), and amendments thereto;

29 ~~(Q)~~(R) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
30 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and
31 amendments thereto; or

32 ~~(R)~~(S) any attempt, conspiracy or criminal solicitation, as defined in
33 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
34 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
35 offense defined in this subsection.

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

43 (b) (1) Except as provided in subsection (c), if convicted of any of the

1 following offenses, an offender's duration of registration shall be, if
2 confined, 25 years after the date of parole, discharge or release, whichever
3 date is most recent, or, if not confined, 25 years from the date of
4 conviction:

5 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its
6 repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) or (a)(2), and amendments
7 thereto, when one of the parties involved is less than 18 years of age;

8 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
9 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
10 thereto;

11 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
12 repeal, or K.S.A. 2020 Supp. 21-5509, and amendments thereto;

13 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
14 repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;

15 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
16 to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

17 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
18 its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;

19 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
20 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if
21 the victim is 14 or more years of age but less than 18 years of age;

22 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
23 its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;

24 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
25 repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section
26 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
27 the person selling sexual relations is 14 or more years of age but less than
28 18 years of age; or

29 (J) any attempt, conspiracy or criminal solicitation, as defined in
30 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
31 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
32 offense defined in this subsection.

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

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

43 (d) The duration of registration for any offender who has been

1 convicted of any of the following offenses shall be for such offender's
2 lifetime:

3 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
4 2020 Supp. 21-5503, and amendments thereto;

5 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
6 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and
7 amendments thereto;

8 (3) aggravated indecent liberties with a child, as defined in K.S.A.
9 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
10 amendments thereto;

11 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
12 prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and
13 amendments thereto;

14 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
15 to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;

16 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
17 to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto;

18 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
19 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if
20 the victim is less than 14 years of age;

21 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
22 repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section
23 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
24 the person selling sexual relations is less than 14 years of age;

25 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
26 K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;

27 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
28 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

29 (11) commercial sexual exploitation of a child, as defined in K.S.A.
30 2020 Supp. 21-6422, and amendments thereto; or

31 (12) 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. 2020
33 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
34 offense defined in this subsection.

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

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

43 (1) Require registration until such offender reaches 18 years of age, at

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

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

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

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

20 (g) Notwithstanding any other provisions of this section, for an
21 offender 14 years of age or more who is adjudicated as a juvenile offender
22 for an act which if committed by an adult would constitute a sexually
23 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
24 such crime is not an off-grid felony or a felony ranked in severity level 1
25 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
26 K.S.A. 2020 Supp. 21-6804, and amendments thereto, the court shall:

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

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

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

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

4 (h) Notwithstanding any other provisions of this section, an offender
5 14 years of age or more who is adjudicated as a juvenile offender for an
6 act which if committed by an adult would constitute a sexually violent
7 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
8 crime is an off-grid felony or a felony ranked in severity level 1 of the
9 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
10 2020 Supp. 21-6804, and amendments thereto, shall be required to register
11 for such offender's lifetime.

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

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

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

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

39 Sec. 4. K.S.A. 2020 Supp. 22-4902 and 22-4906 are hereby repealed.

40 Sec. 5. This act shall take effect and be in force from and after its
41 publication in the ~~statute book~~ ***Kansas register***.