

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2349

By Committee on Corrections and Juvenile Justice

2-10

1 AN ACT concerning the Kansas offender registration act; relating to relief
2 from registration; violation of act; decreasing criminal penalties;
3 providing for waiver of fees by the court; obstructing apprehension or
4 prosecution; reducing required registration locations; information
5 required to register; ~~eliminating registration for certain juvenile~~
6 ~~offenders~~; amending K.S.A. 74-7335 and K.S.A. 2020 Supp. 21-5913,
7 21-6614, 21-6804, 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-
8 4907, 22-4908 and 22-4909 and repealing the existing sections.
9

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

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

17 (b) The court may:

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

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

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

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

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

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

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

35 Sec. 2. K.S.A. 2020 Supp. 21-5913 is hereby amended to read as
36 follows: 21-5913. (a) Obstructing apprehension or prosecution is

1 knowingly harboring, concealing or aiding any person who:

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

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

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

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

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

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

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

21 Sec. 3. K.S.A. 2020 Supp. 21-6614 is hereby amended to read as
22 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),
23 (e) and (f), any person convicted in this state of a traffic infraction,
24 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
25 for crimes committed on or after July 1, 1993, any nongrid felony or
26 felony ranked in severity levels 6 through 10 of the nondrug grid, or for
27 crimes committed on or after July 1, 1993, but prior to July 1, 2012, any
28 felony ranked in severity level 4 of the drug grid, or for crimes committed
29 on or after July 1, 2012, any felony ranked in severity level 5 of the drug
30 grid may petition the convicting court for the expungement of such
31 conviction or related arrest records if three or more years have elapsed
32 since the person: (A) Satisfied the sentence imposed; or (B) was
33 discharged from probation, a community correctional services program,
34 parole, postrelease supervision, conditional release or a suspended
35 sentence.

36 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
37 person who has fulfilled the terms of a diversion agreement may petition
38 the district court for the expungement of such diversion agreement and
39 related arrest records if three or more years have elapsed since the terms of
40 the diversion agreement were fulfilled.

41 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
42 3512, prior to its repeal, convicted of a violation of K.S.A. 2020 Supp. 21-
43 6419, and amendments thereto, or who entered into a diversion agreement

1 in lieu of further criminal proceedings for such violation, may petition the
2 convicting court for the expungement of such conviction or diversion
3 agreement and related arrest records if:

4 (1) One or more years have elapsed since the person satisfied the
5 sentence imposed or the terms of a diversion agreement or was discharged
6 from probation, a community correctional services program, parole,
7 postrelease supervision, conditional release or a suspended sentence; and

8 (2) such person can prove they were acting under coercion caused by
9 the act of another. For purposes of this subsection, "coercion" means:
10 Threats of harm or physical restraint against any person; a scheme, plan or
11 pattern intended to cause a person to believe that failure to perform an act
12 would result in bodily harm or physical restraint against any person; or the
13 abuse or threatened abuse of the legal process.

14 (c) Except as provided in subsections (e) and (f), no person may
15 petition for expungement until five or more years have elapsed since the
16 person satisfied the sentence imposed or the terms of a diversion
17 agreement or was discharged from probation, a community correctional
18 services program, parole, postrelease supervision, conditional release or a
19 suspended sentence, if such person was convicted of a class A, B or C
20 felony, or for crimes committed on or after July 1, 1993, if convicted of an
21 off-grid felony or any felony ranked in severity levels 1 through 5 of the
22 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
23 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
24 grid, or for crimes committed on or after July 1, 2012, any felony ranked
25 in severity levels 1 through 4 of the drug grid, or:

26 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
27 repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, or as
28 prohibited by any law of another state which is in substantial conformity
29 with that statute;

30 (2) driving while the privilege to operate a motor vehicle on the
31 public highways of this state has been canceled, suspended or revoked, as
32 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
33 any law of another state which is in substantial conformity with that
34 statute;

35 (3) perjury resulting from a violation of K.S.A. 8-261a, and
36 amendments thereto, or resulting from the violation of a law of another
37 state which is in substantial conformity with that statute;

38 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
39 thereto, relating to fraudulent applications or violating the provisions of a
40 law of another state which is in substantial conformity with that statute;

41 (5) any crime punishable as a felony wherein a motor vehicle was
42 used in the perpetration of such crime;

43 (6) failing to stop at the scene of an accident and perform the duties

1 required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604,
2 and amendments thereto, or required by a law of another state ~~which~~ *that*
3 is in substantial conformity with those statutes;

4 (7) violating the provisions of K.S.A. 40-3104, and amendments
5 thereto, relating to motor vehicle liability insurance coverage; or

6 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

7 (d) (1) No person may petition for expungement until five or more
8 years have elapsed since the person satisfied the sentence imposed or the
9 terms of a diversion agreement or was discharged from probation, a
10 community correctional services program, parole, postrelease supervision,
11 conditional release or a suspended sentence, if such person was convicted
12 of a first violation of K.S.A. 8-1567, and amendments thereto, including
13 any diversion for such violation.

14 (2) No person may petition for expungement until 10 or more years
15 have elapsed since the person satisfied the sentence imposed or was
16 discharged from probation, a community correctional services program,
17 parole, postrelease supervision, conditional release or a suspended
18 sentence, if such person was convicted of a second or subsequent violation
19 of K.S.A. 8-1567, and amendments thereto.

20 (3) Except as provided further, the provisions of this subsection shall
21 apply to all violations committed on or after July 1, 2006. The provisions
22 of subsection (d)(2) shall not apply to violations committed on or after
23 July 1, 2014, but prior to July 1, 2015.

24 (e) There shall be no expungement of convictions for the following
25 offenses or of convictions for an attempt to commit any of the following
26 offenses:

27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
28 2020 Supp. 21-5503, and amendments thereto;

29 (2) indecent liberties with a child or aggravated indecent liberties
30 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
31 or K.S.A. 2020 Supp. 21-5506, and amendments thereto;

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

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

37 (5) indecent solicitation of a child or aggravated indecent solicitation
38 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
39 or K.S.A. 2020 Supp. 21-5508, and amendments thereto;

40 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
41 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;

42 (7) internet trading in child pornography or aggravated internet
43 trading in child pornography, as defined in K.S.A. 2020 Supp. 21-5514,

1 and amendments thereto;

2 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
3 repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto;

4 (9) endangering a child or aggravated endangering a child, as defined
5 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2020 Supp.
6 21-5601, and amendments thereto;

7 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
8 or K.S.A. 2020 Supp. 21-5602, and amendments thereto;

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

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

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

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

17 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
18 its repeal, or K.S.A. 2020 Supp. 21-5405, and amendments thereto;

19 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
20 or K.S.A. 2020 Supp. 21-5505, and amendments thereto, when the victim
21 was less than 18 years of age at the time the crime was committed;

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

24 (18) a violation of K.S.A. 8-2,144, and amendments thereto,
25 including any diversion for such violation; or

26 (19) any conviction for any offense in effect at any time prior to July
27 1, 2011, that is comparable to any offense as provided in this subsection.

28 (f) ~~Notwithstanding any other law to the contrary, Except as provided~~
29 *in K.S.A. 22-4908, and amendments thereto*, for any offender who is
30 required to register as provided in the Kansas offender registration act,
31 K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
32 expungement of any conviction or any part of the offender's criminal
33 record while the offender is required to register as provided in the Kansas
34 offender registration act.

35 (g) (1) When a petition for expungement is filed, the court shall set a
36 date for a hearing of such petition and shall cause notice of such hearing to
37 be given to the prosecutor and the arresting law enforcement agency. The
38 petition shall state the:

39 (A) Defendant's full name;

40 (B) full name of the defendant at the time of arrest, conviction or
41 diversion, if different than the defendant's current name;

42 (C) defendant's sex, race and date of birth;

43 (D) crime for which the defendant was arrested, convicted or

1 diverted;

2 (E) date of the defendant's arrest, conviction or diversion; and

3 (F) identity of the convicting court, arresting law enforcement
4 authority or diverting authority.

5 (2) Except as otherwise provided by law, a petition for expungement
6 shall be accompanied by a docket fee in the amount of \$176. On and after
7 July 1, 2019, through June 30, 2025, the supreme court may impose a
8 charge, not to exceed \$19 per case, to fund the costs of non-judicial
9 personnel. The charge established in this section shall be the only fee
10 collected or moneys in the nature of a fee collected for the case. Such
11 charge shall only be established by an act of the legislature and no other
12 authority is established by law or otherwise to collect a fee.

13 (3) All petitions for expungement shall be docketed in the original
14 criminal action. Any person who may have relevant information about the
15 petitioner may testify at the hearing. The court may inquire into the
16 background of the petitioner and shall have access to any reports or
17 records relating to the petitioner that are on file with the secretary of
18 corrections or the prisoner review board.

19 (h) At the hearing on the petition, the court shall order the petitioner's
20 arrest record, conviction or diversion expunged if the court finds that:

21 (1) The petitioner has not been convicted of a felony in the past two
22 years and no proceeding involving any such crime is presently pending or
23 being instituted against the petitioner;

24 (2) the circumstances and behavior of the petitioner warrant the
25 expungement; and

26 (3) the expungement is consistent with the public welfare.

27 (i) When the court has ordered an arrest record, conviction or
28 diversion expunged, the order of expungement shall state the information
29 required to be contained in the petition. The clerk of the court shall send a
30 certified copy of the order of expungement to the Kansas bureau of
31 investigation which shall notify the federal bureau of investigation, the
32 secretary of corrections and any other criminal justice agency which may
33 have a record of the arrest, conviction or diversion. If the case was
34 appealed from municipal court, the clerk of the district court shall send a
35 certified copy of the order of expungement to the municipal court. The
36 municipal court shall order the case expunged once the certified copy of
37 the order of expungement is received. After the order of expungement is
38 entered, the petitioner shall be treated as not having been arrested,
39 convicted or diverted of the crime, except that:

40 (1) Upon conviction for any subsequent crime, the conviction that
41 was expunged may be considered as a prior conviction in determining the
42 sentence to be imposed;

43 (2) the petitioner shall disclose that the arrest, conviction or diversion

1 occurred if asked about previous arrests, convictions or diversions:

2 (A) In any application for licensure as a private detective, private
3 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
4 7b21, and amendments thereto, or employment as a detective with a
5 private detective agency, as defined by K.S.A. 75-7b01, and amendments
6 thereto; as security personnel with a private patrol operator, as defined by
7 K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined
8 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
9 for aging and disability services;

10 (B) in any application for admission, or for an order of reinstatement,
11 to the practice of law in this state;

12 (C) to aid in determining the petitioner's qualifications for
13 employment with the Kansas lottery or for work in sensitive areas within
14 the Kansas lottery as deemed appropriate by the executive director of the
15 Kansas lottery;

16 (D) to aid in determining the petitioner's qualifications for executive
17 director of the Kansas racing and gaming commission, for employment
18 with the commission or for work in sensitive areas in parimutuel racing as
19 deemed appropriate by the executive director of the commission, or to aid
20 in determining qualifications for licensure or renewal of licensure by the
21 commission;

22 (E) to aid in determining the petitioner's qualifications for the
23 following under the Kansas expanded lottery act: (i) Lottery gaming
24 facility manager or prospective manager, racetrack gaming facility
25 manager or prospective manager, licensee or certificate holder; or (ii) an
26 officer, director, employee, owner, agent or contractor thereof;

27 (F) upon application for a commercial driver's license under K.S.A.
28 8-2,125 through 8-2,142, and amendments thereto;

29 (G) to aid in determining the petitioner's qualifications to be an
30 employee of the state gaming agency;

31 (H) to aid in determining the petitioner's qualifications to be an
32 employee of a tribal gaming commission or to hold a license issued
33 pursuant to a tribal-state gaming compact;

34 (I) in any application for registration as a broker-dealer, agent,
35 investment adviser or investment adviser representative all as defined in
36 K.S.A. 17-12a102, and amendments thereto;

37 (J) in any application for employment as a law enforcement officer as
38 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

39 (K) to aid in determining the petitioner's qualifications for a license to
40 carry a concealed weapon pursuant to the personal and family protection
41 act, K.S.A. 75-7c01 et seq., and amendments thereto; or

42 (L) to aid in determining the petitioner's qualifications for a license to
43 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-

1 7e09 and K.S.A. 2020 Supp. 50-6,141, and amendments thereto;

2 (3) the court, in the order of expungement, may specify other
3 circumstances under which the conviction is to be disclosed;

4 (4) the conviction may be disclosed in a subsequent prosecution for
5 an offense which requires as an element of such offense a prior conviction
6 of the type expunged; and

7 (5) upon commitment to the custody of the secretary of corrections,
8 any previously expunged record in the possession of the secretary of
9 corrections may be reinstated and the expungement disregarded, and the
10 record continued for the purpose of the new commitment.

11 (j) Whenever a person is convicted of a crime, pleads guilty and pays
12 a fine for a crime, is placed on parole, postrelease supervision or
13 probation, is assigned to a community correctional services program, is
14 granted a suspended sentence or is released on conditional release, the
15 person shall be informed of the ability to expunge the arrest records or
16 conviction. Whenever a person enters into a diversion agreement, the
17 person shall be informed of the ability to expunge the diversion.

18 (k) (1) Subject to the disclosures required pursuant to subsection (i),
19 in any application for employment, license or other civil right or privilege,
20 or any appearance as a witness, a person whose arrest records, conviction
21 or diversion of a crime has been expunged under this statute may state that
22 such person has never been arrested, convicted or diverted of such crime.

23 (2) Notwithstanding the provisions of subsection (k)(1), and except as
24 provided in K.S.A. 2020 Supp. 21-6304(a)(3)(A), and amendments
25 thereto, the expungement of a prior felony conviction does not relieve the
26 individual of complying with any state or federal law relating to the use,
27 shipment, transportation, receipt or possession of firearms by persons
28 previously convicted of a felony.

29 (1) Whenever the record of any arrest, conviction or diversion has
30 been expunged under the provisions of this section or under the provisions
31 of any other existing or former statute, the custodian of the records of
32 arrest, conviction, diversion and incarceration relating to that crime shall
33 not disclose the existence of such records, except when requested by:

34 (1) The person whose record was expunged;

35 (2) a private detective agency or a private patrol operator, and the
36 request is accompanied by a statement that the request is being made in
37 conjunction with an application for employment with such agency or
38 operator by the person whose record has been expunged;

39 (3) a court, upon a showing of a subsequent conviction of the person
40 whose record has been expunged;

41 (4) the secretary for aging and disability services, or a designee of the
42 secretary, for the purpose of obtaining information relating to employment
43 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,

1 of the Kansas department for aging and disability services of any person
2 whose record has been expunged;

3 (5) a person entitled to such information pursuant to the terms of the
4 expungement order;

5 (6) a prosecutor, and such request is accompanied by a statement that
6 the request is being made in conjunction with a prosecution of an offense
7 that requires a prior conviction as one of the elements of such offense;

8 (7) the supreme court, the clerk or disciplinary administrator thereof,
9 the state board for admission of attorneys or the state board for discipline
10 of attorneys, and the request is accompanied by a statement that the
11 request is being made in conjunction with an application for admission, or
12 for an order of reinstatement, to the practice of law in this state by the
13 person whose record has been expunged;

14 (8) the Kansas lottery, and the request is accompanied by a statement
15 that the request is being made to aid in determining qualifications for
16 employment with the Kansas lottery or for work in sensitive areas within
17 the Kansas lottery as deemed appropriate by the executive director of the
18 Kansas lottery;

19 (9) the governor or the Kansas racing and gaming commission, or a
20 designee of the commission, and the request is accompanied by a
21 statement that the request is being made to aid in determining
22 qualifications for executive director of the commission, for employment
23 with the commission, for work in sensitive areas in parimutuel racing as
24 deemed appropriate by the executive director of the commission or for
25 licensure, renewal of licensure or continued licensure by the commission;

26 (10) the Kansas racing and gaming commission, or a designee of the
27 commission, and the request is accompanied by a statement that the
28 request is being made to aid in determining qualifications of the following
29 under the Kansas expanded lottery act:

30 (A) Lottery gaming facility managers and prospective managers,
31 racetrack gaming facility managers and prospective managers, licensees
32 and certificate holders; and

33 (B) their officers, directors, employees, owners, agents and
34 contractors;

35 (11) the Kansas sentencing commission;

36 (12) the state gaming agency, and the request is accompanied by a
37 statement that the request is being made to aid in determining
38 qualifications:

39 (A) To be an employee of the state gaming agency; or

40 (B) to be an employee of a tribal gaming commission or to hold a
41 license issued pursuant to a tribal-gaming compact;

42 (13) the Kansas securities commissioner or a designee of the
43 commissioner, and the request is accompanied by a statement that the

1 request is being made in conjunction with an application for registration as
2 a broker-dealer, agent, investment adviser or investment adviser
3 representative by such agency and the application was submitted by the
4 person whose record has been expunged;

5 (14) the Kansas commission on peace officers' standards and training
6 and the request is accompanied by a statement that the request is being
7 made to aid in determining certification eligibility as a law enforcement
8 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

9 (15) a law enforcement agency and the request is accompanied by a
10 statement that the request is being made to aid in determining eligibility
11 for employment as a law enforcement officer as defined by K.S.A. 22-
12 2202, and amendments thereto;

13 (16) the attorney general and the request is accompanied by a
14 statement that the request is being made to aid in determining
15 qualifications for a license to:

16 (A) Carry a concealed weapon pursuant to the personal and family
17 protection act; or

18 (B) act as a bail enforcement agent pursuant to K.S.A. 75-7e01
19 through 75-7e09 and K.S.A. 2020 Supp. 50-6,141, and amendments
20 thereto; or

21 (17) the Kansas bureau of investigation for the purposes of:

22 (A) Completing a person's criminal history record information within
23 the central repository, in accordance with K.S.A. 22-4701 et seq., and
24 amendments thereto; or

25 (B) providing information or documentation to the federal bureau of
26 investigation, in connection with the national instant criminal background
27 check system, to determine a person's qualification to possess a firearm.

28 (m) The provisions of subsection (l)(17) shall apply to records
29 created prior to, on and after July 1, 2011.

30 Sec. 4. K.S.A. 2020 Supp. 21-6804 is hereby amended to read as
31 follows: 21-6804. (a) The provisions of this section shall be applicable to
32 the sentencing guidelines grid for nondrug crimes. The following
33 sentencing guidelines grid shall be applicable to nondrug felony 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	653 620 892	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
Probation
Presumptive Imprisonment

1 (b) Sentences expressed in the sentencing guidelines grid for nondrug
2 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 axis is
5 the crime severity scale which classifies current crimes of conviction. The
6 grid's horizontal axis is the criminal history scale which classifies criminal
7 histories.

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

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

24 (C) period of postrelease supervision at the sentencing hearing.
25 Failure to pronounce the period of postrelease supervision shall not negate
26 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 an
32 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 below
34 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. If an
37 offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose
38 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 repeal,
40 aggravated battery against a law enforcement officer committed prior to
41 July 1, 2006, or a violation of K.S.A. 2020 Supp. 21-5412(d), and
42 amendments thereto, aggravated assault against a law enforcement officer,
43 which places the defendant's sentence in grid block 6-H or 6-I shall be

1 presumed imprisonment. The court may impose an optional nonprison
2 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 K.S.A.
7 8-2,144 and 8-1567, *and amendments thereto*, and K.S.A. 2020 Supp. 21-
8 5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
9 amendments thereto, shall be as provided by the specific mandatory
10 sentencing requirements of that section and shall not be subject to the
11 provisions of this section or K.S.A. 2020 Supp. 21-6807, and amendments
12 thereto.

13 (2) If because of the offender's criminal history classification the
14 offender is subject to presumptive imprisonment or if the judge departs
15 from a presumptive probation sentence and the offender is subject to
16 imprisonment, the provisions of this section and K.S.A. 2020 Supp. 21-
17 6807, and amendments thereto, shall apply and the offender shall not be
18 subject to the mandatory sentence as provided in K.S.A. 2020 Supp. 21-
19 5823, and amendments thereto.

20 (3) Notwithstanding the provisions of any other section, the term of
21 imprisonment imposed for the violation of the felony provision of K.S.A.
22 8-2,144, and 8-1567, *and amendments thereto*, and K.S.A. 2020 Supp. 21-
23 5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
24 amendments thereto, shall not be served in a state facility in the custody of
25 the secretary of corrections, except that the term of imprisonment for
26 felony violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto,
27 may be served in a state correctional facility designated by the secretary of
28 corrections if the secretary determines that substance abuse treatment
29 resources and facility capacity is available. The secretary's determination
30 regarding the availability of treatment resources and facility capacity shall
31 not be subject to review. Prior to imposing any sentence pursuant to this
32 subsection, the court may consider assigning the defendant to a house
33 arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments
34 thereto.

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

1 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 at
3 least one conviction for a sexually violent crime, as defined in K.S.A. 22-
4 3717, and amendments thereto, in this state or comparable felony under
5 the laws of another state, the federal government or a foreign government;
6 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. 2020 Supp. 21-5503, and amendments
9 thereto; and

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

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

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

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

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

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

31 (C) its members have a common name or common identifying sign or
32 symbol; and

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

41 (l) Except as provided in subsection (o), the sentence for a violation
42 of K.S.A. 2020 Supp. 21-5807(a)(1), and amendments thereto, or any
43 attempt or conspiracy, as defined in K.S.A. 2020 Supp. 21-5301 and 21-

1 5302, and amendments thereto, to commit such offense, when such person
2 being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a)
3 or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2020 Supp.
4 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any
5 attempt or conspiracy to commit such offense, shall be presumptive
6 imprisonment.

7 (m) The sentence for a violation of K.S.A. 22-4903 ~~or K.S.A. 2020~~
8 ~~Supp. 21-5913(a)(2)(b)~~, and amendments thereto, shall be presumptive
9 imprisonment. ~~If an offense under such sections is classified in grid blocks~~
10 ~~5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison~~
11 ~~sentence as provided in subsection (q).~~

12 (n) The sentence for a violation of criminal deprivation of property, as
13 defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when
14 such property is a motor vehicle, and when such person being sentenced
15 has any combination of two or more prior convictions of K.S.A. 21-
16 3705(b), prior to its repeal, or of criminal deprivation of property, as
17 defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when
18 such property is a motor vehicle, shall be presumptive imprisonment. Such
19 sentence shall not be considered a departure and shall not be subject to
20 appeal.

21 (o) The sentence for a felony violation of theft of property as defined
22 in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary as
23 defined in K.S.A. 2020 Supp. 21-5807(a), and amendments thereto, when
24 such person being sentenced has no prior convictions for a violation of
25 K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as
26 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or
27 burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and amendments
28 thereto; or the sentence for a felony violation of theft of property as
29 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when
30 such person being sentenced has one or two prior felony convictions for a
31 violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or
32 theft of property as defined in K.S.A. 2020 Supp. 21-5801, and
33 amendments thereto, or burglary or aggravated burglary as defined in
34 K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a
35 felony violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a),
36 and amendments thereto, when such person being sentenced has one prior
37 felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716,
38 prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp.
39 21-5801, and amendments thereto, or burglary or aggravated burglary as
40 defined in K.S.A. 2020 Supp. 21-5807, and amendments thereto, shall be
41 the sentence as provided by this section, except that the court may order an
42 optional nonprison sentence for a defendant to participate in a drug
43 treatment program, including, but not limited to, an approved after-care

1 plan, if the court makes the following findings on the record:

2 (1) Substance abuse was an underlying factor in the commission of
3 the crime;

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

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

9 A defendant sentenced to an optional nonprison sentence under this
10 subsection shall be supervised by community correctional services. The
11 provisions of K.S.A. 2020 Supp. 21-6824(f)(1), and amendments thereto,
12 shall apply to a defendant sentenced under this subsection. The sentence
13 under this subsection shall not be considered a departure and shall not be
14 subject to appeal.

15 (p) The sentence for a felony violation of theft of property as defined
16 in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when such
17 person being sentenced has any combination of three or more prior felony
18 convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to
19 their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801,
20 and amendments thereto, or burglary or aggravated burglary as defined in
21 K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a
22 violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and
23 amendments thereto, when such person being sentenced has any
24 combination of two or more prior convictions for violations of K.S.A. 21-
25 3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as
26 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or
27 burglary or aggravated burglary as defined in K.S.A. 2020 Supp. 21-5807,
28 and amendments thereto, shall be presumed imprisonment and the
29 defendant shall be sentenced to prison as provided by this section, except
30 that the court may recommend that an offender be placed in the custody of
31 the secretary of corrections, in a facility designated by the secretary to
32 participate in an intensive substance abuse treatment program, upon
33 making the following findings on the record:

34 (1) Substance abuse was an underlying factor in the commission of
35 the crime;

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

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

42 The intensive substance abuse treatment program shall be determined
43 by the secretary of corrections, but shall be for a period of at least four

1 months. Upon the successful completion of such intensive treatment
2 program, the offender shall be returned to the court and the court may
3 modify the sentence by directing that a less severe penalty be imposed in
4 lieu of that originally adjudged within statutory limits. If the offender's
5 term of imprisonment expires, the offender shall be placed under the
6 applicable period of postrelease supervision. The sentence under this
7 subsection shall not be considered a departure and shall not be subject to
8 appeal.

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

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

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

17 (3) the nonprison sanction will serve community safety interests by
18 promoting offender reformation.

19 Any decision made by the court regarding the imposition of an optional
20 nonprison sentence shall not be considered a departure and shall not be
21 subject to appeal.

22 (r) The sentence for a violation of K.S.A. 2020 Supp. 21-5413(c)(2),
23 and amendments thereto, shall be presumptive imprisonment and shall be
24 served consecutively to any other term or terms of imprisonment imposed.
25 Such sentence shall not be considered a departure and shall not be subject
26 to appeal.

27 (s) The sentence for a violation of K.S.A. 2020 Supp. 21-5512, and
28 amendments thereto, shall be presumptive imprisonment. Such sentence
29 shall not be considered a departure and shall not be subject to appeal.

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

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

39 (3) As used in this subsection, "ballistic resistant material" means:

40 (A) Any commercially produced material designed with the purpose
41 of providing ballistic and trauma protection, including, but not limited to,
42 bulletproof vests and kevlar vests; and

43 (B) any homemade or fabricated substance or item designed with the

1 purpose of providing ballistic and trauma protection.

2 (u) The sentence for a violation of K.S.A. 2020 Supp. 21-6107, and
3 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.
4 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit
5 such offense, when such person being sentenced has a prior conviction for
6 a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2020 Supp. 21-
7 6107, and amendments thereto, or any attempt or conspiracy to commit
8 such offense, shall be presumptive imprisonment. Such sentence shall not
9 be considered a departure and shall not be subject to appeal.

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

15 (w) The sentence for aggravated criminal damage to property as
16 defined in K.S.A. 2020 Supp. 21-5813(b), and amendments thereto, when
17 such person being sentenced has a prior conviction for any nonperson
18 felony shall be presumptive imprisonment. Such sentence shall not be
19 considered a departure and shall not be subject to appeal.

20 (x) The sentence for a violation of K.S.A. 2020 Supp. 21-5807(a)(1),
21 and amendments thereto, shall be presumptive imprisonment if the offense
22 under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such
23 sentence shall not be considered a departure and shall not be subject to
24 appeal.

25 (y) (1) Except as provided in subsection (y)(3), if the trier of fact
26 makes a finding beyond a reasonable doubt that an offender committed a
27 nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A.
28 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a
29 nondrug felony offense, against a law enforcement officer, as defined in
30 K.S.A. 2020 Supp. 21-5111(p)(1) and (3), and amendments thereto, while
31 such officer was engaged in the performance of such officer's duty, or in
32 whole or in any part because of such officer's status as a law enforcement
33 officer, the sentence for such offense shall be:

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

36 (B) (i) if such offense is classified in severity level 1, except as
37 otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and
38 such offender shall not be eligible for probation or suspension,
39 modification or reduction of sentence. In addition, such offender shall not
40 be eligible for parole prior to serving 25 years' imprisonment, and such 25
41 years' imprisonment shall not be reduced by the application of good time
42 credits. No other sentence shall be permitted.

43 (ii) The provisions of subsection (y)(1)(B)(i) requiring the court to

1 impose a mandatory minimum term of imprisonment of 25 years shall not
 2 apply if the court finds the offender, because of the offender's criminal
 3 history classification, is subject to presumptive imprisonment and the
 4 sentencing range exceeds 300 months. In such case, the offender is
 5 required to serve a mandatory minimum term equal to the sentence
 6 established pursuant to the sentencing range.

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

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

12 Sec. 5. K.S.A. 2020 Supp. 22-4902 is hereby amended to read as
 13 follows: 22-4902. As used in the Kansas offender registration act, unless
 14 the context otherwise requires:

15 (a) "Offender" means:

16 (1) A sex offender;

17 (2) a violent offender;

18 (3) a drug offender;

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

21 (5) any person required by ~~court order~~ *an agreement entered into by*
 22 *the parties* to register for an offense not otherwise required as provided in
 23 the Kansas offender registration act.

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

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

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

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

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

39 ~~(4)(3)(4)~~ on or after July 1, 1997, is convicted of any of the following
 40 crimes when one of the parties involved, *other than the offender*, is less
 41 than 18 years of age:

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

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

4 ~~(C)~~*(B)* promoting prostitution, as defined in K.S.A. 21-3513, prior to
5 its repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by
6 section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,
7 2013;

8 ~~(D)~~ patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
9 repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section
10 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

11 ~~(E)~~*(C)* a felony violation of lewd and lascivious behavior, as defined
12 in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2020 Supp. 21-5513~~(a)(2)~~,
13 and amendments thereto;

14 ~~(5)~~~~(4)~~**(5)** is convicted of sexual battery, as defined in K.S.A. 21-3517,
15 prior to its repeal, or K.S.A. 2020 Supp. 21-5505(a), and amendments
16 thereto;

17 ~~(6)~~~~(5)~~**(6)** is convicted of breach of privacy, as defined in K.S.A. 2020
18 Supp. 21-6101~~(a)(6)~~ or ~~(a)(7)~~, and amendments thereto;

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

23 (7) has been convicted of an offense that is comparable to any crime
24 defined in this subsection, or any out-of-state conviction for an offense that
25 under the laws of this state would be an offense defined in this subsection.

26 (c) "Sexually violent crime" means:

27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
28 2020 Supp. 21-5503, and amendments thereto;

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

31 (3) aggravated indecent liberties with a child, as defined in K.S.A.
32 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
33 amendments thereto;

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

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

39 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
40 prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments
41 thereto;

42 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
43 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and

1 amendments thereto;

2 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
3 to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;

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

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

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

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

12 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,
13 prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments
14 thereto, if committed in whole or in part for the purpose of the sexual
15 gratification of the defendant or another;

16 (14) commercial sexual exploitation of a child, as defined in K.S.A.
17 2020 Supp. 21-6422, and amendments thereto;

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

20 (16) *internet trading in child pornography, as defined in K.S.A. 2020*
21 *Supp. 21-5514, and amendments thereto;*

22 (17) any conviction ~~or adjudication~~ **or adjudication** for an offense
23 that is comparable to a sexually violent crime as defined in this subsection,
24 or any out-of-state conviction ~~or adjudication~~ **or adjudication** for an
25 offense that under the laws of this state would be a sexually violent crime
26 as defined in this subsection;

27 ~~(17)(18) any out-of-state juvenile adjudication for an offense that~~
28 ~~requires registration under the laws of that state;~~

29 ~~(19)~~—an 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, 21-5303, and amendments thereto, of a sexually
32 violent crime, as defined in this subsection; or

33 ~~(18)(20)~~(19) any act which has been determined beyond a reasonable
34 doubt to have been sexually motivated, unless the court, on the record,
35 finds that the act involved non-forcible sexual conduct, the victim was *a*
36 *child* at least 14 years of age and the offender was not more than four years
37 older than the victim. As used in this paragraph, "sexually motivated"
38 means that one of the purposes for which the defendant committed the
39 crime was for the purpose of the defendant's sexual gratification.

40 (d) "Sexually violent predator" means any person who, on or after
41 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
42 59-29a01 et seq., and amendments thereto.

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

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

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

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

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

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

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

16 ~~(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
17 K.S.A. 2020 Supp. 21-5408(a), and amendments thereto, *when the victim
18 is less than 18 years of age;*~~

19 ~~(G)(E) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to
20 its repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto,
21 *when the victim is less than 18 years of age;*~~

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

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

29 (2) on or after July 1, 2006, is convicted of any person felony and the
30 court makes a finding on the record, *in open court and with particularity*
31 that a deadly weapon was used in the commission of such person felony;

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

36 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
37 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
38 K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments
39 thereto, of an offense defined in this subsection.

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

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

42 (A) Unlawful manufacture or attempting such of any controlled
43 substance or controlled substance analog, as defined in K.S.A. 65-4159,

1 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
2 K.S.A. 2020 Supp. 21-5703, and amendments thereto;

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

10 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
11 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and
12 amendments thereto. The provisions of this paragraph shall not apply to
13 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)
14 which occurred on or after July 1, 2009, through April 15, 2010;

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

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

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

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

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

43 (j) "Reside" means to stay, sleep or maintain with regularity or

1 temporarily one's person and property in a particular place other than a
2 location where the offender is incarcerated. It shall be presumed that an
3 offender resides at any and all locations where the offender stays, sleeps or
4 maintains the offender's person for three or more consecutive days or parts
5 of days, or for ten or more nonconsecutive days in a period of 30
6 consecutive days.

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

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

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

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

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

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

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

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

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

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

39 (A) Convicted of unlawful transmission of a visual depiction of a
40 child, as defined in K.S.A. 2020 Supp. 21-5611(a), and amendments
41 thereto, aggravated unlawful transmission of a visual depiction of a child,
42 as defined in K.S.A. 2020 Supp. 21-5611(b), and amendments thereto, or
43 unlawful possession of a visual depiction of a child, as defined in K.S.A.

1 2020 Supp. 21-5610, and amendments thereto; ~~or~~

2 (B) *convicted of a crime in municipal court; or*

3 (C) adjudicated as a juvenile offender ~~under the revised Kansas-~~
 4 ~~juvenile justice code~~ for an act which, if committed by an adult, would
 5 constitute the commission of a crime ~~defined in subsection (t)(1)(A)-~~
 6 **defined in subsection (t)(1)(A).**

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

10 Sec. 6. K.S.A. 2020 Supp. 22-4903 is hereby amended to read as
 11 follows: 22-4903. (a) Violation of the Kansas offender registration act is
 12 the failure by an offender, as defined in K.S.A. 22-4902, and amendments
 13 thereto, to comply with any and all provisions of such act, including any
 14 and all duties set forth in K.S.A. 22-4905 through 22-4907, and
 15 amendments thereto. Any violation of the Kansas offender registration act
 16 ~~which that~~ continues for more than ~~30~~ 90 consecutive days shall, upon the
 17 ~~31st~~ 91st consecutive day, constitute a new and separate offense; and shall
 18 continue to constitute a new and separate offense every 30 days thereafter
 19 for as long as the violation continues.

20 (b) Aggravated violation of the Kansas offender registration act is:

21 **(1) A violation of the Kansas offender registration act ~~which-~~**
 22 ~~continues for more than 180 consecutive days. Any aggravated violation of~~
 23 ~~the Kansas offender registration act which continues for more than 180-~~
 24 ~~consecutive days shall, upon the 181st consecutive day, constitute a new~~
 25 ~~and separate offense, and shall continue to constitute a new and separate~~
 26 ~~violation of the Kansas offender registration act every 30 days thereafter,~~
 27 ~~or a new and separate aggravated violation of the Kansas offender-~~
 28 ~~registration act every 180 days thereafter, for as long as the violation~~
 29 ~~continues that:~~

30 ~~(1) Continues for one year or more; or~~

31 ~~(2) is committed by a person with two or more prior convictions of~~
 32 ~~violations of this section that continues for more than 180 consecutive~~
 33 **days. Any aggravated violation of the Kansas offender registration act**
 34 **that continues for more than 180 consecutive days shall, upon the 181st**
 35 **consecutive day, constitute a new and separate offense, and shall**
 36 **continue to constitute a new and separate violation of the Kansas**
 37 **offender registration act every 30 days thereafter, or a new and**
 38 **separate aggravated violation of the Kansas offender registration act**
 39 **every 180 days thereafter, for as long as the violation continues;**

40 **(2) providing a false address or an address where the offender**
 41 **does not reside or providing false information about the offender's**
 42 **employer; or**

43 **(3) failure to register if, within the immediately preceding 120**

1 days, the offender has not registered and is not residing at the
2 residence listed in the last registration or is not employed at the place
3 of employment listed in the last registration.

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

6 (A) **If the crime for which the offender is required to be
7 registered under the Kansas offender registration act is a felony:**

8 (i) Upon a first conviction, a ~~severity level 6 felony class B A~~
9 ~~nonperson misdemeanor; and~~

10 (B)(ii) upon a second conviction, a ~~severity level 5 felony; and class~~
11 ~~A nonperson misdemeanor severity level 8, nonperson felony; and~~

12 (iii) upon a third or subsequent conviction, a severity level 5,
13 nonperson felony; and

14 (B) **if the crime for which the offender is required to be registered
15 under the Kansas offender registration act is a misdemeanor:**

16 (i) Upon a first or second conviction, a class A nonperson
17 misdemeanor; and

18 (ii) upon a third or subsequent conviction, a severity level 8,
19 nonperson felony

20 (C) ~~upon a third or subsequent conviction, a severity level 3 felony.~~

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

27 (2) Except as provided in ~~subsection~~ *subsections (c)(3) and (c)(4)*,
28 aggravated violation of the Kansas offender registration act is a ~~severity~~
29 ~~level 3-8, nonperson felony:~~

30 (A) **Severity level 7, nonperson felony, except as provided in
31 subparagraph (B); and**

32 (B) **severity level 5, nonperson felony if the person being
33 sentenced has a prior conviction for a violation of subsection (b)(2) or
34 (b)(3).**

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

41 (3) Violation of the Kansas offender registration act or aggravated
42 violation of the Kansas offender registration act consisting only of failing
43 to remit payment to the sheriff's office as required in K.S.A. 22-4905(H),

1 and amendments thereto, is:

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

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

8 ~~Such violation shall be designated as a person or nonperson crime in~~
9 ~~accordance with the designation assigned to the underlying crime for~~
10 ~~which the offender is required to be registered under the Kansas offender~~
11 ~~registration act. If the offender is required to be registered under both a~~
12 ~~person and nonperson underlying crime, the violation shall be designated~~
13 ~~as a person crime.~~

14 ~~(4) Aggravated violation of the Kansas offender registration act is a~~
15 ~~class A nonperson misdemeanor when the underlying crime for which the~~
16 ~~offender is required to be registered under the Kansas offender~~
17 ~~registration act is a misdemeanor.~~

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

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

20 (2) in any county in which the offender is required to be registered
21 under the Kansas offender registration act;

22 (3) in any county in which the offender is located during which time
23 the offender is not in compliance with the Kansas offender registration act;
24 or

25 (4) in the county in which any conviction—~~or adjudication or~~
26 **adjudication** occurred for which the offender is required to be registered
27 under the Kansas offender registration act.

28 Sec. 7. K.S.A. 2020 Supp. 22-4904 is hereby amended to read as
29 follows: 22-4904. (a) (1) At the time of conviction—~~or adjudication or~~
30 **adjudication** for an offense requiring registration as provided in K.S.A.
31 22-4902, and amendments thereto, the court shall:

32 (A) Inform any offender, on the record, of the procedure to register
33 and the requirements of K.S.A. 22-4905, and amendments thereto; and

34 (B) if the offender is released:

35 (i) Complete a notice of duty to register, ~~which and such notice~~ shall
36 include title and statute number of conviction—~~or adjudication or~~
37 **adjudication**, date of conviction—~~or adjudication or~~ **adjudication**, case
38 number, county of conviction—~~or adjudication or~~ **adjudication**, and the
39 following offender information: Name, address, date of birth, social
40 security number, race, ethnicity and gender;

41 (ii) require the offender to read and sign the notice of duty to register,
42 which shall include a statement that the requirements provided in this
43 subsection have been explained to the offender;

1 (iii) order the offender to report within three business days to the
2 registering law enforcement agency in the county or tribal land of
3 conviction ~~or adjudication~~ **or adjudication** and to the registering law
4 enforcement agency in any place where the offender resides, ~~maintains~~
5 ~~employment or attends school~~, to complete the registration form with all
6 information and any updated information required for registration as
7 provided in K.S.A. 22-4907, and amendments thereto; and

8 (iv) provide one copy of the notice of duty to register to the offender
9 and, within three business days, send a copy of the form to the law
10 enforcement agency having initial jurisdiction and to the Kansas bureau of
11 investigation.

12 (2) At the time of sentencing or disposition for an offense requiring
13 registration as provided in K.S.A. 22-4902, and amendments thereto, the
14 court shall ensure the age of the victim is documented in the journal entry
15 of conviction ~~or adjudication~~ **or adjudication**.

16 (3) Upon commitment for control, care and treatment by the Kansas
17 department for aging and disability services pursuant to K.S.A. 59-29a07,
18 and amendments thereto, the court shall notify the registering law
19 enforcement agency of the county where the offender resides during
20 commitment of such offender's commitment. Such notice shall be prepared
21 by the office of the attorney general for transmittal by the court by
22 electronic means, including by fax or e-mail.

23 (b) The staff of any correctional facility or the registering law
24 enforcement agency's designee shall:

25 (1) At the time of initial custody, register any offender within three
26 business days:

27 (A) Inform the offender of the procedure for registration and of the
28 offender's registration requirements as provided in K.S.A. 22-4905, and
29 amendments thereto;

30 (B) complete the registration form with all information and updated
31 information required for registration as provided in K.S.A. 22-4907, and
32 amendments thereto;

33 (C) require the offender to read and sign the registration form, which
34 shall include a statement that the requirements provided in this subsection
35 have been explained to the offender;

36 (D) provide one copy of the form to the offender and, within three
37 business days, send a copy of the form to the Kansas bureau of
38 investigation; and

39 (E) enter all offender information required by the national crime
40 information center into the national sex offender registry system within
41 three business days of completing the registration or electronically submit
42 all information and updated information required for registration as
43 provided in K.S.A. 22-4907, and amendments thereto, within three

1 business days to the Kansas bureau of investigation;

2 (2) notify the Kansas bureau of investigation of the incarceration of
3 any offender and of the location or any change in location of the offender
4 while in custody;

5 (3) prior to any offender being discharged, paroled, furloughed or
6 released on work or school release that does not require the daily return to
7 a correctional facility:

8 (A) Inform the offender of the procedure for registration and of the
9 offender's registration requirements as provided in K.S.A. 22-4905, and
10 amendments thereto;

11 (B) complete the registration form with all information and updated
12 information required for registration as provided in K.S.A. 22-4907, and
13 amendments thereto;

14 (C) require the offender to read and sign the registration form, which
15 shall include a statement that the requirements provided in this subsection
16 have been explained to the offender;

17 (D) photograph the offender's face and any identifying marks;

18 (E) obtain fingerprint and palm prints of the offender; and

19 (F) provide one copy of the form to the offender and, within three
20 business days, send a copy of the form and of the photograph or
21 photographs to the law enforcement agency having initial jurisdiction and
22 to the Kansas bureau of investigation; and

23 (4) notify the law enforcement agency having initial jurisdiction and
24 the Kansas bureau of investigation seven business days prior to any
25 offender being discharged, paroled, furloughed or released on work or
26 school release.

27 (c) The staff of any treatment facility shall:

28 (1) Within three business days of an offender's arrival for inpatient
29 treatment, inform the registering law enforcement agency of the county or
30 location of jurisdiction in which the treatment facility is located of the
31 offender's presence at the treatment facility and the expected duration of
32 the treatment, and immediately notify the registering law enforcement
33 agency of an unauthorized or unexpected absence of the offender during
34 the offender's treatment;

35 (2) inform the registering law enforcement agency of the county or
36 location of jurisdiction in which the treatment facility is located within
37 three business days of an offender's discharge or release; and

38 (3) provide information upon request to any registering law
39 enforcement agency having jurisdiction relevant to determining the
40 presence of an offender within the treatment facility.

41 (d) The registering law enforcement agency, upon the reporting of
42 any offender, shall:

43 (1) Inform the offender of the duty to register as provided by the

1 Kansas offender registration act;

2 (2) (A) explain the procedure for registration and the offender's
3 registration requirements as provided in K.S.A. 22-4905, and amendments
4 thereto;

5 (B) obtain the information required for registration as provided in
6 K.S.A. 22-4907, and amendments thereto; and

7 (C) require the offender to read and sign the registration form, which
8 shall include a statement that the requirements provided in this subsection
9 have been explained to the offender;

10 (3) complete the registration form with all information and updated
11 information required for registration, as provided in K.S.A. 22-4907, and
12 amendments thereto, each time the offender reports to the registering law
13 enforcement agency. All information and updated information reported by
14 an offender shall be forwarded to the Kansas bureau of investigation
15 within three business days;

16 (4) maintain the original signed registration form, provide one copy
17 of the completed registration form to the offender and, within three
18 business days, send one copy of the completed form to the Kansas bureau
19 of investigation;

20 (5) forward a copy of any certified letter used for reporting pursuant
21 to K.S.A. 22-4905, and amendments thereto, when utilized, within three
22 business days to the Kansas bureau of investigation;

23 (6) obtain registration information from every offender required to
24 register regardless of whether or not the offender remits payment;

25 (7) upon every required reporting, update the photograph or
26 photographs of the offender's face and any new identifying marks and
27 immediately forward copies or electronic files of the photographs to the
28 Kansas bureau of investigation;

29 (8) enter all offender information required by the national crime
30 information center into the national sex offender registry system within
31 three business days of completing the registration or electronically submit
32 all information and updated information required for registration as
33 provided in K.S.A. 22-4907, and amendments thereto, within three
34 business days to the Kansas bureau of investigation;

35 (9) maintain a special fund for the deposit and maintenance of fees
36 paid by offenders. All funds retained by the registering law enforcement
37 agency pursuant to the provisions of this section shall be credited to a
38 special fund of the registering law enforcement agency ~~which~~ *that* shall be
39 used solely for law enforcement and criminal prosecution purposes and
40 ~~which~~ *that* shall not be used as a source of revenue to reduce the amount of
41 funding otherwise made available to the registering law enforcement
42 agency; and

43 (10) forward any initial registration and updated registration

1 information within three business days to any out-of-state jurisdiction
2 where the offender is expected to reside, maintain employment or attend
3 school.

4 (e) (1) The Kansas bureau of investigation shall:

5 (A) Forward all additions or changes in information to any registering
6 law enforcement agency, other than the agency that submitted the form,
7 where the offender expects to reside, maintain employment or attend
8 school;

9 (B) ensure that offender information is immediately entered in the
10 state registered offender database and the Kansas registered offender
11 website, as provided in K.S.A. 22-4909, and amendments thereto;

12 (C) transmit offender conviction—~~or adjudication~~ **or adjudication**
13 data, fingerprints and palm prints to the federal bureau of investigation;
14 and

15 (D) ensure all offender information required by the national crime
16 information center is transmitted into the national sex offender registry
17 system within three business days of such information being electronically
18 submitted to the Kansas bureau of investigation.

19 (2) The director of the Kansas bureau of investigation may adopt
20 rules and regulations necessary to implement the provisions of the Kansas
21 offender registration act.

22 (f) The attorney general shall, within 10 business days of an offender
23 being declared a sexually violent predator, forward to the Kansas bureau of
24 investigation all relevant court documentation declaring an offender a
25 sexually violent predator.

26 (g) The state department of education shall annually notify any school
27 of the Kansas bureau of investigation internet website, and any internet
28 website containing information on the Kansas offender registration act
29 sponsored or created by the registering law enforcement agency of the
30 county or location of jurisdiction in which the school is located, for the
31 purpose of locating offenders who reside near such school. Such
32 notification shall include information that the registering law enforcement
33 agency of the county or location of jurisdiction where such school is
34 located is available to the school to assist in using the registry and
35 providing additional information on registered offenders.

36 (h) The secretary of health and environment shall annually notify any
37 licensed child care facility of the Kansas bureau of investigation internet
38 website, and any internet website containing information on the Kansas
39 offender registration sponsored or created by the registering law
40 enforcement agency of the county in which the facility is located, for the
41 purpose of locating offenders who reside near such facility. Such
42 notification shall include information that the registering law enforcement
43 agency of the county or location of jurisdiction where such child care

1 facility is located is available to the child care facilities to assist in using
2 the registry and providing additional information on registered offenders.

3 (i) Upon request, the clerk of any court of record shall provide the
4 Kansas bureau of investigation copies of complaints, indictments,
5 information, journal entries, commitment orders or any other documents
6 necessary to the performance of the duties of the Kansas bureau of
7 investigation under the Kansas offender registration act. No fees or
8 charges for providing such documents may be assessed.

9 Sec. 8. K.S.A. 2020 Supp. 22-4905 is hereby amended to read as
10 follows: 22-4905. Any offender required to register as provided in the
11 Kansas offender registration act shall:

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

24 (b) except as provided further, for any: (1) Sex offender, including a
25 violent offender or drug offender who is also a sex offender, report in
26 person four times each year to the registering law enforcement agency in
27 the county or location of jurisdiction in which the offender resides, ~~-~~
28 ~~maintains employment or is attending a school;~~ and (2) violent offender or
29 drug offender, report in person four times each year to the registering law
30 enforcement agency in the county or location of jurisdiction in which the
31 offender resides, ~~maintains employment or is attending a school;~~ except
32 that, at the discretion of the registering law enforcement agency, one of the
33 four required reports may be conducted by certified letter. When utilized,
34 the certified letter for reporting shall be sent by the registering law
35 enforcement agency to the reported residence of the offender. The offender
36 shall indicate any changes in information as required for reporting in
37 person. The offender shall respond by returning the certified letter to the
38 registering law enforcement agency within 10 business days by certified
39 mail. The offender shall be required to report to the registering law
40 enforcement agency once during the month of the offender's birthday and
41 every third, sixth and ninth month occurring before and after the month of
42 the offender's birthday. The registering law enforcement agency may
43 determine the appropriate times and days for reporting by the offender,

1 consistent with this subsection. Nothing contained in this subsection shall
2 be construed to alleviate any offender from meeting the requirements
3 prescribed in the Kansas offender registration act;

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

7 (d) if in the custody of a correctional facility, register with the
8 correctional facility within three business days of initial custody and shall
9 not be required to update such registration until discharged, paroled,
10 furloughed or released on work or school release from a correctional
11 facility. A copy of the registration form and any updated registrations for
12 an offender released on work or school release shall be sent, within three
13 business days, to the registering law enforcement agency where the
14 offender is incarcerated, maintains employment or attends school, and to
15 the Kansas bureau of investigation;

16 (e) if involuntarily committed pursuant to the Kansas sexually violent
17 predator act, register within three business days of arrival in the county
18 where the offender resides during commitment. The offender shall not be
19 required to update such registration until placed in a reintegration facility,
20 on transitional release or on conditional release. Upon placement in a
21 reintegration facility, on transitional release or on conditional release, the
22 offender shall be personally responsible for complying with the provisions
23 of the Kansas offender registration act;

24 (f) notwithstanding subsections (a) and (b), if the offender is
25 transient, report in person to the registering law enforcement agency of
26 such county or location of jurisdiction in which the offender is physically
27 present within three business days of arrival in the county or location of
28 jurisdiction. Such offender shall be required to register in person with the
29 registering law enforcement agency every 30 days, or more often at the
30 discretion of the registering law enforcement agency. Such offender shall
31 comply with the provisions of the Kansas offender registration act and, in
32 addition, shall:

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

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

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

41 (h) register in person upon any commencement, change or
42 termination of residence location, employment status, school attendance or
43 other information as provided in K.S.A. 22-4907, and amendments thereto,

1 within three business days of such commencement, change or termination,
2 to the registering law enforcement agency or agencies where last
3 registered and provide written notice to the Kansas bureau of
4 investigation;

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

7 (j) if receiving inpatient treatment at any treatment facility, inform the
8 treatment facility of the offender's status as an offender and inform the
9 registering law enforcement agency of the county or location of
10 jurisdiction in which the treatment facility is located of the offender's
11 presence at the treatment facility and the expected duration of the
12 treatment;

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

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

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

30 (2) when an offender provides updates or changes in information or
31 during an initial registration unless such updates, changes or initial
32 registration is during the month of such offender's birthday and every
33 third, sixth and ninth month occurring before and after the month of the
34 offender's birthday;

35 ~~(2)(3)~~ when an offender is transient and is required to register every
36 30 days, or more frequently as ordered by the registering law enforcement
37 agency, except during the month of the offender's birthday and every third,
38 sixth and ninth month occurring before and after the month of the
39 offender's birthday; ~~or~~

40 ~~(3)(4)~~ if an offender has, prior to the required reporting and within the
41 last three years, been determined to be indigent by a court of law *in the*
42 *criminal case for which the offender is required to register*, and the basis
43 for that finding is recorded by the court; *or*

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

4 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and
5 amendments thereto, and annually renew any identification card pursuant
6 to K.S.A. 2020 Supp. 8-1325a, and amendments thereto;

7 (n) if maintaining primary residence in this state, surrender all driver's
8 licenses and identification cards from other states, territories and the
9 District of Columbia, except if the offender is presently serving and
10 maintaining active duty in any branch of the United States military or the
11 offender is an immediate family member of a person presently serving and
12 maintaining active duty in any branch of the United States military;

13 (o) read and sign the registration form noting whether the
14 requirements provided in this section have been explained to the offender;
15 and

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

23 Sec. 9. K.S.A. 2020 Supp. 22-4906 is hereby amended to read as
24 follows: 22-4906. (a) (1) Except as provided in subsection—(e) (d), if
25 convicted of any of the following offenses, an offender's duration of
26 registration shall be, if confined, 15 years after the date of parole,
27 discharge or release, whichever date is most recent, or, if not confined, 15
28 years from the date of conviction:

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

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

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

36 ~~(D)~~ patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
37 repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section
38 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,
39 when one of the parties involved is less than 18 years of age;

40 ~~(E)~~(C) a felony violation of lewd and lascivious behavior, as defined
41 in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2020 Supp. 21-5513(a)(2),
42 and amendments thereto, when one of the parties involved is less than 18
43 years of age;

- 1 ~~(F)~~ capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
2 or K.S.A. 2020 Supp. 21-5401, and amendments thereto;
- 3 ~~(G)~~ murder in the first degree, as defined in K.S.A. 21-3401, prior to
4 its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;
- 5 ~~(H)~~~~(D)~~ murder in the second degree, as defined in K.S.A. 21-3402,
6 prior to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments
7 thereto;
- 8 ~~(I)~~ voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
9 repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;
- 10 ~~(J)~~ involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
11 its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and
12 amendments thereto;
- 13 ~~(K)~~ criminal restraint, as defined in K.S.A. 21-3424, prior to its
14 repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by
15 a parent, and only when the victim is less than 18 years of age;
- 16 ~~(E)~~ *breach of privacy, as defined in K.S.A. 2020 Supp. 21-6101(a)(6)*
17 *or (a)(7), and amendments thereto;*
- 18 ~~(F)~~ *kidnapping, as defined in K.S.A. 2020 Supp. 21-5408(a), and*
19 *amendments thereto, when the victim is less than 18 years of age;*
- 20 ~~(H)~~~~(G)~~ any act ~~which~~ that has been determined beyond a reasonable
21 doubt to have been sexually motivated, unless the court, on the record,
22 finds that the act involved non-forcible sexual conduct, the victim was a
23 *child* at least 14 years of age and the offender was not more than four years
24 older than the victim;
- 25 ~~(M)~~ conviction of any person required by court order to register for
26 an offense not otherwise required as provided in the Kansas offender
27 registration act;
- 28 ~~(N)~~ conviction of any person felony and the court makes a finding on
29 the record that a deadly weapon was used in the commission of such
30 person felony;
- 31 ~~(O)~~~~(H)~~ unlawful manufacture or attempting such of any controlled
32 substance or controlled substance analog, as defined in K.S.A. 65-4159,
33 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
34 K.S.A. 2020 Supp. 21-5703, and amendments thereto; *or*
- 35 ~~(P)~~ possession of ephedrine, pseudoephedrine, red phosphorus,
36 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
37 ammonia or phenylpropanolamine, or their salts, isomers or salts of
38 isomers with intent to use the product to manufacture a controlled
39 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
40 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-
41 5709(a), and amendments thereto;
- 42 ~~(Q)~~ K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
43 36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and

1 ~~amendments thereto; or~~

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

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

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

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

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

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

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

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

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

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

36 (H) *internet trading in child pornography, as defined in K.S.A. 2020*
37 *Supp. 21-5514, and amendments thereto, if the victim is 14 or more years*
38 *of age but less than 18 years of age;*

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

41 ~~(H)~~(J) promoting prostitution, as defined in K.S.A. 21-3513, prior to
42 its repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by
43 section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,

1 2013, if the person selling sexual relations is 14 or more years of age but
2 less than 18 years of age; or

3 ~~(H)~~(K) any attempt, conspiracy or criminal solicitation, as defined in
4 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
5 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
6 offense defined in this subsection.

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

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

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

26 (B) *K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-*
27 *36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and*
28 *amendments thereto;*

29 (C) *any person felony when the court makes a finding on the record,*
30 *in open court and with particularity that a deadly weapon was used in the*
31 *commission of such person felony;*

32 (D) *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 five 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
42 toward the duration of registration.

43 (d) (1) Upon a second or subsequent conviction of an offense

1 requiring registration *as a sex offender or a violent offender*, an offender's
2 duration of registration shall be for such offender's lifetime.

3 (2) *Upon a second or subsequent conviction of an offense requiring*
4 *registration that does not result in lifetime registration pursuant to*
5 *paragraph (1), registration terms shall not aggregate.*

6 ~~(d)~~(f) The duration of registration for any offender who has been
7 convicted of any of the following offenses shall be for such offender's
8 lifetime:

9 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
10 2020 Supp. 21-5503, and amendments thereto;

11 (2) 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 (3) aggravated indecent liberties with a child, as defined in K.S.A.
15 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and
16 amendments thereto;

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

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

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

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

27 (8) *internet trading in child pornography, as defined in K.S.A. 2020*
28 *Supp. 21-5514, and amendments thereto, if the victim is less than 14 years*
29 *of age;*

30 (9) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
31 repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section
32 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if
33 the person selling sexual relations is less than 14 years of age;

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

36 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
37 repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto, *when*
38 *the victim is less than 18 years of age;*

39 (11) commercial sexual exploitation of a child, as defined in K.S.A.
40 2020 Supp. 21-6422, and amendments thereto;

41 (12) *capital murder, as defined in K.S.A. 2020 Supp. 21-3439, prior*
42 *to its repeal, or K.S.A. 2020 Supp. 21-5401, and amendments thereto;*

43 (13) *murder in the first degree, as defined in K.S.A. 21-3401, prior to*

1 *its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto; or*

2 ~~(12)(14)~~ any attempt, conspiracy or criminal solicitation, as defined
3 in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A.
4 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
5 offense defined in this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~(h) Notwithstanding any other provisions of this section, an offender
19 14 years of age or more who is adjudicated as a juvenile offender for an
20 act which if committed by an adult would constitute a sexually violent
21 crime set forth in K.S.A. 22-4902(e), and amendments thereto, and such
22 crime is an off-grid felony or a felony ranked in severity level 1 of the
23 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
24 2020 Supp. 21-6804, and amendments thereto, shall be required to register
25 for such offender's lifetime.~~

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

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

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

41 **(3) require registration, but such registration information shall
42 not be open to inspection by the public or posted on any internet
43 website, as provided in K.S.A. 22-4909, and amendments thereto. If**

1 the court requires registration but such registration is not open to the
2 public, such offender shall provide a copy of such court order to the
3 registering law enforcement agency at the time of registration. The
4 registering law enforcement agency shall forward a copy of such court
5 order to the Kansas bureau of investigation.

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

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

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

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

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

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

38 (j) Notwithstanding any other provisions of this section, an
39 offender 14 years of age or more who is adjudicated as a juvenile
40 offender for an act which if committed by an adult would constitute a
41 sexually violent crime set forth in K.S.A. 22-4902(c), and amendments
42 thereto, and such crime is an off-grid felony or a felony ranked in
43 severity level 1 of the nondrug grid as provided in K.S.A. 21-4704,

1 **prior to its repeal, or K.S.A. 2020 Supp. 21-6804, and amendments**
2 **thereto, shall be required to register for such offender's lifetime.**

3 ~~(i)(h)(k)~~ Notwithstanding any other provision of law, if a ~~diversionary~~
4 ~~agreement or probation order, either adult or juvenile, or a juvenile~~
5 ~~offender sentencing order, an agreement entered into by the parties~~
6 requires registration under the Kansas offender registration act for an
7 offense that would not otherwise require registration as provided in K.S.A.
8 22-4902(a)(5), and amendments thereto, then all provisions of the Kansas
9 offender registration act shall apply, except that the duration of registration
10 shall be controlled by such ~~diversionary agreement, probation order or~~
11 ~~juvenile offender sentencing order.~~

12 ~~(j)(i)(l)~~ **(l)** The duration of registration does not terminate if the
13 ~~convicted or adjudicated~~ **or adjudicated** offender again becomes liable to
14 register as provided by the Kansas offender registration act during the
15 required period of registration.

16 ~~(k)(j)(m)~~ **(m)** For any person moving to Kansas who has been convicted
17 ~~or adjudicated~~ **or adjudicated** in an out-of-state court, or who was
18 required to register under an out-of-state law, the duration of registration
19 shall be the length of time required by the out-of-state jurisdiction or by
20 the Kansas offender registration act, whichever length of time is longer.
21 The provisions of this subsection shall apply to convictions ~~or~~
22 **adjudications or adjudications** prior to June 1, 2006, and to persons who
23 moved to Kansas prior to June 1, 2006, and to convictions ~~or adjudications~~
24 **or adjudications** on or after June 1, 2006, and to persons who moved to
25 Kansas on or after June 1, 2006.

26 ~~(k)~~ *For any person moving to Kansas who has been adjudicated as a*
27 *juvenile offender in an out-of-state court and who was required to register*
28 *under an out-of-state law, the duration of registration shall be the length*
29 *of time required by the out-of-state jurisdiction.*

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

38 ~~(m)(o)~~ **(o)** *Registration information for a person required to register for*
39 *an offense described in subsection (c)(1)(A) or (c)(1)(B) shall be made*
40 *available only to law enforcement and shall not be open to inspection by*
41 *the public or posted on any website, as provided in K.S.A. 22-4909, and*
42 *amendments thereto.*

43 Sec. 10. K.S.A. 2020 Supp. 22-4907 is hereby amended to read as

1 follows: 22-4907. (a) Registration as required by the Kansas offender
2 registration act shall consist of a form approved by the Kansas bureau of
3 investigation, which shall include a statement that the requirements
4 provided in this section have been reviewed and explained to the offender,
5 and shall be signed by the offender and, except when such reporting is
6 conducted by certified letter as provided in ~~subsection (b) of~~ K.S.A. 22-
7 4905(b), and amendments thereto, witnessed by the person registering the
8 offender. Such registration form shall include the following offender
9 information:

10 (1) Name and all alias names;

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

13 (3) title and statute number of each offense or offenses committed,
14 date of each conviction ~~or adjudication~~ **or adjudication** and court case
15 numbers for each conviction ~~or adjudication~~ **or adjudication**;

16 (4) city, county, state or country of conviction ~~or adjudication~~ **or**
17 **adjudication**;

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

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

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

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

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

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

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

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

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

1 and information concerning the location or locations such aircraft or
2 watercraft are habitually parked, docked or otherwise 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 agencies,
7 correctional facility officials, treatment facility officials and courts may
8 rely on information that is readily available to them from existing records
9 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 to
13 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 and all
16 personal web pages or online social networks; and internet screen names;

17 (20) all travel and immigration documents; and

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

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

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

37 Sec. 11. K.S.A. 2020 Supp. 22-4908 is hereby amended to read as
38 follows: 22-4908. ~~No person required to register as an offender pursuant to~~
39 ~~the Kansas offender registration act shall be granted an order relieving the~~
40 ~~offender of further registration under this act. This section shall include~~
41 ~~any person with any out-of-state conviction or adjudication for an offense~~
42 ~~that would require registration under the laws of this state (a) Except as~~
43 ~~provided in subsections (b), (c) and (d), any offender who is required to~~

1 register under the Kansas offender registration act may file a verified
2 petition for relief from registration requirements if:

3 (1) For an offender who is required to register for 15 years, the
4 offender has registered for a period of at least five years after the date of
5 parole, discharge or release, whichever date is most recent, or, if not
6 confined, five years from the date of conviction **or adjudication**;

7 (2) for an offender who is required to register for 25 years, the
8 offender has registered for a period of at least 10 years after the date of
9 parole, discharge or release, whichever date is most recent, or, if not
10 confined, 10 years from the date of conviction **or adjudication**; or

11 (3) for an offender who is required to register for life, the offender
12 has registered for a period of at least 25 years after the date of parole,
13 discharge or release, whichever date is most recent, or, if not confined, 25
14 years from the date of conviction **or adjudication**.

15 (b) Any of the following offenders required to register under the
16 Kansas offender registration act may file a verified petition for relief from
17 registration requirements if the offender has registered for a period of at
18 least 10 years after the date of parole, discharge or release, whichever
19 date is most recent, or, if not confined, 10 years from the date of conviction
20 **or adjudication**:

21 (1) An offender who was convicted **or adjudicated** of an offense
22 prior to July 1, 2011, that, at the time of conviction **or adjudication**, did
23 not require such offender to register under the Kansas offender
24 registration act, but is required to register because of the retroactive
25 application of section 6 of chapter 95 of the 2011 Session Laws of Kansas;
26 and

27 (2) an offender who was originally required to register under the
28 Kansas offender registration act for 10 years for an offense committed
29 prior to July 1, 2011, but is required to register for a longer period
30 because of the retroactive application of section 6 of chapter 95 of the
31 2011 Session Laws of Kansas.

32 (c) An offender who is required to register pursuant to K.S.A. 22-
33 4906(j), and amendments thereto, because of an out-of-state conviction **or**
34 **adjudication** may not petition for relief from registration requirements in
35 this state if the offender would be required to register under the law of the
36 state or jurisdiction where the conviction **or adjudication** occurred. If the
37 offender would no longer be required to register under the law of the state
38 or jurisdiction where the conviction **or adjudication** occurred, the
39 offender may file a verified petition pursuant to subsection (a) or (b).

40 (d) An offender who has been declared a sexually violent predator
41 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall not
42 petition for relief from registration requirements under the Kansas
43 offender registration act pursuant to this section.

1 (e) Any period of time during which an offender is incarcerated in
2 any jail or correctional facility or during which the offender does not
3 substantially comply with the requirements of the Kansas offender
4 registration act shall not count toward the duration of registration
5 required in subsection (a) or (b).

6 (f) (1) A verified petition for relief from registration requirements
7 shall be filed in the district court in the county where the offender was
8 convicted **or adjudicated** of the offense requiring registration. If the
9 offender was not convicted **or adjudicated** in this state of the offense
10 requiring registration, such petition shall be filed in the district court of
11 any county where the offender is currently required to register. The docket
12 fee shall be as provided in K.S.A. 60-2001, and amendments thereto.

13 (2) The petition shall include:

14 (A) The offender's full name;

15 (B) the offender's full name at the time of conviction **or adjudication**
16 for the offense or offenses requiring registration, if different than the
17 offender's current name;

18 (C) the offender's sex, race and date of birth;

19 (D) the offense or offenses requiring registration;

20 (E) the date of conviction **or adjudication** for the offense or offenses
21 requiring registration;

22 (F) the court in which the offender was convicted **or adjudicated** of
23 the offense or offenses requiring registration;

24 (G) whether the offender has been arrested, convicted, **adjudicated**
25 or entered into a diversion agreement for any crime during the period the
26 offender is required to register; and

27 (H) the names of all treatment providers and agencies that have
28 treated the offender for mental health, substance abuse and offense-related
29 behavior since the date of the offense or offenses requiring registration.

30 (3) The judicial council shall develop a petition form for use under
31 this section.

32 (4) When a petition is filed, the court shall set a date for a hearing on
33 such petition and cause notice of the hearing to be given to the county or
34 district attorney in the county where the petition is filed. Any person who
35 may have relevant information about the offender may testify at the
36 hearing.

37 (5) The county or district attorney shall notify any victim of the
38 offense requiring registration who is alive and whose address is known or,
39 if the victim is deceased, the victim's family if the family's address is
40 known. The victim or victim's family shall not be compelled to testify or
41 provide any discovery to the offender.

42 (6) The county or district attorney shall have access to all applicable
43 records, including records that are otherwise confidential or privileged.

1 (g) (1) *The court shall order any petitioning offender who is required*
2 *to register for life, except for an offender required to register for life solely*
3 *because of a second offense requiring registration pursuant to K.S.A. 22-*
4 *4906(d), and amendments thereto, to undergo a risk assessment. The court*
5 *may require any other offender who is petitioning for relief under this*
6 *section to undergo a risk assessment.*

7 (2) *Any risk assessment ordered under this subsection shall be*
8 *performed by a professional agreed upon by the parties or a professional*
9 *approved by the court. Such risk assessment shall be performed at the*
10 *offender's expense.*

11 (h) *The court shall order relief from registration requirements if the*
12 *offender shows by clear and convincing evidence that:*

13 (1) *The offender has not been convicted **or adjudicated** of a felony,*
14 *other than a felony violation or aggravated felony violation of K.S.A. 22-*
15 *4903, and amendments thereto, within the five years immediately*
16 *preceding the filing of the petition, and no proceedings involving any such*
17 *felony are presently pending or being instituted against the offender;*

18 (2) *the offender's circumstances, behavior and treatment history*
19 *demonstrate that the offender is sufficiently rehabilitated to warrant relief;*
20 *and*

21 (3) *registration of the offender is no longer necessary to promote*
22 *public safety.*

23 (i) *If the court denies an offender's petition for relief, the offender*
24 *shall not file another petition for relief until three years have elapsed*
25 *unless a shorter time period is ordered by the court.*

26 (j) *If the court grants relief from registration requirements, it shall*
27 *order that the offender be removed from the offender registry and that the*
28 *offender is no longer required to comply with registration requirements.*
29 *Within 14 days of any order, the court shall notify the Kansas bureau of*
30 *investigation and any local law enforcement agency that registers the*
31 *offender that the offender has been granted relief from registration*
32 *requirements. The Kansas bureau of investigation shall remove such*
33 *offender from any internet website maintained pursuant to K.S.A. 22-4909,*
34 *and amendments thereto.*

35 (k) *An offender may combine a petition for relief under this section*
36 *with a petition for expungement under K.S.A. 2020 Supp. 21-6614, and*
37 *amendments thereto, if the offense requiring registration is otherwise*
38 *eligible for expungement.*

39 Sec. 12. K.S.A. 2020 Supp. 22-4909 is hereby amended to read as
40 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) ~~and~~
41 ~~(f) of this section and (g) and subsections (f) and (g) of K.S.A. 22-4906(m)~~
42 **(h), (i) and (o)**, and amendments thereto, the statements or any other
43 information required by the Kansas offender registration act shall be open

1 to inspection by the public at the registering law enforcement agency, at
2 the headquarters of the Kansas bureau of investigation and on any internet
3 website sponsored or created by a registering law enforcement agency or
4 the Kansas bureau of investigation that contains such statements or
5 information, and specifically are subject to the provisions of the Kansas
6 open records act, K.S.A. 45-215 et seq., and amendments thereto.

7 (b) Any information posted on an internet website sponsored or
8 created by a registering law enforcement agency or the Kansas bureau of
9 investigation shall identify, in a prominent manner, whether an offender is
10 a sex offender, a violent offender or a drug offender. Such internet
11 websites shall include the following information for each offender:

12 (1) Name of the offender, including any aliases;

13 (2) address of each residence at which the offender resides or will
14 reside and, if the offender does not have any present or expected residence
15 address, other information about where the offender has their home or
16 habitually lives. If current information of this type is not available because
17 the offender is in violation of the requirement to register or cannot be
18 located, the website must so note;

19 (3) temporary lodging information;

20 (4) address of any place where the offender is a student or will be a
21 student;

22 (5) license plate number and a description of any vehicle owned or
23 operated by the offender, including any aircraft or watercraft;

24 (6) physical description of the offender;

25 (7) the offense or offenses for which the offender is registered and
26 any other offense for which the offender has been convicted ~~or adjudicated~~
27 **or adjudicated**;

28 (8) a current photograph of the offender; and

29 (9) all professional licenses, designations and certifications.

30 (c) Notwithstanding subsection (a), information posted on an internet
31 website sponsored or created by a registering law enforcement agency or
32 the Kansas bureau of investigation shall not contain the address of any
33 place where the offender is an employee or any other information about
34 where the offender works. Such internet website shall contain a statement
35 that employment information is publicly available and may be obtained by
36 contacting the appropriate registering law enforcement agency or by
37 signing up for community notification through the official website of the
38 Kansas bureau of investigation.

39 (d) Notwithstanding subsection (a), pursuant to a court finding
40 petitioned by the prosecutor, any offender who is required to register
41 pursuant to the Kansas offender registration act, but has been provided a
42 new identity and relocated under the federal witness security program or
43 who has worked as a confidential informant, or is otherwise a protected

1 witness, shall be required to register pursuant to the Kansas offender
2 registration act, but shall not be subject to public registration.

3 (e) Notwithstanding subsection (a), when a court orders expungement
4 of a conviction ~~or adjudication~~ **or adjudication** that requires an offender
5 to register pursuant to the Kansas offender registration act, the registration
6 requirement for such conviction ~~or adjudication~~ **or adjudication** does not
7 terminate. Such offender shall be required to continue registering pursuant
8 to the Kansas offender registration act, but shall not be subject to public
9 registration. If a court orders expungement of a conviction ~~or adjudication~~
10 **or adjudication** that requires an offender to register pursuant to the
11 Kansas offender registration act, and the offender has any other conviction
12 ~~or adjudication~~ **or adjudication** that requires registration, such offender
13 shall be required to register pursuant to the Kansas offender registration
14 act, and the registration for such other conviction ~~or adjudication~~ **or**
15 **adjudication** shall be open to inspection by the public and shall be subject
16 to the provisions of subsection (a), ~~unless such registration has been~~
17 ~~ordered restricted pursuant to subsection (f) or (g) of K.S.A. 22-4906, and~~
18 ~~amendments thereto.~~

19 (f) Notwithstanding subsection (a), the following information shall
20 not be disclosed other than to law enforcement agencies:

21 (1) The name, address, telephone number or any other information
22 which specifically and individually identifies the identity of any victim of
23 a registerable offense;

24 (2) the social security number of the offender;

25 (3) the offender's criminal history arrests that did not result in
26 convictions or adjudications;

27 (4) travel and immigration document numbers of the offender; and

28 (5) internet identifiers of the offender.

29 (g) *Notwithstanding subsection (a), registration information for a*
30 *person whose registration has been ordered to be restricted pursuant to*
31 *K.S.A. 22-4906(m), and amendments thereto, shall be made available only*
32 *to law enforcement and shall not be open to inspection by the public or*
33 *posted on any website pursuant to this section.*

34 Sec. 13. K.S.A. 74-7335 is hereby amended to read as follows: 74-
35 7335. (a) The victim of a crime or the victim's family shall be notified of
36 the right to be present at any public hearing or any juvenile offender
37 proceeding concerning the accused or the convicted person or the
38 respondent or the juvenile offender.

39 (b) The victim of a crime or the victim's family shall be notified of
40 the right to be present at any proceeding or hearing where probation or
41 parole is considered or granted by a judge whether or not a public hearing
42 is conducted or required.

43 (c) As used in this section:

1 (1) "Public hearing" means any court proceeding or administrative
2 hearing ~~which that~~ is open to the public and ~~shall include but~~ *includes, but*
3 *is not be* limited to the:

4 (A) Preliminary hearing;

5 (B) trial;

6 (C) sentencing;

7 (D) sentencing modification;

8 (E) public comment sessions, pursuant to K.S.A. 22-3717, and
9 amendments thereto;

10 (F) expungement hearing; ~~and~~

11 (G) granting of probation or parole by a judge; *and*

12 (H) *determination regarding registration under the Kansas offender*
13 *registration act, K.S.A. 22-4901 et seq., and amendments thereto.*

14 (2) "Victim's family" means a spouse, surviving spouse, children,
15 parents, legal guardian, siblings, stepparent or grandparents.

16 (3) "Juvenile offender proceedings" means any hearing concerning a
17 juvenile pursuant to the revised Kansas juvenile justice code.

18 (d) The city, county or district attorney or municipal court clerk shall
19 notify any victim of the crime who is alive and whose address is known to
20 the city, county or district attorney or municipal court clerk or, if the victim
21 is deceased, to the victim's family if the family's address is known to such
22 attorney or clerk.

23 (e) Costs of transportation for the victim to appear shall be borne by
24 the victim unless the appearance is required pursuant to a subpoena or
25 other order of the court.

26 Sec. 14. K.S.A. 74-7335 and K.S.A. 2020 Supp. 21-5913, 21-6614,
27 21-6804, 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-
28 4908 and 22-4909 are hereby repealed.

29 Sec. 15. This act shall take effect and be in force from and after its
30 publication in the statute book.