

**HOUSE BILL No. 2581**

By Committee on Corrections and Juvenile Justice

2-1

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 locations; information required to  
5 register; eliminating registration for certain juvenile offenders;  
6 amending K.S.A. 74-7335 and K.S.A. 2021 Supp. 21-6614, 21-6804,  
7 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and  
8 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.

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. 2021 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. 2021 Supp. 21-6614 is hereby amended to read as  
22 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)  
23 and (f), any person convicted in this state of a traffic infraction, cigarette  
24 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes  
25 committed on or after July 1, 1993, any nongrid felony or felony ranked in  
26 severity levels 6 through 10 of the nondrug grid, or for crimes committed  
27 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in  
28 severity level 4 of the drug grid, or for crimes committed on or after July  
29 1, 2012, any felony ranked in severity level 5 of the drug grid may petition  
30 the convicting court for the expungement of such conviction or related  
31 arrest records if three or more years have elapsed since the person: (A)  
32 Satisfied the sentence imposed; or (B) was discharged from probation, a  
33 community correctional services program, parole, postrelease supervision,  
34 conditional release or a suspended sentence.

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

40 (b) Any person convicted of prostitution, as defined in K.S.A. 21-  
41 3512, prior to its repeal, convicted of a violation of K.S.A. 2021 Supp. 21-  
42 6419, and amendments thereto, or who entered into a diversion agreement  
43 in lieu of further criminal proceedings for such violation, may petition the

1 convicting court for the expungement of such conviction or diversion  
2 agreement and related arrest records if:

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

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

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

25 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its  
26 repeal, or K.S.A. 2021 Supp. 21-5406, and amendments thereto, or as  
27 prohibited by any law of another state that is in substantial conformity  
28 with that statute;

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

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

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

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

41 (6) failing to stop at the scene of an accident and perform the duties  
42 required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604,  
43 and amendments thereto, or required by a law of another state that is in

1 substantial conformity with those statutes;

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

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

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

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

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

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

25 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
26 2021 Supp. 21-5503, and amendments thereto;

27 (2) indecent liberties with a child or aggravated indecent liberties  
28 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,  
29 or K.S.A. 2021 Supp. 21-5506, and amendments thereto;

30 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
31 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and  
32 amendments thereto;

33 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
34 to its repeal, or K.S.A. 2021 Supp. 21-5504, and amendments thereto;

35 (5) indecent solicitation of a child or aggravated indecent solicitation  
36 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,  
37 or K.S.A. 2021 Supp. 21-5508, and amendments thereto;

38 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
39 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto;

40 (7) internet trading in child pornography or aggravated internet  
41 trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514,  
42 and amendments thereto;

43 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its

- 1 repeal, or K.S.A. 2021 Supp. 21-5604, and amendments thereto;
- 2 (9) endangering a child or aggravated endangering a child, as defined
- 3 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2021 Supp.
- 4 21-5601, and amendments thereto;
- 5 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
- 6 or K.S.A. 2021 Supp. 21-5602, and amendments thereto;
- 7 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
- 8 or K.S.A. 2021 Supp. 21-5401, and amendments thereto;
- 9 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
- 10 its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;
- 11 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
- 12 to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments thereto;
- 13 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
- 14 its repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;
- 15 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
- 16 its repeal, or K.S.A. 2021 Supp. 21-5405, and amendments thereto;
- 17 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
- 18 or K.S.A. 2021 Supp. 21-5505, and amendments thereto, when the victim
- 19 was less than 18 years of age at the time the crime was committed;
- 20 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
- 21 its repeal, or K.S.A. 2021 Supp. 21-5505, and amendments thereto;
- 22 (18) a violation of K.S.A. 8-2,144, and amendments thereto,
- 23 including any diversion for such violation; or
- 24 (19) any conviction for any offense in effect at any time prior to July
- 25 1, 2011, that is comparable to any offense as provided in this subsection.
- 26 (f) ~~Notwithstanding any other law to the contrary~~ *Except as provided*
- 27 *in K.S.A. 22-4908, and amendments thereto*, for any offender who is
- 28 required to register as provided in the Kansas offender registration act,
- 29 K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
- 30 expungement of any conviction or any part of the offender's criminal
- 31 record while the offender is required to register as provided in the Kansas
- 32 offender registration act.
- 33 (g) (1) When a petition for expungement is filed, the court shall set a
- 34 date for a hearing of such petition and shall cause notice of such hearing to
- 35 be given to the prosecutor and the arresting law enforcement agency. The
- 36 petition shall state the:
- 37 (A) Defendant's full name;
- 38 (B) full name of the defendant at the time of arrest, conviction or
- 39 diversion, if different than the defendant's current name;
- 40 (C) defendant's sex, race and date of birth;
- 41 (D) crime for which the defendant was arrested, convicted or
- 42 diverted;
- 43 (E) date of the defendant's arrest, conviction or diversion; and

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

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

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

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

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

22 (2) the circumstances and behavior of the petitioner warrant the  
 23 expungement;

24 (3) the expungement is consistent with the public welfare; and

25 (4) with respect to petitions seeking expungement of a felony  
 26 conviction, possession of a firearm by the petitioner is not likely to pose a  
 27 threat to the safety of the public.

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

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

1 (2) the petitioner shall disclose that the arrest, conviction or diversion  
2 occurred if asked about previous arrests, convictions or diversions:

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

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

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

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

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

28 (F) upon application for a commercial driver's license under K.S.A.  
29 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

40 (K) to aid in determining the petitioner's qualifications for a license to  
41 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-  
42 7e09, and amendments thereto, and K.S.A. 2021 Supp. 50-6,141, and  
43 amendments thereto;

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

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

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

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

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

22 (2) A person whose arrest record, conviction or diversion of a crime  
23 that resulted in such person being prohibited by state or federal law from  
24 possessing a firearm has been expunged under this statute shall be deemed  
25 to have had such person's right to keep and bear arms fully restored. This  
26 restoration of rights shall include, but not be limited to, the right to use,  
27 transport, receive, purchase, transfer and possess firearms. The provisions  
28 of this paragraph shall apply to all orders of expungement, including any  
29 orders issued prior to July 1, 2021.

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

35 (1) The person whose record was expunged;

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

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

42 (4) the secretary for aging and disability services, or a designee of the  
43 secretary, for the purpose of obtaining information relating to employment



1 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,  
2 of the Kansas department for aging and disability services of any person  
3 whose record has been expunged;

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

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

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

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

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

27 (10) the Kansas racing and gaming commission, or a designee of the  
28 commission, and the request is accompanied by a statement that the  
29 request is being made to aid in determining qualifications of the following  
30 under the Kansas expanded lottery act: (A) Lottery gaming facility  
31 managers and prospective managers, racetrack gaming facility managers  
32 and prospective managers, licensees and certificate holders; and (B) their  
33 officers, directors, employees, owners, agents and contractors;

34 (11) the Kansas sentencing commission;

35 (12) the state gaming agency, and the request is accompanied by a  
36 statement that the request is being made to aid in determining  
37 qualifications: (A) To be an employee of the state gaming agency; or (B)  
38 to be an employee of a tribal gaming commission or to hold a license  
39 issued pursuant to a tribal-gaming compact;

40 (13) the Kansas securities commissioner or a designee of the  
41 commissioner, and the request is accompanied by a statement that the  
42 request is being made in conjunction with an application for registration as  
43 a broker-dealer, agent, investment adviser or investment adviser

1 representative by such agency and the application was submitted by the  
2 person whose record has been expunged;

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

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

11 (16) (A) the attorney general and the request is accompanied by a  
12 statement that the request is being made to aid in determining  
13 qualifications for a license to act as a bail enforcement agent pursuant to  
14 K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A.  
15 2021 Supp. 50-6,141, and amendments thereto; or

16 (B) the attorney general for any other purpose authorized by law,  
17 except that an expungement record shall not be the basis for denial of a  
18 license to carry a concealed handgun under the personal and family  
19 protection act; or

20 (17) the Kansas bureau of investigation, for the purpose of  
21 completing a person's criminal history record information within the  
22 central repository, in accordance with K.S.A. 22-4701 et seq., and  
23 amendments thereto.

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

26 (2) Upon the issuance of an order of expungement that resulted in the  
27 restoration of a person's right to keep and bear arms, the Kansas bureau of  
28 investigation shall report to the federal bureau of investigation that such  
29 expunged record be withdrawn from the national instant criminal  
30 background check system. The Kansas bureau of investigation shall  
31 include such order of expungement in the person's criminal history record  
32 for purposes of documenting the restoration of such person's right to keep  
33 and bear arms.

34 Sec. 4. K.S.A. 2021 Supp. 21-6804 is hereby amended to read as  
35 follows: 21-6804. (a) The provisions of this section shall be applicable to  
36 the sentencing guidelines grid for nondrug crimes. The following  
37 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	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 34 32	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
Prob. Susp.
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. 2021 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. 2021 Supp. 21-  
8 5414~~(b)(3)(c)(1)(C)~~, 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. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-  
23 5414~~(b)(3)(c)(1)(C)~~, 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. 2021 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. 2021 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. 2021 Supp. 21-5807(a)(1), and amendments thereto, or any  
43 attempt or conspiracy, as defined in K.S.A. 2021 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. 2021 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. 2021~~  
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. 2021 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. 2021 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. 2021 Supp. 21-5801, and amendments thereto, or burglary as  
23 defined in K.S.A. 2021 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. 2021 Supp. 21-5801, and amendments thereto, or  
27 burglary as defined in K.S.A. 2021 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. 2021 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. 2021 Supp. 21-5801, and  
33 amendments thereto, or burglary or aggravated burglary as defined in  
34 K.S.A. 2021 Supp. 21-5807, and amendments thereto; or the sentence for a  
35 felony violation of burglary as defined in K.S.A. 2021 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. 2021 Supp.  
39 21-5801, and amendments thereto, or burglary or aggravated burglary as  
40 defined in K.S.A. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-5801,  
20 and amendments thereto, or burglary or aggravated burglary as defined in  
21 K.S.A. 2021 Supp. 21-5807, and amendments thereto; or the sentence for a  
22 violation of burglary as defined in K.S.A. 2021 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. 2021 Supp. 21-5801, and amendments thereto, or  
27 burglary or aggravated burglary as defined in K.S.A. 2021 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~~ *that* 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. 2021 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. 2021 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 of  
41 providing ballistic and trauma protection, including, but not limited to,  
42 bulletproof vests and kevlar vests; and (B) any homemade or fabricated  
43 substance or item designed with the purpose of providing ballistic and

1 trauma protection.

2 (u) The sentence for a violation of K.S.A. 2021 Supp. 21-6107, and  
3 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.  
4 2021 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. 2021 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. 2021 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. 2021 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 2021 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. 2021 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. 2021 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 ~~(3)~~ has been determined to be a sexually violent predator;

33 ~~(4)~~(3) on or after July 1, 1997, is convicted of any of the following  
 34 crimes when one of the parties involved, *other than the offender*, is less  
 35 than 18 years of age:

36 ~~(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or~~  
 37 ~~K.S.A. 2021 Supp. 21-5511, and amendments thereto;~~

38 ~~(B)~~ Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its  
 39 repeal, or K.S.A. 2021 Supp. 21-5504(a)(1) ~~or (a)(2)~~, and amendments  
 40 thereto;

41 ~~(C)~~(B) promoting prostitution, as defined in K.S.A. 21-3513, prior to  
 42 its repeal, or K.S.A. 2021 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;

2 ~~(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its~~  
3 ~~repeal, or K.S.A. 2021 Supp. 21-6421, prior to its amendment by section~~  
4 ~~18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or~~

5 ~~(E)(C) a felony violation of lewd and lascivious behavior, as defined~~  
6 ~~in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2021 Supp. 21-5513(a)(2),~~  
7 ~~and amendments thereto;~~

8 ~~(5)(4) is convicted of sexual battery, as defined in K.S.A. 21-3517,~~  
9 ~~prior to its repeal, or K.S.A. 2021 Supp. 21-5505(a), and amendments~~  
10 ~~thereto;~~

11 ~~(5) is convicted of breach of privacy, as defined in K.S.A. 2021 Supp.~~  
12 ~~21-6101(a)(6) or (a)(7), and amendments thereto;~~

13 ~~(6) is convicted of sexual extortion, as defined in K.S.A. 2021 Supp.~~  
14 ~~21-5515, and amendments thereto;~~

15 ~~(7) is convicted of an attempt, conspiracy or criminal solicitation, as~~  
16 ~~defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or~~  
17 ~~K.S.A. 2021 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto,~~  
18 ~~of an offense defined in this subsection; or~~

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

22 ~~(c) "Sexually violent crime" means:~~

23 ~~(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.~~  
24 ~~2021 Supp. 21-5503, and amendments thereto;~~

25 ~~(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior~~  
26 ~~to its repeal, or K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;~~

27 ~~(3) aggravated indecent liberties with a child, as defined in K.S.A.~~  
28 ~~21-3504, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(b), and~~  
29 ~~amendments thereto;~~

30 ~~(4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),~~  
31 ~~prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and~~  
32 ~~amendments thereto;~~

33 ~~(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior~~  
34 ~~to its repeal, or K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;~~

35 ~~(6) indecent solicitation of a child, as defined in K.S.A. 21-3510,~~  
36 ~~prior to its repeal, or K.S.A. 2021 Supp. 21-5508(a), and amendments~~  
37 ~~thereto;~~

38 ~~(7) aggravated indecent solicitation of a child, as defined in K.S.A.~~  
39 ~~21-3511, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(b), and~~  
40 ~~amendments thereto;~~

41 ~~(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior~~  
42 ~~to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto;~~

43 ~~(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to~~

- 1 its repeal, or K.S.A. 2021 Supp. 21-5505(b), and amendments thereto;
- 2 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
3 repeal, or K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;
- 4 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
5 repeal, and K.S.A. 2021 Supp. 21-5509, and amendments thereto;
- 6 (12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
7 its repeal, or K.S.A. 2021 Supp. 21-5512, and amendments thereto;
- 8 (13) aggravated human trafficking, as defined in K.S.A. 21-3447,  
9 prior to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments  
10 thereto, if committed in whole or in part for the purpose of the sexual  
11 gratification of the defendant or another;
- 12 (14) commercial sexual exploitation of a child, as defined in K.S.A.  
13 2021 Supp. 21-6422, and amendments thereto;
- 14 (15) promoting the sale of sexual relations, as defined in K.S.A. 2021  
15 Supp. 21-6420, and amendments thereto;
- 16 (16) *internet trading in child pornography or aggravated internet*  
17 *trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514,*  
18 *and amendments thereto;*
- 19 ~~(17) any conviction or adjudication~~ for an offense that is comparable  
20 to a sexually violent crime as defined in this subsection, or any out-of-state  
21 conviction ~~or adjudication~~ for an offense that under the laws of this state  
22 would be a sexually violent crime as defined in this subsection;
- 23 ~~(17)~~(18) *any out-of-state juvenile adjudication for an offense that*  
24 *requires registration under the laws of that state;*
- 25 (19) an attempt, conspiracy or criminal solicitation, as defined in  
26 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021  
27 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually  
28 violent crime, as defined in this subsection; or
- 29 ~~(18)~~(20) any act ~~which~~ *that* has been determined beyond a reasonable  
30 doubt to have been sexually motivated, unless the court, on the record,  
31 finds that the act involved non-forcible sexual conduct, the victim was *a*  
32 *child* at least 14 years of age and the offender was not more than four years  
33 older than the victim. As used in this paragraph, "sexually motivated"  
34 means that one of the purposes for which the defendant committed the  
35 crime was for the purpose of the defendant's sexual gratification.
- 36 (d) "Sexually violent predator" means any person who, on or after  
37 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.  
38 59-29a01 et seq., and amendments thereto.
- 39 (e) "Violent offender" includes any person who:
- 40 (1) On or after July 1, 1997, is convicted of any of the following  
41 crimes:
- 42 (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
43 or K.S.A. 2021 Supp. 21-5401, and amendments thereto;

- 1 (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to
- 2 its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;
- 3 (C) murder in the second degree, as defined in K.S.A. 21-3402, prior
- 4 to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments thereto;
- 5 ~~(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its~~
- 6 ~~repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;~~
- 7 ~~(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to~~
- 8 ~~its repeal, or K.S.A. 2021 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and~~
- 9 ~~amendments thereto. The provisions of this paragraph shall not apply to~~
- 10 ~~violations of K.S.A. 2021 Supp. 21-5405(a)(3), and amendments thereto,~~
- 11 ~~which occurred on or after July 1, 2011, through July 1, 2013;~~
- 12 (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
- 13 K.S.A. 2021 Supp. 21-5408(a), and amendments thereto, *when the victim*
- 14 *is less than 18 years of age;*
- 15 ~~(G)(E) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to~~
- 16 ~~its repeal, or K.S.A. 2021 Supp. 21-5408(b), and amendments thereto,~~
- 17 ~~when the victim is less than 18 years of age;~~
- 18 ~~(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its~~
- 19 ~~repeal, or K.S.A. 2021 Supp. 21-5411, and amendments thereto, except by~~
- 20 ~~a parent, and only when the victim is less than 18 years of age; or~~
- 21 ~~(I)(F) aggravated human trafficking, as defined in K.S.A. 21-3447,~~
- 22 ~~prior to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments~~
- 23 ~~thereto, if not committed in whole or in part for the purpose of the sexual~~
- 24 ~~gratification of the defendant or another;~~
- 25 (2) on or after July 1, 2006, is convicted of any person felony and the
- 26 court makes a finding on the record, *in open court and with particularity,*
- 27 *that a deadly weapon was used in the commission of such person felony;*
- 28 (3) has been convicted of an offense that is comparable to any crime
- 29 defined in this subsection, any out-of-state conviction for an offense that
- 30 under the laws of this state would be an offense defined in this subsection;
- 31 or
- 32 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
- 33 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
- 34 K.S.A. 2021 Supp. 21-5301, 21-5302 and 21-5303, and amendments
- 35 thereto, of an offense defined in this subsection.
- 36 (f) "Drug offender" includes any person who, on or after July 1, 2007:
- 37 (1) Is convicted of any of the following crimes:
- 38 (A) Unlawful manufacture or attempting such of any controlled
- 39 substance or controlled substance analog, as defined in K.S.A. 65-4159,
- 40 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
- 41 K.S.A. 2021 Supp. 21-5703, and amendments thereto;
- 42 (B) possession of ephedrine, pseudoephedrine, red phosphorus,
- 43 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized

1 ammonia or phenylpropanolamine, or their salts, isomers or salts of  
2 isomers with intent to use the product to manufacture a controlled  
3 substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010  
4 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2021 Supp. 21-5709(a),  
5 and amendments thereto;

6 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-  
7 36a05(a)(1), prior to its transfer, or K.S.A. 2021 Supp. 21-5705(a)(1), and  
8 amendments thereto. The provisions of this paragraph shall not apply to  
9 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)  
10 which occurred on or after July 1, 2009, through April 15, 2010;

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

15 (3) is or has been convicted of an attempt, conspiracy or criminal  
16 solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to  
17 their repeal, or K.S.A. 2021 Supp. 21-5301, 21-5302 and 21-5303, and  
18 amendments thereto, of an offense defined in this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (A) Convicted of unlawful transmission of a visual depiction of a  
34 child, as defined in K.S.A. 2021 Supp. 21-5611(a), and amendments  
35 thereto, aggravated unlawful transmission of a visual depiction of a child,  
36 as defined in K.S.A. 2021 Supp. 21-5611(b), and amendments thereto, or  
37 unlawful possession of a visual depiction of a child, as defined in K.S.A.  
38 2021 Supp. 21-5610, and amendments thereto;

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

40 (C) *adjudicated as a juvenile offender under the revised Kansas*  
41 *juvenile justice code for an act which, if committed by an adult, would*  
42 *constitute the commission of a crime defined in subsection (t)(1)(A); or*

43 ~~(C) adjudicated as a juvenile offender for an act which if committed~~



1 by an adult would constitute the commission of sexual extortion as defined  
 2 in K.S.A. 2021 Supp. 21-5515, and amendments thereto.

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

6 Sec. 6. K.S.A. 2021 Supp. 22-4903 is hereby amended to read as  
 7 follows: 22-4903. (a) Violation of the Kansas offender registration act is  
 8 the failure by an offender, as defined in K.S.A. 22-4902, and amendments  
 9 thereto, to comply with any and all provisions of such act, including any  
 10 and all duties set forth in K.S.A. 22-4905 through 22-4907, and  
 11 amendments thereto. Any violation of the Kansas offender registration act  
 12 which ~~that~~ continues for more than ~~30~~ 90 consecutive days shall, upon the  
 13 ~~31<sup>st</sup>~~ 91<sup>st</sup> consecutive day, constitute a new and separate offense; and shall  
 14 continue to constitute a new and separate offense every ~~30~~ 90 days  
 15 thereafter for as long as the violation continues.

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

25 (1) *Continues for one year or more; or*

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

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

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

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

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

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 (2) Except as provided in ~~subsection~~ *subsections (c)(3) and (c)(4)*,  
 42 aggravated violation of the Kansas offender registration act is a severity  
 43 level ~~3~~ 8, *nonperson felony.*

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

7        (3) Violation of the Kansas offender registration act or aggravated  
 8 violation of the Kansas offender registration act consisting only of failing  
 9 to remit payment to the sheriff's office as required in K.S.A. 22-4905(t),  
 10 and amendments thereto, is:

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

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

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

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

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

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

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

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

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

37        Sec. 7. K.S.A. 2021 Supp. 22-4904 is hereby amended to read as  
 38 follows: 22-4904. (a) (1) At the time of conviction ~~or adjudication~~ for an  
 39 offense requiring registration as provided in K.S.A. 22-4902, and  
 40 amendments thereto, the court shall:

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

43        (B) if the offender is released:

- 1 (i) Complete a notice of duty to register, ~~which~~ *and such notice* shall  
2 include *the* title and statute number of conviction ~~or adjudication~~, date of  
3 conviction ~~or adjudication~~, case number, county of conviction ~~or~~  
4 ~~adjudication~~, and the following offender information: Name, address, date  
5 of birth, social security number, race, ethnicity and gender;
- 6 (ii) require the offender to read and sign the notice of duty to register,  
7 which shall include a statement that the requirements provided in this  
8 subsection have been explained to the offender;
- 9 (iii) order the offender to report within three business days to the  
10 registering law enforcement agency in the county or tribal land of  
11 conviction ~~or adjudication~~ and to the registering law enforcement agency  
12 in any place where the offender resides, ~~maintains employment or attends~~  
13 ~~school~~, to complete the registration form with all information and any  
14 updated information required for registration as provided in K.S.A. 22-  
15 4907, and amendments thereto; and
- 16 (iv) provide one copy of the notice of duty to register to the offender  
17 and, within three business days, send a copy of the form to the law  
18 enforcement agency having initial jurisdiction and to the Kansas bureau of  
19 investigation.
- 20 (2) At the time of sentencing or disposition for an offense requiring  
21 registration as provided in K.S.A. 22-4902, and amendments thereto, the  
22 court shall ensure the age of the victim is documented in the journal entry  
23 of conviction ~~or adjudication~~.
- 24 (3) Upon commitment for control, care and treatment by the Kansas  
25 department for aging and disability services pursuant to K.S.A. 59-29a07,  
26 and amendments thereto, the court shall notify the registering law  
27 enforcement agency of the county where the offender resides during  
28 commitment of such offender's commitment. Such notice shall be prepared  
29 by the office of the attorney general for transmittal by the court by  
30 electronic means, including by fax or e-mail.
- 31 (b) The staff of any correctional facility or the registering law  
32 enforcement agency's designee shall:
- 33 (1) At the time of initial custody, register any offender within three  
34 business days:
- 35 (A) Inform the offender of the procedure for registration and of the  
36 offender's registration requirements as provided in K.S.A. 22-4905, and  
37 amendments thereto;
- 38 (B) complete the registration form with all information and updated  
39 information required for registration as provided in K.S.A. 22-4907, and  
40 amendments thereto;
- 41 (C) require the offender to read and sign the registration form, which  
42 shall include a statement that the requirements provided in this subsection  
43 have been explained to the offender;

1 (D) provide one copy of the form to the offender and, within three  
2 business days, send a copy of the form to the Kansas bureau of  
3 investigation; and

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

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

13 (3) prior to any offender being discharged, paroled, furloughed or  
14 released on work or school release that does not require the daily return to  
15 a correctional facility;

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

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

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

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

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

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

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

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

36 (1) Within three business days of an offender's arrival for inpatient  
37 treatment, inform the registering law enforcement agency of the county or  
38 location of jurisdiction in which the treatment facility is located of the  
39 offender's presence at the treatment facility and the expected duration of  
40 the treatment, and immediately notify the registering law enforcement  
41 agency of an unauthorized or unexpected absence of the offender during  
42 the offender's treatment;

43 (2) inform the registering law enforcement agency of the county or

- 1 location of jurisdiction in which the treatment facility is located within
- 2 three business days of an offender's discharge or release; and
- 3 (3) provide information upon request to any registering law
- 4 enforcement agency having jurisdiction relevant to determining the
- 5 presence of an offender within the treatment facility.
- 6 (d) The registering law enforcement agency, upon the reporting of
- 7 any offender, shall:
  - 8 (1) Inform the offender of the duty to register as provided by the
  - 9 Kansas offender registration act;
  - 10 (2) (A) explain the procedure for registration and the offender's
  - 11 registration requirements as provided in K.S.A. 22-4905, and amendments
  - 12 thereto;
  - 13 (B) obtain the information required for registration as provided in
  - 14 K.S.A. 22-4907, and amendments thereto; and
  - 15 (C) require the offender to read and sign the registration form, which
  - 16 shall include a statement that the requirements provided in this subsection
  - 17 have been explained to the offender;
  - 18 (3) complete the registration form with all information and updated
  - 19 information required for registration, as provided in K.S.A. 22-4907, and
  - 20 amendments thereto, each time the offender reports to the registering law
  - 21 enforcement agency. All information and updated information reported by
  - 22 an offender shall be forwarded to the Kansas bureau of investigation
  - 23 within three business days;
  - 24 (4) maintain the original signed registration form, provide one copy
  - 25 of the completed registration form to the offender and, within three
  - 26 business days, send one copy of the completed form to the Kansas bureau
  - 27 of investigation;
  - 28 (5) forward a copy of any certified letter used for reporting pursuant
  - 29 to K.S.A. 22-4905, and amendments thereto, when utilized, within three
  - 30 business days to the Kansas bureau of investigation;
  - 31 (6) obtain registration information from every offender required to
  - 32 register regardless of whether or not the offender remits payment;
  - 33 (7) upon every required reporting, update the photograph or
  - 34 photographs of the offender's face and any new identifying marks and
  - 35 immediately forward copies or electronic files of the photographs to the
  - 36 Kansas bureau of investigation;
  - 37 (8) enter all offender information required by the national crime
  - 38 information center into the national sex offender registry system within
  - 39 three business days of completing the registration or electronically submit
  - 40 all information and updated information required for registration as
  - 41 provided in K.S.A. 22-4907, and amendments thereto, within three
  - 42 business days to the Kansas bureau of investigation;
  - 43 (9) maintain a special fund for the deposit and maintenance of fees

1 paid by offenders. All funds retained by the registering law enforcement  
2 agency pursuant to the provisions of this section shall be credited to a  
3 special fund of the registering law enforcement agency ~~which~~ that shall be  
4 used solely for law enforcement and criminal prosecution purposes and  
5 ~~which~~ that shall not be used as a source of revenue to reduce the amount of  
6 funding otherwise made available to the registering law enforcement  
7 agency; and

8 (10) forward any initial registration and updated registration  
9 information within three business days to any out-of-state jurisdiction  
10 where the offender is expected to reside, maintain employment or attend  
11 school.

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

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

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

20 (C) transmit offender conviction ~~or adjudication~~ data, fingerprints and  
21 palm prints to the federal bureau of investigation; and

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

26 (2) The director of the Kansas bureau of investigation may adopt  
27 rules and regulations necessary to implement the provisions of the Kansas  
28 offender registration act.

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

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

43 (h) The secretary of health and environment shall annually notify any

1 licensed child care facility of the Kansas bureau of investigation internet  
2 website, and any internet website containing information on the Kansas  
3 offender registration sponsored or created by the registering law  
4 enforcement agency of the county in which the facility is located, for the  
5 purpose of locating offenders who reside near such facility. Such  
6 notification shall include information that the registering law enforcement  
7 agency of the county or location of jurisdiction where such child care  
8 facility is located is available to the child care facilities to assist in using  
9 the registry and providing additional information on registered offenders.

10 (i) Upon request, the clerk of any court of record shall provide the  
11 Kansas bureau of investigation copies of complaints, indictments,  
12 information, journal entries, commitment orders or any other documents  
13 necessary to the performance of the duties of the Kansas bureau of  
14 investigation under the Kansas offender registration act. No fees or  
15 charges for providing such documents may be assessed.

16 Sec. 8. K.S.A. 2021 Supp. 22-4905 is hereby amended to read as  
17 follows: 22-4905. Any offender required to register as provided in the  
18 Kansas offender registration act shall:

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

31 (b) except as provided further, for any: (1) Sex offender, including a  
32 violent offender or drug offender who is also a sex offender, report in  
33 person four times each year to the registering law enforcement agency in  
34 the county or location of jurisdiction ~~in which~~ *where* the offender resides,  
35 ~~maintains employment or is attending a school;~~ and (2) violent offender or  
36 drug offender, report in person four times each year to the registering law  
37 enforcement agency in the county or location of jurisdiction ~~in which~~  
38 ~~where~~ the offender resides, ~~maintains employment or is attending a school;~~  
39 except that, at the discretion of the registering law enforcement agency,  
40 one of the four required reports may be conducted by certified letter. When  
41 utilized, the certified letter for reporting shall be sent by the registering law  
42 enforcement agency to the reported residence of the offender. The offender  
43 shall indicate any changes in information as required for reporting in

1 person. The offender shall respond by returning the certified letter to the  
2 registering law enforcement agency within 10 business days by certified  
3 mail. The offender shall be required to report to the registering law  
4 enforcement agency once during the month of the offender's birthday and  
5 every third, sixth and ninth month occurring before and after the month of  
6 the offender's birthday. The registering law enforcement agency may  
7 determine the appropriate times and days for reporting by the offender,  
8 consistent with this subsection. Nothing contained in this subsection shall  
9 be construed to alleviate any offender from meeting the requirements  
10 prescribed in the Kansas offender registration act;

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

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

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

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

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

42 (2) provide a list of places where the offender may be contacted and  
43 where the offender intends to sleep and otherwise frequent during the



1 period of time prior to the next required date of registration;

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

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

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

14 (j) if receiving inpatient treatment at any treatment facility, inform the  
15 treatment facility of the offender's status as an offender and inform the  
16 registering law enforcement agency of the county or location of  
17 jurisdiction ~~in which~~ *where* the treatment facility is located of the  
18 offender's presence at the treatment facility and the expected duration of  
19 the treatment;

20 (k) submit to the taking of an updated photograph by the registering  
21 law enforcement agency on each occasion when the offender registers with  
22 or reports to the registering law enforcement agency in the county or  
23 location of jurisdiction ~~in which~~ *where* the offender resides, ~~maintains~~  
24 ~~employment or attends school~~. In addition, such offender shall submit to  
25 the taking of a photograph to document any changes in identifying  
26 characteristics, including, but not limited to, scars, marks and tattoos;

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

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

37 (2) when an offender provides updates or changes in information or  
38 during an initial registration unless such updates, changes or initial  
39 registration is during the month of such offender's birthday and every  
40 third, sixth and ninth month occurring before and after the month of the  
41 offender's birthday;

42 (2)(3) when an offender is transient and is required to register every  
43 30 days, or more frequently as ordered by the registering law enforcement

1 agency, except during the month of the offender's birthday and every third,  
 2 sixth and ninth month occurring before and after the month of the  
 3 offender's birthday;~~or~~

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

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

11 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and  
 12 amendments thereto, and annually renew any identification card pursuant  
 13 to K.S.A. 2021 Supp. 8-1325a, and amendments thereto;

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

20 (o) read and sign the registration form noting whether the  
 21 requirements provided in this section have been explained to the offender;  
 22 and

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

30 Sec. 9. K.S.A. 2021 Supp. 22-4906 is hereby amended to read as  
 31 follows: 22-4906. (a) (1) Except as provided in subsection~~(e)~~ (d), if  
 32 convicted of any of the following offenses, an offender's duration of  
 33 registration shall be, if confined, 15 years after the date of parole,  
 34 discharge or release, whichever date is most recent, or, if not confined, 15  
 35 years from the date of conviction:

36 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
 37 or K.S.A. 2021 Supp. 21-5505(a), and amendments thereto;

38 ~~(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or~~  
 39 ~~K.S.A. 2021 Supp. 21-5511, and amendments thereto, when one of the~~  
 40 ~~parties involved is less than 18 years of age;~~

41 ~~(C)~~ promoting the sale of sexual relations, as defined in K.S.A. 2021  
 42 Supp. 21-6420, and amendments thereto;

43 ~~(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its~~

1 ~~repeal, or K.S.A. 2021 Supp. 21-6421, prior to its amendment by section~~  
 2 ~~18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,~~  
 3 ~~when one of the parties involved is less than 18 years of age;~~

4 ~~(E)(C) a felony violation of lewd and lascivious behavior, as defined~~  
 5 ~~in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2021 Supp. 21-5513(a)(2),~~  
 6 ~~and amendments thereto, when one of the parties involved is less than 18~~  
 7 ~~years of age;~~

8 ~~(F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,~~  
 9 ~~or K.S.A. 2021 Supp. 21-5401, and amendments thereto;~~

10 ~~(G) murder in the first degree, as defined in K.S.A. 21-3401, prior to its~~  
 11 ~~repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto;~~

12 ~~(H)(D) murder in the second degree, as defined in K.S.A. 21-3402,~~  
 13 ~~prior to its repeal, or K.S.A. 2021 Supp. 21-5403, and amendments~~  
 14 ~~thereto;~~

15 ~~(I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its~~  
 16 ~~repeal, or K.S.A. 2021 Supp. 21-5404, and amendments thereto;~~

17 ~~(J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to~~  
 18 ~~its repeal, or K.S.A. 2021 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and~~  
 19 ~~amendments thereto;~~

20 ~~(K) criminal restraint, as defined in K.S.A. 21-3424, prior to its~~  
 21 ~~repeal, or K.S.A. 2021 Supp. 21-5411, and amendments thereto, except by~~  
 22 ~~a parent, and only when the victim is less than 18 years of age;~~

23 ~~(E) breach of privacy, as defined in K.S.A. 2021 Supp. 21-6101(a)(6)~~  
 24 ~~or (a)(7), and amendments thereto;~~

25 ~~(F) kidnapping, as defined in K.S.A. 2021 Supp. 21-5408(a), and~~  
 26 ~~amendments thereto, when the victim is less than 18 years of age;~~

27 ~~(L)(G) sexual extortion, as defined in K.S.A. 2021 Supp. 21-5515,~~  
 28 ~~and amendments thereto, when one of the parties involved is less than 18~~  
 29 ~~years of age;~~

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

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

38 ~~(O) conviction of any person felony and the court makes a finding on~~  
 39 ~~the record that a deadly weapon was used in the commission of such~~  
 40 ~~person felony;~~

41 ~~(P)(I) unlawful manufacture or attempting such of any controlled~~  
 42 ~~substance or controlled substance analog, as defined in K.S.A. 65-4159,~~  
 43 ~~prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or~~

1 K.S.A. 2021 Supp. 21-5703, and amendments thereto;

2 ~~(Q) possession of ephedrine, pseudoephedrine, red phosphorus,~~  
 3 ~~lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized~~  
 4 ~~ammonia or phenylpropanolamine, or their salts, isomers or salts of~~  
 5 ~~isomers with intent to use the product to manufacture a controlled~~  
 6 ~~substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.~~  
 7 ~~2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2021 Supp. 21-~~  
 8 ~~5709(a), and amendments thereto;~~

9 ~~(R) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-~~  
 10 ~~36a05(a)(1), prior to its transfer, or K.S.A. 2021 Supp. 21-5705(a)(1), and~~  
 11 ~~amendments thereto; or~~

12 ~~(S)(J) any attempt, conspiracy or criminal solicitation, as defined in~~  
 13 ~~K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021~~  
 14 ~~Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an~~  
 15 ~~offense defined in this subsection.~~

16 (2) Except as otherwise provided by the Kansas offender registration  
 17 act, the duration of registration terminates, if not confined, at the  
 18 expiration of 15 years from the date of conviction. Any period of time  
 19 during which any offender is incarcerated in any jail or correctional  
 20 facility or during which the offender does not comply with any and all  
 21 requirements of the Kansas offender registration act shall not count toward  
 22 the duration of registration.

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

28 (A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its  
 29 repeal, or K.S.A. 2021 Supp. 21-5504(a)(1) ~~or (a)(2)~~, and amendments  
 30 thereto, when one of the parties involved *other than the offender* is less  
 31 than 18 years of age;

32 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
 33 prior to its repeal, or K.S.A. 2021 Supp. 21-5508(a), and amendments  
 34 thereto;

35 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its  
 36 repeal, or K.S.A. 2021 Supp. 21-5509, and amendments thereto;

37 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
 38 repeal, or K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;

39 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
 40 to its repeal, or K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;

41 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to  
 42 its repeal, or K.S.A. 2021 Supp. 21-5512, and amendments thereto;

43 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior

1 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto, if  
2 the victim is 14 or more years of age but less than 18 years of age;

3 (H) *internet trading in child pornography, as defined in K.S.A. 2021*  
4 *Supp. 21-5514, and amendments thereto;*

5 (I) *aggravated internet trading in child pornography, as defined in*  
6 *K.S.A. 2021 Supp. 21-5514, and amendments thereto, if the victim is 14 or*  
7 *more years of age but less than 18 years of age;*

8 (J) *aggravated sexual battery, as defined in K.S.A. 21-3518, prior to*  
9 *its repeal, or K.S.A. 2021 Supp. 21-5505(b), and amendments thereto;*

10 ~~(H)~~(K) *promoting prostitution, as defined in K.S.A. 21-3513, prior to*  
11 *its repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by*  
12 *section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1,*  
13 *2013, if the person selling sexual relations is 14 or more years of age but*  
14 *less than 18 years of age; or*

15 ~~(H)~~(L) *any attempt, conspiracy or criminal solicitation, as defined in*  
16 *K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021*  
17 *Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an*  
18 *offense defined in this subsection.*

19 (2) *Except as otherwise provided by the Kansas offender registration*  
20 *act, the duration of registration terminates, if not confined, at the*  
21 *expiration of 25 years from the date of conviction. Any period of time*  
22 *during which any offender is incarcerated in any jail or correctional*  
23 *facility or during which the offender does not comply with any and all*  
24 *requirements of the Kansas offender registration act shall not count toward*  
25 *the duration of registration.*

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

31 (A) *Possession of ephedrine, pseudoephedrine, red phosphorus,*  
32 *lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized*  
33 *ammonia or phenylpropanolamine, or their salts, isomers or salts of*  
34 *isomers with intent to use the product to manufacture a controlled*  
35 *substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.*  
36 *2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2021 Supp. 21-*  
37 *5709(a), and amendments thereto;*

38 (B) *K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-*  
39 *36a05(a)(1), prior to its transfer, or K.S.A. 2021 Supp. 21-5705(a)(1), and*  
40 *amendments thereto;*

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

1       (D) *any attempt, conspiracy or criminal solicitation, as defined in*  
2 *K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021*  
3 *Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an*  
4 *offense defined in this subsection.*

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

12       (d) (1) Upon a second or subsequent conviction of an offense  
13 requiring registration as a sex offender or a violent offender, an offender's  
14 duration of registration shall be for such offender's lifetime.

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

18       ~~(d)~~(e) The duration of registration for any offender who has been  
19 convicted of any of the following offenses shall be for such offender's  
20 lifetime:

21       (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
22 2021 Supp. 21-5503, and amendments thereto;

23       (2) aggravated indecent solicitation of a child, as defined in K.S.A.  
24 21-3511, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(b), and  
25 amendments thereto;

26       (3) aggravated indecent liberties with a child, as defined in K.S.A.  
27 21-3504, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(b), and  
28 amendments thereto;

29       (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
30 prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) or (a)(4), and  
31 amendments thereto;

32       (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
33 to its repeal, or K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;

34       (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior  
35 to its repeal, or K.S.A. 2021 Supp. 21-5426(b), and amendments thereto;

36       (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
37 to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto, if  
38 the victim is less than 14 years of age;

39       (8) *aggravated internet trading in child pornography, as defined in*  
40 *K.S.A. 2021 Supp. 21-5514, and amendments thereto, if the victim is less*  
41 *than 14 years of age;*

42       (9) promoting prostitution, as defined in K.S.A. 21-3513, prior to its  
43 repeal, or K.S.A. 2021 Supp. 21-6420, prior to its amendment by section

1 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if  
2 the person selling sexual relations is less than 14 years of age;

3 ~~(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or~~  
4 ~~K.S.A. 2021 Supp. 21-5408(a), and amendments thereto;~~

5 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its  
6 repeal, or K.S.A. 2021 Supp. 21-5408(b), and amendments thereto, *when*  
7 *the victim is less than 18 years of age;*

8 (11) commercial sexual exploitation of a child, as defined in K.S.A.  
9 2021 Supp. 21-6422, and amendments thereto;

10 (12) *capital murder, as defined in K.S.A. 2021 Supp. 21-3439, prior*  
11 *to its repeal, or K.S.A. 2021 Supp. 21-5401, and amendments thereto;*

12 (13) *murder in the first degree, as defined in K.S.A. 21-3401, prior to*  
13 *its repeal, or K.S.A. 2021 Supp. 21-5402, and amendments thereto; or*

14 ~~(12)(14)~~ (14) any attempt, conspiracy or criminal solicitation, as defined  
15 in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A.  
16 2021 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an  
17 offense defined in this subsection.

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

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

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

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

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

43 ~~If such offender violates a condition of release during the term of the~~

1 conditional release, the court may require such offender to register  
2 pursuant to paragraph (1).

3 ~~(g) Notwithstanding any other provisions of this section, for an~~  
4 ~~offender 14 years of age or more who is adjudicated as a juvenile offender~~  
5 ~~for an act which if committed by an adult would constitute a sexually~~  
6 ~~violent crime set forth in K.S.A. 22-4902(e), and amendments thereto, and~~  
7 ~~such crime is not an off-grid felony or a felony ranked in severity level 1~~  
8 ~~of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or~~  
9 ~~K.S.A. 2021 Supp. 21-6804, and amendments thereto, the court shall:~~

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

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

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

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

30 ~~(h) Notwithstanding any other provisions of this section, an offender~~  
31 ~~14 years of age or more who is adjudicated as a juvenile offender for an~~  
32 ~~act which if committed by an adult would constitute a sexually violent~~  
33 ~~crime set forth in K.S.A. 22-4902(e), and amendments thereto, and such~~  
34 ~~crime is an off-grid felony or a felony ranked in severity level 1 of the~~  
35 ~~nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.~~  
36 ~~2021 Supp. 21-6804, and amendments thereto, shall be required to register~~  
37 ~~for such offender's lifetime.~~

38 ~~(i)(g) Notwithstanding any other provision of law, if a diversionary~~  
39 ~~agreement or probation order, either adult or juvenile, or a juvenile~~  
40 ~~offender sentencing order, an agreement entered into by the parties~~  
41 ~~requires registration under the Kansas offender registration act for an~~  
42 ~~offense that would not otherwise require registration as provided in K.S.A.~~  
43 ~~22-4902(a)(5), and amendments thereto, then all provisions of the Kansas~~



1 offender registration act shall apply, except that the duration of registration  
 2 shall be controlled by such ~~diversionary agreement, probation order or~~  
 3 ~~juvenile offender sentencing order.~~

4 ~~(j)~~(h) The duration of registration does not terminate if the convicted  
 5 ~~or adjudicated~~ offender again becomes liable to register as provided by the  
 6 Kansas offender registration act during the required period of registration.

7 ~~(k)~~(i) For any person moving to Kansas who has been convicted ~~or~~  
 8 ~~adjudicated~~ in an out-of-state court, or who was required to register under  
 9 an out-of-state law, the duration of registration shall be the length of time  
 10 required by the out-of-state jurisdiction or by the Kansas offender  
 11 registration act, whichever length of time is longer. The provisions of this  
 12 subsection shall apply to convictions ~~or adjudications~~ prior to June 1,  
 13 2006, and to persons who moved to Kansas prior to June 1, 2006, and to  
 14 convictions ~~or adjudications~~ on or after June 1, 2006, and to persons who  
 15 moved to Kansas on or after June 1, 2006.

16 (j) *For any person moving to Kansas who has been adjudicated as a*  
 17 *juvenile offender in an out-of-state court and who was required to register*  
 18 *under an out-of-state law, the duration of registration shall be the length*  
 19 *of time required by the out-of-state jurisdiction.*

20 ~~(k)~~(k) For any person residing, maintaining employment or attending  
 21 school in this state who has been convicted ~~or adjudicated~~ by an out-of-  
 22 state court of an offense that is comparable to any crime requiring  
 23 registration pursuant to the Kansas offender registration act, but who was  
 24 not required to register in the jurisdiction of conviction ~~or adjudication~~, the  
 25 duration of registration shall be the duration required for the comparable  
 26 offense pursuant to the Kansas offender registration act.

27 (l) *Registration information for a person required to register for an*  
 28 *offense described in subsection (c)(1)(A) or (c)(1)(B), or any attempt,*  
 29 *conspiracy or criminal solicitation of an offense described in subsection*  
 30 *(c)(1)(A) or (c)(1)(B), shall be made available only to law enforcement*  
 31 *and shall not be open to inspection by the public or posted on any website,*  
 32 *as provided in K.S.A. 22-4909, and amendments thereto.*

33 Sec. 10. K.S.A. 2021 Supp. 22-4907 is hereby amended to read as  
 34 follows: 22-4907. (a) Registration as required by the Kansas offender  
 35 registration act shall consist of a form approved by the Kansas bureau of  
 36 investigation, which shall include a statement that the requirements  
 37 provided in this section have been reviewed and explained to the offender,  
 38 and shall be signed by the offender and, except when such reporting is  
 39 conducted by certified letter as provided in ~~subsection (b) of~~ K.S.A. 22-  
 40 4905(b), and amendments thereto, witnessed by the person registering the  
 41 offender. Such registration form shall include the following offender  
 42 information:

- 43 (1) Name and all alias names;

- 1 (2) date and city, state and country of birth, and any alias dates or  
2 places of birth;
- 3 (3) title and statute number of each offense or offenses committed,  
4 date of each conviction ~~or adjudication~~ and court case numbers for each  
5 conviction ~~or adjudication~~;
- 6 (4) city, county, state or country of conviction ~~or adjudication~~;
- 7 (5) sex and date of birth or purported age of each victim of all  
8 offenses requiring registration;
- 9 (6) current residential address, any anticipated future residence and  
10 any temporary lodging information including, but not limited to, address,  
11 telephone number and dates of travel for any place ~~in which~~ *where* the  
12 offender is staying for seven or more days; and, if transient, the locations  
13 where the offender has stayed and frequented since last reporting for  
14 registration;
- 15 (7) all telephone numbers at which the offender may be contacted,  
16 including, but not limited to, all mobile telephone numbers;
- 17 (8) social security number, and all alias social security numbers;
- 18 (9) identifying characteristics such as race, ethnicity, skin tone, sex,  
19 age, height, weight, hair and eye color, scars, tattoos and blood type;
- 20 (10) occupation and name, address or addresses and telephone  
21 number of employer or employers, and name of any anticipated employer  
22 and place of employment;
- 23 (11) all current driver's licenses or identification cards, including a  
24 photocopy of all such driver's licenses or identification cards and their  
25 numbers, states of issuance and expiration dates;
- 26 (12) all vehicle information, including the license plate number,  
27 registration number and any other identifier and description of any vehicle  
28 owned or operated by the offender, or any vehicle the offender regularly  
29 drives, either for personal use or in the course of employment, and  
30 information concerning the location or locations such vehicle or vehicles  
31 are habitually parked or otherwise kept;
- 32 (13) license plate number, registration number or other identifier and  
33 description of any aircraft or watercraft owned or operated by the offender,  
34 and information concerning the location or locations such aircraft or  
35 watercraft are habitually parked, docked or otherwise kept;
- 36 (14) all professional licenses, designations and certifications;
- 37 (15) documentation of any treatment received for a mental  
38 abnormality or personality disorder of the offender; for purposes of  
39 documenting the treatment received, registering law enforcement agencies,  
40 correctional facility officials, treatment facility officials and courts may  
41 rely on information that is readily available to them from existing records  
42 and the offender;
- 43 (16) a photograph or photographs;

1 (17) fingerprints and palm prints;

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

4 (19) any and all: ~~E-mail~~ *Email* addresses; online identities used by the  
5 offender on the internet; information relating to membership in any and all  
6 personal web pages or online social networks; and internet screen names;

7 (20) all travel and immigration documents; and

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

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

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

27 Sec. 11. K.S.A. 2021 Supp. 22-4908 is hereby amended to read as  
28 follows: 22-4908. ~~No person required to register as an offender pursuant to~~  
29 ~~the Kansas offender registration act shall be granted an order relieving the~~  
30 ~~offender of further registration under this act. This section shall include~~  
31 ~~any person with any out-of-state conviction or adjudication for an offense~~  
32 ~~that would require registration under the laws of this state (a) Except as~~  
33 ~~provided in subsections (b), (c) and (d), any offender who is required to~~  
34 ~~register under the Kansas offender registration act may file a verified~~  
35 ~~petition for relief from registration requirements if:~~

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

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

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

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

11       (1) *An offender who was convicted of an offense prior to July 1, 2011,*  
12 *that, at the time of conviction, did not require such offender to register*  
13 *under the Kansas offender registration act, but is required to register*  
14 *because of the retroactive application of section 6 of chapter 95 of the*  
15 *2011 Session Laws of Kansas; and*

16       (2) *an offender who was originally required to register under the*  
17 *Kansas offender registration act for 10 years for an offense committed*  
18 *prior to July 1, 2011, but is required to register for a longer period*  
19 *because of the retroactive application of section 6 of chapter 95 of the*  
20 *2011 Session Laws of Kansas.*

21       (c) *An offender who is required to register pursuant to K.S.A. 22-*  
22 *4906(i), and amendments thereto, because of an out-of-state conviction*  
23 *may not petition for relief from registration requirements in this state if the*  
24 *offender would be required to register under the law of the state or*  
25 *jurisdiction where the conviction occurred. If the offender would no longer*  
26 *be required to register under the law of the state or jurisdiction where the*  
27 *conviction occurred, the offender may file a verified petition pursuant to*  
28 *subsection (a) or (b).*

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

33       (e) *Any period of time during which an offender is incarcerated in*  
34 *any jail or correctional facility or during which the offender does not*  
35 *substantially comply with the requirements of the Kansas offender*  
36 *registration act shall not count toward the duration of registration*  
37 *required in subsection (a) or (b).*

38       (f) (1) *A verified petition for relief from registration requirements*  
39 *shall be filed in the district court in the county where the offender was*  
40 *convicted of the offense requiring registration. If the offender was not*  
41 *convicted in this state of the offense requiring registration, such petition*  
42 *shall be filed in the district court of any county where the offender is*  
43 *currently required to register. The docket fee shall be as provided in K.S.A.*

1 60-2001, and amendments thereto.

2 (2) The petition shall include:

3 (A) The offender's full name;

4 (B) the offender's full name at the time of conviction for the offense  
5 or offenses requiring registration, if different than the offender's current  
6 name;

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

8 (D) the offense or offenses requiring registration;

9 (E) the date of conviction for the offense or offenses requiring  
10 registration;

11 (F) the court in which the offender was convicted of the offense or  
12 offenses requiring registration;

13 (G) whether the offender has been arrested, convicted or entered into  
14 a diversion agreement for any crime during the period the offender is  
15 required to register; and

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

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

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

26 (5) The county or district attorney shall notify any victim of the  
27 offense requiring registration who is alive and whose address is known or,  
28 if the victim is deceased, the victim's family if the family's address is  
29 known. The victim or victim's family shall not be compelled to testify or  
30 provide any discovery to the offender.

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

33 (g) (1) The court shall order any petitioning offender who is required  
34 to register for life, except for an offender required to register for life solely  
35 because of a second offense requiring registration pursuant to K.S.A. 22-  
36 4906(d), and amendments thereto, to undergo a risk assessment. The court  
37 may require any other offender who is petitioning for relief under this  
38 section to undergo a risk assessment.

39 (2) Any risk assessment ordered under this subsection shall be  
40 performed by a professional agreed upon by the parties or a professional  
41 approved by the court. Such risk assessment shall be performed at the  
42 offender's expense.

43 (h) The court shall order relief from registration requirements if the

1 offender shows by clear and convincing evidence that:

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

7 (2) the offender's circumstances, behavior and treatment history  
8 demonstrate that the offender is sufficiently rehabilitated to warrant relief;  
9 and

10 (3) registration of the offender is no longer necessary to promote  
11 public safety.

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

15 (j) If the court grants relief from registration requirements, it shall  
16 order that the offender be removed from the offender registry and that the  
17 offender is no longer required to comply with registration requirements.  
18 Within 14 days of any order, the court shall notify the Kansas bureau of  
19 investigation and any local law enforcement agency that registers the  
20 offender that the offender has been granted relief from registration  
21 requirements. The Kansas bureau of investigation shall remove such  
22 offender from any internet website maintained pursuant to K.S.A. 22-4909,  
23 and amendments thereto.

24 (k) An offender may combine a petition for relief under this section  
25 with a petition for expungement under K.S.A. 2021 Supp. 21-6614, and  
26 amendments thereto, if the offense requiring registration is otherwise  
27 eligible for expungement.

28 Sec. 12. K.S.A. 2021 Supp. 22-4909 is hereby amended to read as  
29 follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) ~~and~~,  
30 (f) ~~of this section~~ and (g) and ~~subsections (f) and (g)~~ of K.S.A. 22-  
31 4906(m), and amendments thereto, the statements or any other information  
32 required by the Kansas offender registration act shall be open to inspection  
33 by the public at the registering law enforcement agency, at the  
34 headquarters of the Kansas bureau of investigation and on any internet  
35 website sponsored or created by a registering law enforcement agency or  
36 the Kansas bureau of investigation that contains such statements or  
37 information, and specifically are subject to the provisions of the Kansas  
38 open records act, K.S.A. 45-215 et seq., and amendments thereto.

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

- 1 (1) Name of the offender, including any aliases;
- 2 (2) address of each residence ~~at which~~ *where* the offender resides or  
3 will reside and, if the offender does not have any present or expected  
4 residence address, other information about where the offender has their  
5 home or habitually lives. If current information of this type is not available  
6 because the offender is in violation of the requirement to register or cannot  
7 be located, the website must so note;
- 8 (3) temporary lodging information;
- 9 (4) address of any place where the offender is a student or will be a  
10 student;
- 11 (5) license plate number and a description of any vehicle owned or  
12 operated by the offender, including any aircraft or watercraft;
- 13 (6) physical description of the offender;
- 14 (7) the offense or offenses for which the offender is registered and  
15 any other offense for which the offender has been convicted ~~or~~  
16 ~~adjudicated~~;
- 17 (8) a current photograph of the offender; and
- 18 (9) all professional licenses, designations and certifications.
- 19 (c) Notwithstanding subsection (a), information posted on an internet  
20 website sponsored or created by a registering law enforcement agency or  
21 the Kansas bureau of investigation shall not contain the address of any  
22 place where the offender is an employee or any other information about  
23 where the offender works. Such internet website shall contain a statement  
24 that employment information is publicly available and may be obtained by  
25 contacting the appropriate registering law enforcement agency or by  
26 signing up for community notification through the official website of the  
27 Kansas bureau of investigation.
- 28 (d) Notwithstanding subsection (a), pursuant to a court finding  
29 petitioned by the prosecutor, any offender who is required to register  
30 pursuant to the Kansas offender registration act, but has been provided a  
31 new identity and relocated under the federal witness security program or  
32 who has worked as a confidential informant, or is otherwise a protected  
33 witness, shall be required to register pursuant to the Kansas offender  
34 registration act, but shall not be subject to public registration.
- 35 (e) Notwithstanding subsection (a), when a court orders expungement  
36 of a conviction ~~or adjudication~~ that requires an offender to register  
37 pursuant to the Kansas offender registration act, the registration  
38 requirement for such conviction ~~or adjudication~~ does not terminate. Such  
39 offender shall be required to continue registering pursuant to the Kansas  
40 offender registration act, but shall not be subject to public registration. If a  
41 court orders expungement of a conviction ~~or adjudication~~ that requires an  
42 offender to register pursuant to the Kansas offender registration act, and  
43 the offender has any other conviction ~~or adjudication~~ that requires

1 registration, such offender shall be required to register pursuant to the  
 2 Kansas offender registration act, and the registration for such other  
 3 conviction or adjudication shall be open to inspection by the public and  
 4 shall be subject to the provisions of subsection (a), ~~unless such registration~~  
 5 ~~has been ordered restricted pursuant to subsection (f) or (g) of K.S.A. 22-~~  
 6 ~~4906, and amendments thereto.~~

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

9 (1) The name, address, telephone number or any other information  
 10 ~~which~~ *that* specifically and individually identifies the identity of any  
 11 victim of a registerable offense;

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

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

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

16 (5) internet identifiers of the offender.

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

22 Sec. 13. K.S.A. 74-7335 is hereby amended to read as follows: 74-  
 23 7335. (a) The victim of a crime or the victim's family shall be notified of  
 24 the right to be present at any public hearing or any juvenile offender  
 25 proceeding concerning the accused or the convicted person or the  
 26 respondent or the juvenile offender.

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

31 (c) As used in this section:

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

35 (A) Preliminary hearing;

36 (B) trial;

37 (C) sentencing;

38 (D) sentencing modification;

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

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

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

43 (H) *determination regarding registration under the Kansas offender*



1 *registration act, K.S.A. 22-4901 et seq., and amendments thereto.*

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

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

6 (d) The city, county or district attorney or municipal court clerk shall  
7 notify any victim of the crime who is alive and whose address is known to  
8 the city, county or district attorney or municipal court clerk or, if the victim  
9 is deceased, to the victim's family if the family's address is known to such  
10 attorney or clerk.

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

14 Sec. 14. K.S.A. 74-7335 and K.S.A. 2021 Supp. 21-5913, 21-6614,  
15 21-6804, 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-  
16 4908 and 22-4909 are hereby repealed.

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