

SENATE BILL No. 206

By Committee on Judiciary

2-5

1 AN ACT concerning the Kansas offender registration act; requiring any
2 person convicted of distribution of a controlled substance causing great
3 bodily harm or death to register under the Kansas offender registration
4 act; amending K.S.A. 22-4902 and 22-4906 and repealing the existing
5 sections.
6

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

8 Section 1. K.S.A. 22-4902 is hereby amended to read as follows: 22-
9 4902. As used in the Kansas offender registration act, unless the context
10 otherwise requires:

11 (a) "Offender" means:

12 (1) A sex offender;

13 (2) a violent offender;

14 (3) a drug offender;

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

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

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

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

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

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

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

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

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

34 (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
35 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter
36 120 of the 2013 Session Laws of Kansas on July 1, 2013;

- 1 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
2 repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter
3 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
- 4 (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
5 to its repeal, or K.S.A. 21-5513, and amendments thereto;
- 6 (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior
7 to its repeal, or K.S.A. 21-5505(a), and amendments thereto;
- 8 (6) is convicted of sexual extortion, as defined in K.S.A. 21-5515,
9 and amendments thereto;
- 10 (7) is convicted of breach of privacy, as defined in K.S.A. 21-6101(a)
11 (6), (a)(7) or (a)(8), and amendments thereto;
- 12 (8) is convicted of an attempt, conspiracy or criminal solicitation, as
13 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
14 K.S.A. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense
15 defined in this subsection; or
- 16 (9) has been convicted of an offense that is comparable to any crime
17 defined in this subsection, or any out-of-state conviction for an offense that
18 under the laws of this state would be an offense defined in this subsection.
- 19 (c) "Sexually violent crime" means:
- 20 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
21 21-5503, and amendments thereto;
- 22 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
23 to its repeal, or K.S.A. 21-5506(a), and amendments thereto;
- 24 (3) aggravated indecent liberties with a child, as defined in K.S.A.
25 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments
26 thereto;
- 27 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
28 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments
29 thereto;
- 30 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
31 to its repeal, or K.S.A. 21-5504(b), and amendments thereto;
- 32 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,
33 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;
- 34 (7) aggravated indecent solicitation of a child, as defined in K.S.A.
35 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments
36 thereto;
- 37 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
38 to its repeal, or K.S.A. 21-5510, and amendments thereto;
- 39 (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
40 its repeal, or K.S.A. 21-5505(b), and amendments thereto;
- 41 (10) aggravated incest, as defined in K.S.A. 21-3603, prior to its
42 repeal, or K.S.A. 21-5604(b), and amendments thereto;
- 43 (11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its

1 repeal, and K.S.A. 21-5509, and amendments thereto;

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

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

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

10 (15) promoting the sale of sexual relations, as defined in K.S.A. 21-
11 6420, and amendments thereto;

12 (16) internet trading in child pornography or aggravated internet
13 trading in child pornography, as defined in K.S.A. 21-5514, and
14 amendments thereto;

15 (17) any conviction or adjudication for an offense that is comparable
16 to a sexually violent crime as defined in this subsection, or any out-of-state
17 conviction or adjudication for an offense that under the laws of this state
18 would be a sexually violent crime as defined in this subsection;

19 (18) an attempt, conspiracy or criminal solicitation, as defined in
20 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
21 5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent
22 crime, as defined in this subsection; or

23 (19) any act that has been determined beyond a reasonable doubt to
24 have been sexually motivated, unless the court, on the record, finds that
25 the act involved non-forcible sexual conduct, the victim was at least 14
26 years of age and the offender was not more than four years older than the
27 victim. As used in this paragraph, "sexually motivated" means that one of
28 the purposes for which the defendant committed the crime was for the
29 purpose of the defendant's sexual gratification.

30 (d) "Sexually violent predator" means any person who, on or after
31 July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A.
32 59-29a01 et seq., and amendments thereto.

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

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

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

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

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

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

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

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

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

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

13 (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
14 to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if not
15 committed in whole or in part for the purpose of the sexual gratification of
16 the defendant or another; *or*

17 (J) *distribution of a controlled substance causing great bodily harm*
18 *or death, as defined in K.S.A. 21-5430, and amendments thereto;*

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

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

26 (4) is convicted of an attempt, conspiracy or criminal solicitation, as
27 defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or
28 K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
29 offense defined in this subsection.

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

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

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

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

43 (C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-

1 36a05(a)(1), prior to its transfer, or K.S.A. 21-5705(a)(1), and
2 amendments thereto. The provisions of this paragraph shall not apply to
3 violations of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b) that
4 occurred on or after July 1, 2009, through April 15, 2010;

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

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

13 (g) Convictions or adjudications that result from or are connected
14 with the same act, or result from crimes committed at the same time, shall
15 be counted for the purpose of this section as one conviction or
16 adjudication. Any conviction or adjudication set aside pursuant to law is
17 not a conviction or adjudication for purposes of this section. A conviction
18 or adjudication from any out-of-state court shall constitute a conviction or
19 adjudication for purposes of this section.

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

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

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

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

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

43 (m) "Law enforcement agency having initial jurisdiction" means the

1 registering law enforcement agency of the county or location of
2 jurisdiction where the offender expects to most often reside upon the
3 offender's discharge, parole or release.

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

6 (o) "Registering entity" means any person, agency or other
7 governmental unit, correctional facility or registering law enforcement
8 agency responsible for obtaining the required information from, and
9 explaining the required registration procedures to, any person required to
10 register pursuant to the Kansas offender registration act. "Registering
11 entity" includes, but is not limited to, sheriff's offices, tribal police
12 departments and correctional facilities.

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

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

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

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

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

27 (A) Convicted of unlawful transmission of a visual depiction of a
28 child, as defined in K.S.A. 21-5611(a), and amendments thereto,
29 aggravated unlawful transmission of a visual depiction of a child, as
30 defined in K.S.A. 21-5611(b), and amendments thereto, or unlawful
31 possession of a visual depiction of a child, as defined in K.S.A. 21-5610,
32 and amendments thereto;

33 (B) adjudicated as a juvenile offender for an act which, if committed
34 by an adult, would constitute the commission of a crime defined in
35 subsection (t)(1)(A);

36 (C) adjudicated as a juvenile offender for an act which, if committed
37 by an adult, would constitute the commission of sexual extortion as
38 defined in K.S.A. 21-5515, and amendments thereto; or

39 (D) adjudicated as a juvenile offender for an act which, if committed
40 by an adult, would constitute a violation of K.S.A. 21-6101(a)(6), (a)(7) or
41 (a)(8), and amendments thereto.

42 (2) Notwithstanding any other provision of law, a court shall not
43 order any person to register under the Kansas offender registration act for

1 the offenses described in subsection (t)(1).

2 Sec. 2. K.S.A. 22-4906 is hereby amended to read as follows: 22-
3 4906. (a) (1) Except as provided in subsection (c), if convicted of any of
4 the following offenses, an offender's duration of registration shall be, if
5 confined, 15 years after the date of parole, discharge or release, whichever
6 date is most recent, or, if not confined, 15 years from the date of
7 conviction:

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

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

13 (C) promoting the sale of sexual relations, as defined in K.S.A. 21-
14 6420, and amendments thereto;

15 (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
16 repeal, or K.S.A. 21-6421, prior to its amendment by section 18 of chapter
17 120 of the 2013 Session Laws of Kansas on July 1, 2013, when one of the
18 parties involved is less than 18 years of age;

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

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

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

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

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

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

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

36 (L) sexual extortion, as defined in K.S.A. 21-5515, and amendments
37 thereto, when one of the parties involved is less than 18 years of age;

38 (M) breach of privacy, as defined in K.S.A. 21-6101(a)(6), (a)(7) or
39 (a)(8), and amendments thereto;

40 (N) any act that has been determined beyond a reasonable doubt to
41 have been sexually motivated, unless the court, on the record, finds that
42 the act involved non-forcible sexual conduct, the victim was at least 14
43 years of age and the offender was not more than four years older than the

1 victim;

2 (O) conviction of any person required by court order to register for an
3 offense not otherwise required as provided in the Kansas offender
4 registration act;

5 (P) conviction of any person felony and the court makes a finding on
6 the record that a deadly weapon was used in the commission of such
7 person felony;

8 (Q) unlawful manufacture or attempting such of any controlled
9 substance or controlled substance analog, as defined in K.S.A. 65-4159,
10 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
11 K.S.A. 21-5703, and amendments thereto;

12 (R) possession of ephedrine, pseudoephedrine, red phosphorus,
13 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
14 ammonia or phenylpropanolamine, or their salts, isomers or salts of
15 isomers with intent to use the product to manufacture a controlled
16 substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A.
17 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 21-5709(a), and
18 amendments thereto;

19 (S) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-
20 36a05(a)(1), prior to its transfer, or K.S.A. 21-5705(a)(1), and
21 amendments thereto;

22 (T) *distribution of a controlled substance causing great bodily harm*
23 *or death, as defined in K.S.A. 21-5430, and amendments thereto; or*

24 (~~T~~)(U) any attempt, conspiracy or criminal solicitation, as defined in
25 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
26 5301, 21-5302 and 21-5303, and amendments thereto, of an offense
27 defined in this subsection.

28 (2) Except as otherwise provided by the Kansas offender registration
29 act, the duration of registration terminates, if not confined, at the
30 expiration of 15 years from the date of conviction. Any period of time
31 during which any offender is incarcerated in any jail or correctional
32 facility or during which the offender does not comply with any and all
33 requirements of the Kansas offender registration act shall not count toward
34 the duration of registration.

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

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

43 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,

1 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;

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

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

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

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

10 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
11 to its repeal, or K.S.A. 21-5510, and amendments thereto, if the victim is
12 14 or more years of age but less than 18 years of age;

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

15 (I) internet trading in child pornography, as defined in K.S.A. 21-
16 5514, and amendments thereto;

17 (J) aggravated internet trading in child pornography, as defined in
18 K.S.A. 21-5514, and amendments thereto, if the victim is 14 or more years
19 of age but less than 18 years of age;

20 (K) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
21 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter
22 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person
23 selling sexual relations is 14 or more years of age but less than 18 years of
24 age; or

25 (L) any 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. 21-
27 5301, 21-5302 and 21-5303, and amendments thereto, of an offense
28 defined in this subsection.

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

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

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

42 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
43 21-5503, and amendments thereto;

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

4 (3) aggravated indecent liberties with a child, as defined in K.S.A.
5 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments
6 thereto;

7 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
8 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments
9 thereto;

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

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

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

17 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
18 repeal, or K.S.A. 21-6420, prior to its amendment by section 17 of chapter
19 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person
20 selling sexual relations is less than 14 years of age;

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

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

25 (11) aggravated internet trading in child pornography, as defined in
26 K.S.A. 21-5514, and amendments thereto, if the victim is less than 14
27 years of age;

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

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

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

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

42 (1) Require registration until such offender reaches 18 years of age, at
43 the expiration of five years from the date of adjudication or, if confined,

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

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

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

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

19 (g) Notwithstanding any other provisions of this section, for an
20 offender 14 years of age or more who is adjudicated as a juvenile offender
21 for an act which, if committed by an adult, would constitute a sexually
22 violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and
23 such crime is not an off-grid felony or a felony ranked in severity level 1
24 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or
25 K.S.A. 21-6804, and amendments thereto, the 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 (h) Notwithstanding any other provisions of this section, an offender
4 14 years of age or more who is adjudicated as a juvenile offender for an
5 act which, if committed by an adult, would constitute a sexually violent
6 crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such
7 crime is an off-grid felony or a felony ranked in severity level 1 of the
8 nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A.
9 21-6804, and amendments thereto, shall be required to register for such
10 offender's lifetime.

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

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

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

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

38 Sec. 3. K.S.A. 22-4902 and 22-4906 are hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after its
40 publication in the statute book.