

HOUSE BILL No. 2475

By Committee on Corrections and Juvenile Justice

Proposed Amendment to HB 2475 - Owens House Corrections and Juvenile Justice Prepared by: Natalie Scott February 17, 2020

1 AN ACT concerning the Kansas offender registration act, relating to drug
2 offenses; law enforcement access, amending K.S.A. 2019 Supp. 22-
3 4906 and 22-4909 and repealing the existing sections.

length of registration

section

4
5 Be it enacted by the Legislature of the State of Kansas:

6 Section 1. K.S.A. 2019 Supp. 22-4906 is hereby amended to read as
7 follows: 22-4906. (a) (1) Except as provided in subsection (e) (d), if
8 convicted of any of the following offenses, an offender's duration of
9 registration shall be, if confined, 15 years after the date of parole,
10 discharge or release, whichever date is most recent, or, if not confined, 15
11 years from the date of conviction:

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

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

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

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

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

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

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

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

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

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

1 or adjudicated offender again becomes liable to register as provided by the
2 Kansas offender registration act during the required period of registration.

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

12 ~~(k)(m)~~ For any person residing, maintaining employment or attending
13 school in this state who has been convicted or adjudicated by an out-of-
14 state court of an offense that is comparable to any crime requiring
15 registration pursuant to the Kansas offender registration act, but who was
16 not required to register in the jurisdiction of conviction or adjudication, the
17 duration of registration shall be the duration required for the comparable
18 offense pursuant to the Kansas offender registration act.

19 ~~(n) Registration information for a person required to register for an~~
20 ~~offense described in subsection (c) shall be made available only to law~~
21 ~~enforcement and shall not be open to inspection by the public or posted on~~
22 ~~any website, as provided in K.S.A. 22-4909, and amendments thereto.~~

strike

23 ~~Sec. 2. K.S.A. 2019 Supp. 22-4909 is hereby amended to read as~~
24 ~~follows: 22-4909. (a) Except as prohibited by subsections (c), (d), (e) and~~
25 ~~(f) of this section and subsections (f) and (g) of and (g) and K.S.A. 22-~~
26 ~~4906(g), (h) and (n), and amendments thereto, the statements or any other~~
27 ~~information required by the Kansas offender registration act shall be open~~
28 ~~to inspection by the public at the registering law enforcement agency, at~~
29 ~~the headquarters of the Kansas bureau of investigation and on any internet~~
30 ~~website sponsored or created by a registering law enforcement agency or~~
31 ~~the Kansas bureau of investigation that contains such statements or~~
32 ~~information, and specifically are subject to the provisions of the Kansas~~
33 ~~open records act, K.S.A. 45-215 et seq., and amendments thereto.~~

Remove Section 2

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

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

40 ~~(2) address of each residence at which the offender resides or will~~
41 ~~reside and, if the offender does not have any present or expected residence~~
42 ~~address, other information about where the offender has their home or~~
43 ~~habitually lives. If current information of this type is not available because~~

1 ~~the offender is in violation of the requirement to register or cannot be~~
2 ~~located, the website must so note;~~

3 ~~(3) temporary lodging information;~~

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

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

8 ~~(6) physical description of the offender;~~

9 ~~(7) the offense or offenses for which the offender is registered and~~
10 ~~any other offense for which the offender has been convicted or~~
11 ~~adjudicated;~~

12 ~~(8) a current photograph of the offender; and~~

13 ~~(9) all professional licenses, designations and certifications.~~

14 ~~(c) Notwithstanding subsection (a), information posted on an internet~~
15 ~~website sponsored or created by a registering law enforcement agency or~~
16 ~~the Kansas bureau of investigation shall not contain the address of any~~
17 ~~place where the offender is an employee or any other information about~~
18 ~~where the offender works. Such internet website shall contain a statement~~
19 ~~that employment information is publicly available and may be obtained by~~
20 ~~contacting the appropriate registering law enforcement agency or by~~
21 ~~signing up for community notification through the official website of the~~
22 ~~Kansas bureau of investigation.~~

23 ~~(d) Notwithstanding subsection (a), pursuant to a court finding~~
24 ~~petitioned by the prosecutor, any offender who is required to register~~
25 ~~pursuant to the Kansas offender registration act, but has been provided a~~
26 ~~new identity and relocated under the federal witness security program or~~
27 ~~who has worked as a confidential informant, or is otherwise a protected~~
28 ~~witness, shall be required to register pursuant to the Kansas offender~~
29 ~~registration act, but shall not be subject to public registration.~~

30 ~~(e) Notwithstanding subsection (a), when a court orders expungement~~
31 ~~of a conviction or adjudication that requires an offender to register~~
32 ~~pursuant to the Kansas offender registration act, the registration~~
33 ~~requirement for such conviction or adjudication does not terminate. Such~~
34 ~~offender shall be required to continue registering pursuant to the Kansas~~
35 ~~offender registration act, but shall not be subject to public registration. If a~~
36 ~~court orders expungement of a conviction or adjudication that requires an~~
37 ~~offender to register pursuant to the Kansas offender registration act, and~~
38 ~~the offender has any other conviction or adjudication that requires~~
39 ~~registration, such offender shall be required to register pursuant to the~~
40 ~~Kansas offender registration act, and the registration for such other~~
41 ~~conviction or adjudication shall be open to inspection by the public and~~
42 ~~shall be subject to the provisions of subsection (a), unless such registration~~
43 ~~has been ordered restricted pursuant to subsection (f) or (g) of K.S.A. 22-~~

1 ~~4906(g), (h) or (n), and amendments thereto.~~
 2 ~~(f) Notwithstanding subsection (a), the following information shall~~
 3 ~~not be disclosed other than to law enforcement agencies:~~
 4 ~~(1) The name, address, telephone number or any other information~~
 5 ~~which specifically and individually identifies the identity of any victim of~~
 6 ~~a registerable offense;~~
 7 ~~(2) the social security number of the offender;~~
 8 ~~(3) the offender's criminal history arrests that did not result in~~
 9 ~~convictions or adjudications;~~
 10 ~~(4) travel and immigration document numbers of the offender; and~~
 11 ~~(5) internet identifiers of the offender.~~
 12 ~~(g) Notwithstanding subsection (a), registration information for a~~
 13 ~~person whose registration has been ordered restricted pursuant to K.S.A.~~
 14 ~~22-4906(g), (h) or (n), and amendments thereto, shall be made available~~
 15 ~~only to law enforcement and shall not be open to inspection by the public~~
 16 ~~or posted on any website pursuant to this section.~~
 17 Sec. 3. K.S.A. 2019 Supp. 22-4906 and 22-4909 are hereby repealed.
 18 Sec. 4. This act shall take effect and be in force from and after its
 19 publication in the statute book.

Renumber sections

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