

## HOUSE BILL No. 2213

By Committee on Corrections and Juvenile Justice

1-30

1 AN ACT concerning the Kansas offender registration act; relating to  
2 registration requirements; creating a mechanism to waive fees;  
3 registration at a single location; creating a mechanism to seek relief  
4 from registration for violent offenders; amending K.S.A. 2022 Supp.  
5 22-4904, 22-4905, 22-4907 and 22-4908 and repealing the existing  
6 sections.

7

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

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

15 (b) The court may:

16 (1) Question the offender under oath concerning the contents of the  
17 affidavit; and

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

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

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

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

26 (3) waive the payment for a specified period of time, not to exceed  
27 three years.

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

33 (e) This section shall be a part of and supplemental to the Kansas  
34 offender registration act.

35 Sec. 2. K.S.A. 2022 Supp. 22-4904 is hereby amended to read as  
36 follows: 22-4904. (a) (1) At the time of conviction or adjudication for an

1 offense requiring registration as provided in K.S.A. 22-4902, and  
2 amendments thereto, the court shall:

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

5 (B) if the offender is released:

6 (i) Complete a notice of duty to register, ~~which~~ *and such notice* shall  
7 include title and statute number of conviction or adjudication, date of  
8 conviction or adjudication, case number, county of conviction or  
9 adjudication, and the following offender information: Name, address, date  
10 of birth, social security number, race, ethnicity and gender;

11 (ii) require the offender to read and sign the notice of duty to register;  
12 ~~which~~ *and such notice* shall include a statement that the requirements  
13 provided in this subsection have been explained to the offender;

14 (iii) order the offender to report within three business days to the  
15 registering law enforcement agency in the county or tribal land of  
16 conviction or adjudication and to the registering law enforcement agency  
17 in any place where the offender resides, ~~maintains employment or attends~~  
18 ~~school~~, to complete the registration form with all information and any  
19 updated information required for registration as provided in K.S.A. 22-  
20 4907, and amendments thereto; and

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

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

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

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

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

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

43 (B) complete the registration form with all information and updated

1 information required for registration as provided in K.S.A. 22-4907, and  
2 amendments thereto;

3 (C) require the offender to read and sign the registration form, ~~which~~  
4 *and such form* shall include a statement that the requirements provided in  
5 this subsection have been explained to the offender;

6 (D) provide one copy of the form to the offender and, within three  
7 business days, send a copy of the form to the Kansas bureau of  
8 investigation; and

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

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

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

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

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

27 (C) require the offender to read and sign the registration form, ~~which~~  
28 *and such form* shall include a statement that the requirements provided in  
29 this subsection have been explained to the offender;

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

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

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

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

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

41 (1) Within three business days of an offender's arrival for inpatient  
42 treatment, inform the registering law enforcement agency of the county or  
43 location of jurisdiction ~~in which~~ *where* the treatment facility is located of

1 the offender's presence at the treatment facility and the expected duration  
2 of the treatment, and immediately notify the registering law enforcement  
3 agency of an unauthorized or unexpected absence of the offender during  
4 the offender's treatment;

5 (2) inform the registering law enforcement agency of the county or  
6 location of jurisdiction ~~in which~~ *where* the treatment facility is located  
7 within three business days of an offender's discharge or release; and

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

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

13 (1) Inform the offender of the duty to register as provided by the  
14 Kansas offender registration act;

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

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

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

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

29 (4) maintain the original signed registration form, provide one copy  
30 of the completed registration form to the offender and, within three  
31 business days, send one copy of the completed form to the Kansas bureau  
32 of investigation;

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

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

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

42 (8) enter all offender information required by the national crime  
43 information center into the national sex offender registry system within

1 three business days of completing the registration or electronically submit  
2 all information and updated information required for registration as  
3 provided in K.S.A. 22-4907, and amendments thereto, within three  
4 business days to the Kansas bureau of investigation;

5 (9) maintain a special fund for the deposit and maintenance of fees  
6 paid by offenders. All funds retained by the registering law enforcement  
7 agency pursuant to the provisions of this section shall be credited to a  
8 special fund of the registering law enforcement agency ~~which~~ *that* shall be  
9 used solely for law enforcement and criminal prosecution purposes and  
10 ~~which~~ shall not be used as a source of revenue to reduce the amount of  
11 funding otherwise made available to the registering law enforcement  
12 agency; and

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

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

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

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

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

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

31 (2) The director of the Kansas bureau of investigation may adopt  
32 rules and regulations necessary to implement the provisions of the Kansas  
33 offender registration act.

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

38 (g) The state department of education shall annually notify any school  
39 of the Kansas bureau of investigation internet website, and any internet  
40 website containing information on the Kansas offender registration act  
41 sponsored or created by the registering law enforcement agency of the  
42 county or location of jurisdiction ~~in which~~ *where* the school is located, for  
43 the purpose of locating offenders who reside near such school. Such

1 notification shall include information that the registering law enforcement  
 2 agency of the county or location of jurisdiction where such school is  
 3 located is available to the school to assist in using the registry and  
 4 providing additional information on registered offenders.

5 (h) The secretary of health and environment shall annually notify any  
 6 licensed child care facility of the Kansas bureau of investigation internet  
 7 website, and any internet website containing information on the Kansas  
 8 offender registration sponsored or created by the registering law  
 9 enforcement agency of the county ~~in which~~ *where* the facility is located,  
 10 for the purpose of locating offenders who reside near such facility. Such  
 11 notification shall include information that the registering law enforcement  
 12 agency of the county or location of jurisdiction where such child care  
 13 facility is located is available to the child care facilities to assist in using  
 14 the registry and providing additional information on registered offenders.

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

21 Sec. 3. K.S.A. 2022 Supp. 22-4905 is hereby amended to read as  
 22 follows: 22-4905. Any offender required to register as provided in the  
 23 Kansas offender registration act shall:

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

36 (b) except as provided further, for any: (1) Sex offender, including a  
 37 violent offender or drug offender who is also a sex offender, report in  
 38 person four times each year to the registering law enforcement agency in  
 39 the county or location of jurisdiction ~~in which~~ *where* the offender resides,  
 40 ~~maintains employment or is attending a school;~~ and (2) violent offender or  
 41 drug offender, report in person four times each year to the registering law  
 42 enforcement agency in the county or location of jurisdiction ~~in which~~  
 43 *where* the offender resides, ~~maintains employment or is attending a school;~~

1 except that, at the discretion of the registering law enforcement agency,  
2 one of the four required reports may be conducted by certified letter. When  
3 utilized, the certified letter for reporting shall be sent by the registering law  
4 enforcement agency to the reported residence of the offender. The offender  
5 shall indicate any changes in information as required for reporting in  
6 person. The offender shall respond by returning the certified letter to the  
7 registering law enforcement agency within 10 business days by certified  
8 mail. The offender shall be required to report to the registering law  
9 enforcement agency once during the month of the offender's birthday and  
10 every third, sixth and ninth month occurring before and after the month of  
11 the offender's birthday. The registering law enforcement agency may  
12 determine the appropriate times and days for reporting by the offender,  
13 consistent with this subsection. Nothing contained in this subsection shall  
14 be construed to alleviate any offender from meeting the requirements  
15 prescribed in the Kansas offender registration act;

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

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

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

36 (f) notwithstanding subsections (a) and (b), if the offender is  
37 transient, report in person to the registering law enforcement agency of  
38 such county or location of jurisdiction ~~in which~~ where the offender is  
39 physically present within three business days of arrival in the county or  
40 location of jurisdiction. Such offender shall be required to register in  
41 person with the registering law enforcement agency every 30 days, or  
42 more often at the discretion of the registering law enforcement agency.  
43 Such offender shall comply with the provisions of the Kansas offender

1 registration act and, in addition, shall:

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

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

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

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

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

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

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

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

41 (1) When an offender provides updates or changes in information or  
42 during an initial registration unless such updates, changes or initial  
43 registration is during the month of such offender's birthday and every



1 third, sixth and ninth month occurring before and after the month of the  
2 offender's birthday;

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

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

12 (4) *if the court has determined that requiring payment of the fee*  
13 *would impose manifest hardship on the offender or the offender's*  
14 *immediate family pursuant to section I, and amendments thereto;*

15 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and  
16 amendments thereto, and annually renew any identification card pursuant  
17 to K.S.A. 2022 Supp. 8-1325a, and amendments thereto;

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

24 (o) read and sign the registration form noting whether the  
25 requirements provided in this section have been explained to the offender;  
26 and

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

34 Sec. 4. K.S.A. 2022 Supp. 22-4907 is hereby amended to read as  
35 follows: 22-4907. (a) Registration as required by the Kansas offender  
36 registration act shall consist of a form approved by the Kansas bureau of  
37 investigation, ~~which and such form~~ shall include a statement that the  
38 requirements provided in this section have been reviewed and explained to  
39 the offender, and shall be signed by the offender and, except when such  
40 reporting is conducted by certified letter as provided in ~~subsection (b) of~~  
41 K.S.A. 22-4905(b), and amendments thereto, witnessed by the person  
42 registering the offender. Such registration form shall include the following  
43 offender information:

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

- 1 (16) a photograph or photographs;  
2 (17) fingerprints and palm prints;  
3 (18) any and all schools and satellite schools attended or expected to  
4 be attended and the locations of attendance and telephone number;  
5 (19) any and all: E-mail addresses; online identities used by the  
6 offender on the internet; information relating to membership in any and all  
7 personal web pages or online social networks; and internet screen names;  
8 (20) all travel and immigration documents; and  
9 (21) name and telephone number of the offender's probation, parole  
10 or community corrections officer.

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

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

28 Sec. 5. K.S.A. 2022 Supp. 22-4908 is hereby amended to read as  
29 follows: 22-4908. (a) (1) Except as provided in subsection (b), a drug  
30 offender who is required to register under the Kansas offender registration  
31 act may file a verified petition for relief from registration requirements if  
32 the offender has registered for a period of at least five years after the date  
33 of parole, discharge or release, whichever date is most recent, or, if not  
34 confined, five years from the date of conviction or adjudication.

35 (2) *Except as provided in subsection (b), a violent offender who is*  
36 *required to register under the Kansas offender registration act because of*  
37 *a conviction or adjudication of criminal restraint or a person felony when*  
38 *the court has made a finding that a deadly weapon was used, or an*  
39 *attempt, solicitation or conspiracy to commit either of those offenses, may*  
40 *file a verified petition for relief from registration requirements if the*  
41 *offender has registered for a period of at least five years after the date of*  
42 *parole, discharge or release, whichever date is most recent, or, if not*  
43 *confined, five years from the date of conviction or adjudication.*

1 (b) An offender who is required to register pursuant to K.S.A. 22-  
2 4906(k), and amendments thereto, because of an out-of-state conviction or  
3 adjudication may not petition for relief from registration requirements in  
4 this state if the offender would be required to register under the law of the  
5 state or jurisdiction where the conviction or adjudication occurred. If the  
6 offender would no longer be required to register under the law of the state  
7 or jurisdiction where the conviction or adjudication occurred, the offender  
8 may file a verified petition pursuant to subsection (a).

9 (c) Any period of time during which an offender is incarcerated in  
10 any jail or correctional facility or during which the offender does not  
11 substantially comply with the requirements of the Kansas offender  
12 registration act shall not count toward the duration of registration required  
13 in subsection (a).

14 (d) (1) A verified petition for relief from registration requirements  
15 shall be filed in the district court in the county where the offender was  
16 convicted or adjudicated of the offense requiring registration. If the  
17 offender was not convicted or adjudicated in this state of the offense  
18 requiring registration, such petition shall be filed in the district court of  
19 any county where the offender is currently required to register. The docket  
20 fee shall be as provided in K.S.A. 60-2001, and amendments thereto.

21 (2) The petition shall include:

22 (A) The offender's full name;

23 (B) the offender's full name at the time of conviction or adjudication  
24 for the offense or offenses requiring registration, if different than the  
25 offender's current name;

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

27 (D) the offense or offenses requiring registration;

28 (E) the date of conviction or adjudication for the offense or offenses  
29 requiring registration;

30 (F) the court in which the offender was convicted or adjudicated of  
31 the offense or offenses requiring registration;

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

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

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

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

1 hearing.

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

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

9 (e) (1) The court may require ~~a drug~~ *an* offender who is petitioning  
10 for relief under this section to undergo a risk assessment.

11 (2) Any risk assessment ordered under this subsection shall be  
12 performed by a professional agreed upon by the parties or a professional  
13 approved by the court. Such risk assessment shall be performed at the  
14 offender's expense.

15 (f) The court shall order relief from registration requirements if the  
16 offender shows by clear and convincing evidence that:

17 (1) The offender has not been convicted or adjudicated of a felony,  
18 other than a felony violation or aggravated felony violation of K.S.A. 22-  
19 4903, and amendments thereto, within the five years immediately  
20 preceding the filing of the petition, and no proceedings involving any such  
21 felony are presently pending or being instituted against the offender;

22 (2) the offender's circumstances, behavior and treatment history  
23 demonstrate that the offender is sufficiently rehabilitated to warrant relief;  
24 and

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

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

30 (h) If the court grants relief from registration requirements, the court  
31 shall order that the offender be removed from the offender registry and that  
32 the offender is no longer required to comply with registration  
33 requirements. Within 14 days of any order, the court shall notify the  
34 Kansas bureau of investigation and any local law enforcement agency that  
35 registers the offender that the offender has been granted relief from  
36 registration requirements. The Kansas bureau of investigation shall remove  
37 such offender from any internet website maintained pursuant to K.S.A. 22-  
38 4909, and amendments thereto.

39 (i) An offender may combine a petition for relief under this section  
40 with a petition for expungement under K.S.A. 2022 Supp. 21-6614, and  
41 amendments thereto, if the offense requiring registration is otherwise  
42 eligible for expungement.

43 Sec. 6. K.S.A. 2022 Supp. 22-4904, 22-4905, 22-4907 and 22-4908

1 are hereby repealed.

2       Sec. 7. This act shall take effect and be in force from and after its

3 publication in the statute book.