

HOUSE BILL No. 2214

By Committee on Judiciary

1-31

1 AN ACT concerning the Kansas offender registration act; relating to adult
2 sex offenders; restrictions on loitering near or entering onto certain
3 property; amending K.S.A. 2016 Supp. 22-4901 and repealing the
4 existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) As used in this section:

8 (1) "Sex offender" means a sex offender who is over 18 years of age
9 and whose underlying crime for which the offender is required to be
10 registered under the Kansas offender registration act was a crime against a
11 victim who was less than 18 years of age;

12 (2) "authorized person" includes, but is not limited to: Any law
13 enforcement officer or security officer; any owner or manager of the
14 premises; a principal or teacher if the premises is school property; a
15 principal, teacher or school bus driver if the premises is a school bus stop;
16 a coach if the premises is an athletic field or facility; or any person
17 designated with the authority to exclude persons from the premises;

18 (3) "loiter" means to enter or remain on property while having no
19 legitimate purpose or, if a legitimate purpose exists, to remain on such
20 property beyond the time necessary to fulfill such legitimate purpose;

21 (4) "school activity" means an activity sponsored by a unified school
22 district or an accredited nonpublic school in which students in kindergarten
23 or any of the grades one through 12 are the primary intended participants,
24 or for whom students in kindergarten or any of the grades one through 12
25 are the primary intended audience, including, but not limited to, school
26 instructional time, after school care, after school tutoring, athletic events,
27 field trips, school plays or assemblies;

28 (5) "school bus stop" means any location where a motor vehicle
29 owned or operated by or on behalf of a unified school district or an
30 accredited nonpublic school stops on a regular basis for the purpose of
31 transporting children to and from school; and

32 (6) "school property" means property upon which is located a
33 structure used by a unified school district or an accredited nonpublic
34 school for student instruction or attendance or extracurricular activities of
35 pupils enrolled in kindergarten or any of the grades one through 12.

36 (b) It shall be unlawful for any sex offender to loiter on or within 500

1 feet of the property line of any property on which there is a school,
2 childcare facility, playground, park, athletic field or facility, school bus
3 stop or any other business or facility having a principal purpose of caring
4 for, educating or entertaining children, if the offender has been asked to
5 leave such location by an authorized person.

6 (c) It shall be unlawful for any sex offender to enter onto school
7 property or attend a school activity unless such offender does all of the
8 following:

9 (1) Notifies the principal of the school, or such person's designee,
10 before entering onto the school property or attending the school activity;

11 (2) immediately reports to the principal of the school, or such
12 person's designee, upon entering onto the school property or arriving at the
13 school activity; and

14 (3) complies with any procedures established by the local school
15 board to monitor the whereabouts of the offender for the duration of such
16 offender's presence on the school property or attendance at the school
17 activity.

18 (d) Violation of this section is:

19 (1) Upon a first conviction, a severity level 6, person felony;

20 (2) upon a second conviction, a severity level 5, person felony; and

21 (3) upon a third or subsequent conviction, a severity level 3, person
22 felony.

23 (e) This section shall be part of and supplemental to article 49 of
24 chapter 22 of the Kansas Statutes Annotated, and amendments thereto, the
25 Kansas offender registration act.

26 Sec. 2. K.S.A. 2016 Supp. 22-4901 is hereby amended to read as
27 follows: 22-4901. ~~K.S.A. 22-4901 through 22-4911 and 22-4913~~ *Article*
28 *49 of chapter 22 of the Kansas Statutes Annotated*, and amendments
29 thereto, shall be known and may be cited as the Kansas offender
30 registration act.

31 Sec. 3. K.S.A. 2016 Supp. 22-4901 is hereby repealed.

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