

KORA

Kansas Offender Registration Act, K.S.A. 22-4901, *et seq.*

Who is required to register?

- Any adult convicted of a crime set forth in KSA 22-4902.
- Any person who has been convicted federally, militarily or in another state of a crime that requires registration.
- Any juvenile adjudicated of a sexually violent crime on or after July 1, 2002. However, if such crime is not an off-grid felony or severity level 1, the court has discretion as to whether or not the juvenile offender will be required to register. For adjudications **prior to July 1, 2002**, registration is required **only if** ordered by the court.

The Kansas Offender Registration Act was first enacted in 1993. It has recently been amended by the Kansas Legislature and signed into law by the Governor. Effective July 1, 2011, numerous changes will apply to offenders required to register pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901, *et seq.* Full details can be found in the bill through which the changes were enacted, 2011 Senate Bill 37, available online at:

http://www.kslegislature.org/li/b2011_12/year1/measures/documents/sb37_enrolled.pdf.

Key changes and statutory obligations.

The Kansas Offender Registration Act is a regulatory scheme that is civil and nonpunitive, and therefore all provisions are retroactive and apply to offenders, regardless of when their underlying offense(s) occurred. *Smith v. Doe*, 538 U.S. 84 (2003).

All offenders currently residing, working or attending school in the State of Kansas and all offenders who are about to be released to reside, work or attend school in the State of Kansas are required to:

- 1) Register in person with the registering law enforcement agency within three business days of coming into any county or location of jurisdiction in which the offender resides or intends to reside, maintains employment or intends to maintain employment, or attends school or intends to attend school.
- 2) Report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending school, in the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month the birthday.
 - Offenders whose birthday is in **January, April, July, or October** are required to report to the registering law enforcement agency in January, April, July, and October.
 - Offenders whose birthday is in **February, May, August, or November** are required to report to the registering law enforcement agency in February, May, August, and November.
 - Offenders whose birthday is in **March, June, September, or December** are required to report to the registering law enforcement agency in March, June, September, and December.
- 3) If transient, report in person to the registering law enforcement agency of such county or location of jurisdiction in which the offender is physically present within three business

days of arrival in the county or location of jurisdiction. Transient offenders are required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency and provide a list of places where the offender has slept and otherwise frequented during the period of time since the last date of registration and provide a list of places where the offender may be contacted and where the offender intends to sleep and otherwise frequent during the period of time prior to the next required date of registration.

- 4) Register in person within three days upon beginning, changing or terminating the offender's residence location, employment status, school attendance or other information, to the registering law enforcement agency or agencies where last registered, and also to provide written notice to the Kansas bureau of investigation.
- 5) If required by out-of-state law, also register in any out-of-state jurisdiction, where the offender resides, maintains employment or attends school.
- 6) If receiving inpatient treatment at any treatment facility, inform the treatment facility of the offender's status as an offender and inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected duration of the treatment.
- 7) Notify the registering law enforcement agency and the Kansas bureau of investigation 21 days prior to any travel outside of the United States.
- 8) If maintaining primary residence in this state, surrender all driver's licenses and identification cards from other states, territories and the District of Columbia, except if the offender is presently serving and maintaining active duty in any branch of the United States military or if the offender is an immediate family member of a person presently serving and maintaining active duty in any branch of the United States military.

Penalties for failing to comply with the Kansas Offender Registration Act

- 1) Violation of the Kansas offender registration act is, upon a first conviction, a severity level 6, person felony; upon a second conviction, a severity level 5, person felony; and upon a third or subsequent conviction, a severity level 3, person felony; and aggravated violation (failing to register for more than 180 consecutive days) of the Kansas offender registration act is a severity level 3, person felony.

Duration of Registration – Adult Offenders

- 1) For adult offenders convicted in Kansas of the following offenses, the duration of registration shall be **15 years** from the date of conviction or date of release from incarceration, whichever date is most recent:
 - a) Sexual battery, as defined in K.S.A. 21-3517
 - b) Adultery, as defined in K.S.A. 21-3507
 - c) Patronizing a prostitute, as defined in K.S.A. 21-3515
 - d) Lewd and lascivious behavior, as defined in K.S.A. 21-3508
 - e) Capital murder, as defined in K.S.A. 21-3439
 - f) Murder in the first degree, as defined in K.S.A. 21-3401
 - g) Murder in the second degree, as defined in K.S.A. 21-3402
 - h) Voluntary manslaughter, as defined in K.S.A. 21-3403
 - i) Involuntary manslaughter, as defined in K.S.A. 21-3404
 - j) Criminal restraint, as defined in K.S.A. 21-3424
 - k) Any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated

- l) Conviction of any person felony when the court makes a finding on the record that a deadly weapon was used in the commission of such person felony
 - m) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, and amendments thereto
 - n) Possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments thereto
 - o) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto
 - p) Any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense listed above
- 2) For adult offenders convicted in Kansas of the following offenses, the duration of registration shall be, **25 years** from the date of conviction or date of release from incarceration, whichever date is most recent:
- a) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505
 - b) Indecent solicitation of a child, as defined in K.S.A. 21-3510
 - c) Electronic solicitation, as defined in K.S.A. 21-3523
 - d) Aggravated incest, as defined in K.S.A. 21-3603
 - e) Indecent liberties with a child, as defined in K.S.A. 21-3503
 - f) Unlawful sexual relations, as defined in K.S.A. 21-3520
 - g) Sexual exploitation of a child, as defined in K.S.A. 21-3516, if the victim is 14 or more years of age but less than 18 years of age
 - h) Aggravated sexual battery, as defined in K.S.A. 21-3518
 - i) Promoting prostitution, as defined in K.S.A. 21-3513, if the prostitute is 14 or more years of age but less than 18 years of age
 - j) Any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense listed above
- 3) For adult offenders convicted in Kansas of the following offenses, the duration of registration shall be **lifetime**:
- a) Rape, as defined in K.S.A. 21-3502
 - b) Aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511
 - c) Aggravated indecent liberties with a child, as defined in K.S.A. 21-3504
 - d) Criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505
 - e) Aggravated criminal sodomy, as defined in K.S.A. 21-3506
 - f) Aggravated human trafficking, as defined in K.S.A. 21-3447, if the victim is less than 18 years of age
 - g) Sexual exploitation of a child, as defined in K.S.A. 21-3516, if the victim is less than 14 years of age
 - h) Promoting prostitution, as defined in K.S.A. 21-3513, if the prostitute is less than 14 years of age
 - i) Kidnapping, as defined in K.S.A. 21-3420
 - j) Aggravated kidnapping, as defined in K.S.A. 21-3421
 - k) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01

- l) Any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, of an offense listed above

Duration of Registration – Juvenile Offenders

- 1) For juvenile offenders 14 years of age or more who are adjudicated in Kansas of the following offenses, the duration of registration shall be **lifetime**:
 - a) Rape, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3502
 - b) Aggravated criminal sodomy, as defined in K.S.A. 21-3506
- 2) All other juvenile offenders are required to register according to the court order in their case, generally until 18 or five years from adjudication or release, whichever is longer.

Duration of Registration – Any Offender Convicted or Adjudicated in an Out-of-State Court

- 1) Any offender moving to and residing, maintaining employment or attending school in Kansas, who has been convicted or adjudicated in an out-of-state court, shall register for the length of time required by the out-of-state jurisdiction or by the Kansas offender registration act, whichever length of time is longer.

Additional fields collected on the registration form include the following:

- 1) Current residential address, any anticipated future residence, any temporary lodging information including, if transient, where the offender has stayed and frequented since last reporting for registration.
- 2) All telephone numbers at which the offender may be contacted, including all mobile telephone numbers.
- 3) All vehicle information, including the license plate number, registration number of and any other identifier and description of any vehicle owned or operated by the offender, or any vehicle the offender regularly drives, either for personal use or in the course of employment, and information concerning the location or locations such vehicle or vehicles are habitually parked or otherwise kept.
- 4) License plate number, registration number or other identifier and description of any aircraft or watercraft owned or operated by the offender, and information concerning the location or locations such aircraft or watercraft are habitually parked, docked or otherwise kept.
- 5) All professional licenses, designations and certifications.
- 6) Palm prints.
- 7) E-mail addresses and online identities used, as well as membership in online social networks.
- 8) All travel and immigration documents.

Tribal Law: In addition to the Kansas Offender Registration Act, sex offenders who reside, work or attend school on tribal land shall register pursuant to tribal law. Tribes in the state of Kansas that require registration include the Prairie Band Potawatomi Nation, Iowa Tribe of Kansas and Nebraska and the Kickapoo Tribe in Kansas. The Sac and Fox Nation has delegated the registration responsibility to the state of Kansas through the local sheriff's offices, therefore compliance with the Kansas law is sufficient.

All other requirements of the Kansas Offender Registration Act remain in effect.

Should you have any questions regarding your obligations, please contact your attorney or the Sheriff of the county in which you are required to register.