

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2460

By Committee on Corrections and Juvenile Justice

1-14

1 AN ACT concerning the Kansas offender registration act; regarding
2 violations of the act; amending K.S.A. 2015 Supp. 22-4903 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 22-4903 is hereby amended to read as
7 follows: 22-4903.(a) Violation of the Kansas offender registration act is the
8 failure by an offender, as defined in K.S.A. 22-4902, and amendments
9 thereto, to comply with any and all provisions of such act, including any
10 and all duties set forth in K.S.A. 22-4905 through 22-4907, and
11 amendments thereto. Any violation of the Kansas offender registration act
12 which continues for more than 30 consecutive days shall, upon the 31st
13 consecutive day, constitute a new and separate offense, and shall continue
14 to constitute a new and separate offense every 30 days thereafter for as
15 long as the violation continues.

16 (b) Aggravated violation of the Kansas offender registration act is
17 violation of the Kansas offender registration act which continues for more
18 than 180 consecutive days. Any aggravated violation of the Kansas
19 offender registration act which continues for more than 180 consecutive
20 days shall, upon the 181st consecutive day, constitute a new and separate
21 offense, and shall continue to constitute a new and separate violation of the
22 Kansas offender registration act every 30 days thereafter, or a new and
23 separate aggravated violation of the Kansas offender registration act every
24 180 days thereafter, for as long as the violation continues.

25 (c) (1) Except as provided in subsection (c)(3), violation of the
26 Kansas offender registration act is:

- 27 (A) Upon a first conviction, a severity level 6, ~~person~~ felony;
28 (B) upon a second conviction, a severity level 5, ~~person~~ felony; and
29 (C) upon a third or subsequent conviction, a severity level 3, ~~person~~
30 felony.

31 *Such violation shall be designated as a person or nonperson crime in*
32 *accordance with the designation assigned to the underlying crime for*
33 *which the offender is required to be registered under the Kansas offender*
34 *registration act. **If the offender is required to be registered under both***
35 *a person and nonperson underlying crime, the violation shall be*
36 *designated as a person crime.*

1 (2) Except as provided in subsection (c)(3), aggravated violation of
2 the Kansas offender registration act is a severity level 3, ~~person~~ felony.

3 *Such violation shall be designated as a person or nonperson crime in*
4 *accordance with the designation assigned to the underlying crime for*
5 *which the offender is required to be registered under the Kansas offender*
6 *registration act. **If the offender is required to be registered under both***
7 ***a person and nonperson underlying crime, the violation shall be***
8 ***designated as a person crime.***

9 (3) Violation of the Kansas offender registration act or aggravated
10 violation of the Kansas offender registration act consisting only of failing
11 to remit payment to the sheriff's office as required in ~~subsection (k) of~~
12 K.S.A. 22-4905(k), and amendments thereto, is:

13 (A) Except as provided in subsection (c)(3)(B), a class A
14 misdemeanor if, within 15 days of registration, full payment is not
15 remitted to the sheriff's office;

16 (B) a severity level 9, ~~person~~ felony if, within 15 days of the most
17 recent registration, two or more full payments have not been remitted to
18 the sheriff's office.

19 *Such violation shall be designated as a person or nonperson crime in*
20 *accordance with the designation assigned to the underlying crime for*
21 *which the offender is required to be registered under the Kansas offender*
22 *registration act. **If the offender is required to be registered under both***
23 ***a person and nonperson underlying crime, the violation shall be***
24 ***designated as a person crime.***

25 (d) Prosecution of violations of this section may be held:

26 (1) In any county in which the offender resides;

27 (2) in any county in which the offender is required to be registered
28 under the Kansas offender registration act;

29 (3) in any county in which the offender is located during which time
30 the offender is not in compliance with the Kansas offender registration act;
31 or

32 (4) in the county in which any conviction or adjudication occurred for
33 which the offender is required to be registered under the Kansas offender
34 registration act.

35 Sec. 2. K.S.A. 2015 Supp. 22-4903 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.