

J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice

**Senator Kellie Warren, Chairperson
Representative Stephen Owens, Vice Chair
Senator Oletha Faust-Goudeau, Ranking Minority Member
November 19, 2024**

**Judge Delia M. York
29th Judicial District
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WRITTEN TESTIMONY CONCERNING OFFENDER REGISTRATION CURRENT PRACTICE

Chairperson Warren and members of the joint committee, I appreciate the opportunity to present testimony regarding current judicial practice relating to sex offender registration for juveniles adjudicated of acts which, if committed by adults, would constitute a sexually violent crime. K.S.A. 22-4906(f) & (g) provide a framework for the Court when ordering sex offender registration for juveniles who are under the age of 14 and those over the age of 14. Registration may be ordered for juveniles who have been adjudicated of sexually violent offenses.

The two subsections in K.S.A. 22-4906 (f) & (g) allow the Court discretion when ordering registration in juvenile offender cases.

Subsections (f)(1) and (g)(1) set forth the registration duration. The Court shall require registration until such juvenile offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later.

The Court may exercise discretion as set out in subsections (f)(2) or (g)(2) to not require registration when it finds substantial and compelling reasons exist and such reasons are made part of the record.

Subsections (f)(3) and (g)(3) allow the Court to order either private or public registry.

In practice, upon adjudication either by plea or trial and prior to the sentencing hearing, the Court may order a variety of evaluations and written reports addressing the psychological or emotional development needs of a juvenile. Educational needs assessments may be requested from school officials. A predisposition report or presentence investigation report is ordered and in sex offense cases, a sex offender

evaluation may be ordered prior to sentencing. Professional reports provide the Court with recommendations regarding potential treatment and research surrounding sex offender registration.

The Court relies on professional opinions for insight into the circumstances of the offense, the position of the victim and victim's family, the record of juvenile offenses, social history, family background and the present condition of the juvenile. Sentencing decisions are a difficult and often emotional for all parties and Court staff. It is my hope that my testimony provides insight into the judicial decision-making process when sex offender registry is being considered.

Respectfully submitted,

Delia M. York, Wyandotte County District Court Judge