

KANSAS OFFENDER REGISTRATION



Offender Registration Unit
Information Services
Kansas Bureau of Investigation

KANSAS OFFENDER REGISTRATION ACT (KORA)

BACKGROUND AND HISTORY



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Offender Registration

Purpose and National Timeline



- September 13, 1994 – Jacob’s Law
 - May 17, 1996 – Megan’s Law
 - July 27, 2006 – Adam’s Law
- November 6, 2006 – Jessica’s Law



Definitions

K.S.A. 22-4902

- Definition of “Offender” includes:
 - Sex Offender
 - Violent Offender
 - Drug Offender
 - Person required to register per any out-of-state law
 - Person ordered to register by the court for offense not outlined in the KORA – general offender



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Offender Registration in Kansas

- Kansas Offender Registration Act
 - Sex Offender Registration – April 14, 1994
 - Violent Offender Registration – July 1, 1997
 - Juvenile Sex Offender Registration – July 1, 2002
 - Drug Offender Registration – July 1, 2007



Sex Offender Definition

K.S.A. 22-4902

- Adults convicted of sexually violent crime
- Juveniles adjudicated of sexually violent crime
- Offender found to be a “Sexually Violent Predator”
 - Finding pursuant to K.S.A. 59-29a01 on or after July 1, 2001
- Person convicted of a crime with a court finding of sexually motivated
 - Underlying offense is not automatically registerable

8. **SPECIAL FINDING** that the crime was **SEXUALLY MOTIVATED** pursuant to the KS Offender Registration Act
8a. Did the court make a special finding that the crime was sexually motivated?

Yes No



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Violent Offender Definition

K.S.A. 22-4902

- Person convicted of a registerable violent offense after July 1, 1997
- Person convicted of a crime found to have been committed with a deadly weapon
 - Separate court finding

¹² Did offender, as determined by the court, commit the current crime with a deadly weapon?

IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

Yes No



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Drug Offender Definition

K.S.A. 22-4902

- Person convicted of a registerable drug offense on or after July 1, 2007
 - Simple possession charges are not automatically registerable



Duties of the Offender

K.S.A. 22-4905

- Provide required information and verify that all information is accurate
 - Personal Identifiers
 - Height
 - Weight
 - Skin Tone
 - SSN
 - Hair Color
 - Eye Color
 - Date of Birth
 - Gender
 - Race
 - Ethnicity
 - Place of Birth
 - Scars, Marks, Tattoos
 - Finger and Palm Prints
 - Photograph
 - DNA Sample
 - Address(es)
 - Phone Number(s)
 - Drivers License or State ID
 - Vehicles and Watercrafts
 - License Plate Numbers
 - Professional License(s)
 - Employment
 - School
 - Internet Identifiers
 - Travel and Immigration Documents
 - Offense Information
 - Victim Age and Gender
 - Parole, Probation or Community Corrections Officer Information
 - Documentation of any treatment Received for a mental abnormality Or personality disorder



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Duties of the Offender Continued

K.S.A. 22-4905

- Update registration within 3 business days of changes to registration information

- Register with correctional facility within three business days of initial custody
 - Offender registration “pauses”

- If receiving treatment at a treatment facility, must notify treatment facility of offender’s status as an offender and follow registration requirements



Compliant vs. Non-Compliant

- Compliant- Fulfilling the requirements set forth by the Kansas Offender Registration Act (KORA)
- Non-compliant- Failing to fulfill one or more requirements set forth by the Kansas Offender Registration Act (KORA)



REGISTRATION DURATIONS

OFFENSES AND REQUIRED REGISTRATION PERIODS



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Registration Durations - Adult

K.S.A. 22-4906

- 15 years, 25 years, or lifetime
- 2nd convictions – Lifetime registration
 - Multiple counts within same case – one conviction
 - Consolidated cases – one conviction
- Crime Chart



Automatically registerable Sex offenses – Adult

15 Years

- Lewd and Lascivious Behavior (one party under 18)
- Patronizing a Prostitute (one party under 18)
- Sexual Battery
- Promoting the sale of Sexual Relations (all parties 18 yoa or older)
- Sexual Extortion (one party under 18)
- Sexually Motivated crimes (court finding)

25 Years

- Aggravated Sexual Battery
- Electronic Solicitation
- Indecent Liberties with a Child
- Indecent Solicitation of a Child
- Unlawful Sexual Relations
- Criminal Sodomy (one party 16-18)
- Promoting Prostitution (person selling sexual relations 14 or more, but less than 18)
- Sexual Exploitation of a Child (Victim 14-18)

Lifetime

- Commercial Sexual Exploitation of a Child
- Aggravated Criminal Sodomy
- Aggravated Human Trafficking (if committed for the purpose of sexual gratification)
- Aggravated Indecent Liberties with a Child
- Aggravated Indecent Solicitation of a Child
- Promoting Prostitution (person selling sexual relations under 14)
- Rape
- Sexual Exploitation of a Child (Victim under 14)
- Sexually Violent Predator (Civil Commitment)



Automatically registerable Violent offenses – Adult

15 Years

- Capital Murder
- Criminal Restraint (Victim under 18, except by a parent)
- Involuntary Manslaughter
- Murder in the 1st Degree
- Murder in the 2nd Degree
- Voluntary Manslaughter
- Deadly Weapon Finding by the Court

Lifetime

- Aggravated Human Trafficking (if not committed for sexual purpose)
- Kidnapping
- Aggravated Kidnapping



Automatically registerable Drug offenses – Adult

15 Years

- Possession of Precursors with Intent to Manufacture a Controlled Substance
- Unlawful Manufacture of a Controlled Substance
- Unlawful Sale of or Distribution of a Controlled Substance



Automatically registerable offenses – Juvenile

Aggravated Criminal Sodomy	Aggravated Human Trafficking (committed in part for sexual gratification)	Aggravated Incest	Aggravated Indecent Liberties with a Child
Aggravated Indecent Solicitation of a Child	Aggravated Sexual Battery	Commercial Sexual Exploitation of a Child	Promoting the Sale of Sexual Relations
Criminal Sodomy (victim 14-15 yoa)	Electronic Solicitation	Indecent Liberties with a Child	Indecent Solicitation of a Child
Rape	Sexual Exploitation of a Child	Sexually Motivated Crimes	Unlawful Sexual Relations



Offenses **not** Automatically Registerable

Offenses that do not automatically require registration

- Unlawful voluntary sexual relations
- Vehicular homicide
- Involuntary Manslaughter while DUI
- Drug offenses involving hallucinogens or depressants
- Out of state “deadly weapon” offenses
- Kansas convictions that occurred prior to the date registration began for the offense type
 - Sex offenses – April 14, 1994, Violent offenses – July 1, 1997, Drug offenses – July 1, 2007, Juvenile sex adjudications – July 1, 2002
- Kansas sexually violent predators committed prior to July 1, 2001



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Crime Chart - Adult

Kansas Adult Offender Registration Requirements

Pursuant to 2020 edition of K.S.A. 22-4901 *et seq.*

Duration of registration does not include any time the offender is incarcerated or fails to comply with the Kansas Offender Registration Act.

Sex Offense Crimes	Statute	Effective Date If Convicted on or After	Duration of Registration	Open Record if Date of Offense Occurs on or After
Adultery (One party is less than 18 yoa)	21-3507	July 1, 1997	15 years - first conviction Lifetime - second conviction	July 1, 1997
Adultery (One party is less than 18 yoa)	21-5511	July 1, 1997	15 years - first conviction Lifetime - second conviction	July 1, 2011
Breach of Privacy	21-6101	July 1, 2011	15 years - first conviction Lifetime - second conviction	May 12, 2022
Commercial Sexual Exploitation of a Child	21-6422	July 1, 2013	Lifetime	July 1, 2013
Criminal Sodomy (One party is 16 yoa or older but less than 18 yoa)	21-3505 (a)(1)	July 1, 1997	25 years - first conviction Lifetime - second conviction	July 1, 1997
Criminal Sodomy (One party is 16 yoa or older but less than 18 yoa)	21-5504 (a)(1), (a)(2)	July 1, 1997	25 years - first conviction Lifetime - second conviction	July 1, 2011
Criminal Sodomy (Victim 14 or more yoa, but less than 16 yoa)	21-3505 (a)(2), (a)(3)	April 14, 1994	Lifetime	April 14, 1994
Criminal Sodomy (Victim 14 or more yoa, but less than 16 yoa)	21-5504 (a)(3), (a)(4)	April 14, 1994	Lifetime	July 1, 2011
Criminal Sodomy, Aggravated	21-3506	April 14, 1994	Lifetime	April 14, 1994
Criminal Sodomy, Aggravated	21-5504 (b)	April 14, 1994	Lifetime	July 1, 2011
Electronic Solicitation	21-3523	April 14, 1994	25 years - first conviction Lifetime - second conviction	April 17, 2008
Electronic Solicitation	21-5509	April 14, 1994	25 years - first conviction Lifetime - second conviction	July 1, 2011
Human Trafficking, Aggravated (if committed in whole or in part for the purpose of the sexual gratification of the defendant or another)	21-3447	April 14, 1994	Lifetime	July 1, 2013
Human Trafficking, Aggravated (if committed in whole or in part for the purpose of the sexual gratification of the defendant or another)	21-5426 (b)	April 14, 1994	Lifetime	July 1, 2013
Incest, Aggravated	21-3603	April 14, 1994	25 years - first conviction Lifetime - second conviction	July 1, 1997



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Registration Durations - Juvenile

K.S.A. 22-4906

- Juvenile Registration Periods
 - Juveniles required to register until whichever date occurs latest:
 - The offender turns 18 years old
 - Five years from the date of adjudication
 - Five years from release of incarceration stemming from adjudication
 - Lifetime
- Court's Discretion
 - Court can order that the juvenile is not required to register should the judge, on record, find substantial and compelling reasons to do so
 - Courts can order that registration be private – not open to the public/on KBI website



Registration Durations – Juvenile Continued

K.S.A. 22-4906

- Juvenile Registration Periods – Lifetime Registration
 - Juveniles who are 14 or older and are adjudicated of a severity level 1 or off grid level felony
 - Age at time of offense determines registration requirement
 - Rape
 - Aggravated Criminal Sodomy
 - Aggravated Human Trafficking (if committed for the purpose of sexual gratification)
 - Electronic Solicitation



Crime Chart - Juvenile

Kansas Juvenile Offender Registration Requirements

Pursuant to K.S.A. 22-4901 *et seq.*

Duration of registration does not include any time the offender is incarcerated or fails to comply with the Kansas Offender Registration Act.

Registration Requirement	Duration of Registration	Open Record if Date of Offense Occurs on or After
Juviles who are less than 14 yoa at time of offense are required to register when adjudicated on or after July 1, 2002 of a Sexually Violent Crime	The Court shall: Require the juvenile offender to register until they are 18 yoa or for 5 years from the date of adjudication or date of release from incarceration, whichever occurs later; or	July 1, 2002 Unless Court ordered to be restricted from the public
	Not require the juvenile offender to register, if the Judge, on the record, finds substantial and compelling reasons	
Juviles who are 14 yoa or more at time of offense are required to register when adjudicated on or after July 1, 2002 of a Sexually Violent Crime and such crime is NOT an off grid felony or severity level 1 felony	The Court shall: Require the juvenile offender to register until they are 18 yoa or for 5 years from the date of adjudication or date of release from incarceration, whichever occurs later; or	July 1, 2002 Unless Court ordered to be restricted from the public
	Not require the juvenile offender to register, if the Judge, on the record, finds substantial and compelling reasons	
Juviles who are 14 or more yoa at time of offense are required to register when adjudicated on or after July 1, 2002 of a Sexually Violent Crime and such crime is an off grid felony or severity level 1 felony , which is only:		
Rape 21-3502 (a)(1), (a)(2)	Lifetime	July 1, 2002
Rape 21-5503 (a)(1), (a)(2), (a)(3)	Lifetime	July 1, 2011
Aggravated Criminal Sodomy 21-3506	Lifetime	July 1, 2002
Aggravated Criminal Sodomy 21-5504 (b)	Lifetime	July 1, 2011
Aggravated Human Trafficking (if committed in whole or in part for the purpose of the sexual gratification of the defendant or another) 21-3447	Lifetime	July 1, 2013
Aggravated Human Trafficking (if committed in whole or in part for the purpose of the sexual gratification of the defendant or another) 21-5426 (b)	Lifetime	July 1, 2013
Electronic Solicitation 21-3523 (a)(2)	Lifetime	July 1, 2002
Electronic Solicitation 21-5509 (b)(2)	Lifetime	July 1, 2011



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Out of state convictions

K.S.A. 22-4906

- (k) For any person moving to Kansas who has been convicted or adjudicated in an out of state court, or who was required to register under an out of state law, the duration of registration shall be the length of time required by the out of state jurisdiction or by the Kansas offender registration act, whichever length of time is longer.
- (l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out of state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act.



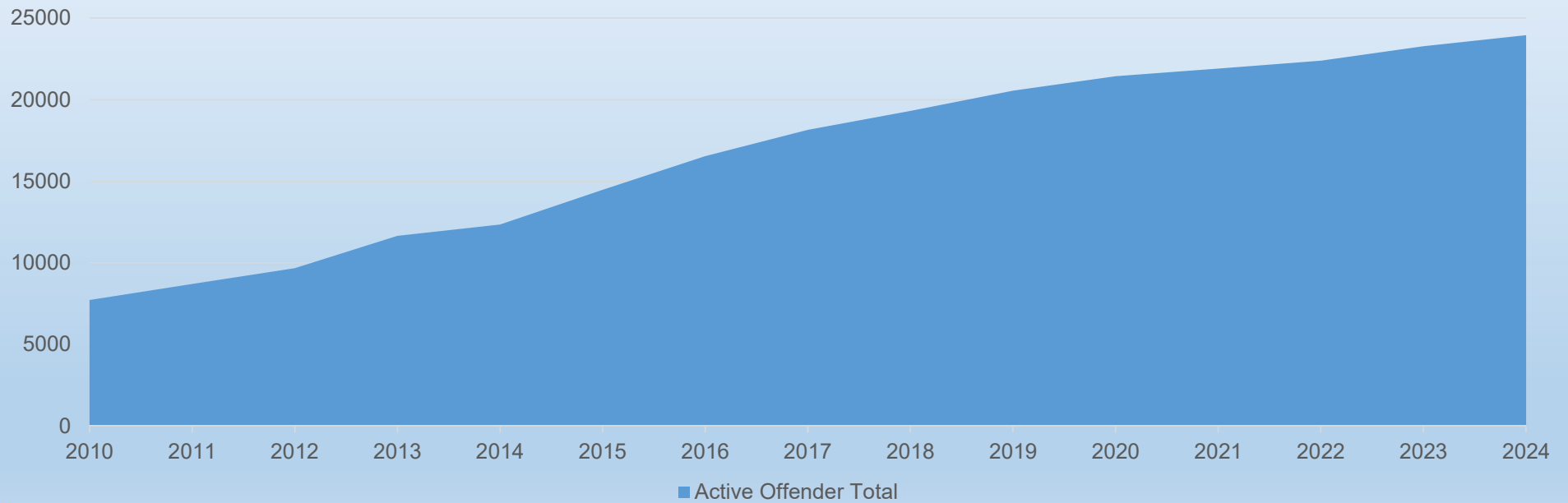
STATISTICAL INFORMATION

OFFENDER COUNTS AND PUBLIC WEBSITE



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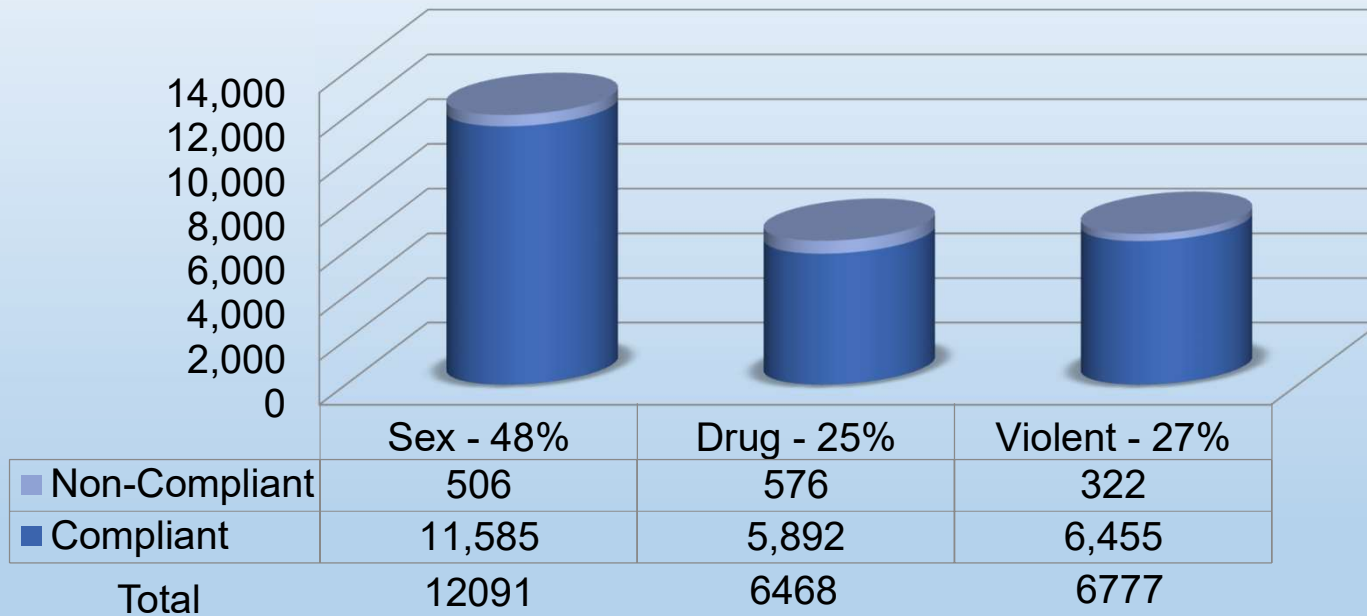
Kansas Active Offender Total Through the years



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Kansas now – Active offender count

Current Offender Count



24532
Total

8359
Incarcerated



Juvenile Offenders in Kansas

- Kansas currently registers 824 offenders with juvenile convictions.
- 501 Compliant
- 54 Non-Compliant
- 269 Currently Incarcerated



KBI Public Website

Offender information not published

- Employment information (can be released by county Sheriff's Office)
- Specific victim information
- Private offenses

Reasons offender is not viewable by public

- Offender is in witness security program
- A court ordered expungement of underlying conviction requiring registration
- Offenses occurred prior to enactment of the law, but the conviction occurred after enactment
- Juveniles ordered to be restricted from public view
- Moved out of state
- Completed registration obligation



Enhancement Request

Replace the KsORT registration software

The Sex Offender Registry Tool (SORT) is a sex offender management application provided by the U.S. Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

- Assists states and territories in implementing Sex Offender Registration and Notification Act (SORNA) registry system requirements.



Lost Functionality in KsORT

Community Notifications

- In March 2024, the ability for KsORT to send community notifications became inoperable.
- Without this functionality, citizens of Kansas are not made aware of offenders that may register a home, work, or school address that is near an address of interest.
- The State of Kansas is not compliant with SORNA or the Adam Walsh Child Protection and Safety Act. **As a result, the State of Kansas could lose access to federal funds due to this non-compliance.**



Lost Functionality in KsORT

Dual Entry

- The existing registration software lacks the ability to automatically synchronize data, or interface directly with the National Sex Offender Registry (NSOR).
- This requires all local registering agencies to enter information into two separate databases on each sex offender that they register, causing dual entry.



Lost Functionality in KsORT

User Interface

- The Kansas Bureau of Investigation (KBI) is statutorily required to serve as the central repository for registration records within the state.
- The statute does not prescribe a specific method or software for data transmission.
- An interface was established to transmit data to KBI for agencies who chose not to utilize KsORT for their registration software, however it encounters various issues, such as data inaccuracies, duplications, and complete functionality failures.
- These failures occur without any alert system, which potentially causes significant delays in receiving critical registration data and its subsequent posting to the public website.

