

## **2002 HB 2399**

### Legislative History Materials

*Note:* The same documents were submitted as testimony for HB 2399 in both the House Committee on Judiciary and the Senate Committee on Judiciary.

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 25, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Dean Newton - Excused

Representative Rick Rehorn - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research

Jill Wolters, Department of Revisor of Statutes

Sherman Parks, Department of Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Deena Horst

Ed Pavay, Director, Kansas Law Enforcement Training Center

Jennifer Rose, Assistant City Manger, Hutchinson

John Douglass, Chief of Police, Overland Park

John Foster, Kansas Sheriff's Association

Frank Denning, Chief of Police, City of Roeland Park

Dean Akings, Great Bend Police Department

Sandy Jacquot, League of Kansas Municipalities

Mike Taylor, City of Wichita

Bob Claus, Deputy Attorney General, Criminal Division

Jim Bush, Kansas Bar Association

Pedo Irigonegary, Kansas Trial Lawyers Association

Jeffrey McDade, Kansas Coalition on Death Penalty

Donna Schneweis, Amnesty International

Beatrice Swoopes, Associate Director Kansas Catholic Conference

Jane El-Koubysi, State Board of Indigent Defense Services

Bill Lucero, Murder Victims Families for Reconciliation

Lisa Nathanson, American Civil Liberties Union

Page Nichols, Kansas Association of Criminal Defense Lawyers

Hearing on **HB 2399 - Kansas offender registration; juvenile offender adjudicated of sex offenses must register.** was opened.

Representative Deena Horst appeared before the committee as the sponsor of the proposed bill. She stated that the change would require judges to order juveniles to register under the Kansas Offender Registration Act, if warranted. (Attachment 1)

Hearing on **HB 2399** was closed.

Hearing on **HB 2400 - In an adoption; the genetic parents shall have independent legal advice; an attorney can not represent the parents and the petitioner or child agency.** was opened.

Representative Deena Horst appeared as the sponsor of the proposed bill which would insure that both the biological parents and adoptive parents are informed of dual representation and give written consent of such an arrangement. (Attachment 2)

Hearing on **HB 2400** was closed.

Hearing on **HB 2802 - Kansas Law Enforcement Training Center Fund; increase on municipal court fee and remove sunset on district court fee.** was opened.

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 REPRESENTATIVE, SIXTY-NINTH DISTRICT  
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 horst@house.state.ks.us



TOPEKA

HOUSE OF  
 REPRESENTATIVES

## TESTIMONY FOR HB 2399

### COMMITTEE ASSIGNMENTS

CHAIRMAN: eGOVERNMENT  
 MEMBER: HIGHER EDUCATION  
 K-12 EDUCATION  
 KANSAS FUTURES  
 FISCAL OVERSIGHT  
 JOINT COMMITTEE ON ARTS  
 AND CULTURAL RESOURCES

**Chairman O'Neal and Judiciary Committee Members, thank you for agreeing to hear testimony on HB 2399.**

**The intent of HB 2399 is to give judges another option when sentencing juvenile sex offenders. It is my understanding that in the past, a few judges have required adjudicated juvenile sex offenders to register under the Kansas Offender Registration Act (KORA) but ONLY when the juvenile offender AGREED to be registered in lieu of some other punishment. Today, evidently, judges are not being allowed to require any adjudicated juvenile sex offenders to register because the law doesn't speak to such a possibility.**

**On November 23, 1999, a 16 year old who resides in Saline County plead guilty to aggravated indecent liberties that had been taken with his 6 year-old female cousin. As you will see within portions of court documents that have been included with the father's testimony, the judge felt that he wasn't able to require registration although he had initially determined the possibility of such action as a viable option in the adjudication of this young man.**

**As you can imagine the family of the young girl was traumatized by this event and at first dealt only internally with it, accepting the sentence until they saw their nephew not complying with the sentence and basically saying "Yes, I did it but what's the big deal?" [For example, the adjudicated juvenile evidently, according to the young girl's father, repeatedly sought out girls younger than 16, even though his sentence forbade him to be in their company.] In addition, when a newspaper article appeared regarding the death of a young girl who was killed by a young man who, as a juvenile, had been adjudicated for sex offenses, this family decided it was important to ask me to seek a change in the law. As explained earlier, this change in statute, is intended to allow**

**judges to include in their order for adjudicated juveniles, if warranted, registration under the Kansas Offender Registration Act.**

**Thank you again for taking time to hear testimony on the change to statutes as is proposed by HB 2399. I respectfully ask for your strong consideration of this change so parents of young children have an opportunity to be aware of those youth who may desire to do physical harm to them. It also seems fitting to place the judge in charge of the decision of whether registration under the Kansas Offender Registration Act (KORA) is appropriate, not the juvenile sex offender.**

My 6-year-old daughter was sexually molested. To make this experience even more traumatic and difficult to comprehend – the molester was my 16-year-old nephew. To complicate matters even more, the molestations took place at the home of my mother – grandmother to both children.

Uriah plead guilty to aggravated indecent liberties and was found guilty of a 3<sup>rd</sup> degree felony. He was placed on one year of intensive probation, 3 years of sex offender counseling and as part of his probation he was to have no contact with my little girl or any other female under the age of 16.

While Uriah was on probation he would visit my mother's home while my daughter was there visiting as well. (This was, of course, unbeknownst to his mother or myself). One of us would drive by and see his truck there. We would immediately take our daughter from the grandmother's home. Uriah would not make a move to leave. He knew he was in violation of his probation but it didn't seem to matter to him.

One day at my place of employment, a co-worker started a conversation with me and basically wanted to know "what Uriah's problem was." She explained that her 14-year old daughter had repeatedly turned down Uriah's requests for a date. He would not leave this young lady alone. (It was at this point I told my co-worker what Uriah had done to my daughter and warned her to be sure her own child stayed away from him.) According to my co-worker Uriah continued to bother her daughter and would not accept no for an answer. This harassment apparently didn't stop until this 14-year-old girl

told him that she was aware of what he had done to his cousin. Uriah apparently became very upset and directed this girl not to tell anyone and that it "was all a big lie". It was at this point he stopped requesting dates from her. Apparently to this convicted felon, a date with a 14 year old girl was somehow not in violation of his probation.

In addition to Uriah's blatant disregard for the previous 2 components of his probation he also applied for and received a deer-hunting permit. (So much for a convicted felon not owning/operating a firearm.)

Shortly after much of this occurred, Uriah and his family petitioned the court for early release from his probation. According to his court – appointed counselor he was completely ready to be released. If I hadn't been there to notify the court about the above breeches of his probation, Uriah would have gone scott free. The only consequences at this point would have been the conviction which – apparently – no one under normal circumstances would ever know about. During this hearing, the judge continued the probation, and sternly warned Uriah and his family of the seriousness of his original offense and the serious nature of breaking his probation.

Next came the hearing regarding our request the Uriah be listed on the KBI sex offender list. The Judge told us that he had done extensive research and learned that the law only allow judicated individuals to be placed on the list if they agree to do so as part of their sentencing or pea bargain. The Judges hands were tied. Since our offender hadn't agree – we learned that he wouldn't be listed.

My nephew clearly has little regard for the law. Apparently for him, and I suppose others like him, the real punishment is in what his peers and others think about him.

As parents, we protect our children from strangers and those we believe to be potentially dangerous. How many think to protect ourselves from our son's or daughter's friends from school? It is insidious to think some uninformed folks out there would innocently allow their son to invite Uriah over to spend the night (like regular folks do). What if the family has young children?

Even further, Uriah has been allowed to attend the same school as our child. (It is a consolidated K-12). Despite our best attempts to have him removed. If we hadn't informed the school authorities of Uriah's conviction they would have never known not only to watch over our child but all of the others as well.

Juvenile sex offenders need to be registered. Uriah needs to be registered. It is just one more small way for us to protect our kids.

Mike Jensen  
MIKE JENSEN  
5694 E H4144  
GYPSUM KS, 67448  
Phone 785 536 4620

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IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS  
28<sup>TH</sup> JUDICIAL DISTRICT  
STATE OF KANSAS

IN THE MATTER OF:

CASE NO. —

— —

TRANSCRIPT

This matter came on for hearing before the HONORABLE JEROME P.  
HELLMER, District Court Judge, at Salina, Kansas on January 18, 2001.

APPEARANCES:

The Petitioner:

Kristin Heck  
Asst. Saline Co. Atty.  
300 West Ash  
Salina, Kansas 67401

The Respondent:

Karen Black  
2035 E. Iron  
Salina, Kansas 67401

*underlined portions refer to the*

*sub. of  
HB 2399*

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THE COURT: Would you like to have at seat  
at counsel table, Mr. Jensen? Not to preclude  
counsel from responding. This matter  
commenced in this phase on October 13 of  
2000, when the State had requested Mr.  
*Name Deleted* -be registered as sexual offender. At  
that time, because as I have previously stated,  
we are bound to follow the Legislative  
enactment's. I asked the attorneys to brief this  
question, and that's a very common process,  
where the attorneys are required to find out  
what the law really is. The Statute is on the  
books. I don't think anyone disagrees that the  
Sexual Predator Act which is embodied in 22-  
4901 et. seq., in which I have again copied and  
again reviewed, is clearly on the books. The  
question became, what is the jurisdiction or the  
right of the Court to enforce that Act, when it  
involves a juvenile offender? And, so hence,  
the question comes back to the attorneys. The  
State of Kansas, you've asked the Court to do  
this, please provide me with some legal  
reasons, some justification as to why I have the  
authority to do that. Miss Black, on the other  
hand of course, as defense counsel, doing her

1 result of a very serious sexual offense under  
2 the Juvenile Code. The Court simply signed off  
3 on that journal entry. It was sent to the Kansas  
4 Bureau of Investigation. The Kansas Bureau of  
5 Investigation, however, sent to the Court a  
6 letter indicating that, "An initial offender  
7 registration from your Office has been  
8 received. After the initial processing was  
9 completed, the journal entry received, it was  
10 determined that the individual is not required to  
11 register in the State of Kansas." "The juvenile  
12 was convicted as juvenile and no information  
13 could be found indicating that he has to  
14 register as an offender." The KBI has taken the  
15 position that, quite frankly, they cannot register  
16 juveniles. Which was the primary thrust of the  
17 argument of the State of Kansas. The troubling  
18 aspects of this case for the Court are, that, and  
19 Mr. Jensen has said it quite well today, in spite  
20 of his obvious discomfort of being here, and  
21 having to recite these events over his  
22 daughter's violation again. That you folks were  
23 family at one point, trusted family. You were a  
24 godfather, apparently, to Mr. <sup>Name</sup> ~~deleted~~ and I did  
25 not know that. You would have trusted this

1 young man and the rest of his family to the  
2 umpped degree, as they would have you.  
3 Tragically, a act that is criminal in nature, not  
4 just wrong, happened, and Mr. ~~Name Deleted~~ is the  
5 person who ended up being adjudicated of that.  
6 The Court has publicly recognized that Mr.  
7 ~~Name Deleted~~, had he been eighteen at the time of  
8 the offense, violated the laws --- the criminal  
9 laws of the State of Kansas. That, in and of  
10 itself, was the public vindication of your  
11 daughter being truly the victim, having had no  
12 part in this and having no wrong doing in this.  
13 You are right, Mr. Jensen, we can't simply take  
14 the eraser and wipe the chalk from the board  
15 and assume that your daughter won't have any  
16 other feelings, thoughts, or responses, as a  
17 result of that. We can believe that with  
18 appropriate therapy and treatment, that it can  
19 be overcome and can be dealt with. That is a  
20 burden, of course, that should not have been  
21 placed on this little child. She had no wrong  
22 doing. She is the victim in this case. From  
23 that juncture, it would appear, that the system  
24 has recognized that a wrong has been done,  
25 but we won't call it a crime. The Legislature

has defined the Juvenile Offender Code,  
 under 38-1601 to be a civil code. And the  
 Court and counsel have struggled in the recent  
 years with where this has gone from the  
 Legislature. On the one hand, we say this is a  
 civil case, and we have two areas of the law  
 that we deal with, one being civil, one being  
 criminal. I would venture to say, that most of  
us lay people would look at this and say, "Civil  
has to do with property or money, it has to do  
with items, or maybe a car accident." "Criminal  
has to do with somebody killing someone,  
hurting someone, stealing something,  
something really bad that we all say shouldn't  
happen." The Legislature says that if you are  
under the age of eighteen, it's a civil issue.  
 And while we recognize that the behavior of  
 children can be bad and can be wrong, we stop  
 short of calling it criminal, and we call it civil.  
 And we ask the court systems to deal with the  
young people in some fashion that, hopefully,  
will defer future behavior. Will bring about an  
opportunity for the person to be punished for  
their wrongdoing. And, to somehow  
 compensate the victim for the wrong done to

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1 the victim. However, what the system has left  
2 us with, is a determination that under the  
3 statute, once I find, because we don't style this  
4 as we would if Mr <sup>Name</sup> ~~deleted~~ were eighteen. ✓  
5 Every other case, as you know at the other end  
6 of the hall we have murder trial going right  
7 now, it's the State of Kansas versus so-and-so.  
8 In this courtroom, it's always, In The Matter Of.  
9 A clear definitional difference between crime  
10 and civil wrongdoing. In the other courtroom,  
11 we go beyond a reasonable doubt. We have  
12 beyond a reasonable doubt in this courtroom.  
13 We have constitutional guarantees in the adult  
14 courtroom. We have some constitutional  
15 guarantees in this courtroom, but not all. We  
16 have no right to speedy trial. We have no right  
17 to jury trial in this particular arena. It can be  
18 discretionary with the Court on a jury trial, but  
19 it's not required, nor can I be appealed if I  
20 decide not to. We do not enter a finding of  
21 guilty in this courtroom, we find an  
22 adjudication. We accept the statement of the  
23 victim ---- or the perpetrator and say, we  
24 accept your statement that you did this, we  
25 know adjudicate you. It's not surprising that

1 daughter cries. My daughter comes to me.  
2 How do I answer her questions? How do I  
3 comfort her? What do I say? And to that, Mr.  
4 Jensen, I'm a father and a grandfather and I  
5 may wear a robe, but I don't have those  
6 answers. A counselor may, a professional may,  
7 but I certainly don't. After very carefully  
8 considering all of the matters before the Court  
9 and all of the evidence that's been presented,  
10 as well as the law that has been presented, and  
11 the individual research of the Court, I find I do  
12 not have the ability, at this point in time, to  
13 register Mr. <sup>Name</sup> ~~deleted~~ as a sex offender. Not  
14 that I don't somewhat agree with Mr. Jensen  
15 that it might have a salutatory effect. That,  
16 quite frankly, if we all had to wear a public  
17 symbol of our wrong doing for a period of time,  
18 we would all less likely, probably, venture into  
19 that behavior again. But that's not the code I  
20 have before me and that's not what I can do  
21 legally. And, again, if I just simply wanted to  
22 listen to the very rational arguments of the  
23 victim's father, this case would have been  
24 decided a long time ago. You'd have been  
25 registered and we would have been done. And,

1           as a matter of fact, apparently someone else  
2           thought that was good deal in the other case  
3           and did it, and the KBI says I can't do it. I  
4           don't know where that case is going to go. It  
5           may very well be on appeal at some point in  
6           time, but that's where it is now. The  
7           determination of the Court, Mr <sup>Name</sup> ~~deleted~~ does  
8           not in any way minimize the wrong doing. Does  
9           not minimize the decision of the Court by  
10          accepting your adjudication that, if you were  
11          eighteen, you would have committed a crime.  
12          It does not take away the pain and I've also  
13          been made aware by counsel, that there are  
14          other underlying issues that have been visited  
15          upon you. Quite frankly, I can't do anything  
16          about that. It's a public record. And so if  
17          others wish to expose you to that, I'm afraid  
18          that's just a price that ends up being paid. And  
19          maybe that's the sad substitute for a Court not  
20          having the jurisdiction to do what otherwise  
21          someone thinks might be the best thing to  
22          cause you from not doing that. The positive  
23          side is, Mr. Gusditus says, you are treatable,  
24          you are savable, and with that treatment and  
25          with that continued work on your part, there is

▼ SEXUAL PREDATOR CASE

# Kristi's petition

## Slain child's family wants juvenile sex offenders revealed

By KELLY KURT  
*The Associated Press*

OILTON, Okla. — Kristi Blevins' impish smile greets every customer at the grocery store across the street from the abandoned home where she died.

The 7-year-old beams from a wallet-sized photograph taped to petitions at two registers. She smiles, too, at people getting fill-ups at gas stations down the road. Even in a grocery store in the next county, Kristi's wide-eyed grin stops customers who add their names to a growing list of signatures under her photo.

Since last week, Rhonda Blevins has counted more than 2,000 signatures on petitions backing a law she thinks could have saved her youngest child.

Blevins wants juvenile sex offenders included in an Oklahoma law that alerts the public to adult sex offenders in

their midst. On a rented computer and the \$50 printer she bought last week, she has cranked out more than 1,000 petitions and taped a photo of Kristi to each one.



KRISTI

"The kids come home, mom's sitting there working petitions. They go to bed, I'm working on petitions. If I didn't," says the 34-year-old

mother of three other children, "I would probably be crying all the time." On Aug. 19, she and her husband discovered that Kristi and a 12-year-old friend, who had been playing outside, were missing from their Oilton home.

Searchers found the two in an abandoned home. The 12-year-old had been raped. Kristi had been strangled. With them, police found Robert Ro-

tramel, a 19-year-old with a juvenile record of detention for forcible sodomy.

Rotramel faces murder, rape and kidnapping charges. A preliminary hearing is scheduled Monday.

Others in Oilton say they knew about Rotramel's juvenile record — but not Blevins.

Her teen-age son worked at a bait shop owned by Rotramel's father. Sometimes Kristi and her other siblings visited the shop when Rotramel was there.

"If I would have known he was a sexual offender when he was a juvenile, my kids would not have had anything to do with him," Blevins said.

At Ballard's, the grocery just across the street from the murder scene, owner Kathy Ballard signed her name. A regular customer — Roy Rotramel — said he signed it, too.

"He deserves whatever he gets," Roy Rotramel said of his

son. "I said he should never have been released."

State lawmakers say Blevins' petitions won't be the determining factor if juvenile violators are added to the state's Sex Offenders Registration Act.

Rep. Larry Ferguson said House staff members have already begun to investigate such laws in other states and that legislation to change Oklahoma's law likely will be introduced. But the petitions add impetus to that effort, he said.

Every state now has what is known as a Megan's Law, which requires convicted sex offenders to register with local police and community notification of their presence.

The law extends to juveniles in 21 states. The laws are named for Megan Kanka, a 7-year-old New Jersey girl who was raped and murdered in 1994 by a convicted sex offender who lived across the street from her.

▼ AGRICU

# New not for

## Drought on fall previo

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▼ SCHOOL RESOURCE OFFICERS

# Sacred Heart declines in-school officer

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indicated a willingness to help of the fund the exte

SESSION OF 2002

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2399**

As Amended by House Committee on  
Judiciary

**Brief\***

HB 2399 would change the sex offender registration law by including juvenile offenders who commit crimes which, if committed by an adult, would require registration under the Offender Registration Act.

The requirement for juvenile registration would decay when the juvenile reaches age 18 or after five years following adjudication, whichever is later.

**Background**

The legislative sponsor spoke in support of the bill.

The fiscal note indicates no fiscal effect.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

until the deeds and conveyances have been reviewed and approved by the attorney general and, if a warranty deed is to be the instrument of conveyance, a title review has been performed or title insurance has been obtained and the title opinion or the certificate of title insurance, as the case may be, has been approved by the attorney general.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 9, 2002.

Published in the *Kansas Register* April 18, 2002.

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## CHAPTER 55

HOUSE BILL No. 2399

(Amended by Chapter 163)

AN ACT concerning criminal procedure; relating to offender registration; amending K.S.A. 2001 Supp. 22-4902 and 22-4906 and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in this act, unless the context otherwise requires:

- (a) "Offender" means: (1) A sex offender as defined in subsection (b);
- (2) a violent offender as defined in subsection (d);
- (3) a sexually violent predator as defined in subsection (f);
- (4) any person who, on and after the effective date of this act, is convicted of any of the following crimes when the victim is less than 18 years of age:
  - (A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;
  - (B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or
  - (C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;
- (5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:
  - (A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;
  - (B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;
  - (C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;
  - (D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto;

(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendment thereto; or

(F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;

(6) any person who is a resident of this state who has been required to register under any federal, military or other state's law;

(7) any person who has been convicted of an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in subsection (4) or (5), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4) or (5); or

(8) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4) or (5).

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sex offender" includes any person who, after the effective date of this act, is convicted of any sexually violent crime set forth in subsection (c) or is *adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c)*.

(c) "Sexually violent crime" means:

(1) Rape as defined in K.S.A. 21-3502 and amendments thereto;

(2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;

(4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;

(6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;

(7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;

(8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;

(9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;

(10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;

(11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto; or

(12) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;

(13) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sexually violent crime, as defined in this section; or

(14) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Violent offender" includes any person who, after the effective date of this act, is convicted of any of the following crimes:

(1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;

(2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;

(3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;

(4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;

(5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto; or

(6) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(e) "Law enforcement agency having jurisdiction" means the sheriff of the county in which the offender expects to reside upon the offender's discharge, parole or release.

(f) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto.

(g) "Nonresident student or worker" includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) "Aggravated offenses" means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 2001 Supp. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (f).

Sec. 2. K.S.A. 2001 Supp. 22-4906 is hereby amended to read as follows: 22-4906. (a) Any person required to register as provided in this act shall be required to register: (1) Upon the first conviction of a sexually violent crime as defined in subsection (c) of K.S.A. 22-4902 and amendments thereto, any offense as defined in subsection (a) of K.S.A. 22-4902 and amendments thereto or any offense as defined in subsection (d) of K.S.A. 22-4902 and amendments thereto, if not confined, for a period of 10 years after conviction, or, if confined, for a period of 10 years after parole, discharged or released; or (2) upon a second or subsequent conviction for such person's lifetime.

(b) Upon the first conviction, liability for registration terminates, if not confined, at the expiration of 10 years from the date of conviction, or, if confined, at the expiration of 10 years from the date of parole, discharge or release, if the convicted offender does not again become liable to register as provided by this act during that period.

(c) Any person who has been convicted of an aggravated offense shall be required to register for such person's lifetime. The provisions of this subsection shall expire on June 30, 2009.

(d) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 *et seq.*, and amendments thereto, shall register for such person's lifetime.

(e) Any nonresident worker shall register for the duration of such person's employment. The provisions of this subsection are in addition to subsections (a) and (b).

(f) Any nonresident student shall register for the duration of such person's attendance at a school or educational institution as provided in this act. The provisions of this subsection are in addition to subsections (a) and (b).

(g) *Notwithstanding any other provisions of this section, a person who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, shall be required to register until such person reaches 18 years of age or*

*at the expiration of five years from the date of adjudication, whichever date occurs later.*

Sec. 3. K.S.A. 2001 Supp. 22-4902 and 22-4906 are hereby repealed.

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

Approved April 9, 2002.

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## CHAPTER 56

### HOUSE BILL No. 2763

AN ACT concerning courts; relating to courtrooms and supplies; amending K.S.A. 20-348 and K.S.A. 2001 Supp. 20-349 and repealing the existing sections; also repealing K.S.A. 20-613a and 20-713.

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

Section 1. K.S.A. 20-348 is hereby amended to read as follows: 20-348. Except for expenses required by law to be paid by the state, ~~from and after January 10, 1977,~~ the board of county commissioners of each county *have an obligation to adequately fund the operation of the district court in the county and* shall be responsible for all expenses incurred for the operation of the district court in the county.

Sec. 2. K.S.A. 2001 Supp. 20-349 is hereby amended to read as follows: 20-349. The chief judge in each judicial district shall be responsible for the preparation of the budget to be submitted to the board of county commissioners of each county. The board of county commissioners shall then have final authority to determine and approve the budget for district court operations payable by their county. The judicial administrator of the courts shall prescribe the form upon which such budgets shall be submitted. The budget shall include all expenditures payable by the county for operations of the district court in such county. A separate budget shall be prepared for each county within the district and the judges of the district court shall approve the budget for the county in which such judges are regularly assigned prior to submission of such budget to the board of county commissioners. The compensation to be paid to district court personnel excluded from the judicial personnel classification system pursuant to subsection (b) of K.S.A. 20-162, and amendments thereto, shall be listed in the budget as a separate item for each job position. After the amount of such district court budget is established, the expenditures under such budget, other than expenditures for job positions contained in the budget, shall be under the control and supervision of the chief judge, subject to supreme court rules relating thereto, and the board of county commissioners shall approve all claims submitted by the chief

## Sex Offender Registration—Juvenile Offenders

HB 2399 changes the sex offender registration law by including juvenile offenders who commit crimes which, if committed by an adult, would require registration under the Offender Registration Act.

The requirement for juvenile registration would decay when the juvenile reaches age 18 or after five years following adjudication, whichever is later.

## Worthless Checks

HB 2611 amends the law regarding worthless checks by raising the service charge amount from the prior \$10 to \$30 for each check.

## Search and Rescue Dogs—Crime of Killing or Injuring

HB 2741 amends the law which makes it a crime to injure or kill a police or arson dog by adding “search and rescue dog” to the existing statute. “Search and rescue dog” is defined to mean a dog used by a law enforcement or emergency response agency for the purpose of locating persons missing in disasters or other times of need. Violation of the statute is a class A nonperson misdemeanor.

## Tampering with a Pipeline—Firearm Suppressors

HB 2752 creates a new crime of tampering with a pipeline; makes conviction of theft under a city ordinance a conviction for criminal history purposes; and allows certain law enforcement officers to use suppressors on firearms.

Tampering means the intentional, unauthorized alteration of or interference with any part of any pipeline. Tampering with a pipeline is made a severity level 6 non-person felony.

The bill also makes the crime of theft under city ordinances a conviction of theft for criminal history purposes.

Further, the bill allows certain law enforcement officers to use suppressors on firearms. These are officers assigned to a tactical team; designated to possess suppressors; in possession of commercially manufactured devices that are (1) owned by the law enforcement agency, (2) in the officer’s possession only during specific operations, and (3) approved by the Bureau of Alcohol, Tobacco and Firearms of the United State’s Department of Justice. Under prior law, it was illegal for anyone to possess these devices.