

Kansas Offender Registration Act Amendments: Senate Bill 366
Effective May 12, 2022

SB 366 creates a mechanism to seek relief from the Kansas Offender Registration Act (KORA) for certain drug offenders.

Relief from KORA Registration for Certain Drug Offenders

The bill allows a drug offender to file a verified petition for relief from registration requirements if the offender has registered for a period of at least five years after parole, discharge, release, conviction, or adjudication. Time spent in incarceration, or time during which the offender does not substantially comply with KORA requirements, does not count toward the five-year duration of the registration period.

An offender who must register due to an out-of-state conviction or adjudication is not eligible to apply for relief under the bill unless that jurisdiction no longer requires the offender to file.

The bill outlines requirements for the contents of the petition and requires the Judicial Council to develop a petition form for use under the bill's provisions. The bill includes filing, notice, hearing, and other procedural requirements for the petition, including notification to any living victims of the offense requiring registration. The bill allows the court to require a risk assessment of the registrant and provides the process for that risk-assessment.

The bill requires the court to order relief from registration requirements if the offender shows by clear and convincing evidence that:

- The offender has not been convicted or adjudicated of a felony, other than a violation of KORA, within the five years immediately preceding the filing of the petition, and no proceedings involving any such felony are presently pending or being instituted against the offender;
- The offender's circumstances, behavior, and treatment history demonstrate that the offender is sufficiently rehabilitated to warrant relief; and
- Registration of the offender is no longer necessary to promote public safety.

If the court denies a petition, the bill prohibits the offender from filing another petition until three years have elapsed, unless the court orders a shorter time period.

The bill requires successful petitioners to be removed from the offender registry and the Kansas Bureau of Investigation website, and relieves such petitioners from compliance with registration requirements.

The bill creates an exception to allow offenders who have successfully been removed from the offender registry to petition for expungement of that offense and allows an offender to combine a petition for relief from registration requirements with a petition for expungement, if the offense is otherwise eligible for expungement.

****A verified petition for relief from registration requirements shall be filed in the district court in the county where the offender was convicted or adjudicated of the offense requiring registration. If the offender was not convicted or adjudicated in the state of the offense requiring registration, such petition shall be filed in the district court of any county where the offender is currently required to register.**