

What is the Kansas Offender Registration Act (KORA)?

Kansas requires individuals to register with the state if they are convicted for certain crimes, including an array of drug offenses. The Kansas Offender Registration Act (KORA) governs who must register with the state and for how long they must register. It imposes stringent registration requirements and harsh legal consequences for noncompliance. For several years, Kansas legislators have discussed KORA reform, and in 2022 finally enacted minor amendments to K.S.A. § 22-4908, allowing relief from KORA's requirements for drug offenders who meet certain criteria.

What changed when KORA was amended?

In 2022, the Kansas Legislature passed Senate Bill No. 366, creating a mechanism for people convicted of drug offenses to seek relief from KORA's registration requirements. The change in law allows people convicted of these offenses to petition their sentencing court for relief. If relief is granted, the person will no longer be required to register and will be removed from the registry. Senate Bill 366 was approved by the governor on May 5, 2022, and became effective as law on May 12, 2022.

Who is eligible?

Under K.S.A. § 22-4908 (a), you are eligible to file a verified petition for relief from registration requirements if you 1) have been convicted of a drug offense and are required to register under KORA and 2) have been registered for a period of at least five years after the date of parole, discharge or release, whichever date is most recent. Or, if you were not confined to a correctional facility after your conviction (i.e., you were given a fine or a period of community supervision instead of a prison term), you are eligible to petition for relief after five years from the date of your conviction or adjudication.

Is there anything that can get in the way of my eligibility?

Yes. It may take longer for you to be eligible for relief if you were incarcerated in any jail or correctional facility or if you did not substantially comply with the requirements of KORA.¹ Periods of incarceration do not count toward the five-year period required before you are eligible to petition for relief. Additionally, if you otherwise would be eligible for relief from Drug Offender Registration in Kansas but 1) you have an out-of-state conviction or adjudication, and 2) the registration requirements of the state or jurisdiction where the conviction or adjudication occurred would require continued registration, then you may not be granted relief from Drug Offender Registration.² However, if you would no longer be required to register under the law of the state or jurisdiction where the conviction or adjudication occurred, you are still eligible and can file a verified petition for relief.

What should I expect after filing a petition for relief from Drug Offender Registration?

You will coordinate with the Clerk of the Court or the Administrative Assistant of the judge assigned to the case to set a hearing date. Anyone who may have relevant information about you may testify at the hearing.³ The county or district attorney will have access to all applicable records, even if they were otherwise confidential or privileged.⁴ The court might require you to undergo a risk assessment which would be performed by a professional either agreed upon by the

¹ K.S.A. § 22-4908 (c).

² K.S.A. § 22-4908 (b).

³ K.S.A. § 22-4908 (d)(4).

⁴ K.S.A. § 22-4908 (d)(6).

parties or approved of by the court.⁵ If the court requires a risk assessment to be performed, you must pay for it.⁶ After the hearing, the court shall order relief from registration requirements if you show by clear and convincing evidence that: (1) you have not been convicted or adjudicated of a felony, other than a felony registration violation, 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 you; (2) your circumstances, behavior and treatment history demonstrate that you are sufficiently rehabilitated to warrant relief; (3) your registration is no longer necessary to promote public safety.⁷

If the court grants relief from registration requirements, the court will order that you are removed from the offender registry and that you are no longer required to comply with registration requirements.⁸ Within 14 days of the order, the court will notify the Kansas Bureau of Investigation and any local law enforcement agencies that register you that you have been granted relief from the registration requirements.⁹ The Kansas Bureau of Investigation will then remove you from any internet website maintained pursuant to K.S.A. 22-4909, and any amendments to that law.¹⁰ Note: if the court denies your petition for relief, you cannot file a subsequent petition for relief until three years have elapsed, unless the court orders otherwise.¹¹ If your petition for relief is denied, paragraph number 5 of the Order Denying Relief will explain the court's reasoning for denying your petition.

Do I need a lawyer or the ACLU of Kansas to file for relief from Drug Offender Registration?

No. Legal representation is not required to file an application for relief from Drug Offender Registration. You may file for relief from Drug Offender Registration yourself by obtaining, completing, and filing all relevant paperwork, as described above. All relevant paperwork can be found at <http://www.kansasjudicialcouncil.org/legal-forms/expungement-adult-drug-offender-registration-relief/drug-offender-registration-relief>.

Does relief from registration mean my criminal conviction is expunged?

No. The petition for expungement is a [separate process](#) and requires that you meet [specific criteria](#). If you meet the criteria for both relief from Drug Offender Registration and expungement, you may combine your petition for relief with your petition for expungement under K.S.A. 2021 Supp. 21-6614.¹² This means that some of the forms for both processes overlap, and you will only need to use one form for both processes. However, each process still has unique requirements, so it is important to pay careful attention to the Kansas Judicial Council's [instructions for Expungement](#) and [instructions for Relief from Drug Offender Registration](#).

Why did the ACLU of Kansas make this document?

Relief from Drug Offender Registration provides a way for people who have already completed their sentence and pose no threat to their communities to be free of the logistical harms, humiliation, and destabilization that accompanies public registration. We want everyone to be aware of this process and how to advocate for themselves when they are eligible for relief from Drug Offender registration.¹³

This toolkit was researched and drafted by Madeline Shriver in her capacity as an intern for the Legal Department at the ACLU of Kansas in 2022.

⁵ K.S.A. § 22-4908 (e).

⁶ *Id.* You may be able to ask for a waiver of the risk assessment fee. You should ask the Clerk of the Court or the Judge about this at your hearing.

⁷ K.S.A. § 22-4908 (f).

⁸ K.S.A. § 22-4908 (h).

⁹ *Id.*

¹⁰ *Id.*

¹¹ K.S.A. § 22-4908 (g).

¹² K.S.A. § 22-4908 (i).

¹³ See our Hot Topics Series on KORA at https://www.aclukansas.org/sites/default/files/field_documents/hts_bad_kora.pdf