

PROCEDURE FOR PETITIONING FOR RELIEF FROM OFFENDER REGISTRATION (DRUG ONLY) K.S.A. 22-4908

Please read these instructions carefully before submitting to the court

1. Eligibility
 - a. **This only applies to those who must register as a drug offender under Kansas law.** For example, a person who is convicted for drug distribution.
 - i. Those who must register for violent felonies or sex crimes are not eligible for early relief.
 - b. This applies to people who have a Wyandotte County conviction or an out-of-state/federal conviction that requires them to register in Wyandotte County.
 - c. The petitioner must have complied with the registration requirements for at least **5 years** before filing a petition.
 - i. This does not include time when the petitioner was in jail or prison.
 - d. The petitioner must not have been convicted of any felonies, except for failing to register, in the past five years while required to register as a drug offender.
2. Procedure for writing and filing the petition/order
 - a. Fill out all of the documents below either by typing in them or printing out and handwriting them.
 - b. If you are unsure about certain information as you fill out the forms, please contact the Criminal Clerk's office at 913-573-2905.
 - c. Fill out the criminal cover sheet to the best of your ability with your information. If you do not know something or it does not apply, leave it blank.
 - d. The Petition
 - i. At the top of the page, place your name where it says Defendant/
Petitioner.
 - ii. Put in the case number from your original case where it says "Case No."
 - iii. Put your name as the petitioner in the first paragraph.
 - iv. Fill out paragraphs 1-6 and 9-10 to the best of your ability.
 1. For paragraph 4, put in the **conviction date**. This is either the date you pled guilty to the judge, or a jury found you guilty. It is not the date you were sentenced or the date you were released from prison.
 2. Also for paragraph 4, put in the name of the crime, the severity level 1-5 and the statute number that was violated (e.g., 21-5705(a)). If you require more spaces than provided, copy and paste as many as you need.
 3. For paragraph 5, check the first box if you went to prison and put the date you were released. Check the second box if you were placed on probation.
 - v. **Sign at the bottom of the petition. You are not required to notarize the petition.**
 - e. Fill out the order cover sheet to the best of your ability with your information. If you do not know something or it does not apply, leave it blank.
 - f. The Order Granting Relief

- i. At the top of the page, place your name where it says Defendant/Petitioner.
 - ii. Put in the case number from your original case where it says "Case No."
 - iii. **Leave the first three unnumbered paragraphs blank. The DA's Office will fill these in.**
 - iv. Fill in the first three numbered paragraphs asking for your name and demographic information.
 - v. **Leave the KBI and FBI numbers blank. The DA's Office will add these when they review the petition.**
 - vi. Fill in paragraph 6 with the same convictions from the petition and fill out the remaining paragraphs.
 - vii. Sign on the line where it says "Signature of Petitioner/Petitioner's Attorney and fill in the information below that.
- g. The Order Denying Relief
 - i. Fill in the same way as the Order Granting Relief, **but leave paragraph 5 blank for the Judge or the DA's Office to fill out.**
- h. Once everything is filled out, bring it to the Wyandotte County Courthouse (710 N 7th Street Kansas City, KS 66101) to file it. Take it to the Criminal Clerk on the second floor.
 - i. **It costs \$195 to file the petition. Petitions will not be considered until the filing fee is paid.**
 - ii. There are poverty affidavits available to file in the self help center located on the third floor of the courthouse
- 3. What comes next
 - a. After a petition is filed, it is sent to the DA's Office to review.
 - b. Most cases will not require a hearing before a judge. If the DA's Office approves, it will file your order with the judge for his/her approval.
 - i. If the DA's Office does not approve, you will be contacted and will be required to set a hearing with the court.
 - c. It generally takes about 6 weeks for the DA's office to review a petition and for the order to be filed. You will receive a certified copy of the order in the mail once it has been fully processed.

For Office Use Only

CRIMINAL COVER SHEET

The criminal cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the criminal docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

DEFENDANT'S INFORMATION

(ATTACH ADDITIONAL SHEET, IF NECESSARY)

COMPLAINT INFORMATION

FULL

NAME: _____

FULL NAME

AT ARREST: _____

ADDRESS 1: _____

ADDRESS 2: _____

CITY, STATE ZIP: _____

PHONE: _____ **CELL:** _____

E-MAIL ADDRESS: _____

DL OR STATE ID NO: _____ **STATE:** _____

SOCIAL SECURITY NO: _____

SEX: _____ **DOB:** _____

RACE: ☐ WHITE ☐ BLACK ☐ ASIAN ☐ PACIFIC ISLAND
☐ AMERICAN INDIAN/ALASKAN ☐ UNKNOWN

ETHNICITY: ☐ HISPANIC ☐ NON-HISPANIC ☐ UNKNOWN

ALIAS NAMES USED:

ARRESTING AGENCY: _____

OFFICER: _____

OFFICER NO.: _____

VIOLATION DATE: _____

KDR TRANSACTION NUMBER: _____

ATTORNEY(S)

(IF KNOWN)

(NAME, SUPREME COURT ID NUMBER, CELL PHONE NUMBER, FIRM
NAME, ADDRESS, PHONE NUMBER, E-MAIL ADDRESS)

The requirement that Social Security numbers be included on criminal cases is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

12/10/2014

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

STATE OF KANSAS,)	
)	
vs.)	Case No. _____
)	
_____)	
Defendant/ Petitioner)	

PETITION FOR RELIEF FROM OFFENDER REGISTRATION

Pursuant to K.S.A. 22-4908

COMES NOW, _____, Petitioner, respectfully moves the Court for an order removing Petitioner from the offender registry and relieving Petitioner from further offender registration requirements. In support of this Petition, Petitioner states the following:

1. Petitioner's full name is _____.
2. Petitioner's full name at the time of Petitioner's conviction for the drug offense or offenses requiring registration, if different than #1, was _____.
3. Petitioner is a _____ born on _____.
[Race] [Sex] [MM/DD/YYYY]
4. The Petitioner was convicted with the following offense(s) in the Wyandotte County District Court on _____.
[MM/DD/YYYY]
 - a. _____, a
severity level _____ drug felony in violation of K.S.A. Section _____.
 - b. _____, a
severity level _____ drug felony in violation of K.S.A. Section _____.

c. _____,

a severity level ____ drug felony in violation of K.S.A. Section _____.

5. ☐ Petitioner's most recent date of parole, discharge or release was _____.
MM/DD/YYYY]

OR

☐ Petitioner was not confined in jail or prison for the offense.

6. Petitioner is currently registered as a drug offender in the following counties:

7. Petitioner has substantially complied with all registration requirements for a period of at least five years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, five years from the date of conviction.

8. Petitioner has not been arrested, convicted, or entered into a diversion agreement for any crime during the period Petitioner has been required to register.

9. The following are the names of all treatment providers and agencies that have treated me for mental health, substance abuse, and offense-related behavior since the date of the offense or offenses requiring registration:

10. Petitioner's circumstances, behavior and treatment history demonstrate that Petitioner has been sufficiently rehabilitated to warrant relief, and that Petitioner's registration is no longer necessary to promote the public safety, because:

I affirm under penalty of perjury that the statements in this Petition are accurate to the best of Petitioner's knowledge, and I respectfully request that the Court set this matter for hearing and grant the relief requested.

Defendant, Pro Se

Name (Print): _____

Address 1: _____

Address 2: _____

City, State Zip: _____

Telephone Number: _____

Email: _____

For Office Use Only

ORDER OF RELIEF FROM OFFENDER REGISTRATION
COVER SHEET

(for submission to the Kansas Bureau of Investigation)

This cover sheet is to be sent to the Kansas Bureau of Investigation to assist them with determining the correct person to be removed from the registry.

This form must be typed or printed legibly.

DEFENDANT’S INFORMATION

NAME: _____

ADDRESS 1: _____

ADDRESS 2: _____

CITY, STATE ZIP: _____

SSN: _____ **SEX:** _____ **DOB:** _____
[MM/DD/YYYY]

RACE: ☐ WHITE ☐ BLACK ☐ ASIAN ☐ PACIFIC ISLAND
 ☐ AMERICAN INDIAN/ALASKAN ☐ UNKNOWN

ETHNICITY: ☐ HISPANIC ☐ NON-HISPANIC ☐ UNKNOWN

ALIAS NAMES USED:

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

STATE OF KANSAS,)	
)	
vs.)	Case No. _____
)	
_____)	
Defendant/ Petitioner		

ORDER GRANTING RELIEF FROM OFFENDER REGISTRATION

Pursuant to K.S.A. 22-4908

NOW ON THIS _____ day of _____, _____, the Court considers the Petition for Relief pursuant to K.S.A. 22-4908 filed herein. The State appears by _____, Assistant District Attorney. The Defendant appears ☐ pro se ☐ appears with counsel _____. There are no other appearances.
[Attorney's name, if any]

The Court finds that jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required by law.

The Court, ☐ upon agreement of the parties, ☐ having reviewed the file, ☐ having received all the evidence, and/or ☐ having heard statements of counsel, finds as follows:

1. Petitioner's full name is _____.
2. Petitioner's full name at the time of conviction, *if different than name listed in No.1*, is _____.
3. Petitioner is a _____ born on _____.
[Race] [Sex] [MM/DD/YYYY]
4. Petitioner's KBI number is _____.
5. Petitioner's FBI number is _____.
6. ☐ The Petitioner was convicted with the following offense(s) in the Wyandotte County District Court on _____.
[MM/DD/YYYY]

- a. _____, a
severity level _____ drug felony in violation of K.S.A. Section _____.
- b. _____, a
severity level _____ drug felony in violation of K.S.A. Section _____.
- c. _____, a
severity level _____ drug felony in violation of K.S.A. Section _____.

OR

☐ If convicted in another state, the Petitioner is not required or is no longer required to register under the laws of that state.

7. ☐ The Petitioner's most recent date of parole, discharge or release was _____.
[MM/DD/YYYY]

OR

☐ The Petitioner was not confined in jail or prison for the offense requiring registration.

8. The Petitioner is currently registered as a drug offender in the following counties (*list all that apply*):

9. The Petitioner has substantially complied with all registration requirements for a period of at least five years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, five years from the date of conviction.
10. The petitioner has not been convicted of a felony, other than a felony violation or aggravated felony violation of K.S.A. 22-4903, 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 petitioner.

11. The petitioner has demonstrated by clear and convincing evidence that the petitioner's circumstances, behavior and treatment history demonstrate that the petitioner is sufficiently rehabilitated to warrant relief, and registration is no longer necessary to promote public safety.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Petitioner shall be removed from the offender registry and the Petitioner is no longer required to comply with the registration requirements of the Kansas Offender Registration Act. The Clerk of the District Court, upon receipt and filing herein, shall send a certified copy of this Order of Relief from Offender Registration to the Kansas Bureau of Investigation and to the sheriff of each county listed in paragraph 8. The Kansas Bureau of Investigation shall remove such offender from any internet website maintained pursuant to K.S.A. 22-4909, and amendments thereto.

IT IS SO ORDERED.

Judge of the District Court

Submitted by:

Signature of Petitioner/ Petitioner's Attorney

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

E-mail: _____

Approved by:

Assistant District Attorney

Name (Print): _____ # _____

Address: 710 N 7th Street, Suite 10

City, State, Zip: Kansas City, KS 66101

Telephone Number: 913-573-2851

E-mail: _____

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

STATE OF KANSAS,)	
)	
vs.)	Case No. _____
)	
_____)	
Defendant/ Petitioner		

ORDER DENYING RELIEF FROM OFFENDER REGISTRATION

Pursuant to K.S.A. 22-4908

NOW ON THIS _____ day of _____, _____, the Court considers the Petition for Relief pursuant to K.S.A. 22-4908 filed herein. The State appears by _____, Assistant District Attorney. The Defendant appears ☐ pro se ☐ appears with an attorney, _____. There are no other appearances.
[Attorney's name, if any]

The Court finds that jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required by law.

The Court, ☐ upon agreement of the parties, ☐ having reviewed the file, ☐ having received all the evidence, and/or ☐ having heard statements of counsel, finds as follows:

1. Petitioner's full name is _____.
2. Petitioner's full name at the time of conviction, *if different than name listed in No.1*, is _____.
3. Petitioner is a _____ born on _____.
[Race] [Sex] [MM/DD/YYYY]
4. The Petitioner was convicted with the following offense(s) in the _____
Court on _____
[MM/DD/YYYY]
 - a. _____,
a severity level _____ drug felony in violation of K.S.A. Section _____.

b. _____, a
severity level ____ drug felony in violation of K.S.A. Section _____.

c. _____, a
severity level ____ drug felony in violation of K.S.A. Section _____.

5. The Petition for Relief is denied for the following reason(s):

IT IS THEREFORE ORDERED that the Petitioner shall not be relieved of the offender
registration requirements of the Kansas Offender Registration Act.

IT IS SO ORDERED.

Judge of the District Court

Submitted by:

Signature of Petitioner/ Petitioner's Attorney

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

E-mail: _____

Approved by:

Assistant District Attorney

Name (Print): _____ # _____

Address: 710 N 7th Street, Suite 10

City, State, Zip: Kansas City, KS 66101

Telephone Number: 913-573-2851

E-mail: _____