

# Prohibited Offenses

effective 7.1.18

**Adult Care Homes (KSA 39-970), Home Health Agencies (KSA 65-5117)  
and HCBS (KSA 39-2009)**

STATUTES	OFFENSE	PROHIBITED	
		Does Not Expire ↓	Expires 6 Years* ↓
21-5301 21-3301	Attempt to commit a prohibited offense <sup>1</sup>	See Key	
21-5302 21-3302	Conspiracy to commit a prohibited offense <sup>2</sup>	See Key	
21-5303 21-3303	Criminal solicitation to commit a prohibited offense <sup>3</sup>	See Key	
21-5401 21-3439	Capitol Murder (Felony)	Yes	
21-5402 21-3401	First degree murder (Felony)	Yes	
21-5403 21-3402a 21-3302	Second degree murder (Felony)	Yes	
21-5404 21-3403	Voluntary manslaughter (Felony)	Yes	
21-5405 21-3404	Involuntary manslaughter (Felony)		6 Years*
21-5405(a)(3) 21-3442	Involuntary manslaughter while driving under the influence (Felony)		6 Years *
21-5406	Vehicular Homicide (Felony)		6 Years *
21-5407 21-3406	Assisting suicide (Felony)	Yes	
21-5408(a) 21-3420	Kidnapping (Felony)		6 Years*
21-5408(b) 21-3421	Aggravated kidnapping (Felony)		6 Years*
21-5409(a) 21-3422	Interference with parental custody (Felony)		6 Years*
21-5409(b) 21-3422(a)	Aggravated interference with parental custody (Felony)		6 Years*
21-5410 21-3423	Interference with custody of a committed person ** (Misdemeanor or Felony)		6 Years*
21-5412(b) 21-3410	Aggravated assault (Felony)		6 Years*
21-5412(d) 21-3411	Aggravated assault on a law enforcement officer (Felony)		6 Years*

21-5413(b) 21-3414	Aggravated battery (Felony)		6 Years*
21-5413(c) 21-3413	Battery against a law enforcement officer (Felony)		6 Years*
21-5413(d) 21-3415	Aggravated battery against a law enforcement officer (Felony)		6 Years*
21-5413(f) 21-3448	Battery against a mental health employee (Felony)		6 Years*
21-5414 21-3412a	Domestic Battery (Felony)		6 Years*
21-5415(a) 21-3419	Criminal threat (Felony)		6 Years*
21-5415(b) 21-3419(a)	Aggravated criminal threat (Felony)		6 Years*
21-5416 21-3425	Mistreatment of a confined person ** (Misdemeanor and Felony)		6 Years*
21-5417 21-3437	Mistreatment of a dependent adult or Mistreatment of an elder person. (Misdemeanor or Felony)	Yes	
21-5420(a) 21-3426	Robbery (Felony)		6 Years*
21-5420(b) 21-3427	Aggravated robbery (Felony)		6 Years*
21-5421 21-3449	Terrorism (Felony)		6 Years*
21-5422 21-3450	Illegal use of weapons of mass destruction (Felony)		6 Years*
21-5423 21-3451	Furtherance of Terrorism or Illegal Use of Weapons of Mass Destruction (Felony)		6 Years*
21-5424 21-3435	Exposing another to a life threatening communicable disease (Felony)		6 Years*
21-5425 21-3445	Unlawful administration of a substance ** (Misdemeanor and Felony)		6 Years*
21-5426(a) 21-3446	Human Trafficking (Felony)	Yes	
21-5426(b) 21-3447	Aggravated Human Trafficking (Felony)	Yes	
21-5427 21-3438	Stalking (Felony)		6 Years*
21-5428 21-3428	Blackmail (Felony)		6 Years*
21-5430	Distribution of a controlled substance causing great bodily harm (Felony)		6 Years*
21-5503 21-3502	Rape (Felony)	Yes	
21-5504(a) 21-3505	Criminal sodomy (felony)		6 Years*
21-5504(b) 21-3506	Aggravated criminal sodomy (Felony)	Yes	
21-5505(a) 21-3517	Sexual battery (Felony)	Yes	

21-5505(b) 21-3518	Aggravated sexual battery (Felony)	Yes
21-5506(a) 21-3503	Indecent liberties with a child (Felony)	Yes
21-5506(b) 21-3504	Aggravated indecent liberties with a child (Felony)	Yes
21-5507 21-3522	Unlawful voluntary sexual relations (Felony)	6 Years*
21-5508(a) 21-3510	Indecent solicitation of a child (Felony)	Yes
21-5508(b) 21-3511	Aggravated indecent solicitation of a child (Felony)	Yes
21-5509 21-3523	Electronic solicitation (Felony)	6 Years*
21-5510 21-3516	Sexual exploitation of a child (Felony)	Yes
21-5512 21-3520	Unlawful sexual relation (Felony)	6 Years*
21-5513 21-3508	Lewd and lascivious behavior (Felony)	6 Years*
21-4301 21-4301a 21-6401	Promoting obscenity or promoting obscenity to minors** (Misdemeanor or Felony)	6 Years*
21-6420 21-3513	Promoting prostitution (Felony)	6 Years*
21-6422	Commercial sexual exploitation of a child (Felony)	Yes
21-5601(b) 21-3608(a)	Aggravated endangering a child (Felony)	6 Years*
21-5602 21-3609	Abuse of a child (Felony)	6 Years*
21-5603 21-3612	Contributing to a child's misconduct or deprivation (Felony)	6 Years*
21-5604(a) 21-3602	Incest (Felony)	6 Years*
21-5604(b) 21-3603	Aggravated incest (Felony)	6 Years*
21-5605(a) 21-3604	Abandonment of a child (Felony)	6Years*
21-5605(b) 21-3604(a)	Aggravated abandonment of a child (Felony)	6 Years*
21-5606 21-3605	Criminal nonsupport (Felony)	6 Years*
21-5607(b) 21-3610(b)	Furnishing alcoholic beverages to a minor for illicit purpose (Felony)	6 Years*
21-5703 65-4159 21-36a03	Unlawful manufacturing of controlled substances** (Felony)	6 Years*
21-5705 65-4161 21-36a05 65-4163	Unlawful cultivation or distribution of controlled substances** (Felony)	6 Years*

21-5707 21-36a07	Unlawful manufacture, distribution, cultivation or possession of controlled substances using a communication facility** (Felony)	6 Years*
21-5708 21-36a08 21-4214	Unlawful obtainment or sale of a prescription-only drug ** (Felony)	6 Years*
21-5710 21-36a10	Unlawful distribution of drug precursors and drug paraphernalia ** (Felony)	6 Years*
21-5713 21-36a13 65-4152	Unlawful distribution or possession of a simulated controlled substance ** (Felony)	6 Years*
21-5801 21-3701	Theft (Felony)***	6 Years*
21-5823 21-3710	Forgery** (Felony)	6 Years*
21-5828 21-3729	Criminal Use of a Financial Card** (Felony)	6 Years*
21-5924 21-3843	Violation of a protective order; extended protective orders, penalties ** (Felony)	6 Years*
21-5925 21-3844	Any violation of Kansas Medicaid Fraud Control Act** (Felony)	6 Years*
21-5927 21-3846	Making false claim, statement or representation to the Medicaid program ** (Felony)	6 Years*
21-5928 21-3847	Unlawful acts relating to the Medicaid program ** (Felony)	6 Years*
21-5929 21-3856	Obstruction of a Medicaid fraud investigation** (Felony)	6 Years*
39-0720	Social welfare fraud** (Misdemeanor or Felony)	6 Years*
21-6107 21-4018	Identity theft: identity fraud ** (Felony)	6 Years*
21-6412 21-3727 21-4310 21-4311	Cruelty to animals ** (Misdemeanor or Felony)	6 Years*
<b>NOTE:</b>	<b>Similar Statutes of Other States &amp; Federal Government.</b>	

## KEY

**6 Years\*** For this type of conviction the individual is prohibited until six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, post release supervision, conditional release or a suspended sentence; or if the applicant has been granted a waiver of such six-year disqualification.

**\*Waivers** An individual who has been disqualified for employment due to conviction or adjudication of the offenses marked by a single asterisk \* may apply to the secretary for aging

and disability services for a waiver of such disqualifications if five years have elapsed since *completion* of the sentence for such conviction.

**Yes** The individual is prohibited. The prohibition does not expire, and waivers are not available.

**\*\*** Note: A prohibition for these offenses became effective on July 1, 2018. An individual shall not be prohibited due to a conviction of these offenses who is employed by a center, facility, hospital or provider of services on or before July 1, 2018, and is *continuously* employed by the same center, facility, hospital or provider of services or to any person during or upon successful completion of a diversion agreement.

**\*\*\*** Note: A prohibition for this offense became effective on July 1, 2010. Further, an individual shall not be prohibited due to a conviction of Felony Theft if the individual is employed by an adult care home or home health agency on July 1, 2010, and *continuously* employed by the same adult care home or home health agency.

1,2,3. Convictions for attempt to commit, conspiracy to commit, or criminal solicitation to commit any offense listed above which carries a prohibition that does not expire will result in a prohibition that does not expire. Convictions for attempt to commit, conspiracy to commit, or criminal solicitation to commit any offense listed above which carries a six-year prohibition will result in a six year prohibition.