

1 AN ACT relating to sex offender registrants.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 17.500 is amended to read as follows:

4 As used in KRS 17.500 to 17.580:

5 (1) "Approved provider" means a mental health professional licensed or certified in
6 Kentucky whose scope of practice includes providing mental health treatment
7 services and who is approved by the Sex Offender Risk Assessment Advisory
8 Board, under administrative regulations promulgated by the board, to provide
9 comprehensive sex offender presentence evaluations or treatment to adults and
10 youthful offenders, as defined in KRS 600.020;

11 (2) "Cabinet" means the Justice and Public Safety Cabinet;

12 (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense
13 against a victim who is a minor" means any of the following offenses if the
14 victim is under the age of eighteen (18) at the time of the commission of the
15 offense:

- 16 1. Kidnapping, as set forth in KRS 509.040, except by a parent;
- 17 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a
18 parent;
- 19 3. Sex crime;
- 20 4. Promoting a sexual performance of a minor, as set forth in KRS
21 531.320;
- 22 5. Human trafficking involving commercial sexual activity, as set forth in
23 KRS 529.100;
- 24 6. Promoting human trafficking involving commercial sexual activity, as
25 set forth in KRS 529.110;
- 26 7. Promoting prostitution, as set forth in KRS 529.040, when the defendant
27 advances or profits from the prostitution of a person under the age of

- 1 eighteen (18);
- 2 8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
- 3 9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
- 4 10. Unlawful transaction with a minor in the first degree, as set forth in KRS
- 5 530.064(1)(a);
- 6 11. Any offense involving a minor or depictions of a minor, as set forth in
- 7 KRS Chapter 531;
- 8 12. Any attempt to commit any of the offenses described in subparagraphs 1.
- 9 to 11. of this paragraph;~~and~~
- 10 13. Solicitation to commit any of the offenses described in subparagraphs 1.
- 11 to 11. of this paragraph; or
- 12 14. Any offense from another state or territory, any federal offense, or any
- 13 offense subject to a court martial of the United States Armed Forces,
- 14 which is similar to any of the offenses described in subparagraphs 1.
- 15 to 13. of this paragraph.
- 16 (b) Conduct which is criminal only because of the age of the victim shall not be
- 17 considered a criminal offense against a victim who is a minor if the
- 18 perpetrator was under the age of eighteen (18) at the time of the commission
- 19 of the offense;
- 20 (4) "Law enforcement agency" means any lawfully organized investigative agency,
- 21 sheriff's office, police unit, or police force of federal, state, county, urban-county
- 22 government, charter county, city, consolidated local government, or a combination
- 23 of these, responsible for the detection of crime and the enforcement of the general
- 24 criminal federal or state laws;
- 25 (5) "Registrant" means:
- 26 (a) Any person eighteen (18) years of age or older at the time of the offense or
- 27 any youthful offender, as defined in KRS 600.020, who has committed:

- 1 1. A sex crime; or
- 2 2. A criminal offense against a victim who is a minor; or
- 3 (b) Any person required to register under KRS 17.510; or
- 4 (c) Any sexually violent predator; or
- 5 (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250,
- 6 until the diversionary period is successfully completed;
- 7 (6) "Registrant information" means the name, including any lawful name change
- 8 together with the previous name, Social Security number, age, race, sex, date of
- 9 birth, height, weight, hair and eye color, fingerprints, *palm prints*, DNA sample, a
- 10 photograph, aliases used, residence, *motor vehicle operator's license number as*
- 11 *well as any other government issued identification card numbers, if any*
- 12 ~~[electronic mail address and any instant messaging, chat, or other Internet~~
- 13 ~~communication name identities]~~, a brief description of the crime or crimes
- 14 committed, and other information the cabinet determines, by administrative
- 15 regulation, may be useful in the identification of registrants;
- 16 (7) "Residence" means any place where a person sleeps. For the purposes of this statute,
- 17 a registrant may have more than one (1) residence. A registrant is required to
- 18 register each residence address;
- 19 (8) "Sex crime" means:
- 20 (a) A felony offense defined in KRS Chapter 510, or KRS 530.020,
- 21 530.064(1)(a), 531.310, 531.320, or 531.335;
- 22 (b) A felony attempt to commit a felony offense specified in paragraph (a) of this
- 23 subsection; or
- 24 (c) A federal felony offense, a felony offense subject to a court-martial of the
- 25 United States Armed Forces, or a felony offense from another state or a
- 26 territory where the felony offense is similar to a felony offense specified in
- 27 paragraph (a) of this subsection;

- 1 (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an
2 Alford plea to a sex crime as defined in this section, as of the date the verdict is
3 entered by the court;
- 4 (10) "Sexually violent predator" means any person who has been subjected to
5 involuntary civil commitment as a sexually violent predator, or a similar
6 designation, under a state, territory, or federal statutory scheme;
- 7 (11) "The board" means the Sex Offender Risk Assessment Advisory Board created
8 under KRS 17.554;
- 9 (12) "Victim" has the same meaning as in KRS 421.500;
- 10 (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen
11 from a person, as prescribed by administrative regulation, that is required to provide
12 a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the
13 Department of Kentucky State Police forensic laboratory for law enforcement
14 identification purposes and inclusion in law enforcement identification databases;
15 and
- 16 (14) "Authorized personnel" means an agent of state government who is properly trained
17 in DNA sample collection pursuant to administrative regulation.
- 18 ➔Section 2. KRS 17.510 is amended to read as follows:
- 19 (1) The cabinet shall develop and implement a registration system for registrants which
20 includes creating a new computerized information file to be accessed through the
21 Law Information Network of Kentucky.
- 22 (2) A registrant shall, on or before the date of his or her release by the court, the parole
23 board, the cabinet, or any detention facility, register with the appropriate local
24 probation and parole office in the county in which he or she intends to reside. The
25 person in charge of the release shall facilitate the registration process.
- 26 (3) Any person required to register pursuant to subsection (2) of this section shall be
27 informed of the duty to register by the court at the time of sentencing if the court

1 grants probation or conditional discharge or does not impose a penalty of
2 incarceration, or if incarcerated, by the official in charge of the place of confinement
3 upon release. The court and the official shall require the person to read and sign any
4 form that may be required by the cabinet, stating that the duty of the person to
5 register has been explained to the person. The court and the official in charge of the
6 place of confinement shall require the releasee to complete the acknowledgment
7 form and the court or the official shall retain the original completed form. The
8 official shall then send the form to the Information Services Center, Department of
9 Kentucky State Police, Frankfort, Kentucky 40601.

10 (4) The court or the official shall order the person to register with the appropriate local
11 probation and parole office which shall obtain the person's fingerprints, **palm prints,**
12 **DNA sample,**~~and~~ **photograph,** **and a copy of his or her motor vehicle operator's**
13 **license as well as any other government issued identification cards, if any.**
14 Thereafter, the registrant shall return to the appropriate local probation and parole
15 office not less than one (1) time every two (2) years in order for a new photograph
16 to be obtained, and the registrant shall pay the cost of updating the photo for
17 registration purposes. Any registrant who has not provided **palm prints, a copy of**
18 **his or her motor vehicle operator's license, or a copy of any other government**
19 **issued identification cards, if any, as of the effective date of this Act**~~[a DNA~~
20 ~~sample as of July 1, 2009]~~, shall provide **the information**~~[a DNA sample]~~ to the
21 appropriate local probation and parole office when the registrant appears for a new
22 photograph to be obtained. **Any change to a registrant's motor vehicle operator's**
23 **license number or any other government issued identification card after the**
24 **registrant appears for a new photograph shall be registered in accordance with**
25 **subsection (10) of this section.** Failure to comply with this requirement shall be
26 punished as set forth in subsection (11) of this section.

27 (5) (a) The appropriate probation and parole office shall send the registration form

1 containing the registrant information, *fingerprints*~~[fingerprint card]~~, *palm*
2 *prints*~~[and]~~ photograph, *and a copy of his or her motor vehicle operator's*
3 *license as well as any other government issued identification cards, if any,*
4 and any special conditions imposed by the court or the Parole Board, to the
5 Information Services Center, Department of Kentucky State Police, Frankfort,
6 Kentucky 40601. The appropriate probation and parole office shall send the
7 DNA sample to the Department of Kentucky State Police forensic laboratory
8 in accordance with administrative regulations promulgated by the cabinet.

9 (b) The Information Services Center, upon request by a state or local law
10 enforcement agency, shall make available to that agency registrant
11 information, including a person's fingerprints and photograph, where
12 available, as well as any special conditions imposed by the court or the Parole
13 Board.

14 (c) Any employee of the Justice and Public Safety Cabinet who disseminates, or
15 does not disseminate, registrant information in good faith compliance with the
16 requirements of this subsection shall be immune from criminal and civil
17 liability for the dissemination or lack thereof.

18 (6) (a) Except as provided in paragraph (b) of this subsection, any person who has
19 been convicted in a court of any state or territory, a court of the United States,
20 or a similar conviction from a court of competent jurisdiction in any other
21 country, or a court martial of the United States Armed Forces of a sex crime
22 or criminal offense against a victim who is a minor and who has been notified
23 of the duty to register by that state, territory, or court, or who has been
24 committed as a sexually violent predator under the laws of another state, laws
25 of a territory, or federal laws, or has a similar conviction from a court of
26 competent jurisdiction in any other country, shall comply with the registration
27 requirement of this section, including the requirements of subsection (4) of

1 this section, and shall register with the appropriate local probation and parole
2 office in the county of residence within five (5) working days of relocation.
3 No additional notice of the duty to register shall be required of any official
4 charged with a duty of enforcing the laws of this Commonwealth.

5 (b) No person shall be required to register under this subsection for a juvenile
6 adjudication if such an adjudication in this Commonwealth would not create a
7 duty to register. This paragraph shall be retroactive.

8 (7) (a) Except as provided in paragraph (b) of this subsection, if a person is required
9 to register under federal law or the laws of another state or territory, or if the
10 person has been convicted of an offense *in a court of the United States, in a*
11 *court martial of the United States Armed Forces, or* under the laws of
12 another state or territory that would require registration if committed in this
13 Commonwealth, that person upon changing residence from the other state or
14 territory of the United States to the Commonwealth or upon entering the
15 Commonwealth for employment, to carry on a vocation, or as a student shall
16 comply with the registration requirement of this section, including the
17 requirements of subsection (4) of this section, and shall register within five (5)
18 working days with the appropriate local probation and parole office in the
19 county of residence, employment, vocation, or schooling. A person required to
20 register under federal law or the laws of another state or territory shall be
21 presumed to know of the duty to register in the Commonwealth. As used in
22 this subsection, "employment" or "carry on a vocation" includes employment
23 that is full-time or part-time for a period exceeding fourteen (14) days or for
24 an aggregate period of time exceeding thirty (30) days during any calendar
25 year, whether financially compensated, volunteered, or for the purpose of
26 government or educational benefit. As used in this subsection, "student"
27 means a person who is enrolled on a full-time or part-time basis, in any public

1 or private educational institution, including any secondary school, trade or
2 professional institution, or institution of higher education.

3 (b) No person shall be required to register under this subsection for a juvenile
4 adjudication if such an adjudication in this Commonwealth would not create a
5 duty to register. This paragraph shall be retroactive.

6 (8) The registration form shall be a written statement signed by the person which shall
7 include registrant information, including an up-to-date photograph of the registrant
8 for public dissemination.

9 (9) For purposes of KRS 17.500 to 17.580 and 17.991, a post office box number shall
10 not be considered an address.

11 (10) (a) If the residence address of any registrant changes, but the registrant remains in
12 the same county, the person shall register, on or before the date of the change
13 of address, with the appropriate local probation and parole office in the county
14 in which he or she resides.

15 (b) 1. If the registrant changes his or her residence to a new county, the person
16 shall notify his or her current local probation and parole office of the
17 new residence address on or before the date of the change of address.

18 2. The registrant shall also register with the appropriate local probation and
19 parole office in the county of his or her new residence no later than five
20 (5) working days after the date of the change of address.

21 (c) If the:

22 1. Motor vehicle operator's license number or any other government
23 issued identification card number ~~electronic mail address or any instant~~
24 ~~messaging, chat, or other Internet communication name identities~~ of
25 any registrant changes; ~~[,]~~ or

26 2. If the ~~Registrant~~ obtains for the first time a motor vehicle operator's
27 license number or any other government issued identification card

1 ~~*number;*~~ ~~[creates or uses any new Internet communication name~~
 2 ~~identities,]~~

3 the registrant shall register the change **or addition no later than five (5)**
 4 **working days after** ~~[or new identity, on or before]~~ the date of the change or **the**
 5 **date of the addition** ~~[use or creation of the new identity]~~, with the appropriate
 6 local probation and parole office in the county in which he or she resides.

7 (d) 1. As soon as a probation and parole office learns of the person's new
 8 address under paragraph (b)1. of this subsection, that probation and
 9 parole office shall notify the appropriate local probation and parole
 10 office in the county of the new address of the effective date of the new
 11 address.

12 2. As soon as a probation and parole office learns of the person's new
 13 address under paragraph (b)2. of this subsection ~~[or learns of the~~
 14 ~~registrant's new or changed electronic mail address or instant messaging,~~
 15 ~~chat, or other Internet communication name identities under paragraph~~
 16 ~~(e) of this subsection]~~, that office shall forward this information as set
 17 forth under subsection (5) of this section.

18 **(e) 1. A registrant shall register the following information with the**
 19 **appropriate local probation and parole office no less than twenty-one**
 20 **(21) days before traveling outside of the United States:**

21 **a. His or her passport number and country of issue;**

22 **b. The dates of departure, travel, and return; and**

23 **c. The foreign countries, colonies, territories, or possessions that**
 24 **the registrant will visit.**

25 **2. The registrant shall register the following information with the**
 26 **appropriate local probation and parole office no later than five (5)**
 27 **working days after the date of his or her return from traveling outside**

1 *of the United States:*

2 *a. The date he or she departed, traveled, and returned; and*

3 *b. The foreign countries, colonies, territories, or possessions that*
 4 *the registrant visited.*

5 (11) Any person required to register under this section who knowingly violates any of
 6 the provisions of this section or prior law is guilty of a Class D felony for the first
 7 offense and a Class C felony for each subsequent offense.

8 (12) Any person required to register under this section or prior law who knowingly
 9 provides false, misleading, or incomplete information is guilty of a Class D felony
 10 for the first offense and a Class C felony for each subsequent offense.

11 (13) (a) The cabinet shall verify the addresses, *names, motor vehicle operator's*
 12 *license numbers, and government issued identification card numbers* ~~and~~
 13 ~~the electronic mail address and any instant messaging, chat, or other Internet~~
 14 ~~communication name identities~~ of individuals required to register under this
 15 section. Verification shall occur at least once every ninety (90) days for a
 16 person required to register under KRS 17.520(2) and at least once every
 17 calendar year for a person required to register under KRS 17.520(3).

18 *(b)* If the cabinet determines that a person has:

19 *1.* ~~Moved or has created or changed any electronic mail address or any~~
 20 ~~instant messaging, chat, or other Internet communication name identities~~
 21 ~~used by the person~~ without providing his or her new address ~~, electronic~~
 22 ~~mail address, or instant messaging, chat, or other Internet~~
 23 ~~communication name identity~~; *or*

24 *2. A new name, motor vehicle operator's license number, or government*
 25 *issued identification card number that he or she has not provided;*

26 to the appropriate local probation and parole office or offices as required
 27 under subsection (10)(a), (b), and (c) of this section, the cabinet shall notify

1 the appropriate local probation and parole office of the new address, name,
 2 motor vehicle operator's license number, or government issued
 3 identification card number~~[or electronic mail address or any instant~~
 4 ~~messaging, chat, or other Internet communication name identities]~~ used by the
 5 person. The office shall then forward this information as set forth under
 6 subsection (5) of this section. The cabinet shall also notify the appropriate
 7 court, Parole Board, and appropriate Commonwealth's attorney, sheriff's
 8 office, probation and parole office, corrections agency, and law enforcement
 9 agency responsible for the investigation of the report of noncompliance.

10 (b) An agency that receives notice of the noncompliance from the cabinet under
 11 paragraph (a) of this subsection:

- 12 1. Shall consider revocation of the parole, probation, postincarceration
 13 supervision, or conditional discharge of any person released under its
 14 authority; and
- 15 2. Shall notify the appropriate county or Commonwealth's Attorney for
 16 prosecution.

17 ➔Section 3. KRS 17.520 is amended to read as follows:

18 (1) A registrant, upon his or her release by the court, the Parole Board, the cabinet, or
 19 any detention facility, shall be required to register for a period of time required
 20 under this section.

21 (2) (a) Lifetime registration is required for:

- 22 1. Any person who has been convicted of kidnapping, as set forth in KRS
 23 509.040, when the victim is under the age of eighteen (18) at the time of
 24 the commission of the offense, except when the offense is committed by
 25 a parent;
- 26 2. Any person who has been convicted of unlawful
 27 imprisonment~~[confinement]~~, as set forth in KRS 509.020, when the

- 1 victim is under the age of eighteen (18) at the time of the commission of
2 the offense, except when the offense is committed by a parent;
- 3 3. Any person convicted of a sex crime:
- 4 a. Who has one (1) or more prior convictions of a felony criminal
5 offense against a victim who is a minor; or
6 b. Who has one (1) or more prior sex crime convictions;
- 7 4. Any person who has been convicted of two (2) or more felony criminal
8 offenses against a victim who is a minor;
- 9 5. Any person who has been convicted of:
- 10 a. Rape in the first degree under KRS 510.040; or
11 b. Sodomy in the first degree under KRS 510.070; and
- 12 6. Any sexually violent predator.
- 13 (3) All other registrants are required to register for twenty (20) years following
14 discharge from confinement or twenty (20) years following the maximum discharge
15 date on probation, shock probation, conditional discharge, parole, or other form of
16 early release, whichever period is greater.
- 17 (4) If a person required to register under this section is reincarcerated for another
18 offense or as the result of having violated the terms of probation, parole,
19 postincarceration supervision, or conditional discharge, the registration
20 requirements and the remaining period of time for which the registrant shall register
21 are tolled during the reincarceration.
- 22 (5) A person who has pled guilty, entered an Alford plea, or been convicted in a court
23 of another state or territory, in a court of the United States, or in a court-martial of
24 the United States Armed Forces who is required to register in Kentucky shall be
25 subject to registration in Kentucky based on the conviction in the foreign
26 jurisdiction. The Justice and Public Safety Cabinet shall promulgate administrative
27 regulations to carry out the provisions of this subsection.

1 (6) The court shall designate the registration period as mandated by this section in its
2 judgment and shall cause a copy of its judgment to be mailed to the Information
3 Services Center, Department of Kentucky State Police, Frankfort, Kentucky 40601.

4 ➔Section 4. KRS 17.580 is amended to read as follows:

5 (1) The Department of Kentucky State Police shall establish a Web site available to the
6 public. The Web site shall display:

- 7 (a) The registrant information, except for ~~electronic mail address or any instant~~
8 ~~messaging, chat, or other Internet communication name identities included in~~
9 ~~a registrant's registration data, as well as~~ information that identifies a victim,
10 DNA samples, fingerprints, *palm prints*, ~~and~~ Social Security numbers, *motor*
11 *vehicle operator's license numbers, and government issued identification*
12 *card numbers* obtained by the Information Services Center, Department of
13 Kentucky State Police, under KRS 17.510;
- 14 (b) The sex offender information, except for information that identifies a victim,
15 DNA samples, Social Security numbers, and vehicle registration data,
16 obtained by the Information Services Center, Department of Kentucky State
17 Police, under KRS 17.510 prior to April 11, 2000; and
- 18 (c) The registrant's conviction, the elements of the offense for which the registrant
19 was convicted, whether the registrant is currently on probation or parole, and
20 whether the registrant is compliant or noncompliant.

21 The Web site shall be updated every day except for Saturdays, Sundays, and state
22 holidays.

23 (2) The information pertaining to an individual shall be maintained on the Web site so
24 long as that individual is registered in accordance with KRS 17.500 to 17.580.

25 ~~(3) The Web site shall provide public access to electronic mail addresses and any~~
26 ~~instant messaging, chat, or other Internet communication name identities used by~~
27 ~~registrants solely by use of a search function on the Web site through which~~

1 ~~members of the public may enter an electronic mail address or any instant~~
2 ~~messaging, chat, or other Internet communication name identity and receive an~~
3 ~~answer as to whether the entered identifier is included in the registrant information~~
4 ~~for any registrant.~~

5 ~~(4)~~—]The following language shall be prominently displayed on the Web site: "UNDER
6 KRS 525.070 AND 525.080, USE OF INFORMATION OBTAINED FROM THIS
7 WEB SITE TO HARASS A PERSON IDENTIFIED ON THIS WEB SITE IS A
8 CRIMINAL OFFENSE PUNISHABLE BY UP TO NINETY (90) DAYS IN THE
9 COUNTY JAIL. MORE SEVERE CRIMINAL PENALTIES APPLY FOR MORE
10 SEVERE CRIMES COMMITTED AGAINST A PERSON IDENTIFIED ON THIS
11 WEB SITE."

12 ~~(4)~~~~(5)~~ (a) Any Department of Kentucky State Police employee who disseminates,
13 or does not disseminate, registrant information or sex offender information in
14 good faith compliance with the requirements of this section shall be immune
15 from criminal and civil liability for the dissemination or lack thereof.

16 (b) Any person, including an employee of a sheriff's office, acting in good faith in
17 disseminating, or not disseminating, information previously disseminated by
18 the Department of Kentucky State Police shall be immune from criminal and
19 civil liability for the dissemination or lack thereof.

20 ~~(5)~~~~(6)~~ The cabinet shall establish a toll-free telephone number for a person to call to
21 learn the identity of the Web site created in this section and the location of public
22 access to the Web site in the county where the person resides.

23 ~~(6)~~~~(7)~~ In addition to the Web site, a local law enforcement agency may provide
24 personal notification regarding the registrants located in its jurisdiction. Any
25 notification shall contain the warning specified in subsection ~~(3)~~~~(4)~~ of this section.