

AN ACT relating to the protection of children attending youth camps.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act:

(1) "Criminal offense against a minor" means a conviction or a plea of guilty to any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:

(a) Kidnapping, as in KRS 509.040, except by a parent;

(b) Unlawful imprisonment, as in KRS 509.020, except by a parent;

(c) Sexual misconduct as in KRS 510.140;

(d) Use of a minor in a sexual performance, as in KRS 531.310;

(e) Promoting a sexual performance of a minor, as in KRS 531.320;

(f) Possession or viewing matter portraying a sexual performance by a minor, as in KRS 531.335;

(g) Distribution of matter portraying a sexual performance by a minor, as in KRS 531.340;

(h) Promoting the sale of material portraying a sexual performance by a minor, as in KRS 531.350;

(i) Advertising material portraying a sexual performance by a minor, as in KRS 531.360;

(j) Using minors to distribute material portraying a sexual performance by a minor, as in KRS 531.370;

(k) Human trafficking involving commercial sexual activity, as in KRS 529.100;

(l) Promoting prostitution, as in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);

- (m) Unlawful transaction with a minor in the first degree, as in KRS 530.064(1)(a);
- (n) Any attempt to commit any of the offenses described in paragraphs (a) to (m) of this subsection; or
- (o) Solicitation to commit any of the offenses described in paragraphs (a) to (m) of this subsection;
- (2) "Sex crime" means a conviction or a plea of guilty to any of the following offenses:
- (a) Rape in the first degree as in KRS 510.040;
- (b) Rape in the second degree as in KRS 510.050;
- (c) Rape in the third degree as in KRS 510.060;
- (d) Sodomy in the first degree as in KRS 510.070;
- (e) Sodomy in the second degree as in KRS 510.080;
- (f) Sodomy in the third degree as in KRS 510.090;
- (g) Sodomy in the fourth degree as in KRS 510.100;
- (h) Sexual abuse in the first degree as in KRS 510.110;
- (i) Sexual abuse in the second degree as in KRS 510.120;
- (j) Sexual abuse in the third degree as in KRS 510.130;
- (k) Indecent exposure in the first degree as in KRS 510.148;
- (l) Indecent exposure in the second degree as in KRS 510.150;
- (m) Unlawful use of electronic means originating or received within the Commonwealth to induce a minor to engage in sexual or other prohibited activities as in KRS 510.155; or
- (n) Incest as in KRS 530.020;
- (3) "Violent offender" means any person who has been convicted of or who has entered a plea of guilty to the commission of a capital offense, Class A felony, Class B felony involving the death of the victim or serious physical injury to the

victim, or rape in the first degree, or sodomy in the first degree; and

(4) "Youth camp" or "camp" means :

(a) Any camp required pursuant to KRS 211.180 to obtain a permit to operate;

and

(b) Any program offered, whether free or for a fee, for recreational, educational, sports training, or vacation purposes to children under eighteen (18) years of age that a child attends outside the presence of his or her parent or legal guardian.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

Sections 1 to 4 of this Act shall not apply to:

(1) Public school districts or programs sponsored by the school district;

(2) Private schools;

(3) Child-care centers, child-caring and child-placing agencies; family child-care homes; and foster care, relative caregiver services or adoptive homes otherwise governed by KRS Chapter 199; or

(4) Babysitting or child-care arrangements made by a child's parent or guardian and occurring within a private home.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) No youth camp shall employ, contract, or utilize as a volunteer, in any position, any person who has been convicted of or who has entered a plea of guilty to a criminal offense against a minor or a sex crime, who is a violent offender, or who has been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child.

(2) Prior to employing, contracting with, or allowing volunteer work, each youth camp shall obtain a state and national criminal background check of the

- applicant, contractor, or volunteer prior to the individual's presence at the camp or involvement in any program of the camp.
- (3) Records documenting the processing and result of each criminal background check shall be maintained in the administrative office of the camp in each employee's, contractor's, or volunteer's file and shall be updated yearly.
- (4) Each application form, provided by a youth camp to an applicant or volunteer, shall in a prominent place and legible font conspicuously state the following:
"STATE LAW REQUIRES A STATE AND NATIONAL CRIMINAL BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT OR INVOLVEMENT IN THIS PROGRAM."
- (5) Any request for records under subsection (3) of this section shall be on a form approved by the Justice and Public Safety Cabinet, and the cabinet may charge a fee to be paid by the applicant in an amount no greater than the actual cost of processing the request.
- (6) This section shall apply to all applicants and volunteers in a position which involves supervisory or disciplinary power over a minor.
- (7) This section shall not be construed to prohibit an exempted organization from requiring its employees, contractors, or volunteers to submit to a background check.
- (8) This section shall not be construed to require a youth camp to employ, contract with, or allow volunteering by, an individual solely on the basis of an acceptable criminal background check.
- (9) This section shall not limit a youth camp's ability to establish a more stringent background check process for its employees, contractors, or volunteers regarding other criminal offenses which, in the discretion of the youth camp, would disqualify the individual from involvement with the youth camp.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO

READ AS FOLLOWS:

- (1) Failure to comply with Section 3 of this Act will result in immediate suspension of the entity's permit until compliance is obtained.
- (2) If any employee, contractor, or volunteer is discovered to be a violent offender or has been convicted of a sex crime or a criminal offense against a minor, or has been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child, he or she shall be immediately terminated from participation with the program and removed from the property.
- (3) Any person who owns or operates a youth camp and who knowingly allows an individual to serve or continue to serve as an employee, contractor, or volunteer despite a conviction or offense specified in this section shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.