

1 AN ACT relating to offenses against persons.

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

3 ➔Section 1. KRS 529.160 is amended to read as follows:

- 4 (1) When a person is charged or convicted under this chapter, or with an offense which  
5 is not a violent crime as defined in KRS 17.165, and the person's participation in the  
6 offense is determined to be the direct result of being a victim of human trafficking,  
7 the person may make a motion in the court in which the charges were filed to  
8 expunge all records of the offense.
- 9 (2) The motion shall be filed **at any time**~~[no sooner than sixty (60) days]~~ following the  
10 date the final judgment was entered by the court in which the charges were filed.
- 11 (3) (a) A motion filed under this section, any hearing conducted on the motion, and  
12 any relief granted are governed by KRS 431.076, 431.078, and 431.079 unless  
13 otherwise provided in this section.
- 14 (b) For the purposes of expungement under KRS 431.076, a finding by the court  
15 that the person's participation in the offense was a direct result of being a  
16 victim of human trafficking shall deem the charges as dismissed with  
17 prejudice.
- 18 (c) No official determination or documentation is required to find that the  
19 person's participation in the offense was a direct result of being a victim of  
20 human trafficking, but documentation from a federal, state, local, or tribal  
21 governmental agency indicating that the defendant was a victim at the time of  
22 the offense shall create a presumption that the defendant's participation in the  
23 offense was a direct result of being a victim.