

1 AN ACT relating to survivor protection.

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

3 ➔Section 1. KRS 14.260 is repealed, reenacted as a new section of KRS Chapter  
4 196, and amended to read as follows:

- 5 (1) As funds are available, the ***director of the Division of Parole and Victim***  
6 ***Services***~~[Secretary of State]~~, or designee, shall promulgate administrative  
7 regulations to expand the address protection program to allow an applicant or  
8 specified guardians to apply to have a substitute address designated to serve as the  
9 address of the participant. Any program created under this section shall:
- 10 (a) Collaborate with the Kentucky Commission on Women;
- 11 (b) Establish criteria to prohibit certain individuals, including any individual  
12 required to register as a sex offender, from participation in the program;
- 13 (c) Allow a participant to request that state and local agencies use the substitute  
14 address as the address of the participant, but agencies may show that they have  
15 a bona fide statutory or administrative requirement for the actual address;
- 16 (d) Be open to individuals that are victims of domestic violence and abuse,  
17 stalking, any victim of an offense or an attempt to commit an offense defined  
18 in KRS Chapter 510, 530.020, 530.064(1)(a), 531.310, or 531.320, or any  
19 victim of a similar federal offense or a similar offense from another state or  
20 territory;
- 21 (e) Allow an applicant to submit evidence, including a sworn statement ***or an***  
22 ***order of protection as defined in KRS 403.720***, to show that he or she is a  
23 victim of a qualifying offense; ***and***
- 24 ***Issue a residency letter, document, or card to a participant in the address***  
25 ***protection program for that participant to offer as proof that he or she***  
26 ***actually resides in a specific county.***
- 27 (2) Participation in any program established under this section shall not affect custody

1 or visitation orders in effect prior to or established during program participation, nor  
2 shall it constitute evidence of any offense and shall not be considered for purposes  
3 of making an order allocating parental responsibilities or parenting time.

4 (3) No actionable duty nor any right of action shall accrue against the state, any entity  
5 operating an address protection program for the state, an individual operating in his  
6 or her professional capacity on behalf of the confidential address protection  
7 program established in this section, or an employee of the state or municipality in  
8 the event of negligent acts that result in the disclosure of a program participant's  
9 actual address.

10 (4) The address protection program fund is hereby created as a separate trust fund in the  
11 State Treasury. The address protection program fund shall consist of amounts  
12 received from fees collected pursuant to KRS 23A.208 and 24A.178, amounts  
13 received from appropriations, and any other proceeds from gifts, grants, federal  
14 funds, or any other funds, both public and private, made available for the purposes  
15 of this section.

16 (5) The address protection program fund shall be administered by the *director of*  
17 *Parole and Victim Services*~~[Secretary of State]~~ to operate and maintain the  
18 confidential address protection program established in this section.

19 (6) Notwithstanding KRS 45.229, address protection program fund amounts not  
20 expended at the close of a fiscal year shall not lapse but shall be carried forward  
21 into the next fiscal year.

22 (7) Any interest earnings of the address protection program fund shall become a part of  
23 the address protection program fund and shall not lapse.

24 (8) Moneys deposited in the address protection program fund are hereby appropriated  
25 for the purposes set forth in this section and shall not be appropriated or transferred  
26 by the General Assembly for any other purposes.

27 ➔Section 2. KRS 14.300 is repealed, reenacted as a new section of KRS Chapter

1 196, and amended to read as follows:

2 As used in Sections 2 to 11 of this Act~~[KRS 14.300 to 14.318]~~ unless the context  
3 otherwise requires:

4 (1) "Address" means a residential street address, school address, or work address of an  
5 individual, as specified on the application of an individual to be a program  
6 participant under this section;

7 (2) "Applicant" means a person applying for certification in the address confidentiality  
8 program under Sections 2 to 11 of this Act~~[KRS 14.300 to 14.318]~~;

9 (3) "Criminal offense against a victim who is a minor" has the same meaning as in KRS  
10 17.500;

11 (4) "Domestic violence and abuse" has the same meaning as in KRS 403.720;

12 (5) "Program participant" means a person certified as a program participant under  
13 Sections 2 to 11 of this Act~~[KRS 14.300 to 14.318]~~;

14 (6) "Sex crime" means an offense or an attempt to commit an offense defined in:

15 (a) KRS Chapter 510;

16 (b) KRS 530.020;

17 (c) KRS 530.064(1)(a);

18 (d) KRS 531.310;

19 (e) KRS 531.320; or

20 (f) Any criminal attempt to commit an offense specified in this subsection,  
21 regardless of the penalty for the attempt;

22 (7) "Specified offense" means:

23 (a) Domestic violence and abuse;

24 (b) Stalking;

25 (c) A sex crime;

26 (d) A criminal offense against a victim who is a minor;

27 (e) A similar federal offense; or

1 (f) A similar offense from another state or territory; and

2 (8) "Stalking" means conduct prohibited under KRS 508.140 and 508.150.

3 ➔Section 3. KRS 14.302 is repealed, reenacted as a new section of KRS Chapter  
4 196, and amended to read as follows:

5 (1) On or after July 1, ~~2017~~[2013], the **director of the Division of Parole and Victim**  
6 **Services**[Secretary of State] shall create a crime victim address protection program.

7 (2) The crime victim address protection program shall be open to victims of a specified  
8 offense who are United States citizens and residents of Kentucky, without any cost  
9 to the program participant.

10 (3) The **director of the Division of Parole and Victim Services**[Secretary of State] shall  
11 require that each person employed in the **Division of Parole and Victim**  
12 **Services**[Office of the Secretary of State] directly responsible for the administration  
13 of the crime victim address protection program submit his or her fingerprints to the  
14 **Kentucky State Police**[Department of State]. The **Kentucky State**  
15 **Police**[Department of State] shall exchange fingerprint data with the ~~{Kentucky~~  
16 ~~State Police and the}~~ Federal Bureau of Investigation in order to conduct a criminal  
17 history background check of each employee directly responsible for the  
18 administration of the program.

19 ➔Section 4. KRS 14.304 is repealed, reenacted as a new section of KRS Chapter  
20 196, and amended to read as follows:

21 (1) Upon the creation of the crime victim address protection program, an applicant, a  
22 parent or guardian acting on behalf of a minor, a guardian acting on behalf of a  
23 person who is declared incompetent, or a designee of an applicant or a parent or  
24 guardian of a minor or a guardian of a person declared incompetent who cannot for  
25 any reason apply themselves, may apply to the **director of the Division of Parole**  
26 **and Victim Services**[Secretary of State] to have an address designated by the  
27 **director of the Division of Parole and Victim Services**[Secretary of State] serve for

1 voting purposes as the address of the applicant, the minor, or the incompetent  
2 person. The Secretary of State shall approve an application if it is filed in the  
3 manner and on the form prescribed by the **director of the Division of Parole and**  
4 **Victim Services**~~[Secretary of State]~~ by administrative regulation and if it contains:

5 (a) A sworn statement by the applicant that:

- 6 1. The applicant or the minor or the incompetent person on whose behalf  
7 the application is made is a victim of a specified offense in an ongoing  
8 criminal case or in a criminal case that resulted in a conviction by a  
9 judge or jury or by a defendant's guilty plea;~~[-or]~~
- 10 2. The applicant or the minor or the incompetent person on whose behalf  
11 the application is made has been granted an order of protection as  
12 defined in KRS 403.720 and 456.010 by a court of competent  
13 jurisdiction within the Commonwealth of Kentucky and the order is in  
14 effect at the time of application;

15 **or**

16 **3. The applicant or the minor or the incompetent person on whose behalf**  
17 **the application is made is a participant in the address protection**  
18 **program established in Section 1 of this Act;**

19 (b) A sworn statement by the applicant that disclosure of the address of the  
20 applicant would endanger the safety of the applicant or the safety of the  
21 children of the applicant, or the minor or incompetent person on whose behalf  
22 the application is made.

23 (c) The mailing address and the phone number or numbers where the applicant  
24 can be contacted by the **director of the Division of Parole and Victim**  
25 **Services**~~[Secretary of State]~~;

26 (d) The new address or addresses that the applicant requests not be disclosed for  
27 the reason that disclosure will increase the risk of a specified offense; and

- 1 (e) The signature of the applicant and of a representative of any office designated  
2 under KRS 14.310 as a referring agency who assisted in the preparation of the  
3 application, and the date on which the applicant signed the application.
- 4 (2) Applications shall be filed with the *Division of Parole and Victim Services*~~[Office~~  
5 ~~of the Secretary of State]~~.
- 6 (3) Upon the filing of a properly completed application, the *director of the Division of*  
7 *Parole and Victim Services*~~[Secretary of State]~~ shall certify the applicant as a  
8 program participant if the applicant is not required to register as a sex offender or is  
9 not otherwise prohibited from participating in the program.
- 10 (4) Applicants shall be certified for two (2) years following the date of filing unless the  
11 certification is withdrawn or invalidated before that date. The *director of the*  
12 *Division of Parole and Victim Services*~~[Secretary of State]~~ shall promulgate an  
13 administrative regulation to establish a renewal procedure.
- 14 (5) A person who falsely attests in an application that disclosure of the address of the  
15 applicant would endanger the safety of the applicant or the safety of the children of  
16 the applicant, or the minor or incompetent person on whose behalf the application is  
17 made, or who knowingly provides false or incorrect information upon making an  
18 application may be found guilty of a violation of KRS 523.030.
- 19 (6) The addresses of individuals applying for entrance into the crime victim address  
20 confidentiality program and the addresses of those certified as program participants  
21 shall be exempt from disclosure under the Kentucky Open Records Act, KRS  
22 61.870 to KRS 61.884.
- 23 (7) A program participant shall notify the *Division of Parole and Victim*  
24 *Services*~~[Office of the Secretary of State]~~ of a change of address within seven (7)  
25 days of the change of address.
- 26 ➔Section 5. KRS 14.306 is repealed, reenacted as a new section of KRS Chapter  
27 196, and amended to read as follows:

- 1 (1) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ may  
2 cancel certification of a program participant if within fourteen (14) days:
- 3 (a) From the date of the program participant changing his or her name, the  
4 program participant fails to notify the **director of the Division of Parole and**  
5 **Victim Services**~~[Secretary of State]~~ that he or she has obtained a name change;  
6 however, the program participant may reapply under his or her new name; or
- 7 (b) From the date of changing his or her address, the program participant fails to  
8 notify the **director of the Division of Parole and Victim Services**~~[Secretary of~~  
9 ~~State]~~ of the change of address.
- 10 (2) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall  
11 cancel certification of a program participant who applies using false information.
- 12 (3) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall  
13 send notice of certification cancellation to the program participant. The notice of  
14 certification cancellation shall set out the reasons for cancellation. The program  
15 participant has the right to appeal the decision within thirty (30) days under  
16 procedures established by the **Division of Parole and Victim Services**~~[Office of the~~  
17 ~~Secretary of State]~~ by administrative regulation.
- 18 (4) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall  
19 cancel certification of a program participant who is required to register as a sex  
20 offender.
- 21 (5) A program participant may withdraw from the program by providing the **director of**  
22 **the Division of Parole and Victim Services**~~[Secretary of State]~~ with notice of his or  
23 her intention to withdraw from the program. The **director of the Division of Parole**  
24 **and Victim Services**~~[Secretary of State]~~ shall promulgate by administrative  
25 regulations a secure procedure by which to ensure that the program participant's  
26 request for withdrawal is legitimate.
- 27 ➔Section 6. KRS 14.308 is repealed, reenacted as a new section of KRS Chapter

1 196, and amended to read as follows:

2 The **director of the Division of Parole and Victim Services**~~[Secretary of the State]~~ shall  
 3 not make available for inspection or copying any records in a file of a program  
 4 participant, other than the address designated by the **director of the Division of Parole**  
 5 **and Victim Services**~~[Secretary of State]~~, except under the following circumstances:

- 6 (1) If directed by a court order signed by a judge or justice of a court of competent  
 7 jurisdiction within the Commonwealth of Kentucky; or
- 8 (2) Upon written request by the chief law enforcement officer of a city or county, or the  
 9 commander of a Department of Kentucky State Police post or branch, if related to  
 10 an ongoing official investigation. Requests shall include the reason the information  
 11 is needed by the law enforcement agency.

12 ➔Section 7. KRS 14.310 is repealed, reenacted as a new section of KRS Chapter  
 13 196, and amended to read as follows:

14 The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall  
 15 establish a list of state and local agencies and nonprofit agencies that provide counseling  
 16 and shelter services to victims of a specified offense to assist persons applying to be  
 17 program participants. Any assistance and counseling rendered to applicants by the  
 18 **Division of Parole and Victim Services**~~[Office of the Secretary of State]~~ or its designees  
 19 shall in no way be construed as legal advice.

20 ➔Section 8. KRS 14.312 is repealed, reenacted as a new section of KRS Chapter  
 21 196, and amended to read as follows:

- 22 (1) A program participant who is otherwise qualified to vote may register to vote and  
 23 apply for and submit a mail-in absentee ballot under this section.
- 24 (2) Using the authority granted under **subsection (1) of Section 11 of this Act**~~[KRS~~  
 25 ~~14.318(1)]~~, the State Board of Elections shall design a system allowing a county  
 26 clerk to shield from public view all voting records of a program participant,  
 27 including the name and address of a program participant, and allowing a program



1 participant to vote by mail-in absentee ballot. This authority may be used to modify  
2 statutory or regulatory requirements that would lead to disclosure of the program  
3 participant's name and address, but shall not include authority to waive or modify  
4 any other requirements relative to the program participant's qualifications to vote,  
5 including age and geographic residency.

6 (3) The program participant may receive mail-in absentee ballots for all elections in the  
7 jurisdiction in which that individual resides in the same manner as a person  
8 requesting an absentee ballot under KRS 117.085(1)(a). The county clerk shall  
9 transmit a mail-in absentee ballot to the program participant at the address  
10 designated by the participant in his or her application.

11 (4) Neither the name nor the address of a program participant shall be included in any  
12 list of registered voters available to the public, including any list inspected under  
13 KRS 116.095.

14 ➔Section 9. KRS 14.314 is repealed and reenacted as a new section of KRS  
15 Chapter 196 to read as follows:

16 Nothing in this chapter, nor participation in the program created in this chapter, shall  
17 affect custody or visitation orders in effect prior to or during program participation.

18 ➔Section 10. KRS 14.316 is repealed and reenacted as a new section of KRS  
19 Chapter 196 to read as follows:

20 No actionable duty or any right of action shall accrue against the state, a county, a  
21 municipality, an agency of the state or county or municipality, or an employee of the state  
22 or county or municipality in the event of negligent disclosure of a program participant's  
23 actual address.

24 ➔Section 11. KRS 14.318 is repealed, reenacted as a new section of KRS Chapter  
25 196, and amended to read as follows:

26 (1) The State Board of Elections may promulgate administrative regulations to  
27 implement ***Section 8 of this Act***~~[KRS 14.312]~~ and 117.085.

1 (2) The ***director of the Division of Parole and Victim Services***~~[Secretary of State]~~ may  
 2 promulgate administrative regulations to implement ***Sections 2 to 7, 9, and 10 of***  
 3 ***this Act***~~[KRS 14.300 to 14.310, 14.314, and 14.316].~~

4 ➔Section 12. KRS 23A.208 is amended to read as follows:

5 (1) In addition to fees created by KRS 23A.205, 23A.206, and 23A.2065, an  
 6 administrative fee of thirty dollars (\$30) shall be added to the costs that the  
 7 defendant is required to pay for the following crimes:

8 (a) A sex crime, meaning an offense described in:

- 9 1. KRS Chapter 510;
- 10 2. KRS 530.020;
- 11 3. KRS 530.064(1)(a);
- 12 4. KRS 531.310; and
- 13 5. KRS 531.320;

14 (b) Stalking, meaning conduct prohibited under KRS 508.140 and 508.150;~~[and]~~

15 (c) ***Any crime, the underlying factual basis of which has been found by the***  
 16 ***court on the record to include an act of domestic violence and abuse as***  
 17 ***defined in KRS 403.720; and***

18 ***(d)*** A criminal attempt, conspiracy, facilitation, or solicitation to commit the  
 19 crimes set forth in this subsection.

20 (2) The first one dollar and fifty cents (\$1.50) of each fee collected under this section  
 21 shall be placed into the general fund, and the remainder of the fee shall be allocated  
 22 by the clerk of the court on a quarterly basis to the address protection program fund  
 23 established in ***Section 1 of this Act***~~[KRS 14.260]~~ to be used solely to establish,  
 24 operate, and maintain the confidential address protection program established in  
 25 ***Section 1 of this Act***~~[KRS 14.260]~~.

26 (3) The court may waive all or any portion of the fee required by this section if  
 27 the court finds that a person subject to the surcharge is indigent or financially unable to

1 pay all or any portion of the surcharge. The court may waive only the portion of the  
2 surcharge that the court finds the person is financially unable to pay.

3 ➔Section 13. KRS 24A.178 is amended to read as follows:

4 (1) In addition to fees created by KRS 24A.175, 24A.176, and 24A.1765, an  
5 administrative fee of thirty dollars (\$30) shall be added to the costs that the  
6 defendant is required to pay for the following crimes:

7 (a) A sex crime, meaning an offense described in:

- 8 1. KRS Chapter 510;
- 9 2. KRS 530.020;
- 10 3. KRS 530.064(1)(a);
- 11 4. KRS 531.310; and
- 12 5. KRS 531.320;

13 (b) Stalking, meaning conduct prohibited under KRS 508.140 and 508.150;~~and~~

14 (c) Any crime, the underlying factual basis of which has been found by the  
15 court on the record to include an act of domestic violence and abuse as  
16 defined in KRS 403.720; and

17 (d) A criminal attempt, conspiracy, facilitation, or solicitation to commit the  
18 crimes set forth in this subsection.

19 (2) The first one dollar and fifty cents (\$1.50) of each fee collected under this section  
20 shall be placed into the general fund, and the remainder of the fee shall be allocated  
21 by the clerk of the court on a quarterly basis to the address protection program fund  
22 established in Section 1 of this Act~~[KRS 14.260]~~ to be used solely to establish,  
23 operate, and maintain the confidential address protection program established in  
24 Section 1 of this Act~~[KRS 14.260]~~.

25 (3) The court may waive all or any portion of the fee required by this section if  
26 the court finds that a person subject to the surcharge is indigent or financially unable to  
27 pay all or any portion of the surcharge. The court may waive only the portion of the

1 surcharge that the court finds the person is financially unable to pay.

2 ➔Section 14. KRS 186.412 is amended to read as follows:

- 3 (1) (a) A person who was under the age of eighteen (18) years at the time of  
4 application for an instruction permit and is eighteen (18) years of age or older  
5 may apply for an operator's license to operate a motor vehicle, motorcycle, or  
6 moped if the person has possessed the valid instruction permit for at least one  
7 hundred eighty (180) days and has completed a driver training program under  
8 KRS 186.410(4).
- 9 (b) A person who has attained the age of eighteen (18) years and is under the age  
10 of twenty-one (21) at the time of application for an instruction permit may  
11 apply for an operator's license to operate a motor vehicle, motorcycle, or  
12 moped if the person has possessed the valid instruction permit for at least one  
13 hundred eighty (180) days.
- 14 (c) A person who is at least twenty-one (21) years of age at the time of  
15 application for an instruction permit may apply for an operator's license to  
16 operate a motor vehicle, motorcycle, or moped if the person has possessed the  
17 valid instruction permit for at least thirty (30) days.
- 18 (2) Except as provided in subsection (4) of this section, a person shall apply for an  
19 operator's license in the office of the circuit clerk of the county where the person  
20 lives. Except as provided in subsection (8)(b) and (c) of this section, the application  
21 form shall require the person's:
- 22 (a) Full legal name and signature;
- 23 (b) Date of birth;
- 24 (c) Social Security number, federal tax identification number, a letter from the  
25 Social Security Administration declining to issue a Social Security number, or  
26 a notarized affidavit from the applicant to the Transportation Cabinet swearing  
27 that the person either does not have a Social Security number, or refuses to

- 1           divulge his or her Social Security number, based upon religious convictions;
- 2           (d) Sex;
- 3           (e) Present Kentucky resident address, exclusive of a post office box address
- 4           alone, unless the person is a participant in the confidential address
- 5           protection program established in Sections 1 to 11 of this Act. If the person
- 6           is a participant in the confidential address program, the circuit clerk shall
- 7           accept the verified substitute address information issued pursuant to Section
- 8           1 of this Act by the agency operating the confidential address program for
- 9           the purposes of this section;
- 10          (f) Other information necessary to permit the application of United States citizens
- 11          to also serve as an application for voter registration;
- 12          (g) A brief physical description of the applicant;
- 13          (h) A statement if the person has previously been licensed as an operator in
- 14          another state;
- 15          (i) Proof of the person's Kentucky residency, including but not limited to a deed
- 16          or property tax bill, utility agreement or utility bill, or rental housing
- 17          agreement, If the person is a participant in the confidential address
- 18          protection program established in Sections 1 to 11 of this Act, then the
- 19          circuit clerk shall accept a verified substitute address issued pursuant to
- 20          Section 1 of this Act by the confidential address protection program; and
- 21          (j) Other information the cabinet may require by administrative regulation
- 22          promulgated under KRS Chapter 13A.
- 23          (3) A permanent resident shall present one (1) of the following documents issued by the
- 24          United States Department of Homeland Security, United States Bureau of
- 25          Citizenship and Immigration Services:
- 26                  (a) An I-551 card with a photograph of the applicant; or
- 27                  (b) A form with the photograph of the applicant or a passport with a photograph

1 of the applicant on which the United States Department of Homeland  
2 Security, United States Bureau of Citizenship and Immigration Services has  
3 stamped the following: "Processed for I-551. Temporary evidence of lawful  
4 admission for permanent residence. Valid until -----. Employment authorized."

5 (4) If the person is not a United States citizen and has not been granted status as a  
6 permanent resident of the United States, the person's application for an original  
7 operator's license shall be submitted to either the Transportation Cabinet in  
8 Frankfort or a Transportation Cabinet field office.

9 (a) The application form shall be accompanied by the person's documentation  
10 issued by the United States Department of Homeland Security, United States  
11 Bureau of Citizenship and Immigration Services, authorizing the person to be  
12 in the United States and, if applicable, the person's international driving  
13 permit. The application form of a special status individual with a K-1 status  
14 shall be accompanied by an original or certified copy of the person's  
15 completed marriage license signed by the official who presided over the  
16 marriage ceremony and two (2) witnesses. The application form of a special  
17 status individual with a K-1 status shall also include the person's petition to  
18 enter the United States for the purpose of marriage that contains the name of  
19 the prospective spouse. If the name of the prospective spouse on the petition  
20 does not match the name of the spouse on the marriage license, the  
21 Transportation Cabinet shall not be required to issue an operator's license.

22 (b) The Transportation Cabinet shall, within fifteen (15) days of receipt of the  
23 application, review the person's documentation and determine if the person  
24 will be issued a Kentucky operator's license. If the review of an application  
25 will take longer than fifteen (15) days, the cabinet shall continue the review,  
26 but the cabinet shall be required to make a determination in all cases within  
27 thirty (30) days of receipt of the application.

- 1 (c) If the cabinet determines the person may be issued an operator's license, the  
2 cabinet shall issue the person an official form that the person shall take to the  
3 office of the circuit clerk of the county where the person resides. The circuit  
4 clerk shall review the person's documentation and the official form issued by  
5 the Transportation Cabinet. If the documentation is verified as accurate, and if  
6 the person successfully completes the examinations required under KRS  
7 186.480, the circuit clerk shall issue the person a Kentucky operator's license.
- 8 (d) Except as provided in paragraphs (e) and (f) of this subsection, a person who  
9 is not a United States citizen and who has not been granted status as a  
10 permanent resident of the United States shall apply to renew an operator's  
11 license, or obtain a duplicate operator's license, in the office of the circuit  
12 clerk in the county in which the person resides.
- 13 (e) If a person is renewing an operator's license or is applying for a duplicate  
14 license after July 15, 2002, and the person's documentation issued by the  
15 United States Department of Homeland Security, United States Bureau of  
16 Citizenship and Immigration Services, has not been reviewed by either the  
17 Transportation Cabinet in Frankfort or a Transportation Cabinet field office  
18 under the provisions of this subsection, the person shall be required to apply  
19 for the renewal or duplicate with either the Transportation Cabinet in  
20 Frankfort or a Transportation Cabinet field office.
- 21 (f) If a person has any type of change in the person's immigration status, the  
22 person shall apply to renew an operator's license with either the Transportation  
23 Cabinet in Frankfort or a Transportation Cabinet field office.
- 24 **(g) If the person is a participant in the confidential address protection program**  
25 **established in Sections 1 of this Act, then the circuit clerk shall accept a**  
26 **verified substitute address issued pursuant to Section 1 of this Act by the**  
27 **confidential address protection program.**

- 1 (5) The circuit clerk shall issue an operator's license bearing a color photograph of the  
2 applicant and other information the cabinet may deem appropriate. The photograph  
3 shall be taken by the circuit clerk so that one (1) exposure will photograph the  
4 applicant and the application simultaneously. When taking the photograph, the  
5 applicant shall be prohibited from wearing sunglasses or any other attire that  
6 obscures any features of the applicant's face as determined by the clerk. The clerk  
7 shall require an applicant to remove sunglasses or other obscuring attire before  
8 taking the photograph required by this subsection. Any person who refuses to  
9 remove sunglasses or other attire prohibited by this section as directed by the clerk  
10 shall be prohibited from receiving an operator's license. The operator's license  
11 issued by the cabinet shall not contain the applicant's Social Security number. The  
12 cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A  
13 that develop a numbering system that uses an identification system other than Social  
14 Security numbers. If an applicant does not have a Social Security number, or the  
15 applicant has submitted a notarized affidavit refusing to divulge his or her Social  
16 Security number based upon religious convictions, the Transportation Cabinet shall  
17 assign the applicant a unique identifying number. The license shall also designate  
18 by color coding and use the phrase "under 21" if the licensee is under the age of  
19 twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or  
20 "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant  
21 to KRS Chapter 281A and is under the age of twenty-one (21). **The cabinet shall**  
22 **allow a participant in the confidential address protection program established in**  
23 **Sections 1 of this Act to submit his or her verified substitute address as the**  
24 **address to be used on his or her operator's license for the purposes of this**  
25 **subsection.**
- 26 (6) Every applicant shall make oath to the circuit clerk as to the truthfulness of the  
27 statements contained in the form.



- 1 (7) (a) Except as provided in subsection (8) of this section, the circuit clerk shall  
2 issue a color photo personal identification card to any person who is a  
3 Kentucky resident and who resides in the county who complies with the  
4 provisions of this section and who applies in person in the office of the circuit  
5 clerk. An application for a personal identification card shall be accompanied  
6 by the same information as is required for an operator's license under  
7 subsection (2) of this section, except if a person does not have a fixed,  
8 permanent address, the person may use as proof of residency a signed letter  
9 from a homeless shelter, health care facility, or social service agency currently  
10 providing the person treatment or services and attesting that the person is a  
11 resident of Kentucky.
- 12 (b) It shall be permissible for the application form for a personal identification  
13 card to include as a person's most current resident address a mailing address,  
14 post office box, verified substitute address issued by the confidential address  
15 protection program established in Section 1 of this Act, or an address  
16 provided on a voter registration card.
- 17 (c) Every applicant for a personal identification card shall make an oath to the  
18 circuit clerk as to the truthfulness of the statements contained on the  
19 application form. If the applicant is not the legal owner or possessor of the  
20 address provided on the application form, the applicant shall swear that he or  
21 she has permission from the legal owner, authorized agent for the legal owner  
22 or possessor to use the address for purposes of obtaining the personal  
23 identification card. The personal identification card shall designate by color  
24 coding and by use of the phrase "under 21" if the applicant is under the age of  
25 twenty-one (21).
- 26 (d) A personal identification card shall be valid for a period of four (4) years from  
27 the date of issuance, except that if the personal identification card is issued to

1 a person who does not have a fixed, permanent address, then the personal  
2 identification card shall be valid for one (1) year from the date of issuance.  
3 Except as provided in this subsection, an initial or renewal personal  
4 identification card issued to a person who is not a United States citizen and  
5 who has not been granted status as a permanent resident of the United States  
6 and who is not a special status individual, but who is a Kentucky resident,  
7 shall be valid for a period equal to the length of time the person's  
8 documentation from the United States Department of Homeland Security,  
9 United States Bureau of Citizenship and Immigration Services is issued, or  
10 four (4) years, whichever time period is shorter. An initial or renewal personal  
11 identification card shall be valid for a period of two (2) years if the person is  
12 not a special status individual and the person's documentation issued by the  
13 United States Department of Justice, Immigration and Naturalization Service,  
14 is issued for an indefinite period of time and does not have an expiration date.  
15 The fee shall be the same as for a regular personal identification card.

16 (e) A personal identification card may be suspended or revoked if the person who  
17 was issued the card presents false or misleading information to the cabinet  
18 when applying for the card.

19 (8) (a) A person may be issued a personal identification card if the person currently  
20 holds a valid Kentucky instruction permit or operator's license. If a person's  
21 instruction permit or operator's license has been suspended or revoked, the  
22 person may be issued a temporary personal identification card. A temporary  
23 personal identification shall be renewed annually and may be surrendered  
24 when the person applies to have his or her instruction permit or operator's  
25 license reinstated.

26 (b) Upon receipt of proper documentation provided by the Department of  
27 Corrections, the circuit clerk of the county in which a released felony offender

1 resides shall issue to any felony offender, if the felony offender is eligible,  
2 released from the Department of Corrections on home incarceration, parole,  
3 completed service of sentence, shock probation, or pardon, a personal  
4 identification card or, if the felony offender is eligible, an operator's license.

5 Proper documentation under this paragraph shall consist of:

- 6 1. The offender's certificate of birth, except for offenders born outside this  
7 state;
- 8 2. A copy of the offender's resident record card and parole certificate or  
9 notice of discharge;
- 10 3. A photograph of the offender, printed on plastic card or paper; and
- 11 4. A release letter that shall contain the offender's:
  - 12 a. Full legal name, subject to the information available to the  
13 Department of Corrections;
  - 14 b. Discharge/release date;
  - 15 c. Signature;
  - 16 d. Social Security number;
  - 17 e. Date of birth;
  - 18 f. Present Kentucky address where he or she resides; and
  - 19 g. Physical description.

20 The offender shall present this documentation to the circuit clerk within thirty  
21 (30) calendar days from the date of the release letter and shall be responsible  
22 for paying the fee for the personal identification card or operator's license  
23 pursuant to KRS 186.531. The provisions of this paragraph shall apply only to  
24 persons released on or after July 15, 2010.

- 25 (c) Upon receipt of proper documentation provided by the Department of  
26 Corrections, the circuit clerk of the county in which a felony offender resides  
27 shall issue to any felony offender, if the felony offender is eligible, probated or

1 conditionally discharged by the court and under the supervision of the  
2 Division of Probation and Parole, a personal identification card or, if the  
3 felony offender is eligible, an operator's license. Proper documentation under  
4 this paragraph shall consist of:

- 5 1. The offender's certificate of birth, except for offenders born outside this  
6 state;
- 7 2. The offender's sentencing order;
- 8 3. A photograph of the offender, printed on plastic card or paper; and
- 9 4. A notarized release letter, signed by the supervising officer verifying the  
10 offender's status on supervision, that shall contain the offender's:
  - 11 a. Full legal name, subject to the information available to the  
12 Division of Probation and Parole;
  - 13 b. Signature;
  - 14 c. Social Security number;
  - 15 d. Date of birth;
  - 16 e. Present Kentucky address where he or she resides; and
  - 17 f. Physical description.

18 The offender shall present this documentation to the circuit clerk within thirty  
19 (30) calendar days from the date of the notarized release letter. The offender  
20 shall be responsible for paying the fee for the personal identification card or  
21 operator's license pursuant to KRS 186.531. The provisions of this paragraph  
22 shall apply only to persons released on or after July 15, 2010.

- 23 (9) The Transportation Cabinet shall implement a voluntary statewide child  
24 identification program. The program shall issue a color photo personal  
25 identification card to a child two (2) to fifteen (15) years of age. Application for a  
26 child identification card shall be accompanied by a Social Security card and a birth  
27 certificate for the child or other proof of the child's date of birth as provided under

1 subsection (2) of this section. The card shall contain the child's name and the toll-  
2 free number of the Kentucky Missing Persons Clearinghouse, Department of  
3 Kentucky State Police. The card shall not contain the child's Social Security  
4 number. The cabinet shall set a four dollar (\$4) fee for the child identification card.  
5 Two dollars (\$2) of the fee shall be used to cover the cabinet's cost for equipment  
6 and supplies. Two dollars (\$2) of the fee shall be an administrative fee of the circuit  
7 clerk for issuing the card which shall be deposited by the Administrative Office of  
8 the Courts into a trust and agency account for the circuit clerks and used for the  
9 purposes of hiring additional deputy clerks and providing salary adjustments to  
10 deputy clerks. The card shall expire every four (4) years on the child's birthday.  
11 Within the time period that the child identification card is valid, the card may be  
12 updated with a new photograph and information. The fee for an updated card shall  
13 be four dollars (\$4), with two dollars (\$2) of the fee going to the cabinet and two  
14 dollars (\$2) going to the Administrative Office of the Courts in the same manner as  
15 the fee for an initial card as described in this subsection. The descriptive data and a  
16 photo image of the child shall be stored in the Kentucky Driver's License  
17 Information System and may be retrieved and used by public agencies subject to the  
18 provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also  
19 be used by the Kentucky Missing Persons Clearinghouse.

20 (10) If a citizen of the Commonwealth currently serving in the United States military is  
21 stationed or assigned to a base or other location outside the boundaries of the  
22 Commonwealth, the citizen may renew a Class D operator's license issued under  
23 this section by mail. If the citizen was issued an "under 21" operator's license, upon  
24 the date of his or her twenty-first birthday, the "under 21" operator's license may be  
25 renewed for an operator's license that no longer contains the outdated reference to  
26 being "under 21."

27 (11) A citizen of the Commonwealth renewing an operator's license by mail under

1 subsection (10) of this section may have a personal designee apply to the circuit  
2 clerk on behalf of the citizen to renew the citizen's operator's license. An operator's  
3 license being renewed by mail under subsection (10) of this section shall be issued a  
4 license without a photograph. The license shall show in the space provided for the  
5 photograph the legend "valid without photo and signature."

6 (12) (a) If a citizen of the Commonwealth has been serving in the United States  
7 military stationed or assigned to a base or other location outside the  
8 boundaries of the Commonwealth and has allowed his or her operator's license  
9 to expire, he or she shall, within ninety (90) days of returning to the  
10 Commonwealth, be permitted to renew his or her license without having to  
11 take a written test or road test.

12 (b) A citizen who meets the criteria in paragraph (a) of this subsection shall not be  
13 convicted or cited for driving on an expired license prior to license renewal  
14 during the ninety (90) days after the person's return to the Commonwealth if  
15 the person can provide proof of his or her out-of-state service and dates of  
16 assignment.

17 (c) A citizen who meets the criteria in paragraph (a) of this subsection and who  
18 does not renew his or her license within ninety (90) days of returning to the  
19 Commonwealth shall be required to comply with the provisions of this chapter  
20 governing renewal of a license that has expired.

21 (d) If a citizen of the Commonwealth has been issued an "under 21" or "under 21  
22 CDL" operator's license and the person is unable to renew the license on the  
23 date of his twenty-first birthday, the "under 21" or "under 21 CDL" operator's  
24 license shall be valid for ninety (90) days beyond the date of the person's  
25 twenty-first birthday.

26 (13) The cabinet shall provide on each license to operate motor vehicles, motorcycles,  
27 and mopeds a space for the licensed driver's:

- 1 (a) Blood type;
- 2 (b) Medical insignia if the person provides evidence that a medical identification  
3 bracelet noting specific physical ailments or a drug allergy is being worn or  
4 other proof as may be required by the cabinet; and
- 5 (c) A statement whereby the owner of the license may certify in the presence of  
6 two (2) witnesses his willingness to make an anatomical gift under KRS  
7 311.1917.
- 8 (14) If the motor vehicle operator denotes a physical ailment or drug allergy on the  
9 operator's license, he may apply for and shall receive, for a fee of two dollars (\$2)  
10 paid to the circuit clerk, two (2) medical insignia decals that may be affixed to the  
11 driver's side of the front windshield of a motor vehicle and to the driver's side of the  
12 rear window of a motor vehicle.
- 13 (15) An operator's license pursuant to this section shall be designated a Class D license.
- 14 (16) A person shall not have more than one (1) license.
- 15 (17) Upon marriage, a woman applying for an operator's license or a color photo  
16 personal identification card shall provide the circuit clerk with her marriage license  
17 and complete an affidavit form provided by the circuit court clerk. She shall have  
18 the following choices in regard to her full legal name as required in subsections (2)  
19 and (7) of this section:
- 20 (a) Use her husband's last name;
- 21 (b) Retain her maiden name;
- 22 (c) Use her maiden name hyphenated with her husband's last name;
- 23 (d) Use her maiden name as a middle name and her husband's last name as her  
24 last name; or
- 25 (e) In the case of a previous marriage, retain that husband's last name.
- 26 (18) Upon issuing an operator's license or personal identification card, the clerk shall  
27 draw the recipient's attention to the location on the license relating to anatomical

1 gifts under subsection (13)(c) of this section and offer to allow personnel in the  
2 clerk's office to serve as the witnesses to the recipient's certification of willingness  
3 to make an anatomical gift if the recipient is the person to whom the license is  
4 issued.

5 (19) Any person who served in the active Armed Forces of the United States,  
6 including the Coast Guard of the United States, and was released, separated, discharged,  
7 or retired therefrom under conditions other than dishonorable, may, at the time of initial  
8 application or application for renewal or duplicate, request that an operator's license or a  
9 personal identification card issued under this section bear the word "veteran" on the face  
10 or the back of the license or personal identification card. The designation shall be in a  
11 style and format considered appropriate by the Transportation Cabinet. Prior to obtaining  
12 a designation requested under this subsection, the applicant shall present the circuit clerk  
13 with an original or copy of his or her DD-214 or DD-2 form as proof of veteran status.  
14 The circuit clerk shall not be liable for fraudulent or misread DD-214 or DD-2 forms  
15 presented.

16 ➔Section 15. KRS 209A.030 is amended to read as follows:

17 (1) The secretary may promulgate administrative regulations in accordance with KRS  
18 Chapter 13A to effect the purposes of this chapter. The secretary may offer or cause  
19 to be offered protective services for safeguarding the welfare of an adult who has  
20 experienced abuse or neglect inflicted or caused by a spouse. While the cabinet  
21 shall continue to have primary responsibility for investigation and the provision of  
22 protective services under this chapter, nothing in this chapter shall restrict the  
23 powers of another authorized agency to act under its statutory authority.

24 (2) Any person, including but not limited to physician, law enforcement officer, nurse,  
25 social worker, cabinet personnel, coroner, medical examiner, mental health  
26 professional, alternate care facility employee, or caretaker, having reasonable cause  
27 to suspect that an adult has suffered abuse or neglect, shall report or cause reports to



1 be made in accordance with the provisions of this chapter. Death of the adult does  
2 not relieve one of the responsibility for reporting the circumstances surrounding the  
3 death.

4 (3) An oral or written report shall be made immediately to the cabinet upon knowledge  
5 of suspected abuse or neglect of an adult.

6 (4) Any person making such a report shall provide the following information, if known:

7 (a) The name and address of the adult;

8 (b) The age of the adult;

9 (c) The nature and extent of the abuse or neglect, including any evidence of  
10 previous abuse or neglect;

11 (d) The identity of the perpetrator, if known;

12 (e) The identity of the complainant, if possible; and

13 (f) Any other information that the person believes might be helpful in  
14 establishing the cause of abuse or neglect.

15 (5) Upon receipt of the report, the cabinet shall take the following action:

16 (a) Notify the appropriate law enforcement agency, if indicated;

17 (b) Initiate an investigation of the complaint; and

18 (c) Make a written report of the initial findings together with a recommendation  
19 for further action, if indicated.

20 (6) Any representative of the cabinet may enter any health facility or health service  
21 licensed by the cabinet at any reasonable time to carry out the cabinet's  
22 responsibilities under this chapter.

23 (7) Any representative of the cabinet actively involved in the conduct of an abuse or  
24 neglect investigation under subsection (5) of this section shall also be allowed  
25 access to the mental and physical health records of the adult which are in the  
26 possession of any individual, hospital, or other facility if necessary to complete the  
27 investigation mandated by this section.

- 1 (8) Any representative of the cabinet may with consent of the adult enter any private  
2 premises where any adult alleged to be abused or neglected is found in order to  
3 investigate the need for protective services for the purpose of carrying out the  
4 provisions of this chapter.
- 5 (9) If a determination has been made that protective services are necessary when  
6 indicated by the investigation, the cabinet shall provide such services within  
7 budgetary limitations, except in such cases where an adult chooses to refuse such  
8 services.
- 9 (10) In the event the adult elects to accept the protective services to be provided by the  
10 cabinet, no other person shall interfere with the cabinet when rendering such  
11 services.
- 12 (11) Anyone knowingly or wantonly violating the provisions of subsection (2) of this  
13 section shall be guilty of a Class B misdemeanor and penalized in accordance with  
14 KRS 532.090. Each violation shall constitute a separate offense.
- 15 **(12) (a) For the purposes of this subsection, "application assistant" means a person**  
16 **who provides counseling, shelter, or other services to victims of domestic**  
17 **violence, sexual offenses, or stalking and has completed the training and**  
18 **registration process required by the entity or agency operating the address**  
19 **protection program established in Section 1 of this Act.**
- 20 **(b) Notwithstanding any provision of this section to the contrary, an application**  
21 **assistant of the address protection program established in Section 1 of this**  
22 **Act shall not be required to forward information regarding the abuse or**  
23 **neglect of an adult to the cabinet if the failure to report will protect an**  
24 **individual, including an applicant or a program participant, associated with**  
25 **the address protection program established in Section 1 of this Act.**
- 26 **(c) An application assistant of the address protection program established in**  
27 **Section 1 of this Act shall be required to forward information to the cabinet**

1                   *in accordance with KRS Chapters 209 and 620.*

2                   ➔Section 16. This Act shall be known as the Survivor Protection Act.

3                   ➔Section 17. The Secretary of State shall transfer all records relating to the  
4 address protection program and address protection program fund to the director of the  
5 Division of Parole and Victim Services within 60 days of the passage of this Act.