

CHAPTER 101**(HB 316)**

AN ACT relating to address protection and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to fees created by KRS 23A.205, 23A.206, and 23A.2065, an administrative fee of thirty dollars (\$30) shall be added to the costs that the defendant is required to pay for the following crimes:*
- (a) *A sex crime, meaning an offense described in:*
 - 1. *KRS Chapter 510;*
 - 2. *KRS 530.020;*
 - 3. *KRS 530.064(1)(a);*
 - 4. *KRS 531.310; and*
 - 5. *KRS 531.320;*
 - (b) *Stalking, meaning conduct prohibited under KRS 508.140 and 508.150; and*
 - (c) *A criminal attempt, conspiracy, facilitation, or solicitation to commit the crimes set forth in this subsection.*
- (2) *The first one dollar and fifty cents (\$1.50) of each fee collected under this section shall be placed into the general fund, and the remainder of the fee shall be allocated by the clerk of the court on a quarterly basis to the address protection program fund established in Section 3 of this Act to be used solely to establish, operate, and maintain the confidential address protection program established in Section 3 of this Act.*
- (3) *The court may waive all or any portion of the fee required by this section if the court finds that a person subject to the surcharge is indigent or financially unable to pay all or any portion of the surcharge. The court may waive only the portion of the surcharge that the court finds the person is financially unable to pay.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 24A IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to fees created by KRS 24A.175, 24A.176, and 24A.1765, an administrative fee of thirty dollars (\$30) shall be added to the costs that the defendant is required to pay for the following crimes:*
- (a) *A sex crime, meaning an offense described in:*
 - 1. *KRS Chapter 510;*
 - 2. *KRS 530.020;*
 - 3. *KRS 530.064(1)(a);*
 - 4. *KRS 531.310; and*
 - 5. *KRS 531.320;*
 - (b) *Stalking, meaning conduct prohibited under KRS 508.140 and 508.150; and*
 - (c) *A criminal attempt, conspiracy, facilitation, or solicitation to commit the crimes set forth in this subsection.*
- (2) *The first one dollar and fifty cents (\$1.50) of each fee collected under this section shall be placed into the general fund, and the remainder of the fee shall be allocated by the clerk of the court on a quarterly basis to the address protection program fund established in Section 3 of this Act to be used solely to establish, operate, and maintain the confidential address protection program established in Section 3 of this Act.*
- (3) *The court may waive all or any portion of the fee required by this section if the court finds that a person subject to the surcharge is indigent or financially unable to pay all or any portion of the surcharge. The court may waive only the portion of the surcharge that the court finds the person is financially unable to pay.*

➔Section 3. KRS 14.260 is amended to read as follows:

- (1) As funds are available, the Secretary of State, or designee, ~~shall~~~~may~~ promulgate administrative regulations to expand the address protection program to allow an applicant or specified guardians to apply to have a substitute address designated to serve as the address of the participant. Any program created under this section shall:
 - (a) Collaborate with the Kentucky Commission on Women;
 - (b) Establish criteria to prohibit certain individuals, including any individual required to register as a sex offender, from participation in the program;
 - (c) Allow a participant to request that state and local agencies use the substitute address as the address of the participant, but agencies may show that they have a bona fide statutory or administrative requirement for the actual address;
 - (d) Be open to individuals that are victims of domestic violence and abuse, stalking, any victim of an offense or an attempt to commit an offense defined in KRS Chapter 510, 530.020, 530.064(1)(a), 531.310, or 531.320, or any victim of a similar federal offense or a similar offense from another state or territory;
 - (e) Allow an applicant to submit evidence, including a sworn statement, to show that he or she is a victim of a qualifying offense.
- (2) Participation in any program established under this section shall not affect custody or visitation orders in effect prior to or established during program participation, nor shall it constitute evidence of any offense and shall not be considered for purposes of making an order allocating parental responsibilities or parenting time.
- (3) No actionable duty nor any right of action shall accrue against the state, any entity operating an address protection program for the state, an individual operating in his or her professional capacity on behalf of the confidential address protection program established in this section, or an employee of the state or municipality in the event of negligent acts that result in the disclosure of a program participant's actual address.
- (4) *The address protection program fund is hereby created as a separate trust fund in the State Treasury. The address protection program fund shall consist of amounts received from fees collected pursuant to Sections 1 and 2 of this Act, amounts received from appropriations, and any other proceeds from gifts, grants, federal funds, or any other funds, both public and private, made available for the purposes of this section.*
- (5) *The address protection program fund shall be administered by the Secretary of State to operate and maintain the confidential address protection program established in this section.*
- (6) *Notwithstanding KRS 45.229, address protection program fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.*
- (7) *Any interest earnings of the address protection program fund shall become a part of the address protection program fund and shall not lapse.*
- (8) *Moneys deposited in the address protection program fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*

Signed by Governor April 1, 2015.