

502 KAR 31:020. Sex Offender Registration System.

RELATES TO: KRS 17.500-17.540, 42 U.S.C. 14071

STATUTORY AUTHORITY: KRS 15A.160, 17.500(6), 17.510, 17.520(5), 42 U.S.C. 14071

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.510 and 42 U.S.C. 14071 require the Justice and Public Safety Cabinet to develop and implement a Sex Offender Registration System. This administrative regulation establishes the definitions, defines the processes, and establishes the forms necessary for the administration of the Sex Offender Registration System.

Section 1. Definitions. (1) "Authorizing Official" means an official identified in KRS 17.510(3), (4), and (5).

(2) "Cabinet" is defined in KRS 17.500(2).

(3) "Department" means the Department of Kentucky State Police.

(4) "LINK" means the Law Information Network of Kentucky.

(5) "NCIC" means the National Crime Information Center.

(6) "Registrant" is defined by KRS 17.500(5).

(7) "Registrant information" means the specific information set forth in KRS 17.500(6) as well as the name and address of any place where the registrant is a student.

(8) "SOR" means the Sex Offender Registry.

Section 2. Sex Offender Duty to Register Notification Form. (1) A registrant shall provide the information required to complete the Sex Offender Duty to Register Notification Form #P:227.

(2) Completion of Sex Offender Duty to Register Notification Form #p:227.

(a) The Division of Probation and Parole shall complete the Sex Offender Duty to Register Notification Form #P:227 for the sentencing court.

(b) A registrant shall, in the presence of the sentencing judge, sign the Sex Offender Duty to Register Notification Form #P:227 on the registrant's signature line, in ink.

(c) A copy of the completed form shall be provided to the registrant.

Section 3. Kentucky Sex Offender Registrant Responsibility Form if Registrant is Incarcerated. (1) If incarcerated, a registrant shall provide the information required to complete Kentucky Sex Offender Registrant Responsibility form.

(2) Completion of Kentucky Sex Offender Registrant Responsibility form.

(a) An authorizing official shall complete the Kentucky Sex Offender Registrant Responsibility form.

(b) A registrant shall, in the presence of an authorizing official, sign the Kentucky Sex Offender Registrant Responsibility form on the inmate signature line, in ink.

(c) An authorizing official shall sign and date the Kentucky Sex Offender Registrant Responsibility form in ink.

Section 4. SOR Registration Forms. (1) The following Sex Offender Registry Forms have been established:

(a) The Kentucky Sex Offender Registry Entry and Modification Form #P:225 shall be completed by all persons required to register pursuant to KRS 17.510(2) as follows:

1. Persons initially registering with the Sex Offender Registry; and

2. Persons changing registrant information; and

(b) The Kentucky Sex Offender Registry Move-In Form (#P:226) shall be completed by all parties required to register pursuant to KRS 17.510(6) or (7).

(2) Completion of the #P:225 and the P#:226.

(a) The #P:225 and #P:226, as appropriate, shall be completed either in the presence of or by the authorizing official and shall include:

1. The date of release from custody;
2. Maximum discharge date of supervised release, or serve out date, whichever is later;
3. Initial date of registry expiration;
4. Name of person completing the form, if registrant is assisted;
5. Office phone number of the releasing entity; and
6. The date the form is signed.

(b) The registrant shall read the #P:225 or #P:226, as appropriate, in the presence of the authorizing official.

(c) The registrant shall sign the #P:225 or #P:226, as appropriate, on the registrant's signature line of the form in ink.

(d) The authorizing official shall sign the #P:225 or #P:226, as appropriate, on the authorizing official signature line.

(e) The authorizing official shall mail one (1) copy of the completed #P:225 or #P:226 to the department on the day the form is completed.

(3) A #P:225 or #P:226 shall not be considered complete if:

(a) It does not contain the registrant information required by KRS 17.500(6) and this administrative regulation;

(b) It contains erroneous or false information;

(c) An item on the form cannot be read or understood; or

(d) The registrant or authorizing official fails to sign the appropriate line.

(4) If the department determines that a #P:225 or #P:226 is incomplete, the department shall notify the submitting authorizing official, of:

(a) The reason the #P:225 or #P:226 Entry Form was determined to be incomplete; and

(b) The action required to complete the #P:225 or #P:226.

(5) When the deficiencies of an incomplete #P:225 or #P:226 are corrected, the department shall enter the corrected information into the SOR, LINK and NCIC.

(6) The department shall enter correct information from an incomplete #P:225 or #P:226 into SOR, LINK, and NCIC.

Section 5. Sex Offender Registry Address Verification Forms. A registrant shall verify the accuracy of the registrant information contained in the appropriate Sex Offender Registry Address Verification Form (#SOR 1T, #SOR 1L, #SOR 1WL, and #SOR 1WT) mailed to him or her by the department.

(1) Annually, the department shall mail, during the birth month of each ten (10) or twenty (20) year registrant that resides in Kentucky, an Address Verification Form #SOR 1T to the last known address of the registrant.

(2) Annually, the department shall mail, during the birth month of each ten (10) or twenty (20) registrant that resides in another state, but has entered Kentucky for employment, to carry on a vocation, or as a student, an Address Verification Form (#SOR 1WT) to the last known address of the registrant.

(3) At least once every ninety (90) days, the department shall mail an Address Verification Form (#SOR 1L) to the last known address of each lifetime registrant that resides in Kentucky.

(4) At least once every ninety (90) days, the department shall mail to the last known address of each lifetime registrant that resides in another state, but has entered Kentucky for employment, to carry on a vocation, or as a student, an Address Verification Form (#SOR 1WL).

- (5) Completion of Sex Offender Registry Address Verification Forms. A registrant shall:
- (a) Complete each item in the Address Verification Form;
 - (b) Sign the Address Verification Form on the signature line in ink; and
 - (c) Mail the completed Address Verification Form to the department on the day the form is completed.
- (6) An Address Verification Form shall not be considered complete if:
- (a) It does not contain the information required;
 - (b) It contains erroneous or false information;
 - (c) An item on the form cannot be read or understood; or
 - (d) The registrant fails to sign on the appropriate line.
- (7) If the department determines that an Address Verification Form is incomplete, the department shall return the form to the submitting registrant, notifying the submitting registrant of:
- (a) The reason the Address Verification Form was returned; and
 - (b) The action required by the registrant to properly complete the Address Verification Form prior to validation thereof.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Sex Offender Duty to Register Form #P:227", June 2006;
 - (b) "Sex Offender Registry Entry and Modification Form #P:225", June 2006;
 - (c) Form #P:226", June 2006;
 - (d) "Sex Offender Registry Address Verification Form #SOR 1T", May 2009;
 - (e) "Sex Offender Registry Address Verification Form #SOR 1L", May 2009;
 - (f) "Sex Offender Registry Address Verification Form #SOR 1WT", May 2009;
 - (g) "Sex Offender Registry Address Verification Form #SOR 1WL", May 2009; and
 - (h) "Kentucky Sex Offender Registrant Responsibility Form", July 2006.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of State Police, Data Processing Section, 1250 Louisville Road, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 1276; Am. 1590; eff. 1-19-99; 26 Ky.R. 435; 1155; eff. 12-16-99; 37 Ky.R. 482; Am. 1426; eff. 1-3-2011.)