

**JUSTICE AND PUBLIC SAFETY CABINET
DEPARTMENT OF STATE POLICE
(Amendment)**

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 requires[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.

(~~3~~)(~~4~~) "LINK" means the Law Information Network of Kentucky.

(~~4~~)(~~5~~) "NCIC" means the National Crime Information Center.

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

(~~6~~)(~~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.

(~~7~~)(~~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 or electronically.

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

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;
4. ~~5.~~ Office phone number of the releasing entity; and
5. ~~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 or electronically.

(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 submitted electronically~~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) Once~~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", December 2017[~~June 2006~~];

(c) Form #P:226", December 2017[~~June 2006~~];

(d) "Sex Offender Registry Address Verification Form #SOR 1T", December 2018[~~May 2009~~];

(e) "Sex Offender Registry Address Verification Form #SOR 1L", December 2018[~~May 2009~~];

(f) "Sex Offender Registry Address Verification Form #SOR 1WT", December 2018[~~May 2009~~];

(g) "Sex Offender Registry Address Verification Form #SOR 1WL", December 2018[~~May 2009~~]; and

(h) "Kentucky Sex Offender Registrant Responsibility Form", January 2019[~~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, 1266[~~4250~~] Louisville Road, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be

given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email amy.barker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the definitions, defines the processes, and establishes the forms necessary for the administration of the Sex Offender Registration System.

(b) The necessity of this administrative regulation: This administrative regulation establishes the definitions, defines the processes, and establishes the forms necessary for the implementation of the Sex Offender Registration System (SOR).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statute by implementing the SOR.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the administration of the statutes by establishing the appropriate definitions and procedures.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment serves to update the forms currently in use by the department.

(b) The necessity of the amendment to this administrative regulation: The amendment brings the statutory authority and procedures up to date.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment assists in the administration of the statutes by establishing the appropriate procedures and definitions for the SOR.

(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies the definitions and procedures currently in use by the department.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Kentucky State Police; law enforcement; individuals on the SOR.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken on behalf of the regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The amendment provides additional guidance to the regulated entities.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Nothing.

(b) On a continuing basis: Nothing.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This amendment is not anticipated to increase implementation or enforcement costs.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this regulation does not establish any new fees or increase any current fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not applied because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Kentucky State Police; law enforcement; individuals on the SOR.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15A.160, 17.500(6), 17.510, 17.520(5)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.