

17.165 Definitions -- Criminal record check for job applicants at child-care centers -- Restrictions on employing violent offenders or persons convicted of sex crimes -- Conviction information for applicant seeking employment as child-serving professional.

- (1) As used in this section, "sex crime" means a conviction or a plea of guilty to a sex crime specified in KRS 17.500.
- (2) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, or rape in the first degree or sodomy in the first degree of the victim or serious physical injury to a victim.
- (3) As used in this section, "violent crime" shall mean a conviction of or a plea of guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, or rape in the first degree or sodomy in the first degree of the victim or serious physical injury to a victim.
- (4) As used in this section, "criminal offense against a victim who is a minor" means a conviction of or a plea of guilty to a criminal offense against a victim who is a minor as specified in KRS 17.500(3).
- (5)
 - (a) Excluding a child care staff member pursuant to KRS 199.8965, the provisions of this section shall apply to all applicants for initial employment in a position which involves care and supervision of a minor as a child-serving professional on or after March 27, 2017.
 - (b) Each employer of an applicant for initial employment in a position which involves care and supervision of a minor as a child-serving professional shall request all conviction information for the applicant for employment from the Justice and Public Safety Cabinet or the Administrative Office of the Courts prior to employing the applicant.
 - (c) This subsection shall not be construed to apply to an employer of a minor.
- (6) No employee in a position which involves care and supervision of a minor as a child-serving professional pursuant to subsection (5) of this section shall have been convicted of a violent crime, a criminal offense against a victim who is a minor, or a sex crime, or have been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child.
- (7) Each application form, provided by the employer to the applicant, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT."
- (8) Any request for records under subsection (5) of this section shall be on a form approved by the Justice and Public Safety Cabinet or the Administrative Office of the Courts, and the cabinet may charge a fee to be paid by the applicant in an amount no greater than the actual cost of processing the request.

Effective: March 27, 2017

History: Amended 2017 Ky. Acts ch. 135, sec. 1, effective March 27, 2017. -- Amended 2007 Ky. Acts ch. 85, sec. 89, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 182, sec. 1, effective July 12, 2006. -- Amended 2005 Ky.

Acts ch. 99, sec. 92, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 308, sec. 25, effective July 14, 2000. -- Repealed, reenacted, and amended 1988 Ky. Acts ch. 345, sec. 1, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 475, sec. 1, effective July 15, 1988.