

AN ACT relating to sexual offender registration.

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

➔Section 1. KRS 17.500 is amended to read as follows:

As used in KRS 17.500 to 17.580:

- (1) "Approved provider" means a mental health professional licensed or certified in Kentucky whose scope of practice includes providing mental health treatment services and who is approved by the Sex Offender Risk Assessment Advisory Board, under administrative regulations promulgated by the board, to provide comprehensive sex offender presentence evaluations or treatment to adults and youthful offenders, as defined in KRS 600.020;
- (2) "Cabinet" means the Justice and Public Safety Cabinet;
- (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:
 1. Kidnapping, as set forth in KRS 509.040, except by a parent;
 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;
 3. Sex crime;
 4. Promoting a sexual performance of a minor, as set forth in KRS 531.320;
 5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;
 6. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);
 7. Use of a minor in a sexual performance, as set forth in KRS 531.310;

8. Sexual abuse, as set forth in KRS 510.120 and 510.130;
 9. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);
 10. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;
 11. Any attempt to commit any of the offenses described in subparagraphs 1. to 10. of this paragraph; and
 12. Solicitation to commit any of the offenses described in subparagraphs 1. to 10. of this paragraph.
- (b) Conduct which is criminal only because of the age of the victim shall not be considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense;
- (4) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, state, county, urban-county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal federal or state laws;
- (5) "Registrant" means:
- (a) Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
 1. A sex crime; or
 2. A criminal offense against a victim who is a minor; or
 - (b) Any person required to register under KRS 17.510; or
 - (c) Any sexually violent predator; or
 - (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed;

- (6) "Registrant information" means the name, including any lawful name change together with the previous name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, DNA sample, a photograph, aliases used, residence, electronic mail address and any instant messaging, chat, or other Internet communication name identities, a brief description of the crime or crimes committed, and other information the cabinet determines, by administrative regulation, may be useful in the identification of registrants;
- (7) "Residence" means any place where a person sleeps. For the purposes of this statute, a registrant may have more than one (1) residence. A registrant is required to register each residence address;
- (8) "Sex crime" means:
- (a) A felony offense defined in KRS Chapter 510, or KRS 530.020, 530.064(1)(a), 531.310, 531.320, or 531.335;
 - (b) An~~A~~ felony attempt to commit a felony offense specified in paragraph (a) of this subsection;~~or~~
 - (c) *Conspiracy to commit a felony offense specified in paragraph (a) of this subsection;*
 - (d) *Solicitation to commit a felony offense specified in paragraph (a) of this subsection; or*
 - (e) A federal ~~felony~~ offense, an~~a~~ felony offense subject to a court-martial of the United States Armed Forces, or an~~a~~ felony offense from another state, *Indian tribe, country,* or a territory where the ~~felony~~ offense is similar to an~~a~~ felony offense specified in paragraphs~~paragraph~~ (a) to (d) of this subsection;
- (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in this section, as of the date the verdict is entered by the court;

- (10) "Sexually violent predator" means any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation, under a state, territory, or federal statutory scheme;
- (11) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;
- (12) "Victim" has the same meaning as in KRS 421.500;
- (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen from a person, as prescribed by administrative regulation, that is required to provide a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the Department of Kentucky State Police forensic laboratory for law enforcement identification purposes and inclusion in law enforcement identification databases; and
- (14) "Authorized personnel" means an agent of state government who is properly trained in DNA sample collection pursuant to administrative regulation.

➔Section 2. KRS 17.520 is amended to read as follows:

- (1) A registrant, upon his or her release by the court, the Parole Board, the cabinet, or any detention facility, shall be required to register for a period of time required under this section.
- (2) (a) Lifetime registration is required for:
1. Any person who has been convicted of kidnapping, as set forth in KRS 509.040, when the victim is under the age of eighteen (18) at the time of the commission of the offense, except when the offense is committed by a parent;
 2. Any person who has been convicted of unlawful imprisonment~~[confinement]~~, as set forth in KRS 509.020, when the victim is under the age of eighteen (18) at the time of the commission of the offense, except when the offense is committed by a parent;

3. Any person convicted of a sex crime:
 - a. Who has one (1) or more prior convictions of a felony criminal offense against a victim who is a minor; or
 - b. Who has one (1) or more prior sex crime convictions;
 4. Any person who has been convicted of two (2) or more felony criminal offenses against a victim who is a minor;
 5. Any person who has been convicted of:
 - a. Rape in the first degree under KRS 510.040; ~~or~~
 - b. Rape in the second degree under KRS 510.050;~~Sodomy in the first degree under KRS 510.070; and~~
 - c. Rape in the third degree under KRS 510.060;
 - d. Sodomy in the first degree under KRS 510.070;
 - e. Sodomy in the second degree under KRS 510.080;
 - f. Sodomy in the third degree under KRS 510.090;
 - g. Sexual abuse in the first degree under KRS 510.110;
 - h. Incest under KRS 530.020(2)(b); or
 - i. Incest under KRS 530.020(2)(c); and
 6. Any sexually violent predator.
- (3) All other registrants are required to register from the time of sentencing if the court grants probation or conditional discharge or does not impose a penalty of incarceration, or if incarcerated, upon release until twenty-five (25)~~for twenty (20)~~ years following discharge from confinement or twenty-five (25)~~twenty (20)~~ years following the maximum discharge date on probation, shock probation, conditional discharge, parole, or other form of early release, whichever period is greater.
- (4) If a person required to register under this section is reincarcerated for another offense or as the result of having violated the terms of probation, parole,

postincarceration supervision, or conditional discharge, the registration requirements and the remaining period of time for which the registrant shall register are tolled during the reincarceration.

- (5) A person who ~~has pled guilty, entered an Alford plea, or been convicted in a court of another state or territory, in a court of the United States, or in a court martial of the United States Armed Forces who~~ is required to register in Kentucky **pursuant to KRS 17.510(6) or (7)** shall be subject to registration in Kentucky based on the conviction **or requirement to register** in the foreign jurisdiction **and shall be required to register for the period of time that corresponds to the registration requirement applicable to a substantially similar conviction under Kentucky law.**

The Justice and Public Safety Cabinet shall promulgate administrative regulations to carry out the provisions of this subsection.

- ~~[(6) The court shall designate the registration period as mandated by this section in its judgment and shall cause a copy of its judgment to be mailed to the Information Services Center, Department of Kentucky State Police, Frankfort, Kentucky 40601.]~~