



**Section 3:**

As introduced, HB 575 expands the list of offenses defined as a “criminal offense against a victim who is a minor” and currently included in KRS 175.500(3)(a) to include any offense from another state or territory, any federal offense, or any offense subject to a court martial of the United States Armed Forces which is similar to any of the offenses defined in KRS 175.500(3)(a) and listed below:

- Kidnapping
- Unlawful imprisonment
- Sex crime
- Promoting sexual performance of a minor
- Human trafficking involving sexual activity
- Promoting prostitution involving victims under the age of 18
- Sexual abuse
- Unlawful transaction with a minor, 1<sup>st</sup> degree
- Any offense involving a minor or depictions of a minor
- Any attempt to commit or solicitation to commit any of the offenses listed above

HB 575 expands identifiers that may be retained as part of a registrant’s information to include palm prints. **Section 8** requires the KSP to display palm prints on the sexual offenders Web site.

**Section 4:**

HB 575, as introduced, requires that upon registering with the appropriate local probation and parole office, the registrant must provide palm prints in addition to fingerprints, DNA sample, and photograph. If a registrant has not provided fingerprints or palm prints as of the effective date of this Act, the registrant must provide fingerprints and palm prints to the appropriate local probation and parole office when the registrant appears for a new photograph. Any person who fails to comply with this is guilty of a Class D felony for the first offense and a Class C felony for each subsequent offense.

HB 575 reduces from five to three days the number of days a registrant has to register with the appropriate probation and parole office after relocating.

HB 575 reduces from five to three days the number of days a registrant convicted under federal law in a court of the United States or in a court martial of the United States Armed Forces to register with the appropriate local probation and parole office.

HB 575 requires a registrant using any new email address, any new e-identifiers related to e-communications to register the new identity no later than three working days after the date of change, use, or creation of the new identity.

HB 575 requires registrants to register with the appropriate local probation and parole office the following information no less than 21 days before traveling outside of the country: his or her passport number and country of issue, dates of travel, and locales the

registrant will visit. The registrant shall inform the local probation and parole office no later than three working day after returning from travel outside the United States. Failure to do so is a Class D felony for the first offense and a Class C felony for each subsequent offense.

**Section 5:**

HB 575 as related to offenses requiring lifetime registration conforms terminology of KRS 17.520 to KRS 509.020, replacing “confinement” to “imprisonment”.

**Section 6:**

HB 575 clarifies that a registrant cannot reside within 1000 feet of publicly owned playgrounds and licensed day care facilities based on the nearest property line of the playground or day care to the registrant’s place of residence. This conforms to the same requirements as schools.

HB 575 forbids a registrant who is 18 years or older from having the same residence as a minor except if the registrant is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or court-appointed guardian of the minor and the minor was not the victim of the registrant. As introduced, HB 575 would require that any registrant residing with a minor in violation of the above shall move within 90 days of the effective date of this Act. HB 575 provides that these specific offenses are not retroactive and apply only to registrants that committed these offenses on or after the effective date of this Act.

Any person who violates the terms found in Section 6 is guilty of a Class A misdemeanor for a first offense and a Class D felony for the second and each subsequent offense.

**Section 7:**

HB 575 clarifies that a “social networking Web site” does not mean an Internet Web site whose primary purpose is facilitation of commercial transactions involving goods or services between its members or visitors, or the dissemination of news, or of a government entity.

**HB 575 HCS retains the major provisions of the measure as introduced and makes the following changes in the bill:**

HB 575 HCS removes from the proposal, as introduced, the requirement that a registrant 18 years and older residing with a minor in violation of this Act on the effective date of this Act shall move within 90 days of the effective date of this Act, and thereafter, be subject to the following penalties: a Class A misdemeanor for a first time offense; and a Class D felony for the second and each subsequent offense.

### **Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

#### **Section 1:**

A registrant who fails to pay the registrant fee is guilty of a violation with a fine of up to \$250 for the first offense, and a Class B misdemeanor for each subsequent offense.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.92 per day.

#### **Section 4 and Section 6:**

Any person who fails to comply with providing the appropriate local probation office with finger prints or palm prints is guilty of a Class D felony for the first offense and a Class C felony for each subsequent offense. Likewise for failure of the registrant to adhere to requirements for traveling outside the country.

A registrant found guilty of living too close to a school or daycare, or a registrant living with a minor in violation of HB 575, and who fails to move within 90 days of the effective date of this Act is guilty of a Class A misdemeanor for a first offense and a Class D felony for the second and each subsequent offense.

A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.92 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. Class C felons are ineligible for placement in local jails until

they are classified at the lowest custody level with 18 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.92 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** LRC Staff, Department of Corrections

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