

1 AN ACT relating to sex offender registrants.

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

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

4 As used in KRS 17.500 to 17.580:

5 (1) "Approved provider" means a mental health professional licensed or certified in
6 Kentucky whose scope of practice includes providing mental health treatment
7 services and who is approved by the Sex Offender Risk Assessment Advisory
8 Board, under administrative regulations promulgated by the board, to provide
9 comprehensive sex offender presentence evaluations or treatment to adults and
10 youthful offenders, as defined in KRS 600.020;

11 (2) "Cabinet" means the Justice and Public Safety Cabinet;

12 (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense
13 against a victim who is a minor" means any of the following offenses if the
14 victim is under the age of eighteen (18) at the time of the commission of the
15 offense:

- 16 1. Kidnapping, as set forth in KRS 509.040, except by a parent;
- 17 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a
18 parent;
- 19 3. Sex crime;
- 20 4. Promoting a sexual performance of a minor, as set forth in KRS
21 531.320;
- 22 5. Human trafficking involving commercial sexual activity, as set forth in
23 KRS 529.100;
- 24 6. Promoting human trafficking involving commercial sexual activity, as
25 set forth in KRS 529.110;
- 26 7. Promoting prostitution, as set forth in KRS 529.040, when the defendant
27 advances or profits from the prostitution of a person under the age of

1 eighteen (18);

2 8. Use of a minor in a sexual performance, as set forth in KRS 531.310;

3 9. Sexual abuse, as set forth in KRS 510.120 and 510.130;

4 10. Unlawful transaction with a minor in the first degree, as set forth in KRS
5 530.064(1)(a);

6 11. Any offense involving a minor or depictions of a minor, as set forth in
7 KRS Chapter 531;

8 12. Any attempt to commit any of the offenses described in subparagraphs 1.
9 to 11. of this paragraph;~~and~~

10 13. Solicitation to commit any of the offenses described in subparagraphs 1.
11 to 11. of this paragraph; or

12 **14. Any offense from another state or territory, any federal offense, or any**
13 **offense subject to a court martial of the United States Armed Forces,**
14 **which is similar to any of the offenses described in subparagraphs 1.**
15 **to 13. of this paragraph.**

16 (b) Conduct which is criminal only because of the age of the victim shall not be
17 considered a criminal offense against a victim who is a minor if the
18 perpetrator was under the age of eighteen (18) at the time of the commission
19 of the offense;

20 (4) "Law enforcement agency" means any lawfully organized investigative agency,
21 sheriff's office, police unit, or police force of federal, state, county, urban-county
22 government, charter county, city, consolidated local government, or a combination
23 of these, responsible for the detection of crime and the enforcement of the general
24 criminal federal or state laws;

25 (5) "Registrant" means:

26 (a) Any person eighteen (18) years of age or older at the time of the offense or
27 any youthful offender, as defined in KRS 600.020, who has committed:

- 1 1. A sex crime; or
- 2 2. A criminal offense against a victim who is a minor; or
- 3 (b) Any person required to register under KRS 17.510; or
- 4 (c) Any sexually violent predator; or
- 5 (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250,
- 6 until the diversionary period is successfully completed;
- 7 (6) "Registrant information" means the name, including any lawful name change
- 8 together with the previous name, Social Security number, age, race, sex, date of
- 9 birth, height, weight, hair and eye color, fingerprints, *palm prints*, DNA sample, a
- 10 photograph, aliases used, residence, *motor vehicle operator's license number as*
- 11 *well as any other government issued identification card numbers, if any, home*
- 12 *and cellular telephone numbers, if any*~~electronic mail address and any instant~~
- 13 ~~messaging, chat, or other Internet communication name identities~~, a brief
- 14 description of the crime or crimes committed, and other information the cabinet
- 15 determines, by administrative regulation, may be useful in the identification of
- 16 registrants;
- 17 (7) "Residence" means any place where a person sleeps. For the purposes of this statute,
- 18 a registrant may have more than one (1) residence. A registrant is required to
- 19 register each residence address;
- 20 (8) "Sex crime" means:
- 21 (a) A felony offense defined in KRS Chapter 510, or KRS 530.020,
- 22 530.064(1)(a), 531.310, 531.320, or 531.335;
- 23 (b) A felony attempt to commit a felony offense specified in paragraph (a) of this
- 24 subsection; or
- 25 (c) A federal felony offense, a felony offense subject to a court-martial of the
- 26 United States Armed Forces, or a felony offense from another state or a
- 27 territory where the felony offense is similar to a felony offense specified in

1 paragraph (a) of this subsection;

2 (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an
3 Alford plea to a sex crime as defined in this section, as of the date the verdict is
4 entered by the court;

5 (10) "Sexually violent predator" means any person who has been subjected to
6 involuntary civil commitment as a sexually violent predator, or a similar
7 designation, under a state, territory, or federal statutory scheme;

8 (11) "The board" means the Sex Offender Risk Assessment Advisory Board created
9 under KRS 17.554;

10 (12) "Victim" has the same meaning as in KRS 421.500;

11 (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen
12 from a person, as prescribed by administrative regulation, that is required to provide
13 a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the
14 Department of Kentucky State Police forensic laboratory for law enforcement
15 identification purposes and inclusion in law enforcement identification databases;
16 and

17 (14) "Authorized personnel" means an agent of state government who is properly trained
18 in DNA sample collection pursuant to administrative regulation.

19 ➔Section 2. KRS 17.510 is amended to read as follows:

20 (1) The cabinet shall develop and implement a registration system for registrants which
21 includes creating a new computerized information file to be accessed through the
22 Law Information Network of Kentucky.

23 (2) A registrant shall, on or before the date of his or her release by the court, the parole
24 board, the cabinet, or any detention facility, register with the appropriate local
25 probation and parole office in the county in which he or she intends to reside. The
26 person in charge of the release shall facilitate the registration process.

27 (3) Any person required to register pursuant to subsection (2) of this section shall be

1 informed of the duty to register by the court at the time of sentencing if the court
2 grants probation or conditional discharge or does not impose a penalty of
3 incarceration, or if incarcerated, by the official in charge of the place of confinement
4 upon release. The court and the official shall require the person to read and sign any
5 form that may be required by the cabinet, stating that the duty of the person to
6 register has been explained to the person. The court and the official in charge of the
7 place of confinement shall require the releasee to complete the acknowledgment
8 form and the court or the official shall retain the original completed form. The
9 official shall then send the form to the Information Services Center, Department of
10 Kentucky State Police, Frankfort, Kentucky 40601.

- 11 (4) The court or the official shall order the person to register with the appropriate local
12 probation and parole office which shall obtain the person's fingerprints, **palm prints,**
13 **DNA sample, ~~and~~ photograph, a copy of his or her motor vehicle operator's**
14 **license as well as any other government issued identification cards, if any, and**
15 **home and cellular telephone numbers, if any.** Thereafter, the registrant shall return
16 to the appropriate local probation and parole office not less than one (1) time every
17 two (2) years in order for a new photograph to be obtained, and the registrant shall
18 pay the cost of updating the photo for registration purposes. Any registrant who has
19 not provided **palm prints, a copy of his or her motor vehicle operator's license or**
20 **any other government issued identification cards, if any, or home and cellular**
21 **telephone numbers, if any, as of the effective date of this Act**~~[a DNA sample as of~~
22 ~~July 1, 2009]~~, shall provide **the information**~~[a DNA sample]~~ to the appropriate
23 local probation and parole office when the registrant appears for a new photograph
24 to be obtained. **Any change to a registrant's motor vehicle operator's license**
25 **number, government issued identification card, or home or cellular telephone**
26 **number after the registrant appears for a new photograph shall be registered in**
27 **accordance with subsection (10) of this section.** Failure to comply with this

1 requirement shall be punished as set forth in subsection (11) of this section.

2 (5) (a) The appropriate probation and parole office shall send the registration form
3 containing the registrant information, *fingerprints*~~[fingerprint card]~~, *palm*
4 *prints*~~[and]~~ photograph, *a copy of his or her motor vehicle operator's*
5 *license as well as any other government issued identification cards, if any,*
6 *home and cellular telephone numbers, if any,* and any special conditions
7 imposed by the court or the Parole Board, to the Information Services Center,
8 Department of Kentucky State Police, Frankfort, Kentucky 40601. The
9 appropriate probation and parole office shall send the DNA sample to the
10 Department of Kentucky State Police forensic laboratory in accordance with
11 administrative regulations promulgated by the cabinet.

12 (b) The Information Services Center, upon request by a state or local law
13 enforcement agency, shall make available to that agency registrant
14 information, including a person's fingerprints and photograph, where
15 available, as well as any special conditions imposed by the court or the Parole
16 Board.

17 (c) Any employee of the Justice and Public Safety Cabinet who disseminates, or
18 does not disseminate, registrant information in good faith compliance with the
19 requirements of this subsection shall be immune from criminal and civil
20 liability for the dissemination or lack thereof.

21 (6) (a) Except as provided in paragraph (b) of this subsection, any person who has
22 been convicted in a court of any state or territory, a court of the United States,
23 or a similar conviction from a court of competent jurisdiction in any other
24 country, or a court martial of the United States Armed Forces of a sex crime
25 or criminal offense against a victim who is a minor and who has been notified
26 of the duty to register by that state, territory, or court, or who has been
27 committed as a sexually violent predator under the laws of another state, laws

1 of a territory, or federal laws, or has a similar conviction from a court of
2 competent jurisdiction in any other country, shall comply with the registration
3 requirement of this section, including the requirements of subsection (4) of
4 this section, and shall register with the appropriate local probation and parole
5 office in the county of residence within five (5) working days of relocation.
6 No additional notice of the duty to register shall be required of any official
7 charged with a duty of enforcing the laws of this Commonwealth.

8 (b) No person shall be required to register under this subsection for a juvenile
9 adjudication if such an adjudication in this Commonwealth would not create a
10 duty to register. This paragraph shall be retroactive.

11 (7) (a) Except as provided in paragraph (b) of this subsection, if a person is required
12 to register under federal law or the laws of another state or territory, or if the
13 person has been convicted of an offense *in a court of the United States, in a*
14 *court martial of the United States Armed Forces, or* under the laws of
15 another state or territory that would require registration if committed in this
16 Commonwealth, that person upon changing residence from the other state or
17 territory of the United States to the Commonwealth or upon entering the
18 Commonwealth for employment, to carry on a vocation, or as a student shall
19 comply with the registration requirement of this section, including the
20 requirements of subsection (4) of this section, and shall register within five (5)
21 working days with the appropriate local probation and parole office in the
22 county of residence, employment, vocation, or schooling. A person required to
23 register under federal law or the laws of another state or territory shall be
24 presumed to know of the duty to register in the Commonwealth. As used in
25 this subsection, "employment" or "carry on a vocation" includes employment
26 that is full-time or part-time for a period exceeding fourteen (14) days or for
27 an aggregate period of time exceeding thirty (30) days during any calendar

1 year, whether financially compensated, volunteered, or for the purpose of
 2 government or educational benefit. As used in this subsection, "student"
 3 means a person who is enrolled on a full-time or part-time basis, in any public
 4 or private educational institution, including any secondary school, trade or
 5 professional institution, or institution of higher education.

6 (b) No person shall be required to register under this subsection for a juvenile
 7 adjudication if such an adjudication in this Commonwealth would not create a
 8 duty to register. This paragraph shall be retroactive.

9 (8) The registration form shall be a written statement signed by the person which shall
 10 include registrant information, including an up-to-date photograph of the registrant
 11 for public dissemination.

12 (9) For purposes of KRS 17.500 to 17.580 and 17.991, a post office box number shall
 13 not be considered an address.

14 (10) (a) If the residence address of any registrant changes, but the registrant remains in
 15 the same county, the person shall register, on or before the date of the change
 16 of address, with the appropriate local probation and parole office in the county
 17 in which he or she resides.

18 (b) 1. If the registrant changes his or her residence to a new county, the person
 19 shall notify his or her current local probation and parole office of the
 20 new residence address on or before the date of the change of address.

21 2. The registrant shall also register with the appropriate local probation and
 22 parole office in the county of his or her new residence no later than five
 23 (5) working days after the date of the change of address.

24 (c) If the:

25 1. Motor vehicle operator's license number or any other government
 26 issued identification card number, or the home or cellular telephone
 27 number~~[electronic mail address or any instant messaging, chat, or other~~

1 ~~Internet communication name identities~~ of any registrant changes; ~~;~~ or
 2 2. ~~If the~~ Registrant *obtains for the first time a motor vehicle operator's*
 3 *license number or any other government issued identification card*
 4 *number, or a home or cellular telephone number;* ~~creates or uses any~~
 5 ~~new Internet communication name identities;~~

6 the registrant shall register the change *or addition no later than five (5)*
 7 *working days after* ~~for new identity, on or before~~ the date of the change or *the*
 8 *date of the addition* ~~use or creation of the new identity~~, with the appropriate
 9 local probation and parole office in the county in which he or she resides.

10 (d) 1. As soon as a probation and parole office learns of the person's new
 11 address under paragraph (b)1. of this subsection, that probation and
 12 parole office shall notify the appropriate local probation and parole
 13 office in the county of the new address of the effective date of the new
 14 address.

15 2. As soon as a probation and parole office learns of the person's new
 16 address under paragraph (b)2. of this subsection ~~or learns of the~~
 17 ~~registrant's new or changed electronic mail address or instant messaging,~~
 18 ~~chat, or other Internet communication name identities under paragraph~~
 19 ~~(e) of this subsection~~, that office shall forward this information as set
 20 forth under subsection (5) of this section.

21 *(e) 1. A registrant shall register the following information with the*
 22 *appropriate local probation and parole office no less than twenty-one*
 23 *(21) days before traveling outside of the United States:*

24 *a. His or her passport number and country of issue;*

25 *b. The dates of departure, travel, and return; and*

26 *c. The foreign countries, colonies, territories, or possessions that*
 27 *the registrant will visit.*

1 **2. The registrant shall register the following information with the**
 2 **appropriate local probation and parole office no later than five (5)**
 3 **working days after the date of his or her return from traveling outside**
 4 **of the United States:**

5 **a. The date he or she departed, traveled, and returned; and**

6 **b. The foreign countries, colonies, territories, or possessions that**
 7 **the registrant visited.**

8 (11) Any person required to register under this section who knowingly violates any of
 9 the provisions of this section or prior law is guilty of a Class D felony for the first
 10 offense and a Class C felony for each subsequent offense.

11 (12) Any person required to register under this section or prior law who knowingly
 12 provides false, misleading, or incomplete information is guilty of a Class D felony
 13 for the first offense and a Class C felony for each subsequent offense.

14 (13) (a) The cabinet shall verify the addresses, **names, motor vehicle operator's**
 15 **license numbers, government issued identification card numbers, and home**
 16 **and cellular telephone numbers** ~~and the electronic mail address and any~~
 17 ~~instant messaging, chat, or other Internet communication name identities~~ of
 18 individuals required to register under this section. Verification shall occur at
 19 least once every ninety (90) days for a person required to register under KRS
 20 17.520(2) and at least once every calendar year for a person required to
 21 register under KRS 17.520(3).

22 **(b)** If the cabinet determines that a person has:

23 **1.** Moved ~~or has created or changed any electronic mail address or any~~
 24 ~~instant messaging, chat, or other Internet communication name identities~~
 25 ~~used by the person~~ without providing his or her new address~~, electronic~~
 26 ~~mail address, or instant messaging, chat, or other Internet~~
 27 ~~communication name identity~~; **or**

1 **2. A new name, motor vehicle operator's license number, government**
 2 **issued identification card number, or home or cellular telephone**
 3 **number that he or she has not provided;**

4 to the appropriate local probation and parole office or offices as required
 5 under subsection (10)(a), (b), and (c) of this section, the cabinet shall notify
 6 the appropriate local probation and parole office of the new address, **name,**
 7 **motor vehicle operator's license number, government issued identification**
 8 **card number, or home or cellular telephone number**~~[or electronic mail~~
 9 ~~address or any instant messaging, chat, or other Internet communication name~~
 10 ~~identities]~~ used by the person. The office shall then forward this information
 11 as set forth under subsection (5) of this section. The cabinet shall also notify
 12 the appropriate court, Parole Board, and appropriate Commonwealth's
 13 attorney, sheriff's office, probation and parole office, corrections agency, and
 14 law enforcement agency responsible for the investigation of the report of
 15 noncompliance.

16 (b) An agency that receives notice of the noncompliance from the cabinet under
 17 paragraph (a) of this subsection:

- 18 1. Shall consider revocation of the parole, probation, postincarceration
 19 supervision, or conditional discharge of any person released under its
 20 authority; and
- 21 2. Shall notify the appropriate county or Commonwealth's Attorney for
 22 prosecution.

23 ➔Section 3. KRS 17.520 is amended to read as follows:

24 (1) A registrant, upon his or her release by the court, the Parole Board, the cabinet, or
 25 any detention facility, shall be required to register for a period of time required
 26 under this section.

27 (2) (a) Lifetime registration is required for:

- 1 1. Any person who has been convicted of kidnapping, as set forth in KRS
2 509.040, when the victim is under the age of eighteen (18) at the time of
3 the commission of the offense, except when the offense is committed by
4 a parent;
 - 5 2. Any person who has been convicted of unlawful
6 imprisonment~~[confinement]~~, as set forth in KRS 509.020, when the
7 victim is under the age of eighteen (18) at the time of the commission of
8 the offense, except when the offense is committed by a parent;
 - 9 3. Any person convicted of a sex crime:
 - 10 a. Who has one (1) or more prior convictions of a felony criminal
11 offense against a victim who is a minor; or
 - 12 b. Who has one (1) or more prior sex crime convictions;
 - 13 4. Any person who has been convicted of two (2) or more felony criminal
14 offenses against a victim who is a minor;
 - 15 5. Any person who has been convicted of:
 - 16 a. Rape in the first degree under KRS 510.040; or
 - 17 b. Sodomy in the first degree under KRS 510.070; and
 - 18 6. Any sexually violent predator.
- 19 (3) All other registrants are required to register for twenty (20) years following
20 discharge from confinement or twenty (20) years following the maximum discharge
21 date on probation, shock probation, conditional discharge, parole, or other form of
22 early release, whichever period is greater.
- 23 (4) If a person required to register under this section is reincarcerated for another
24 offense or as the result of having violated the terms of probation, parole,
25 postincarceration supervision, or conditional discharge, the registration
26 requirements and the remaining period of time for which the registrant shall register
27 are tolled during the reincarceration.

1 (5) A person who has pled guilty, entered an Alford plea, or been convicted in a court
2 of another state or territory, in a court of the United States, or in a court-martial of
3 the United States Armed Forces who is required to register in Kentucky shall be
4 subject to registration in Kentucky based on the conviction in the foreign
5 jurisdiction. The Justice and Public Safety Cabinet shall promulgate administrative
6 regulations to carry out the provisions of this subsection.

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

10 ➔Section 4. KRS 17.580 is amended to read as follows:

11 (1) The Department of Kentucky State Police shall establish a Web site available to the
12 public. The Web site shall display:

13 (a) The registrant information, except for ~~[electronic mail address or any instant~~
14 ~~messaging, chat, or other Internet communication name identities included in~~
15 ~~a registrant's registration data, as well as]~~ information that identifies a victim,
16 DNA samples, fingerprints, ***palm prints,*** ~~[and]~~ Social Security numbers, ***motor***
17 ***vehicle operator's license numbers, government issued identification card***
18 ***numbers, and home and cellular telephone numbers*** obtained by the
19 Information Services Center, Department of Kentucky State Police, under
20 KRS 17.510;

21 (b) The sex offender information, except for information that identifies a victim,
22 DNA samples, Social Security numbers, and vehicle registration data,
23 obtained by the Information Services Center, Department of Kentucky State
24 Police, under KRS 17.510 prior to April 11, 2000; and

25 (c) The registrant's conviction, the elements of the offense for which the registrant
26 was convicted, whether the registrant is currently on probation or parole, and
27 whether the registrant is compliant or noncompliant.

1 The Web site shall be updated every day except for Saturdays, Sundays, and state
2 holidays.

3 (2) The information pertaining to an individual shall be maintained on the Web site so
4 long as that individual is registered in accordance with KRS 17.500 to 17.580.

5 ~~(3) [The Web site shall provide public access to electronic mail addresses and any
6 instant messaging, chat, or other Internet communication name identities used by
7 registrants solely by use of a search function on the Web site through which
8 members of the public may enter an electronic mail address or any instant
9 messaging, chat, or other Internet communication name identity and receive an
10 answer as to whether the entered identifier is included in the registrant information
11 for any registrant.~~

12 ~~(4)~~ The following language shall be prominently displayed on the Web site: "UNDER
13 KRS 525.070 AND 525.080, USE OF INFORMATION OBTAINED FROM THIS
14 WEB SITE TO HARASS A PERSON IDENTIFIED ON THIS WEB SITE IS A
15 CRIMINAL OFFENSE PUNISHABLE BY UP TO NINETY (90) DAYS IN THE
16 COUNTY JAIL. MORE SEVERE CRIMINAL PENALTIES APPLY FOR MORE
17 SEVERE CRIMES COMMITTED AGAINST A PERSON IDENTIFIED ON THIS
18 WEB SITE."

19 ~~(4)~~~~(5)~~ (a) Any Department of Kentucky State Police employee who disseminates,
20 or does not disseminate, registrant information or sex offender information in
21 good faith compliance with the requirements of this section shall be immune
22 from criminal and civil liability for the dissemination or lack thereof.

23 (b) Any person, including an employee of a sheriff's office, acting in good faith in
24 disseminating, or not disseminating, information previously disseminated by
25 the Department of Kentucky State Police shall be immune from criminal and
26 civil liability for the dissemination or lack thereof.

27 ~~(5)~~~~(6)~~ The cabinet shall establish a toll-free telephone number for a person to call to

1 learn the identity of the Web site created in this section and the location of public
2 access to the Web site in the county where the person resides.

3 (6)~~[(7)]~~ In addition to the Web site, a local law enforcement agency may provide
4 personal notification regarding the registrants located in its jurisdiction. Any
5 notification shall contain the warning specified in subsection (3)~~[(4)]~~ of this section.