

1 AN ACT relating to public safety.

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

3 ➔Section 1. KRS 17.545 is amended to read as follows:

4 (1) No registrant, as defined in KRS 17.500, shall reside within one thousand (1,000)
5 feet of a high school, middle school, elementary school, preschool, publicly owned
6 or leased playground, or licensed day care facility. The measurement shall be taken
7 in a straight line from the nearest property line to the nearest property line of the
8 registrant's place of residence.

9 (2) **(a)** No registrant, as defined in KRS 17.500, nor any person residing outside of
10 Kentucky who would be required to register under KRS 17.510 if the person
11 resided in Kentucky, shall be on **or loiter within one thousand (1,000) feet of**
12 **the clearly defined grounds of a high school, middle school, elementary**
13 **school, preschool, publicly owned or leased playground, ~~or~~ licensed day**
14 **care facility, publicly owned or leased swimming pool, or splash pad as**
15 **defined in KRS 211.205,** except with the advance written permission of the
16 school principal, the school board, the local legislative body with jurisdiction
17 over the publicly owned or leased playground, **publicly owned or leased**
18 **swimming pool, or splash pad,** or the day care director that has been given
19 after full disclosure of the person's status as a registrant or sex offender from
20 another state and all registrant information as required in KRS 17.500.

21 **(b)** As used in this subsection:~~[,]~~

22 **1.** "Local legislative body" means the chief governing body of a city,
23 county, urban-county government, consolidated local government,
24 charter county government, or unified local government that has
25 legislative powers; **and**

26 **2.** **"Loiter" includes remaining in or about the clearly defined grounds**
27 **of a location described in paragraph (a) of this subsection, while not**

1 having any reason or relationship involving custody of or
2 responsibility for a minor or any other specific legitimate reason for
3 being there.

4 (c) The measurement in paragraph (a) of this subsection shall be taken in a
5 straight line from the nearest property line.

- 6 (3) For purposes of this section:
- 7 (a) The registrant shall have the duty to ascertain whether any property listed in
8 subsection (1) of this section is within one thousand (1,000) feet of the
9 registrant's residence; and
- 10 (b) If a new facility opens, the registrant shall be presumed to know and, within
11 ninety (90) days, shall comply with this section.
- 12 (4) (a) Except as provided in paragraph (b) of this subsection, no registrant who is
13 eighteen (18) years of age or older and has committed a criminal offense
14 against a victim who is a minor shall have the same residence as a minor.
- 15 (b) A registrant who is eighteen (18) years of age or older and has committed a
16 criminal offense against a victim who is a minor may have the same residence
17 as a minor if the registrant is the spouse, parent, grandparent, stepparent,
18 sibling, stepsibling, or court-appointed guardian of the minor, unless the
19 spouse, child, grandchild, stepchild, sibling, stepsibling, or ward was a victim
20 of the registrant.
- 21 (c) This subsection shall not operate retroactively and shall apply only to a
22 registrant that committed a criminal offense against a victim who is a minor
23 after July 14, 2018.
- 24 (5) Any person who violates subsection (1) or (4) of this section shall be guilty of:
- 25 (a) A Class A misdemeanor for a first offense; and
- 26 (b) A Class D felony for the second and each subsequent offense.
- 27 (6) Any registrant residing within one thousand (1,000) feet of a high school, middle

1 school, elementary school, preschool, publicly owned playground, or licensed day
 2 care facility on July 12, 2006, shall move and comply with this section within
 3 ninety (90) days of July 12, 2006, and thereafter, shall be subject to the penalties set
 4 forth under subsection (5) of this section.

5 (7) The prohibition against a registrant:

6 (a) Residing within one thousand (1,000) feet of a publicly leased playground as
 7 outlined in subsection (1) of this section; or

8 (b) Being on the grounds of a publicly leased playground as outlined in
 9 subsection (2) of this section;

10 shall not operate retroactively.

11 (8) **The prohibition against a registrant loitering within one thousand (1,000) feet of**
 12 **a high school, middle school, elementary school, preschool, publicly owned or**
 13 **leased playground, licensed day care facility, publicly owned or leased swimming**
 14 **pool, or splash pad as defined in KRS 211.205 shall not operate retroactively.**

15 **(9)** This section shall not apply to a youthful offender probated or paroled during his or
 16 her minority or while enrolled in an elementary or secondary education program.

17 ➔Section 2. KRS 508.025 is amended to read as follows:

18 (1) A person is guilty of assault in the third degree when the actor:

19 (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally
 20 causes or attempts to cause physical injury to:

21 1. A state, county, city, or federal peace officer;

22 2. An employee of a detention facility, or state residential treatment facility
 23 or state staff secure facility for residential treatment which provides for
 24 the care, treatment, or detention of a juvenile charged with or
 25 adjudicated delinquent because of a public offense or as a youthful
 26 offender;

27 3. **A healthcare provider as defined in KRS 311.821, if the event occurs**

1 *while the healthcare provider is providing medical care in an*
2 *emergency room of a hospital;*

3 4. An employee of the Department for Community Based Services
4 employed as a social worker to provide direct client services, if the
5 event occurs while the worker is performing job-related duties;

6 5.~~[4.]~~ Paid or volunteer emergency medical services personnel certified or
7 licensed pursuant to KRS Chapter 311A, if the event occurs while
8 personnel are performing job-related duties;

9 6.~~[5.]~~ A paid or volunteer member of an organized fire department, if the
10 event occurs while the member is performing job-related duties;

11 7.~~[6.]~~ Paid or volunteer rescue squad personnel affiliated with the Division of
12 Emergency Management of the Department of Military Affairs or a
13 local disaster and emergency services organization pursuant to KRS
14 Chapter 39F, if the event occurs while personnel are performing job-
15 related duties;

16 8.~~[7.]~~ A probation and parole officer;

17 9.~~[8.]~~ A transportation officer appointed by a county fiscal court or legislative
18 body of a consolidated local government, urban-county government, or
19 charter government to transport inmates when the county jail or county
20 correctional facility is closed while the transportation officer is
21 performing job-related duties;

22 10.~~[9.]~~ A public or private elementary or secondary school or school
23 district classified or certified employee, school bus driver, or other
24 school employee acting in the course and scope of the employee's
25 employment; or

26 11.~~[10.]~~ A public or private elementary or secondary school or school
27 district volunteer acting in the course and scope of that person's

- 1 volunteer service for the school or school district;
- 2 (b) Being a person confined in a detention facility, or a juvenile in a state
3 residential treatment facility or state staff secure facility for residential
4 treatment which provides for the care, treatment, or detention of a juvenile
5 charged with or adjudicated delinquent because of a public offense or as a
6 youthful offender, inflicts physical injury upon or throws or causes feces, or
7 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 8 (c) Intentionally causes a person, whom the actor knows or reasonably should
9 know to be a peace officer discharging official duties, to come into contact
10 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the
11 consent of the peace officer.
- 12 (2) (a) For a violation of subsection (1)(a) of this section, assault in the third degree
13 is a Class D felony, unless the offense occurs during a declared emergency as
14 defined by KRS 39A.020 arising from a natural or man-made disaster, within
15 the area covered by the emergency declaration, and within the area impacted
16 by the disaster, in which case it is a Class C felony.
- 17 (b) For a violation of subsection (1)(b) of this section, assault in the third degree
18 is a Class D felony.
- 19 (c) For violations of subsection (1)(c) of this section, assault in the third degree is
20 a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood,
21 seminal fluid, urine, or feces from an adult who knows that he or she has a
22 serious communicable disease and competent medical or epidemiological
23 evidence demonstrates that the specific type of contact caused by the actor is
24 likely to cause transmission of the disease or condition, in which case it is a
25 Class A misdemeanor.
- 26 (d) As used in paragraph (c) of this subsection, "serious communicable disease"
27 means a non-airborne disease that is transmitted from person to person and

1 determined to have significant, long-term consequences on the physical health
2 or life activities of the person infected.