

1 AN ACT relating to sex crimes.

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
- 9 1. to 11. of this paragraph;
- 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. to
- 15 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 well
- 11 as any other government-issued identification card numbers, if any, a brief
- 12 description of the crime or crimes committed, and other information the cabinet
- 13 determines, by administrative regulation, may be useful in the identification of
- 14 registrants;
- 15 (7) "Residence" means any place where a person sleeps. For the purposes of this
- 16 statute, a registrant may have more than one (1) residence. A registrant is required
- 17 to register each residence address;
- 18 (8) "Sex crime" means:
- 19 (a) A felony offense defined in KRS Chapter 510, KRS 529.100 or 529.110
- 20 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.310,
- 21 531.320, ~~or 531.335~~, or 531.340;
- 22 (b) A felony attempt to commit a felony offense specified in paragraph (a) of this
- 23 subsection; or
- 24 (c) A federal felony offense, a felony offense subject to a court-martial of the
- 25 United States Armed Forces, or a felony offense from another state or a
- 26 territory where the felony offense is similar to a felony offense specified in
- 27 paragraph (a) of this subsection;

- 1 (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an
2 Alford plea to a sex crime as defined in this section, as of the date the verdict is
3 entered by the court;
- 4 (10) "Sexually violent predator" means any person who has been subjected to
5 involuntary civil commitment as a sexually violent predator, or a similar
6 designation, under a state, territory, or federal statutory scheme;
- 7 (11) "The board" means the Sex Offender Risk Assessment Advisory Board created
8 under KRS 17.554;
- 9 (12) "Victim" has the same meaning as in KRS 421.500;
- 10 (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen
11 from a person, as prescribed by administrative regulation, that is required to provide
12 a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the
13 Department of Kentucky State Police forensic laboratory for law enforcement
14 identification purposes and inclusion in law enforcement identification databases;
15 and
- 16 (14) "Authorized personnel" means an agent of state government who is properly trained
17 in DNA sample collection pursuant to administrative regulation.