

1 AN ACT relating to sex offenders.

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

10 **2.** ***This paragraph shall apply to any person who became a registrant***
11 ***before the effective date of this Act.***

12 **(b) 1.** ***No registrant, as defined in KRS 17.500, shall reside within three***
13 ***thousand (3,000) feet of a high school, middle school, elementary***
14 ***school, preschool, publicly owned or leased playground, or licensed***
15 ***day care facility.***

16 **2.** ***This paragraph shall apply to any person who becomes a registrant***
17 ***after the effective date of this Act.***

18 **(c)** ***The measurement required under this subsection shall be taken in a straight***
19 ***line from the nearest property line to the nearest property line of the***
20 ***registrant's place of residence.***

21 (2) (a) No registrant, as defined in KRS 17.500, nor any person residing outside of
22 Kentucky who would be required to register under KRS 17.510 if the person
23 resided in Kentucky, shall be on, loiter within one thousand (1,000) feet of, or
24 work in or operate any mobile business within one thousand (1,000) feet of
25 the clearly defined grounds of a high school, middle school, elementary
26 school, preschool, publicly owned or leased playground, licensed day care
27 facility, publicly owned or leased swimming pool, or splash pad as defined in

1 KRS 211.205, except with the advance written permission of the school
2 principal, the school board, the local legislative body with jurisdiction over
3 the publicly owned or leased playground, publicly owned or leased swimming
4 pool, or splash pad, or the day care director that has been given after full
5 disclosure of the person's status as a registrant or sex offender from another
6 state and all registrant information as required in KRS 17.500.

7 (b) As used in this subsection:

- 8 1. "Local legislative body" means the chief governing body of a city,
9 county, urban-county government, consolidated local government,
10 charter county government, or unified local government that has
11 legislative powers;
- 12 2. "Loiter" includes remaining in or about the clearly defined grounds of a
13 location described in paragraph (a) of this subsection, while not having
14 any reason or relationship involving custody of or responsibility for a
15 minor or any other specific legitimate reason for being there; and
- 16 3. "Mobile business" means any business that operates from a motor
17 vehicle or wheeled cart that can be operated, pushed, or pulled on a
18 sidewalk, street, or highway where food, goods, or services are
19 prepared, processed, or sold or dispensed to the public.

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

22 (3) For purposes of this section:

23 (a) The registrant shall have the duty to ascertain whether any property listed in
24 subsection (1) of this section is within:

- 25 1. One thousand (1,000) feet of the registrant's residence, *if the person*
26 *became a registrant before the effective date of this Act;*
- 27 2. *Three thousand (3,000) feet of the registrant's resident, if the person*

1 *becomes a registrant after the effective date of this Act*; and

2 (b) If a new facility opens, the registrant shall be presumed to know and, within
3 ninety (90) days, shall comply with this section.

4 (4) (a) Except as provided in paragraph (b) of this subsection, no registrant who is
5 eighteen (18) years of age or older and has committed a criminal offense
6 against a victim who is a minor shall have the same residence as a minor.

7 (b) A registrant who is eighteen (18) years of age or older and has committed a
8 criminal offense against a victim who is a minor may have the same residence
9 as a minor if the registrant is the spouse, parent, grandparent, stepparent,
10 sibling, stepsibling, or court-appointed guardian of the minor, unless the
11 spouse, child, grandchild, stepchild, sibling, stepsibling, or ward was a victim
12 of the registrant.

13 (c) This subsection shall not operate retroactively and shall apply only to a
14 registrant that committed a criminal offense against a victim who is a minor
15 after July 14, 2018.

16 (5) Any person who violates subsection (1) or (4) of this section shall be guilty of:

17 (a) A Class A misdemeanor for a first offense; and

18 (b) A Class D felony for the second and each subsequent offense.

19 (6) Any registrant residing within one thousand (1,000) feet of a high school, middle
20 school, elementary school, preschool, publicly owned playground, or licensed day
21 care facility on July 12, 2006, shall move and comply with this section within
22 ninety (90) days of July 12, 2006, and thereafter, shall be subject to the penalties set
23 forth under subsection (5) of this section.

24 (7) The prohibition against a registrant:

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

27 (b) Being on the grounds of a publicly leased playground as outlined in

- 1 subsection (2) of this section;
2 shall not operate retroactively.
- 3 (8) The prohibition against a registrant loitering or working in or operating any mobile
4 business within one thousand (1,000) feet of a high school, middle school,
5 elementary school, preschool, publicly owned or leased playground, licensed day
6 care facility, publicly owned or leased swimming pool, or splash pad as defined in
7 KRS 211.205 shall not operate retroactively.
- 8 (9) This section shall not apply to a youthful offender probated or paroled during his or
9 her minority or while enrolled in an elementary or secondary education program.