

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:

26 1. High school, middle school, elementary school, or preschool;~~[-]~~

27 2. Publicly owned or leased playground;~~[-]~~

1 3. Licensed day care facility;~~;~~

2 4. Publicly owned or leased swimming pool;~~;~~ or

3 5. Splash pad as defined in KRS 211.205;~~;~~

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

10 (b) As used in this subsection:

11 1. "Local legislative body" means the chief governing body of a city,
12 county, urban-county government, consolidated local government,
13 charter county government, or unified local government that has
14 legislative powers;

15 2. "Loiter" includes remaining in or about the clearly defined grounds of a
16 location described in paragraph (a) of this subsection, while not having
17 any reason or relationship involving custody of or responsibility for a
18 minor or any other specific legitimate reason for being there; and

19 3. "Mobile business" means any business that operates from a motor
20 vehicle or wheeled cart that can be operated, pushed, or pulled on a
21 sidewalk, street, or highway where food, goods, or services are
22 prepared, processed, or sold or dispensed to the public.

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

25 (3) For purposes of this section:

26 (a) The registrant shall have the duty to ascertain whether any property listed in
27 subsection (1) of this section is within;

- 1 1. One thousand (1,000) feet of the registrant's residence, if the person
2 became a registrant before the effective date of this Act; or
3 2. Three thousand (3,000) feet of the registrant's resident, if the person
4 becomes a registrant after the effective date of this Act; and
- 5 (b) If a new facility opens, the registrant shall be presumed to know and, within
6 ninety (90) days, shall comply with this section.
- 7 (4) (a) Except as provided in paragraph (b) of this subsection, no registrant who is
8 eighteen (18) years of age or older and has committed a criminal offense
9 against a victim who is a minor shall have the same residence as a minor.
- 10 (b) A registrant who is eighteen (18) years of age or older and has committed a
11 criminal offense against a victim who is a minor may have the same residence
12 as a minor if the registrant is the spouse, parent, grandparent, stepparent,
13 sibling, stepsibling, or court-appointed guardian of the minor, unless the
14 spouse, child, grandchild, stepchild, sibling, stepsibling, or ward was a victim
15 of the registrant.
- 16 (c) This subsection shall not operate retroactively and shall apply only to a
17 registrant that committed a criminal offense against a victim who is a minor
18 after July 14, 2018.
- 19 (5) Any person who violates subsection (1) or (4) of this section shall be guilty of:
20 (a) A Class A misdemeanor for a first offense; and
21 (b) A Class D felony for the second and each subsequent offense.
- 22 (6) Any registrant residing within one thousand (1,000) feet of a high school, middle
23 school, elementary school, preschool, publicly owned playground, or licensed day
24 care facility on July 12, 2006, shall move and comply with this section within
25 ninety (90) days of July 12, 2006, and thereafter, shall be subject to the penalties set
26 forth under subsection (5) of this section.
- 27 (7) The prohibition against a registrant:

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