

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) **"Authorized personnel" means an agent of state government who is properly**
12 **trained in DNA sample collection pursuant to administrative regulation;**

13 (3) **"Board" means the Sex Offender Risk Assessment Advisory Board created under**
14 **KRS 17.554;**

15 (4) "Cabinet" means the Justice and Public Safety Cabinet;

16 (5)~~(3)~~ (a) Except as provided in paragraph (b) of this subsection, "criminal offense
17 against a victim who is a minor" means any of the following offenses if the
18 victim is under the age of eighteen (18) at the time of the commission of the
19 offense:

- 20 1. Kidnapping, as set forth in KRS 509.040, except by a parent;
- 21 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a
22 parent;
- 23 3. Sex crime;
- 24 4. Promoting a sexual performance of a minor, as set forth in KRS
25 531.320;
- 26 5. Human trafficking involving commercial sexual activity, as set forth in
27 KRS 529.100;

- 1 6. Promoting human trafficking involving commercial sexual activity, as
- 2 set forth in KRS 529.110;
- 3 7. Promoting prostitution, as set forth in KRS 529.040, when the defendant
- 4 advances or profits from the prostitution of a person under the age of
- 5 eighteen (18);
- 6 8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
- 7 9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
- 8 10. Unlawful transaction with a minor in the first degree, as set forth in KRS
- 9 530.064(1)(a);
- 10 11. Any offense involving a minor or depictions of a minor, as set forth in
- 11 KRS Chapter 531;
- 12 12. Any attempt to commit any of the offenses described in subparagraphs
- 13 1. to 11. of this paragraph;
- 14 13. Solicitation to commit any of the offenses described in subparagraphs 1.
- 15 to 11. of this paragraph; or
- 16 14. Any offense from another state or territory, any federal offense, or any
- 17 offense subject to a court martial of the United States Armed Forces,
- 18 which is similar to any of the offenses described in subparagraphs 1. to
- 19 13. of this paragraph.

20 (b) Conduct which is criminal only because of the age of the victim shall not be

21 considered a criminal offense against a victim who is a minor if the

22 perpetrator was under the age of eighteen (18) at the time of the commission

23 of the offense;

24 **(6) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab**

25 **specimen from a person, as prescribed by administrative regulation, that is**

26 **required to provide a DNA sample pursuant to KRS 17.170 or 17.510, that shall**

27 **be submitted to the Department of Kentucky State Police forensic laboratory for**

1 law enforcement identification purposes and inclusion in law enforcement
2 identification databases;

3 ~~(7)~~~~(4)~~ "Law enforcement agency" means any lawfully organized investigative
4 agency, sheriff's office, police unit, or police force of federal, state, county, urban-
5 county government, charter county, city, consolidated local government, or a
6 combination of these, responsible for the detection of crime and the enforcement of
7 the general criminal federal or state laws;

8 ~~(8)~~~~(5)~~ "Registrant" means:

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

- 11 1. A sex crime; or
- 12 2. A criminal offense against a victim who is a minor; or

13 (b) Any person required to register under KRS 17.510; or

14 (c) Any sexually violent predator; or

15 (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250,
16 until the diversionary period is successfully completed;

17 ~~(9)~~~~(6)~~ "Registrant information" means information about a registrant, including:

18 (a) The registrant's:

19 1. Name, including any lawful name change together with ~~any~~~~the~~
20 previous name;~~;~~~~;~~

21 2. Social Security number;~~;~~~~;~~

22 3. Age;~~;~~~~;~~

23 4. Race;~~;~~~~;~~

24 5. Sex;~~;~~~~;~~

25 6. Date of birth;~~;~~~~;~~

26 7. Height, weight, hair, and eye color;~~;~~~~;~~

27 8. Fingerprints, palm prints, DNA sample, and a photograph;~~;~~~~;~~

- 1 9. Aliases used; ~~[,]~~
- 2 10. Residence; ~~[,]~~
- 3 11. Telephone numbers;
- 4 12. Email addresses; and
- 5 13. Motor vehicle operator's license number as well as any other
- 6 government-issued identification card numbers, if any; ~~[,]~~
- 7 (b) A brief description of the crime or crimes committed; ~~[, and]~~
- 8 (c) The name and address of any place where the registrant:
- 9 1. Is enrolled as a student; and
- 10 2. Is employed or, if the registrant is employed with no fixed place of
- 11 employment, other information describing where the registrant works;
- 12 (d) Copies of:
- 13 1. Each passport the registrant possesses; and
- 14 2. Any document establishing the registrant's immigration status,
- 15 including immigration document type and number, if the sex offender
- 16 is an alien as defined in 8 U.S.C. sec. 1101(a)(3);
- 17 (e) For a vehicle, including watercraft, aircraft, and motor vehicles owned or
- 18 routinely operated by the registrant:
- 19 1. The license plate number or, if a vehicle has no license plate, the
- 20 registration number or other identifier;
- 21 2. A description of the vehicle, including the make, model, year
- 22 manufactured, and color; and
- 23 3. An address or other information describing the location where the
- 24 vehicle is habitually parked, docked, or otherwise kept;
- 25 (f) Copies of any occupational or professional licenses that authorize the
- 26 registrant to engage in an occupation or carry out a trade or business;
- 27 (g) Designations used for self-identification or routing in internet

1 *communications or postings; and*

2 (h) Other information the cabinet determines~~[-]~~ by administrative regulation~~[-]~~
3 may be useful in the identification of registrants;

4 (10)~~[(7)]~~ "Residence" means any place where a person sleeps. For the purposes of this
5 statute, a registrant may have more than one (1) residence. A registrant is required
6 to register each residence address;

7 (11)~~[(8)]~~ "Sex crime" means:

8 (a) A felony offense defined in KRS Chapter 510, KRS 529.100 or 529.110
9 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.125,
10 531.310, 531.320, 531.335, 531.340, 531.365, 531.366, 531.367, or 531.368.

11 (b) A felony attempt to commit a felony offense specified in paragraph (a) of this
12 subsection; or

13 (c) A federal felony offense, a felony offense subject to a court-martial of the
14 United States Armed Forces, or a felony offense from another state or a
15 territory where the felony offense is similar to a felony offense specified in
16 paragraph (a) of this subsection;

17 (12)~~[(9)]~~ "Sexual offender" means any person *who has been* convicted of,
18 *pled*~~pleading~~ guilty to, or *entered*~~entering~~ an Alford plea to a sex crime as
19 defined in this section, as of the date the verdict is entered by the court;

20 (13)~~[(10)]~~ "Sexually violent predator" means any person who has been subjected to
21 involuntary civil commitment as a sexually violent predator, or a similar
22 designation, under a state, territory, or federal statutory scheme; *and*

23 ~~(14)[(11)] "The board" means the Sex Offender Risk Assessment Advisory Board
24 created under KRS 17.554;~~

25 ~~[(12)] "Victim" has the same meaning as in KRS 421.500;~~

26 ~~[(13)] "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen
27 from a person, as prescribed by administrative regulation, that is required to provide~~

1 a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the
 2 Department of Kentucky State Police forensic laboratory for law enforcement
 3 identification purposes and inclusion in law enforcement identification databases;
 4 and

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

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

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

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

15 (3) (a) Any person required to register pursuant to subsection (2) of this section shall
 16 be informed of the duty to register by:

17 1. The court at the time of sentencing if the court grants probation or
 18 conditional discharge or does not impose a penalty of incarceration;~~;~~
 19 or

20 2. If incarcerated, by the official in charge of the place of confinement
 21 upon release.

22 (b) The court and the official shall require the person to read and sign any form
 23 that may be required by the cabinet~~;~~ stating that the duty of the person to
 24 register has been explained to the person. The court and the official in charge
 25 of the place of confinement shall require the releasee to complete the
 26 acknowledgment form and the court or the official shall retain the original
 27 completed form. The official shall then send the form to the Sex Offender

1 Registry Section, Department of Kentucky State Police, Frankfort, Kentucky
2 40601.

3 (4) (a) The court or the official shall order the person to register with the appropriate
4 local probation and parole office which shall obtain the person's **registrant**
5 **information**~~[fingerprints, palm prints, DNA sample, photograph, and a copy~~
6 ~~of his or her motor vehicle operator's license as well as any other government-~~
7 ~~issued identification cards, if any].~~

8 (b) ~~[Hereafter,]~~The registrant shall return to the appropriate local probation and
9 parole office not less than one (1) time every two (2) years in order for a new
10 photograph to be obtained, and the registrant shall pay the cost of updating the
11 photo for registration purposes. Any registrant who has not provided palm
12 prints, a copy of his or her motor vehicle operator's license, or a copy of any
13 other government-issued identification cards, if any, as of July 14, 2018, shall
14 provide the information to the appropriate local probation and parole office
15 when the registrant appears for a new photograph to be obtained. Any change
16 to a registrant's **information**~~[motor vehicle operator's license number or any~~
17 ~~other government issued identification card]~~ after the registrant appears for a
18 new photograph shall be registered in accordance with subsection (11) of this
19 section. Failure to comply with this requirement shall be punished as set forth
20 in subsection (12) of this section.

21 (5) (a) The appropriate probation and parole office shall send the registration form
22 containing the registrant information~~[, fingerprints, palm prints, photograph,~~
23 ~~and a copy of his or her motor vehicle operator's license as well as any other~~
24 ~~government issued identification cards, if any,]~~ and any special conditions
25 imposed by the court or the Parole Board, to the Sex Offender Registry
26 Section, Department of Kentucky State Police, Frankfort, Kentucky 40601 **or**
27 **in electronic format on forms designated by the Department of Kentucky**

1 **State Police.** The appropriate probation and parole office shall send the DNA
2 sample to the Department of Kentucky State Police forensic laboratory in
3 accordance with administrative regulations promulgated by the cabinet.

4 (b) The Sex Offender Registry Section, upon request by a state or local law
5 enforcement agency, shall make available to that agency registrant
6 information, including a person's fingerprints and photograph, where
7 available, as well as any special conditions imposed by the court or the Parole
8 Board.

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

13 (6) (a) Except as provided in paragraph (b) of this subsection, any person who has
14 been:

15 **1.** Convicted **of a sex crime or criminal offense against a victim who is a**
16 **minor and has been notified of the duty to register by:**~~[in]~~

17 **a.** A court of any state or territory, a court of the United States, **the**
18 **District of Columbia, or any federally recognized Indian tribe;**~~[~~
19 ~~or]~~

20 **b.** A similar conviction from a court of competent jurisdiction in any
21 other country;~~[,]~~ or

22 **c.** A court martial of the United States Armed Forces;~~[of a sex crime~~
23 ~~or criminal offense against a victim who is a minor and who has~~
24 ~~been notified of the duty to register by that state, territory, or~~
25 ~~court,]~~ or ~~[who has been]~~

26 **2.** Committed as a sexually violent predator:

27 **a.** Under the laws of another state, laws of a territory, or federal laws,

1 or

2 **b.** Has a similar commitment~~[conviction]~~ from a court of competent
3 jurisdiction in any other country:~~[,]~~

4 shall comply with the registration requirement of this section, including the
5 requirements of subsection (4) of this section, and shall register with the
6 appropriate local probation and parole office in the county of residence within
7 three (3)~~[five (5)]~~ working days of relocation. ~~[No]~~ Additional notice of the
8 duty to register shall **not** be required of any official charged with a duty of
9 enforcing the laws of this Commonwealth.

10 (b) ~~A~~~~[No]~~ person shall **not** be required to register under this subsection for a
11 juvenile adjudication if such an adjudication in this Commonwealth would not
12 create a duty to register. This paragraph shall be retroactive.

13 (7) (a) **1.** Except as provided in paragraph (b) of this subsection, if a person:~~;~~

14 **a.** Is required to register under federal law or the laws of another state
15 or territory:~~[,]~~ or ~~[if the person]~~

16 **b.** Has been convicted of an offense in a court of the United States,
17 the District of Columbia, or any federally recognized Indian
18 tribe, in a court martial of the United States Armed Forces, or
19 under the laws of another state or territory that would require
20 registration if committed in this Commonwealth,

21 that person upon changing residence from the other state or territory of
22 the United States to the Commonwealth or upon entering the
23 Commonwealth for employment, to carry on a vocation, or as a student
24 shall comply with the registration requirement of this section, including
25 the requirements of subsection (4) of this section, and shall register
26 within three (3)~~[five (5)]~~ working days with the appropriate local
27 probation and parole office in the county of residence, employment,

1 vocation, or schooling.

2 2. A person required to register under federal law or the laws of another
3 state or territory shall be presumed to know of the duty to register in the
4 Commonwealth. As used in this subsection, "employment" or "carry on
5 a vocation" includes employment that is full-time or part-time for a
6 period exceeding fourteen (14) days or for an aggregate period of time
7 exceeding thirty (30) days during any calendar year, whether financially
8 compensated, volunteered, or for the purpose of government or
9 educational benefit. As used in this subsection, "student" means a person
10 who is enrolled on a full-time or part-time basis, in any public or private
11 educational institution, including any secondary school, trade or
12 professional institution, or institution of higher education.

13 (b) ~~A No~~ person shall ***not*** be required to register under this subsection for a
14 juvenile adjudication if such an adjudication in this Commonwealth would not
15 create a duty to register. This paragraph shall be retroactive.

16 (8) The registration form shall be a written ***or electronic*** statement signed, ***either***
17 ***physically or digitally,*** by the person ~~that~~~~[which]~~ shall include registrant
18 information, including an up-to-date photograph of the registrant for public
19 dissemination.

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

22 (10) (a) If a registrant does not have an established and fixed residence of regular
23 return, he or she shall report in person no less than every thirty (30) days to
24 the local probation and parole office in the county in which he or she is
25 present and register the approximate area where he or she can be located.

26 (b) If the registrant changes his or her location, ***employer or employer address, or***
27 ***school or school address*** to a new county, the person shall notify his or her

1 current local probation and parole office of the new location on or before the
2 date of the change of location.

3 (c) The registrant shall also report in person to the appropriate local probation and
4 parole office in the county of his or her new location, **employer or employer**
5 **address, or school or school address** no later than **three (3)**~~five (5)~~ working
6 days after the date of the change of location.

7 (11) (a) If the residence, **employer, or school** address of any registrant changes~~;~~ but
8 the registrant remains in the same county, the **registrant**~~person~~ shall
9 register~~;~~ on or before the date of the change of address~~;~~ with the
10 appropriate local probation and parole office in the county in which he or she
11 resides.

12 (b) 1. If the registrant changes his or her residence, **employer, or school** to a
13 new county, the person shall notify his or her current local probation and
14 parole office of the new residence, **employer, or school** address on or
15 before the date of the change of address.

16 2. The registrant shall also register with the appropriate local probation and
17 parole office in the county of his or her new residence, **employer, or**
18 **school** no later than **three (3)**~~five (5)~~ working days after the date of the
19 change of address.

20 (c) If **a registrant's information changes, other than the registrant information**
21 **described in subsection (10)(b) and (c) of this section or paragraphs (a) and**
22 **(b) of this subsection,**~~the:~~

23 ~~1. Motor vehicle operator's license number or any other government issued~~
24 ~~identification card number of any registrant changes; or~~

25 ~~2. Registrant obtains for the first time a motor vehicle operator's license~~
26 ~~number or any other government issued identification card number;~~

27 ~~—~~ the registrant shall register the change or addition no later than **three (3)**~~five~~

1 ~~(5)~~ working days after the date of the change or the date of the addition~~[,]~~
2 with the appropriate local probation and parole office in the county in which
3 he or she resides.

4 (d) 1. As soon as a probation and parole office learns of the person's new
5 address under paragraph (b)1. of this subsection, that probation and
6 parole office shall notify the appropriate local probation and parole
7 office in the county of the new address of the effective date of the new
8 address.

9 2. As soon as a probation and parole office learns of the person's new
10 address under paragraph (b)2. of this subsection, that office shall
11 forward this information as set forth under subsection (5) of this section.

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

15 a. ~~His or her passport number and country of issue;~~

16 ~~b.—~~The dates of departure, travel, and return; and

17 **b.**~~[e.]~~ The foreign countries, colonies, territories, or possessions that the
18 registrant will visit.

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

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

24 b. The foreign countries, colonies, territories, or possessions that the
25 registrant visited.

26 (12) Any person required to register under this section who knowingly violates any of
27 the provisions of this section or prior law is guilty of a Class D felony for the first

1 offense and a Class C felony for each subsequent offense.

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

5 (14) (a) ~~[The cabinet shall]~~ **Any person required to register under this section shall**
6 verify **his or her registrant information at least once every:** ~~[the addresses,~~
7 ~~names, motor vehicle operator's license numbers, and government issued~~
8 ~~identification card numbers of individuals required to register under this~~
9 ~~section. Verification shall occur at least once every]~~

10 **1.** Ninety (90) days for a person required to register under KRS
11 17.520(2); ~~[at least once every]~~

12 **2.** Calendar year for a person required to register under KRS 17.520(3); ~~[~~
13 ~~and]~~ ~~[at least once every]~~

14 **3.** Thirty (30) days for a person who does not have an established and fixed
15 residence of regular return.

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

- 17 1. Moved without providing his or her new address;
- 18 2. Failed to notify the local probation and parole office of his or her
19 presence in a new county without an established and fixed residence of
20 regular return; or
- 21 3. **Other registrant information** ~~[A new name, motor vehicle operator's~~
22 ~~license number, or government issued identification card number]~~ that
23 he or she has not provided;

24 to the appropriate local probation and parole office or offices as required
25 under subsection (11)(a), (b), and (c) of this section, the cabinet shall notify
26 the appropriate local probation and parole office of the **newly discovered**
27 **information** ~~[new address, name, motor vehicle operator's license number, or~~

1 ~~government-issued identification card number~~] used by the person. The office
2 shall then forward this information as set forth under subsection (5) of this
3 section. The cabinet shall **attempt to notify the registrant and** also notify the
4 appropriate court, Parole Board, and appropriate Commonwealth's attorney,
5 sheriff's office, probation and parole office, corrections agency, and law
6 enforcement agency responsible for the investigation of the report of
7 noncompliance.

8 (c) An agency that receives notice of the noncompliance from the cabinet under
9 paragraph (a) of this subsection:

- 10 1. Shall consider revocation of the parole, probation, postincarceration
11 supervision, or conditional discharge of any person released under its
12 authority; and
- 13 2. Shall notify the appropriate county or Commonwealth's Attorney for
14 prosecution.

15 (15) **The cabinet may promulgate administrative regulations in accordance with KRS**
16 **Chapter 13A to implement this section.**

17 **(16)** The provisions of subsections (10) and (14) of this section relating to registrants
18 who do not have an established and fixed residence of regular return shall apply to
19 any person required to register on or after January 1, 2024.

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

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

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

- 25 1. Any person who has been convicted of kidnapping, as set forth in KRS
26 509.040, when the victim is under the age of eighteen (18) at the time of
27 the commission of the offense, except when the offense is committed by

- 1 a parent;
- 2 2. Any person who has been convicted of unlawful imprisonment, as set
- 3 forth in KRS 509.020, when the victim is under the age of eighteen (18)
- 4 at the time of the commission of the offense, except when the offense is
- 5 committed by a parent;
- 6 3. Any person convicted of a sex crime:
- 7 a. Who has one (1) or more prior convictions of a felony criminal
- 8 offense against a victim who is a minor; or
- 9 b. Who has one (1) or more prior sex crime convictions;
- 10 4. Any person who has been convicted of two (2) or more felony criminal
- 11 offenses against a victim who is a minor;
- 12 5. Any person who has been convicted of:
- 13 a. Any degree of rape under KRS Chapter 510~~[Rape in the first~~
- 14 ~~degree under KRS 510.040];~~~~[or]~~
- 15 b. Any degree of sodomy under KRS Chapter 510~~[Sodomy in the~~
- 16 ~~first degree under KRS 510.070];~~
- 17 c. Incest under KRS 530.020(2)(b) or (c);
- 18 d. Sexual abuse in the first degree under KRS 510.110(1)(b)2.; or
- 19 e. Any criminal attempt, conspiracy, or solicitation to commit any
- 20 of the offenses described in subdivisions a. to d. of this
- 21 subparagraph; and
- 22 6. Any sexually violent predator.
- 23 (3) All other registrants are required to register for twenty-five (25)~~[twenty (20)]~~ years
- 24 following discharge from confinement or twenty-five (25)~~[twenty (20)]~~ years
- 25 following the maximum discharge date on probation, shock probation, conditional
- 26 discharge, parole, or other form of early release, whichever period is greater.
- 27 (4) If a person required to register under this section is reincarcerated for another

1 offense or as the result of having violated the terms of probation, parole,
2 postincarceration supervision, or conditional discharge, the registration
3 requirements and the remaining period of time for which the registrant shall register
4 are tolled during the reincarceration.

5 (5) A person who has pled guilty, entered an Alford plea, or been convicted in a court
6 of another state or territory, in a court of the United States, the District of
7 Columbia, or any federally recognized Indian tribe, or in a court-martial of the
8 United States Armed Forces who is required to register in Kentucky shall be subject
9 to registration in Kentucky based on the conviction in the foreign jurisdiction. The
10 ~~Justice and Public Safety~~ cabinet shall promulgate administrative regulations in
11 accordance with KRS Chapter 13A to carry out the provisions of this subsection.

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

15 (7) If the court fails to designate the registration period as mandated by this section,
16 or the registrant has been:

17 (a) Convicted of a sex crime or criminal offense against a victim who is a minor
18 and has been notified of the duty to register by:

19 1. A court of any state or territory, a court of the United States, the
20 District of Columbia, or any federally recognized Indian tribe;

21 2. A similar conviction from a court of competent jurisdiction in any
22 other country; or

23 3. A court martial of the United States Armed Forces; or

24 (b) Committed as a sexually violent predator:

25 1. Under the laws of another state, laws of a territory, or federal laws; or

26 2. Has a similar commitment from a court of competent jurisdiction in
27 any other country;

1 *the Department of Kentucky State Police shall determine the registration period*
2 *as mandated by this section.*

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

4 (1) The Department of Kentucky State Police shall establish a website~~[Web site]~~
5 available to the public. The website~~[Web site]~~ shall display:

6 (a) The registrant information, except for:

7 1. Information that identifies a victim;~~[,]~~

8 2. DNA samples, fingerprints, and palm prints;~~[,]~~

9 3. Social Security numbers;~~[,]~~

10 4. Motor vehicle operator's license numbers;~~[,]~~

11 5. *The name and address of the registrant's school or employer;*

12 6. *Copies of passports or documents establishing the registrant's*
13 *immigration status;*

14 7. *Copies of any occupational or professional licenses that authorize the*
15 *registrant to engage in an occupation or carry out a trade or business;*

16 8. *Designations used for self-identification or routing in internet*
17 *communications or postings;* and

18 9. Government-issued identification card numbers obtained by the
19 Information Services Center, Department of Kentucky State Police,
20 under 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
26 registrant was convicted, whether the registrant is currently on probation or
27 parole, and whether the registrant is compliant or noncompliant.

- 1 The website~~[Web-site]~~ shall be updated every day except for Saturdays, Sundays,
2 and state holidays.
- 3 (2) The information pertaining to an individual shall be maintained on the website~~[Web~~
4 ~~site]~~ so long as that individual is registered in accordance with KRS 17.500 to
5 17.580.
- 6 (3) The following language shall be prominently displayed on the website~~[Web-site]~~:
7 "UNDER KRS 525.070 AND 525.080, USE OF INFORMATION OBTAINED
8 FROM THIS WEB SITE TO HARASS A PERSON IDENTIFIED ON THIS WEB
9 SITE IS A CRIMINAL OFFENSE PUNISHABLE BY UP TO NINETY (90)
10 DAYS IN THE COUNTY JAIL. MORE SEVERE CRIMINAL PENALTIES
11 APPLY FOR MORE SEVERE CRIMES COMMITTED AGAINST A PERSON
12 IDENTIFIED ON THIS WEBSITE~~[WEB-SITE]~~."
- 13 (4) (a) Any Department of Kentucky State Police employee who disseminates, or
14 does not disseminate, registrant information or sex offender information in
15 good-faith compliance with the requirements of this section shall be immune
16 from criminal and civil liability for the dissemination or lack thereof.
- 17 (b) Any person, including an employee of a sheriff's office, acting in good faith in
18 disseminating, or not disseminating, information previously disseminated by
19 the Department of Kentucky State Police shall be immune from criminal and
20 civil liability for the dissemination or lack thereof.
- 21 (5) **On or before July 1, 2027, the website established under this section shall display,**
22 **in addition to the information required under subsection (1) of this section:**
- 23 **(a) The name and address of any place where a registrant is employed or, if the**
24 **registrant is employed with no fixed place of employment, other information**
25 **describing where the registrant works; and**
- 26 **(b) For a vehicle including watercraft, aircraft, and motor vehicles owned or**
27 **routinely operated by the registrant:**

- 1 1. The license plate number or, if a vehicle has no license plate, the
- 2 registration number or other identifier;
- 3 2. A description of the vehicle, including the make, model, year
- 4 manufactured, and color; and
- 5 3. An address or other information describing the location where the
- 6 vehicle is habitually parked, docked, or otherwise kept~~[The cabinet~~
- 7 ~~shall establish a toll-free telephone number for a person to call to learn~~
- 8 ~~the identity of the Web site created in this section and the location of~~
- 9 ~~public access to the Web site in the county where the person resides].~~

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

13 ➔Section 5. KRS 17.165 is amended to read as follows:

14 (1) As used in this section:~~[,]~~

15 (a) "Criminal offense against a victim who is minor" means a conviction of or
 16 a plea of guilty to a criminal offense against a victim who is a minor as
 17 specified in Section 1 of this Act;

18 (b) "Sex crime" means a conviction or a plea of guilty to a sex crime specified in
 19 KRS 17.500; and~~[,]~~

20 ~~(c)(2) [As used in this section, "Violent offender" means any person who has~~
 21 ~~been convicted of or pled guilty to the commission of a capital offense, Class~~
 22 ~~A felony, or Class B felony involving the death of the victim, or rape in the~~
 23 ~~first degree or sodomy in the first degree of the victim or serious physical~~
 24 ~~injury to a victim.~~

25 ~~(3) As used in this section,]~~"Violent crime" shall mean a conviction of or a plea of
 26 guilty to the commission of a capital offense, Class A felony, or Class B felony
 27 involving the death of the victim, or rape in the first degree or sodomy in the first

1 degree of the victim or serious physical injury to a victim.†

2 ~~(4) As used in this section, "criminal offense against a victim who is a minor" means a~~
3 ~~conviction of or a plea of guilty to a criminal offense against a victim who is a~~
4 ~~minor as specified in KRS 17.500(3).†~~

5 ~~(2)†(5)~~ (a) Excluding a child care staff member pursuant to KRS 199.8965, the
6 provisions of this section shall apply to all applicants for initial employment
7 in a position which involves care and supervision of a minor as a child-
8 serving professional on or after March 27, 2017.

9 (b) Each employer of an applicant for initial employment in a position which
10 involves care and supervision of a minor as a child-serving professional shall
11 request all conviction information for the applicant for employment from the
12 Justice and Public Safety Cabinet or the Administrative Office of the Courts
13 prior to employing the applicant.

14 (c) This subsection shall not be construed to apply to an employer of a minor.

15 ~~(3)†(6)~~ ~~An~~~~No~~ employee in a position which involves care and supervision of a
16 minor as a child-serving professional pursuant to subsection ~~(2)†(5)~~ of this section
17 shall **not** have been convicted of a violent crime, a criminal offense against a victim
18 who is a minor, or a sex crime, or have been found by the Cabinet for Health and
19 Family Services or a court to have abused or neglected a child.

20 ~~(4)†(7)~~ Each application form, provided by the employer to the applicant, shall
21 conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT,
22 STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION
23 OF EMPLOYMENT."

24 ~~(5)†(8)~~ Any request for records under subsection ~~(2)†(5)~~ of this section shall be on a
25 form approved by the Justice and Public Safety Cabinet or the Administrative
26 Office of the Courts, and the cabinet may charge a fee to be paid by the applicant in
27 an amount no greater than the actual cost of processing the request.

1 ➔Section 6. KRS 160.151 is amended to read as follows:

- 2 (1) (a) 1. A private, parochial, or church school that has voluntarily been certified
3 by the Kentucky Board of Education in accordance with KRS
4 156.160(2) may require a national and state criminal background check
5 and require a clear CA/N check, as defined in KRS 160.380, on all new
6 certified hires in the school and student teachers assigned to the school
7 and may require a new national and state criminal background check
8 and require a clear CA/N check on each certified teacher once every five
9 (5) years of employment.
- 10 2. Certified individuals who were employed in another certified position in
11 a Kentucky school within six (6) months of the date of the hire and who
12 had previously submitted to a national and state criminal background
13 check and were required to have a clear CA/N check for previous
14 employment may be excluded from the initial national or state criminal
15 background checks.
- 16 (b) The national criminal history background check shall be conducted by the
17 Federal Bureau of Investigation. The state criminal history background check
18 shall be conducted by the Department of Kentucky State Police or the
19 Administrative Office of the Courts.
- 20 (c) All fingerprints requested under this section shall be on an applicant
21 fingerprint card provided by the Department of Kentucky State Police. The
22 fingerprint cards shall be forwarded to the Federal Bureau of Investigation by
23 the Department of Kentucky State Police after a state criminal background
24 check has been conducted. Any fee charged by the Department of Kentucky
25 State Police, the Administrative Office of the Courts, or the Federal Bureau of
26 Investigation shall be an amount no greater than the actual cost of processing
27 the request and conducting the search.

- 1 (2) (a) If a school requires a criminal background check or requires a clear CA/N
2 check for a new hire, the school shall conspicuously include the following
3 disclosure statement on each application or renewal form provided by the
4 employer to an applicant for a certified position: "STATE LAW
5 AUTHORIZES THIS SCHOOL TO REQUIRE A CRIMINAL HISTORY
6 BACKGROUND CHECK AND A LETTER FROM THE CABINET FOR
7 HEALTH AND FAMILY SERVICES STATING THE APPLICANT IS
8 CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED
9 CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND
10 CHECK OF CHILD ABUSE AND NEGLECT RECORDS AS A
11 CONDITION OF EMPLOYMENT FOR THIS TYPE OF POSITION."
- 12 (b) The school or school board may require an adult who is permitted access to
13 school grounds on a regularly scheduled and continuing basis pursuant to a
14 written agreement for the purpose of providing services directly to a student
15 or students as part of a school-sponsored program or activity, a volunteer, or a
16 visitor to submit to a national criminal history check by the Federal Bureau of
17 Investigation and state criminal history background check by the Department
18 of Kentucky State Police or Administrative Office of the Courts and require a
19 clear CA/N check.
- 20 (c) Any request for records from the Department of Kentucky State Police under
21 this section shall be on an applicant fingerprint card provided by the
22 Department of Kentucky State Police if required. The results of the state
23 criminal background check and the results of the national criminal history
24 background check, if requested, shall be sent to the hiring superintendent. If a
25 background check of child abuse and neglect records is requested, the person
26 seeking employment shall provide to the hiring superintendent a clear CA/N
27 check.

- 1 (d) Any fee charged by the Department of Kentucky State Police shall be an
2 amount no greater than the actual cost of processing the request and
3 conducting the search.
- 4 (3) (a) A nonpublic school voluntarily implementing the provisions of this chapter
5 may choose not to employ any person who ~~is a violent offender as defined by~~
6 ~~KRS 17.165(2),~~ has been convicted of a sex crime which is classified as a
7 felony as defined by KRS 17.165~~[(1),~~ or has committed a violent crime as
8 defined in KRS 17.165~~[(3)]~~ or persons with a substantiated finding of child
9 abuse or neglect in records maintained by the Cabinet for Health and Family
10 Services. A nonpublic school may employ, at its discretion, persons convicted
11 of sex crimes classified as a misdemeanor.
- 12 (b) If a school term has begun and a certified position remains unfilled or if a
13 vacancy occurs during a school term, a nonpublic school implementing this
14 chapter may employ an individual who will have supervisory or disciplinary
15 authority over minors on probationary status pending receipt of a criminal
16 history background check or the receipt of a clear CA/N check, provided by
17 the individual.
- 18 (c) Employment at a nonpublic school implementing this chapter may be
19 contingent on the receipt of a criminal history background check documenting
20 a record ~~as a violent offender,~~ of a sex crime~~,~~ or ~~of~~ a violent crime as
21 defined in KRS 17.165 or the receipt of a clear CA/N check, provided by the
22 individual.
- 23 (d) Nonpublic schools implementing this chapter may terminate probationary
24 employment under this section upon receipt of a criminal history background
25 check documenting a record ~~as a violent offender,~~ of a sex crime~~,~~ or ~~of~~ a
26 violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check.
- 27 (4) The form for requesting a clear CA/N check shall be made available on the Cabinet

1 for Health and Family Services website.

2 ➔Section 7. KRS 160.380 is amended to read as follows:

3 (1) As used in this section:

4 (a) "Administrative finding of child abuse or neglect" means a substantiated
5 finding of child abuse or neglect issued by the Cabinet for Health and Family
6 Services that is:

7 1. Not appealed through an administrative hearing conducted in
8 accordance with KRS Chapter 13B;

9 2. Upheld at an administrative hearing conducted in accordance with KRS
10 Chapter 13B and not appealed to a Circuit Court; or

11 3. Upheld by a Circuit Court in an appeal of the results of an
12 administrative hearing conducted in accordance with KRS Chapter 13B;

13 (b) "Alternative education program" means a program that exists to meet the
14 needs of students that cannot be addressed in a traditional classroom setting
15 but through the assignment of students to alternative classrooms, centers, or
16 campuses that are designed to remediate academic performance, improve
17 behavior, or provide an enhanced learning experience. Alternative education
18 programs do not include career or technical centers or departments;

19 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family
20 Services indicating that there are no administrative findings of child abuse or
21 neglect relating to a specific individual;

22 (d) "Relative" means father, mother, brother, sister, husband, wife, son and
23 daughter; and

24 (e) "Vacancy" means any certified position opening created by the resignation,
25 dismissal, nonrenewal of contract, transfer, or death of a certified staff
26 member of a local school district, or a new position created in a local school
27 district for which certification is required. However, if an employer-employee

1 bargained contract contains procedures for filling certified position openings
2 created by the resignation, dismissal, nonrenewal of contract, transfer, or
3 death of a certified staff member, or creation of a new position for which
4 certification is required, a vacancy shall not exist, unless certified positions
5 remain open after compliance with those procedures.

6 (2) Except as provided in KRS 160.346, the school district personnel actions identified
7 in this section shall be carried out as follows:

8 (a) All appointments, promotions, and transfers of principals, supervisors,
9 teachers, and other public school employees shall be made only by the
10 superintendent of schools, who shall notify the board of the action taken. All
11 employees of the local district shall have the qualifications prescribed by law
12 and by the administrative regulations of the Kentucky Board of Education and
13 of the employing board. Supervisors, principals, teachers, and other
14 employees may be appointed by the superintendent for any school year at any
15 time after February 1 preceding the beginning of the school year. No
16 superintendent of schools shall appoint or transfer himself or herself to
17 another position within the school district;

18 (b) When a vacancy occurs in a local school district, the superintendent shall
19 submit the job posting to the statewide job posting system described in KRS
20 160.152 fifteen (15) days before the position shall be filled. The local school
21 district shall post position openings in the local board office for public
22 viewing;

23 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
24 prevent disruption of necessary instructional or support services of the school
25 district, the superintendent may seek a waiver from the chief state school
26 officer outside of the process established in KRS 156.161. If the waiver is
27 approved, the appointment shall not be made until the person recommended

1 for the position has been approved by the chief state school officer. The chief
2 state school officer shall respond to a district's request for waiver or for
3 approval of an appointment within two (2) working days; and

4 (d) When a vacancy occurs in a local district, the superintendent shall conduct a
5 search to locate minority teachers to be considered for the position. The
6 superintendent shall, pursuant to administrative regulations of the Kentucky
7 Board of Education, report annually the district's recruitment process and the
8 activities used to increase the percentage of minority teachers in the district.

9 (3) Restrictions on employment of relatives shall be as follows:

10 (a) No relative of a superintendent of schools shall be an employee of the school
11 district. However, this shall not apply to a relative who is a classified or
12 certified employee of the school district for at least thirty-six (36) months
13 prior to the superintendent assuming office and who is qualified for the
14 position the employee holds. A superintendent's spouse who has previously
15 been employed in a school system may be an employee of the school district.
16 A superintendent's spouse who is employed under this provision shall not hold
17 a position in which the spouse supervises certified or classified employees. A
18 superintendent's spouse may supervise teacher aides and student teachers.
19 However, the superintendent shall not promote a relative who continues
20 employment under an exception of this subsection;

21 (b) No superintendent shall employ a relative of a school board member of the
22 district;

23 (c) No principal's relative shall be employed in the principal's school; and

24 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of
25 this subsection may be employed as a substitute for a certified or classified
26 employee if the relative is not:

27 1. A regular full-time or part-time employee of the district;

- 1 2. Accruing continuing contract status or any other right to continuous
- 2 employment;
- 3 3. Receiving fringe benefits other than those provided other substitutes; or
- 4 4. Receiving preference in employment or assignment over other
- 5 substitutes.
- 6 (4) No superintendent shall assign a certified or classified staff person to an alternative
- 7 education program as part of any disciplinary action taken pursuant to KRS 161.011
- 8 or 161.790 as part of a corrective action plan established pursuant to the local
- 9 district evaluation plan.
- 10 (5) No superintendent shall employ in any position in the district any person who:
- 11 (a) Has been convicted of an offense that would classify a person as a violent
- 12 offender under KRS 439.3401;
- 13 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a
- 14 misdemeanor offense under KRS Chapter 510;
- 15 (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
- 16 (d) Has an administrative finding of child abuse or neglect in records maintained
- 17 by the Cabinet for Health and Family Services.
- 18 (6) Requirements for background checks shall be as follows:
- 19 (a) A superintendent shall require the following individuals to submit to a
- 20 national and state criminal background check by the Department of Kentucky
- 21 State Police and the Federal Bureau of Investigation and have a clear CA/N
- 22 check, provided by the individual:
- 23 1. Each new certified or classified hire;
- 24 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
- 25 161.185;
- 26 3. A student teacher;
- 27 4. A school-based decision making council parent member; and

- 1 5. Any adult who is permitted access to school grounds on a regularly
2 scheduled and continuing basis pursuant to a written agreement for the
3 purpose of providing services directly to a student or students as part of
4 a school-sponsored program or activity;
- 5 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- 6 a. Classified and certified individuals employed by the school district
7 prior to June 27, 2019;
- 8 b. Certified individuals who were employed in another certified
9 position in a Kentucky school district within six (6) months of the
10 date of hire and who had previously submitted to a national and
11 state criminal background check and who have a clear CA/N check
12 for the previous employment; or
- 13 c. Student teachers who have submitted to and provide a copy of a
14 national and state criminal background check by the Department
15 of Kentucky State Police and the Federal Bureau of Investigation
16 through an accredited teacher education institution in which the
17 student teacher is enrolled and who have a clear CA/N check.
- 18 2. The Education Professional Standards Board may promulgate
19 administrative regulations to impose additional qualifications to meet
20 the requirements of Pub. L. No. 92-544;
- 21 (c) A parent member may serve prior to the receipt of the criminal history
22 background check and CA/N letter required by paragraph (a) of this
23 subsection but shall be removed from the council on receipt by the school
24 district of a report documenting a record of abuse or neglect, or a sex crime or
25 criminal offense against a victim who is a minor as defined in KRS 17.500, or
26 as a violent crime~~[offender]~~ as defined in KRS 17.165, and no further
27 procedures shall be required;

- 1 (d) A superintendent may require a volunteer or a visitor to submit to a national
2 and state criminal history background check by the Department of Kentucky
3 State Police and the Federal Bureau of Investigation and have a clear CA/N
4 check, provided by the individual; and
- 5 (e) The superintendent of a school district operating under an alternative
6 transportation plan approved by the Kentucky Department of Education in
7 accordance with KRS 156.153(3) shall require the driver of any non-school
8 bus passenger vehicle authorized to transport students to and from school
9 pursuant to the alternative transportation plan who does not have a valid
10 commercial driver's license issued in accordance with KRS Chapter 281A
11 with an "S" endorsement to:
- 12 1. Submit to a national and state criminal background check by the
13 Department of Kentucky State Police and the Federal Bureau of
14 Investigation at least once every three (3) years and a criminal records
15 check conducted in accordance with KRS 27A.090 in all other years;
 - 16 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.
17 40;
 - 18 3. Provide a biannual driving history record check performed by the
19 Transportation Cabinet;
 - 20 4. Provide an annual clear CA/N check;
 - 21 5. Immediately notify the superintendent of any conviction for a violation
22 under KRS Chapter 189 for which penalty points are assessed; and
 - 23 6. Immediately notify the superintendent of any citation or arrest for a
24 violation of any provision of KRS Chapter 189A. The superintendent
25 shall inform the Kentucky Department of Education of the notification.
- 26 (7) (a) If a certified or classified position remains unfilled after July 31 or if a
27 vacancy occurs during a school term, a superintendent may employ an

1 individual, who will have supervisory or disciplinary authority over minors,
2 on probationary status pending receipt of the criminal history background
3 check and a clear CA/N check, provided by the individual. Application for the
4 criminal record and a request for a clear CA/N check of a probationary
5 employee shall be made no later than the date probationary employment
6 begins.

7 (b) Employment shall be contingent on the receipt of the criminal history
8 background check documenting that the probationary employee has no record
9 of a sex crime ~~or~~~~nor as~~ a violent crime~~[offender]~~ as defined in KRS 17.165
10 and receipt of a letter, provided by the individual, from the Cabinet for Health
11 and Family Services stating the employee is clear to hire based on no
12 administrative findings of child abuse or neglect found through a background
13 check of child abuse and neglect records maintained by the Cabinet for Health
14 and Family Services.

15 (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary,
16 probationary employment under this section shall terminate on receipt by the
17 school district of a criminal history background check documenting a record
18 of a sex crime ~~or~~~~as~~ a violent crime~~[offender]~~ as defined in KRS 17.165 and
19 no further procedures shall be required.

20 (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified
21 employee on the basis of a criminal record other than a record of a sex crime ~~or~~~~as~~
22 a violent crime~~[offender]~~ as defined in KRS 17.165, or on the basis of a CA/N
23 check showing an administrative finding of child abuse or neglect.

24 (9) (a) All fingerprints requested under this section shall be on an applicant
25 fingerprint card provided by the Department of Kentucky State Police. The
26 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
27 from the Department of Kentucky State Police after a state criminal

1 background check is conducted. The results of the state and federal criminal
2 background check shall be sent to the hiring superintendent. Any fee charged
3 by the Department of Kentucky State Police, the Federal Bureau of
4 Investigation, and the Cabinet for Health and Family Services shall be an
5 amount no greater than the actual cost of processing the request and
6 conducting the search.

7 (b) Each application form, provided by the employer to an applicant for a
8 certified or classified position, shall conspicuously state the following: "FOR
9 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL
10 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A
11 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET
12 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
13 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR
14 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
15 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET
16 FOR HEALTH AND FAMILY SERVICES."

17 (c) Each application form for a district position shall require the applicant to:
18 1. Identify the states in which he or she has maintained residency,
19 including the dates of residency; and
20 2. Provide picture identification.

21 (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary,
22 when an employee of the school district is charged with any offense which is
23 classified as a felony, the superintendent may transfer the employee to a second
24 position until such time as the employee is found not guilty, the charges are
25 dismissed, the employee is terminated, or the superintendent determines that further
26 personnel action is not required. The employee shall continue to be paid at the same
27 rate of pay he or she received prior to the transfer. If an employee is charged with

1 an offense outside of the Commonwealth, this provision may also be applied if the
2 charge would have been treated as a felony if committed within the
3 Commonwealth. Transfers shall be made to prevent disruption of the educational
4 process and district operations and in the interest of students and staff and shall not
5 be construed as evidence of misconduct.

6 (11) Notwithstanding any law to the contrary, each certified and classified employee of
7 the school district shall notify the superintendent if he or she has been found by the
8 Cabinet for Health and Family Services to have abused or neglected a child, and if
9 he or she has waived the right to appeal a substantiated finding of child abuse or
10 neglect or if the substantiated incident was upheld upon appeal. Any failure to
11 report this finding shall result in the certified or classified employee being subject
12 to dismissal or termination.

13 (12) The form for requesting a CA/N check shall be made available on the Cabinet for
14 Health and Family Services website.

15 ➔Section 8. KRS 161.185 is amended to read as follows:

16 (1) Except as provided in subsection (2), boards of education shall require a certified or
17 classified staff member who is at least twenty-one (21) years of age to accompany
18 students on all school-sponsored or school-endorsed trips. Local boards of
19 education may adopt a policy that specifies the job classifications of staff members
20 who may accompany students on trips under this section.

21 (2) Boards of education may permit a nonfaculty coach or nonfaculty assistant, as
22 defined by administrative regulation promulgated by the Kentucky Board of
23 Education under KRS 156.070(2), to accompany students on all school-sponsored
24 or school-endorsed athletic trips. A nonfaculty coach or nonfaculty assistant shall
25 be at least twenty-one (21) years of age, shall not be ~~a violent offender or~~
26 convicted of a sex crime **or violent crime** as defined by KRS 17.165 which is
27 classified as a felony, and shall submit to a criminal record check under KRS

1 160.380.

2 (3) Prior to assuming his or her duties, a nonfaculty coach or nonfaculty assistant shall
3 successfully complete training provided by the local school district. The training
4 shall include, but not be limited to, information on the physical and emotional
5 development of students of the age with whom the nonfaculty coach and nonfaculty
6 assistant will be working, the district's and school's discipline policies, procedures
7 for dealing with discipline problems, and safety and first aid training. Follow-up
8 training shall be provided annually.