

### **17.500 Definitions for KRS 17.500 to 17.580.**

As used in KRS 17.500 to 17.580:

- (1) "Approved provider" means a mental health professional licensed or certified in Kentucky whose scope of practice includes providing mental health treatment services and who is approved by the Sex Offender Risk Assessment Advisory Board, under administrative regulations promulgated by the board, to provide comprehensive sex offender presentence evaluations or treatment to adults and youthful offenders, as defined in KRS 600.020;
- (2) "Cabinet" means the Justice and Public Safety Cabinet;
- (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:
  1. Kidnapping, as set forth in KRS 509.040, except by a parent;
  2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;
  3. Sex crime;
  4. Promoting a sexual performance of a minor, as set forth in KRS 531.320;
  5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;
  6. Promoting human trafficking involving commercial sexual activity, as set forth in KRS 529.110;
  7. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);
  8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
  9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
  10. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);
  11. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;
  12. Any attempt to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph;
  13. Solicitation to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph; or
  14. Any offense from another state or territory, any federal offense, or any offense subject to a court martial of the United States Armed Forces, which is similar to any of the offenses described in subparagraphs 1. to 13. of this paragraph.
- (b) Conduct which is criminal only because of the age of the victim shall not be

considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense;

- (4) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, state, county, urban-county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal federal or state laws;
- (5) "Registrant" means:
  - (a) Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
    - 1. A sex crime; or
    - 2. A criminal offense against a victim who is a minor; or
  - (b) Any person required to register under KRS 17.510; or
  - (c) Any sexually violent predator; or
  - (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed;
- (6) "Registrant information" means the name, including any lawful name change together with the previous name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, palm prints, DNA sample, a photograph, aliases used, residence, motor vehicle operator's license number as well as any other government-issued identification card numbers, if any, a brief description of the crime or crimes committed, and other information the cabinet determines, by administrative regulation, may be useful in the identification of registrants;
- (7) "Residence" means any place where a person sleeps. For the purposes of this statute, a registrant may have more than one (1) residence. A registrant is required to register each residence address;
- (8) "Sex crime" means:
  - (a) A felony offense defined in KRS Chapter 510, or KRS 530.020, 530.064(1)(a), 531.310, 531.320, or 531.335;
  - (b) A felony attempt to commit a felony offense specified in paragraph (a) of this subsection; or
  - (c) A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is similar to a felony offense specified in paragraph (a) of this subsection;
- (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in this section, as of the date the verdict is entered by the court;
- (10) "Sexually violent predator" means any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar

designation, under a state, territory, or federal statutory scheme;

- (11) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;
- (12) "Victim" has the same meaning as in KRS 421.500;
- (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen from a person, as prescribed by administrative regulation, that is required to provide a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the Department of Kentucky State Police forensic laboratory for law enforcement identification purposes and inclusion in law enforcement identification databases; and
- (14) "Authorized personnel" means an agent of state government who is properly trained in DNA sample collection pursuant to administrative regulation.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 42, sec. 2, effective July 14, 2018; and ch. 121, sec. 1, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 171, sec. 1, effective June 29, 2017. -- Amended 2014 Ky. Acts ch. 94, sec. 4, effective July 15, 2014. -- Repealed and reenacted 2009 Ky. Acts ch. 105, sec. 4, effective March 27, 2009. -- Amended 2008 Ky. Acts ch. 158, sec. 12, effective July 1, 2008. -- Amended 2007 Ky. Acts ch. 19, sec. 8, effective June 26, 2007; ch. 29, sec. 1, effective June 26, 2007; and ch. 85, sec. 99, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 182, sec. 5, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 401, sec. 15, effective April 11, 2000. -- Created 1994 Ky. Acts ch. 392, sec. 1, effective July 15, 1994.

**Legislative Research Commission Note (7/14/2018).** This statute was amended by 2018 Ky. Acts chs. 42 and 121, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (6/29/2017).** Under the authority of KRS 7.136(1)(h), references to "subparagraphs 1. to 10. of this paragraph" in subsection (3)(a) of this statute have been changed to "subparagraphs 1. to 11. of this paragraph" by the Reviser of Statutes following the enactment of 2017 Ky. Acts ch. 171, sec. 1, which inserted a new subparagraph into KRS 17.500(3)(a) and renumbered the subsequent subparagraphs, but overlooked the internal references in the existing language.

**17.510 Registration system for adults who have committed sex crimes or crimes against minors -- Persons required to register -- Exemption for registration for juveniles to be retroactive -- Manner of registration -- Penalties -- Notifications of violations required.**

- (1) The cabinet shall develop and implement a registration system for registrants which includes creating a new computerized information file to be accessed through the Law Information Network of Kentucky.
- (2) A registrant shall, on or before the date of his or her release by the court, the parole board, the cabinet, or any detention facility, register with the appropriate local probation and parole office in the county in which he or she intends to reside. The person in charge of the release shall facilitate the registration process.
- (3) Any person required to register pursuant to subsection (2) of this section shall be informed of the duty to register by the court at the time of sentencing if the court grants probation or conditional discharge or does not impose a penalty of incarceration, or if incarcerated, by the official in charge of the place of confinement upon release. The court and the official shall require the person to read and sign any form that may be required by the cabinet, stating that the duty of the person to register has been explained to the person. The court and the official in charge of the place of confinement shall require the releasee to complete the acknowledgment form and the court or the official shall retain the original completed form. The official shall then send the form to the Information Services Center, Department of Kentucky State Police, Frankfort, Kentucky 40601.
- (4) The court or the official shall order the person to register with the appropriate local probation and parole office which shall obtain the person's fingerprints, palm prints, DNA sample, photograph, and a copy of his or her motor vehicle operator's license as well as any other government-issued identification cards, if any. Thereafter, the registrant shall return to the appropriate local probation and parole office not less than one (1) time every two (2) years in order for a new photograph to be obtained, and the registrant shall pay the cost of updating the photo for registration purposes. Any registrant who has not provided palm prints, a copy of his or her motor vehicle operator's license, or a copy of any other government-issued identification cards, if any, as of July 14, 2018, shall provide the information to the appropriate local probation and parole office when the registrant appears for a new photograph to be obtained. Any change to a registrant's motor vehicle operator's license number or any other government-issued identification card after the registrant appears for a new photograph shall be registered in accordance with subsection (10) of this section. Failure to comply with this requirement shall be punished as set forth in subsection (11) of this section.
- (5) (a) The appropriate probation and parole office shall send the registration form containing the registrant information, fingerprints, palm prints, photograph, and a copy of his or her motor vehicle operator's license as well as any other government-issued identification cards, if any, and any special conditions imposed by the court or the Parole Board, to the Information Services Center, Department of Kentucky State Police, Frankfort, Kentucky 40601. The

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

- (b) The Information Services Center, upon request by a state or local law enforcement agency, shall make available to that agency registrant information, including a person's fingerprints and photograph, where available, as well as any special conditions imposed by the court or the Parole Board.
  - (c) Any employee of the Justice and Public Safety Cabinet who disseminates, or does not disseminate, registrant information in good-faith compliance with the requirements of this subsection shall be immune from criminal and civil liability for the dissemination or lack thereof.
- (6) (a) Except as provided in paragraph (b) of this subsection, any person who has been convicted in a court of any state or territory, a court of the United States, or a similar conviction from a court of competent jurisdiction in any other country, or a court martial of the United States Armed Forces of a sex crime or criminal offense against a victim who is a minor and who has been notified of the duty to register by that state, territory, or court, or who has been committed as a sexually violent predator under the laws of another state, laws of a territory, or federal laws, or has a similar conviction from a court of competent jurisdiction in any other country, shall comply with the registration requirement of this section, including the requirements of subsection (4) of this section, and shall register with the appropriate local probation and parole office in the county of residence within five (5) working days of relocation. No additional notice of the duty to register shall be required of any official charged with a duty of enforcing the laws of this Commonwealth.
- (b) No person shall be required to register under this subsection for a juvenile adjudication if such an adjudication in this Commonwealth would not create a duty to register. This paragraph shall be retroactive.
- (7) (a) Except as provided in paragraph (b) of this subsection, if a person is required to register under federal law or the laws of another state or territory, or if the person has been convicted of an offense in a court of the United States, in a court martial of the United States Armed Forces, or under the laws of another state or territory that would require registration if committed in this Commonwealth, that person upon changing residence from the other state or territory of the United States to the Commonwealth or upon entering the Commonwealth for employment, to carry on a vocation, or as a student shall comply with the registration requirement of this section, including the requirements of subsection (4) of this section, and shall register within five (5) working days with the appropriate local probation and parole office in the county of residence, employment, vocation, or schooling. A person required to register under federal law or the laws of another state or territory shall be presumed to know of the duty to register in the Commonwealth. As used in this subsection, "employment" or "carry on a vocation" includes employment

that is full-time or part-time for a period exceeding fourteen (14) days or for an aggregate period of time exceeding thirty (30) days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit. As used in this subsection, "student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

- (b) No person shall be required to register under this subsection for a juvenile adjudication if such an adjudication in this Commonwealth would not create a duty to register. This paragraph shall be retroactive.
- (8) The registration form shall be a written statement signed by the person which shall include registrant information, including an up-to-date photograph of the registrant for public dissemination.
- (9) For purposes of KRS 17.500 to 17.580 and 17.991, a post office box number shall not be considered an address.
- (10) (a) If the residence address of any registrant changes, but the registrant remains in the same county, the person shall register, on or before the date of the change of address, with the appropriate local probation and parole office in the county in which he or she resides.
  - (b) 1. If the registrant changes his or her residence to a new county, the person shall notify his or her current local probation and parole office of the new residence address on or before the date of the change of address.
  - 2. The registrant shall also register with the appropriate local probation and parole office in the county of his or her new residence no later than five (5) working days after the date of the change of address.
- (c) If the:
  - 1. Motor vehicle operator's license number or any other government-issued identification card number of any registrant changes; or
  - 2. Registrant obtains for the first time a motor vehicle operator's license number or any other government-issued identification card number;the registrant shall register the change or addition no later than five (5) working days after the date of the change or the date of the addition, with the appropriate local probation and parole office in the county in which he or she resides.
- (d) 1. As soon as a probation and parole office learns of the person's new address under paragraph (b)1. of this subsection, that probation and parole office shall notify the appropriate local probation and parole office in the county of the new address of the effective date of the new address.
- 2. As soon as a probation and parole office learns of the person's new address under paragraph (b)2. of this subsection, that office shall forward this information as set forth under subsection (5) of this section.
- (e) 1. A registrant shall register the following information with the appropriate



local probation and parole office no less than twenty-one (21) days before traveling outside of the United States:

- a. His or her passport number and country of issue;
  - b. The dates of departure, travel, and return; and
  - c. The foreign countries, colonies, territories, or possessions that the registrant will visit.
2. The registrant shall register the following information with the appropriate local probation and parole office no later than five (5) working days after the date of his or her return from traveling outside of the United States:
- a. The date he or she departed, traveled, and returned; and
  - b. The foreign countries, colonies, territories, or possessions that the registrant visited.
- (11) Any person required to register under this section who knowingly violates any of the provisions of this section or prior law is guilty of a Class D felony for the first offense and a Class C felony for each subsequent offense.
- (12) Any person required to register under this section or prior law who knowingly provides false, misleading, or incomplete information is guilty of a Class D felony for the first offense and a Class C felony for each subsequent offense.
- (13) (a) The cabinet shall verify the addresses, names, motor vehicle operator's license numbers, and government-issued identification card numbers of individuals required to register under this section. Verification shall occur at least once every ninety (90) days for a person required to register under KRS 17.520(2) and at least once every calendar year for a person required to register under KRS 17.520(3).
- (b) If the cabinet determines that a person has:
1. Moved without providing his or her new address; or
  2. A new name, motor vehicle operator's license number, or government-issued identification card number that he or she has not provided;
- to the appropriate local probation and parole office or offices as required under subsection (10)(a), (b), and (c) of this section, the cabinet shall notify the appropriate local probation and parole office of the new address, name, motor vehicle operator's license number, or government-issued identification card number used by the person. The office shall then forward this information as set forth under subsection (5) of this section. The cabinet shall also notify the appropriate court, Parole Board, and appropriate Commonwealth's attorney, sheriff's office, probation and parole office, corrections agency, and law enforcement agency responsible for the investigation of the report of noncompliance.
- (c) An agency that receives notice of the noncompliance from the cabinet under paragraph (a) of this subsection:
1. Shall consider revocation of the parole, probation, postincarceration

supervision, or conditional discharge of any person released under its authority; and

2. Shall notify the appropriate county or Commonwealth's Attorney for prosecution.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 42, sec. 3, effective July 14, 2018; and ch. 121, sec. 2, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 158, sec. 16, effective June 29, 2017. -- Amended 2011 Ky. Acts ch. 2, sec. 92, effective June 8, 2011. -- Amended 2009 Ky. Acts ch. 100, sec. 6, effective June 25, 2009; and repealed, reenacted, and amended 2009 Ky. Acts ch. 105, sec. 5, effective March 27, 2009. -- Amended 2008 Ky. Acts ch. 158, sec. 13, effective July 1, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 100, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 182, sec. 6, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 401, sec. 16, effective April 11, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 138, effective July 15, 1998. -- Created 1994 Ky. Acts ch. 392, sec. 2, effective July 15, 1994.

**Legislative Research Commission Note (7/14/2018).** This statute was amended by 2018 Ky. Acts chs. 42 and 121. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 121, which was last enacted by the General Assembly, prevails under KRS 446.250.

**Legislative Research Commission Note (6/26/2007).** 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.



**17.520 Period of registration.**

- (1) A registrant, upon his or her release by the court, the Parole Board, the cabinet, or any detention facility, shall be required to register for a period of time required under this section.
- (2) (a) Lifetime registration is required for:
  1. Any person who has been convicted of kidnapping, as set forth in KRS 509.040, when the victim is under the age of eighteen (18) at the time of the commission of the offense, except when the offense is committed by a parent;
  2. Any person who has been convicted of unlawful imprisonment, as set forth in KRS 509.020, when the victim is under the age of eighteen (18) at the time of the commission of the offense, except when the offense is committed by a parent;
  3. Any person convicted of a sex crime:
    - a. Who has one (1) or more prior convictions of a felony criminal offense against a victim who is a minor; or
    - b. Who has one (1) or more prior sex crime convictions;
  4. Any person who has been convicted of two (2) or more felony criminal offenses against a victim who is a minor;
  5. Any person who has been convicted of:
    - a. Rape in the first degree under KRS 510.040; or
    - b. Sodomy in the first degree under KRS 510.070; and
  6. Any sexually violent predator.
- (3) All other registrants are required to register for twenty (20) years following discharge from confinement or twenty (20) years following the maximum discharge date on probation, shock probation, conditional discharge, parole, or other form of early release, whichever period is greater.
- (4) If a person required to register under this section is reincarcerated for another offense or as the result of having violated the terms of probation, parole, postincarceration supervision, or conditional discharge, the registration requirements and the remaining period of time for which the registrant shall register are tolled during the reincarceration.
- (5) A person who has pled guilty, entered an Alford plea, or been convicted in a court of another state or territory, in a court of the United States, or in a court-martial of the United States Armed Forces who is required to register in Kentucky shall be subject to registration in Kentucky based on the conviction in the foreign jurisdiction. The Justice and Public Safety Cabinet shall promulgate administrative regulations to carry out the provisions of this subsection.
- (6) The court shall designate the registration period as mandated by this section in its judgment and shall cause a copy of its judgment to be mailed to the Information Services Center, Department of Kentucky State Police, Frankfort, Kentucky 40601.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 121, sec. 3, effective July 14, 2018. -- Amended 2011 Ky. Acts ch. 2, sec. 93, effective June 8, 2011. -- Amended 2007 Ky. Acts ch. 85, sec. 101, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 182, sec. 7, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 401, sec. 17, effective April 11, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 139, effective January 15, 1999. -- Created 1994 Ky. Acts ch. 392, sec. 3, effective July 15, 1994.

**Legislative Research Commission Note (6/26/2007).** 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.

**17.545 Registrant prohibited from residing or being present in certain areas --  
Violations -- Exception.**

- (1) No registrant, as defined in KRS 17.500, shall reside within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility. The measurement shall be taken in a straight line from the nearest property line of the school to the nearest property line of the registrant's place of residence.
- (2) No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility, except with the advance written permission of the school principal, the school board, the local legislative body with jurisdiction over the publicly owned playground, or the day care director that has been given after full disclosure of the person's status as a registrant or sex offender from another state and all registrant information as required in KRS 17.500. As used in this subsection, "local legislative body" means the chief governing body of a city, county, urban-county government, consolidated local government, charter county government, or unified local government that has legislative powers.
- (3) For purposes of this section:
  - (a) The registrant shall have the duty to ascertain whether any property listed in subsection (1) of this section is within one thousand (1,000) feet of the registrant's residence; and
  - (b) If a new facility opens, the registrant shall be presumed to know and, within ninety (90) days, shall comply with this section.
- (4)
  - (a) Except as provided in paragraph (b) of this subsection, no registrant who is eighteen (18) years of age or older and has committed a criminal offense against a victim who is a minor shall have the same residence as a minor.
  - (b) A registrant who is eighteen (18) years of age or older and has committed a criminal offense against a victim who is a minor may have the same residence as a minor if the registrant is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or court-appointed guardian of the minor, unless the spouse, child, grandchild, stepchild, sibling, stepsibling, or ward was a victim of the registrant.
  - (c) This subsection shall not operate retroactively and shall apply only to a registrant that committed a criminal offense against a victim who is a minor after July 14, 2018.
- (5) Any person who violates subsection (1) or (4) of this section shall be guilty of:
  - (a) A Class A misdemeanor for a first offense; and
  - (b) A Class D felony for the second and each subsequent offense.
- (6) Any registrant residing within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility on July 12, 2006, shall move and comply with this section within ninety

(90) days of July 12, 2006, and thereafter, shall be subject to the penalties set forth under subsection (5) of this section.

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

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 181, sec. 1, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 76, sec. 1, effective June 29, 2017. -- Amended 2009 Ky. Acts ch. 38, sec. 2, effective June 25, 2009. -- Repealed, reenacted, and amended 2006 Ky. Acts ch. 182, sec. 3, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 160, sec. 9, effective July 13, 2004. -- Created 2000 Ky. Acts ch. 401, sec. 29, effective April 11, 2000.

**Formerly codified as** KRS 17.495.

**Legislative Research Commission Note (6/25/2009).** A reference in subsection (5) of this statute to "subsection (3) of this section" has been changed in codification to "subsection (4) of this section" to accurately reflect the renumbering of subsections of this statute in 2009 Ky. Acts ch. 38, sec 2.