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.576 Privileged communications -- Written waiver.
.578 Termination of duty to register.
.580 Duty of Department of Kentucky State Police to maintain and update Web site containing information about adults who have committed sex crimes or crimes against minors -- Immunity from liability for good faith
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 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);
7. Use of a minor in a sexual performance, as set forth in KRS 531.310;
8. Sexual abuse, as set forth in KRS 510.120 and 510.130;
9. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);
10. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;
11. Any attempt to commit any of the offenses described in subparagraphs 1. to 10. of this paragraph; and
12. Solicitation to commit any of the offenses described in subparagraphs 1. to 10. 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, DNA sample, a photograph, aliases used, residence, electronic mail address and any instant messaging, chat, or other Internet communication name identities, 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, or 531.320;
(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:** March 27, 2009


**Acts ch. 392, sec. 1, effective July 15, 1994**

**17.510: Registration system for adults who have committed sex crimes or crimes against minors -- Persons required to register -- 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, DNA sample, and photograph. 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 a DNA sample as of July 1, 2009, shall provide a DNA sample to the appropriate local probation and parole office when the registrant appears for a new photograph to be obtained. 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, fingerprint card, and photograph, 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) 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.

(7) 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 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.

(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 electronic mail address or any instant messaging, chat, or other Internet communication name identities of any registrant changes, or if the registrant creates or uses any new Internet communication name identities, the registrant shall register the change or new identity, on or before the date of the change or use or creation of the new identity, 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 or learns of the registrant's new or changed electronic mail address or instant messaging, chat, or other Internet communication name identities under paragraph (c) of this subsection, that office shall forward this information as set forth under subsection (5) of this section.

(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 and the electronic mail address and any instant messaging, chat, or other Internet communication name identities 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). If the cabinet determines that a person has moved or has created or changed any electronic mail address or any instant messaging, chat, or other Internet communication name identities used by the person without providing his or her new address, electronic mail address, or instant messaging, chat, or other Internet communication name identity 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 or electronic mail address or any instant messaging, chat, or other Internet communication name identities 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.

(b) 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: June 8, 2011


Legislative Research Commission Note (6/26/2007). Amended 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 confinement, 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:** June 8, 2011


**Legislative Research Commission Note** (6/26/2007). The 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.
17.530 Authority to share information from registrations.
The cabinet may share information gathered pursuant to KRS 17.510 with law enforcement agencies of this state, other states, and the federal government in the course of their official duties.
Effective: July 12, 2006
History: Amended 2006 Ky. Acts ch. 182, sec. 8, effective July 12, 2006. --

17.540 Short title for KRS 17.500 to 17.540.
KRS 17.500 to 17.540 may be cited as the "Sex Offender Registration Act."
Effective: July 15, 1994

17.545 Registrant prohibited from residing in certain areas and being present on school grounds -- 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, or licensed day care facility, except with the advance written permission of the school principal, the school board, 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.
(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) Any person who violates subsection (1) 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.
(5) 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 (4) of this section.
(6) 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: June 25, 2009
Formerly codified as KRS 17.495.
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.

17.546 Registrant prohibited from using social networking Web site or instant messaging or chat room program accessible by minors -- Registrant prohibited from photographing, filming, or making a video of a minor without consent of minor's parent or guardian.

(1) As used in this section:
(a) "Instant messaging or chat room program" means a software program that allows two (2) or more persons to communicate over the Internet in real time using typed text; and
(b) "Social networking Web site" means an Internet Web site that:
1. Facilitates the social introduction between two (2) or more persons;
2. Allows a person to create a Web page or a personal profile; and
3. Provides a person who visits the Web site the opportunity to communicate with another person.
(2) No registrant shall knowingly or intentionally use a social networking Web site or an instant messaging or chat room program if that Web site or program allows a person who is less than eighteen (18) years of age to access or use the Web site or program.
(3) No registrant shall intentionally photograph, film, or video a minor through traditional or electronic means without the written consent of the minor's parent, legal custodian, or guardian unless the registrant is the minor's parent, legal custodian, or guardian. The written consent required under this subsection shall state that the person seeking the consent is required to register as a sex offender under Kentucky law.
(4) Any person who violates subsection (2) or (3) of this section shall be guilty of a Class A misdemeanor.
Effective: June 25, 2013

Persons immune from suit for good faith conduct under KRS 17.500 to 17.580 and 17.991.
The following shall be immune from suit for good faith conduct under KRS 17.500 to 17.580 and 17.991:
(1) Law enforcement agencies including the cabinet;
(2) Independent contractors acting under the direction of law enforcement agencies;
(3) State and county officials;
(4) Approved providers, as defined in KRS 17.500; and
(5) Employees of any of the agencies, entities, and persons identified in subsections (1), (2), (3), and (4) of this section.

**Effective:** June 26, 2007


Formerly codified as KRS 17.497.

### 17.549 False statements to law enforcement officials regarding noncompliant registrant -- Harboring -- Violation.

(1) A person shall be guilty of making a false statement to a law enforcement official when he or she intentionally misleads any law enforcement official regarding a noncompliant registrant.

(2) A person shall be guilty of harboring when he or she intentionally allows a registrant to reside at his or her residence to avoid registration if the address is not the address the registrant listed as his or her residence address.

(3) For the purposes of this section, law enforcement officials include the Attorney General, elected sheriffs, deputy sheriffs, city police officers, county police officers, state police officers, probation and parole officers, state and federal prosecutors, and investigators employed by any of these officers.

(4) A person who violates this section shall be guilty of a Class A misdemeanor for a first offense and a Class D felony for each subsequent offense.

**Effective:** July 12, 2006

**History:** Created 2006 Ky. Acts ch. 182, sec. 14, effective July 12, 2006.

### 17.550 Definitions for KRS 17.550 to 17.991.

As used in KRS 17.550 to 17.991, the following definitions shall apply:

(1) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;

(2) "Sex offender" means a person who has been convicted of a sex crime as defined in KRS 17.500;

(3) "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; and

(4) "Victim" means victim as defined by KRS 421.500.

**Effective:** April 11, 2000


### 17.552 Approval requirement for sexual offender risk evaluations or
treatment -- Exemptions.
No person shall conduct comprehensive sex offender presentence evaluations or treatment without first obtaining approval from the Sex Offender Risk Assessment Advisory Board, except that the Department of Corrections sex offender treatment program shall be regulated under KRS 197.400 to 197.440 and excluded from the application of this statute, and the Department of Juvenile Justice sex offender treatment program shall be regulated under KRS 635.500 and 635.520 and excluded from the application of this statute.

Effective: July 13, 2004


17.554 Sex Offender Risk Assessment Advisory Board -- Risk assessment procedure.
(1) A Sex Offender Risk Assessment Advisory Board is hereby created. The board shall approve providers who shall conduct comprehensive sex offender presentence evaluations and treatment.
(2) The board shall develop a comprehensive sex offender presentence evaluation that shall be used by approved providers in assessing the risk of recommitting a sex crime by a sex offender, the threat posed to public safety, amenability to sex offender treatment, and the nature of the required sex offender treatment. The evaluation shall be based upon, but not limited to the following factors:
  (a) Criminal history;
  (b) Nature of the offense;
  (c) Conditions of release that minimize risk;
  (d) Physical conditions that minimize risk;
  (e) Psychological or psychiatric profiles;
  (f) Recent behavior that indicates an increased risk of recommitting a sex crime;
  (g) Recent threats or gestures against persons or expressions of an intent to commit additional offenses; and
  (h) Review of the victim impact statement.

Effective: April 11, 2000


17.556 Membership of board -- Chair -- Terms -- Committees.
The board shall consist of the members named in subsections (1) and (2) of this section:
(1) (a) The commissioner of the Department of Corrections, or the commissioner's designee;
    (b) The commissioner of the Department of Juvenile Justice, or the commissioner's designee;
(c) The program administrator of the Sex Offender Treatment Program created pursuant to KRS 197.400; and
(d) The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, or the commissioner's designee.

(2) The following members, appointed by the Governor:
(a) One (1) probation and parole officer;
(b) Four (4) mental health professionals licensed or certified pursuant to KRS Chapter 309, 311, 314, 319, or 335 who demonstrated expertise in working with sex offenders;
(c) One (1) professional working in an agency which provides services to adult or child victims of sex offenses; and
(d) One (1) representative of an advocacy group with a demonstrated interest in the welfare of victims of sex offenses.

(3) The Governor shall appoint the first chair of the board who shall serve for a term of two (2) years after which the chair shall be elected by the members of the board.

(4) The probation and parole officer and the members identified in subsection (2) of this section shall serve for the remainder of the term of office of the Governor during whose incumbency they were appointed, unless removed sooner for cause, but they shall remain on the board until their successors are appointed or until they are reappointed.

(5) No member appointed pursuant to subsection (4) of this section may be represented by a designee.

(6) No member appointed pursuant to subsection (4) of this section shall serve more than four (4) years unless reappointed.

(7) All members identified under subsection (1) of this section shall serve during their terms of office.

(8) All members of the board shall be reimbursed for their necessary travel and other expenses actually incurred in the discharge of their duties on the board.

(9) The board shall be empowered to create committees for the purpose of carrying out its statutory duties.

(10) The board shall be attached to the Department of Corrections for administrative purposes.

Effective: July 12, 2012

Legislative Research Commission Note (7/12/2012). This statute was amended by 2012 Ky. Acts chs. 146 and 158, which do not appear to be in conflict and have been codified together.

17.558 Issuance of approvals.

(1) The board may issue, refuse to issue, reissue, or renew a provider approval, or may probate, suspend, or revoke the approval of a provider.

(2) The board shall revoke the approval of a provider while his or her approval is
suspended.

Effective: April 11, 2000


17.560 Hearing -- Order -- Appeal.

(1) Prior to the refusal to issue, renew, probate, suspend, or revoke the approval of a provider, the board shall conduct a hearing in accordance with the provisions of this chapter and KRS Chapter 13B.
(a) The hearing may be conducted by a hearing officer;
(b) The hearing officer may only issue a recommended order, and the recommended order shall be subject to review by a majority of the full board, which shall issue a final order.
(2) The board may proceed against an approved provider on its own initiative, on the basis of either information contained in its own records, or information obtained through its informal investigation.
(3) If a formal complaint verified by affidavit is filed with the board by a responsible citizen or organization containing allegations that if true would warrant action, the board may proceed against the approved provider.
(4) Any final order of the board may be appealed to the Franklin Circuit Court in accordance with KRS Chapter 13B.

Effective: April 11, 2000


17.562 Quorum -- Votes for action of board.

A quorum of the board shall consist of at least six (6) members. The concurring votes of five (5) members shall be considered as the action of the board, except in the case of revoking a certificate, in which case the concurring votes of at least seven (7) members shall be required.

Effective: July 15, 1998


17.564 Authority for administrative regulations.

(1) The board may promulgate all reasonable administrative regulations not inconsistent with this chapter that are necessary to carry into effect the purposes of KRS 17.500 to 17.580 and 17.991.
(2) The board may promulgate administrative regulations requiring mandatory continuing education for approved providers as a condition for obtaining their renewal approvals.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 182, sec. 9, effective July 12, 2006. --
17.566 Use of "approved provider" designation restricted.
Only persons approved under KRS 17.500 to 17.580 and 17.991 may be known as approved providers in the Commonwealth of Kentucky, or use any words or letters or assume any titles or description tending to convey the impression that they are approved providers.

Effective: July 12, 2006

17.568 Injunctive relief.
Whenever in the judgment of the board any person has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of KRS 17.500 to 17.580 and 17.991, the board may apply to the Franklin Circuit Court for an order enjoining these acts or practices.
(1) Upon a showing by the board that a person has engaged or is about to engage in any of these acts or practices, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.
(2) Any order of the Franklin Circuit Court shall be enforceable and shall be valid anywhere in this state, and the order of the court shall be reviewable as provided in the Rules of Civil Procedure in the case of other injunctions and restraining orders.

Effective: July 12, 2006

17.570 / 17.572 Repealed (2000)

17.574 Forwarding of relevant information by certain facilities to approved provider for review prior to release -- Confidentiality.
(1) Any statutes to the contrary notwithstanding, all state or local detention or correctional facilities, hospitals, or institutions shall forward all relevant information pertaining to a sexual offender to be discharged, paroled, or released to the approved provider for review prior to the release or discharge for consideration in making recommendations to the sentencing court. The relevant information shall include but is not limited to:
(a) The institutional record;
(b) The medical record including all psychological records; and
(c) The treatment record.
(2) All confidential records provided pursuant to this section shall remain confidential, unless otherwise ordered by a court or by another person duly authorized to release the information.

Effective: July 12, 2006
17.576 Privileged communications -- Written waiver.
Communications made in the course of comprehensive sex offender presentence evaluations or treatment to the approved provider and any employee of the approved provider who is assigned to assist in the assessments shall be privileged from disclosure in any civil or criminal proceeding, other than to determine sentence, unless the offender consents in writing to the disclosure or the communication is related to an ongoing criminal investigation. The sexual offender shall be informed in writing of the limits of the privilege created in this section.
Effective: April 11, 2000

17.578 Termination of duty to register.
A person required to register under the provisions of KRS 17.510 and 17.520 shall be relieved of any further duty to register only upon reversal of the underlying conviction or upon a pardon.
Effective: April 11, 2000

17.580 Duty of Department of Kentucky State Police to maintain and update Web site containing information about adults who have committed sex crimes or crimes against minors -- Immunity from liability for good faith dissemination of information -- Justice and Public Safety Cabinet to establish toll-free telephone number -- Permission for local law enforcement agency to notify of registrants in jurisdiction.
(1) The Department of Kentucky State Police shall establish a Web site available to the public. The Web site shall display:
(a) The registrant information, except for electronic mail address or any instant messaging, chat, or other Internet communication name identities included in a registrant's registration data, as well as information that identifies a victim, DNA samples, fingerprints, and Social Security numbers, obtained by the Information Services Center, Department of Kentucky State Police, under KRS 17.510;
(b) The sex offender information, except for information that identifies a victim, DNA samples, Social Security numbers, and vehicle registration data, obtained by the Information Services Center, Department of Kentucky State Police, under KRS 17.510 prior to April 11, 2000; and
(c) The registrant's conviction, the elements of the offense for which the registrant was convicted, whether the registrant is currently on probation or parole, and whether the registrant is compliant or noncompliant.
The Web site shall be updated every day except for Saturdays, Sundays, and state holidays.
(2) The information pertaining to an individual shall be maintained on the Web site so long as that individual is registered in accordance with KRS 17.500 to
17.580.

(3) The Web site shall provide public access to electronic mail addresses and any instant messaging, chat, or other Internet communication name identities used by registrants solely by use of a search function on the Web site through which members of the public may enter an electronic mail address or any instant messaging, chat, or other Internet communication name identity and receive an answer as to whether the entered identifier is included in the registrant information for any registrant.

(4) The following language shall be prominently displayed on the Web site:
"UNDER KRS 525.070 AND 525.080, USE OF INFORMATION OBTAINED FROM THIS WEB SITE TO HARASS A PERSON IDENTIFIED ON THIS WEB SITE IS A CRIMINAL OFFENSE PUNISHABLE BY UP TO NINETY (90) DAYS IN THE COUNTY JAIL. MORE SEVERE CRIMINAL PENALTIES APPLY FOR MORE SEVERE CRIMES COMMITTED AGAINST A PERSON IDENTIFIED ON THIS WEB SITE."

(5) (a) Any Department of Kentucky State Police employee who disseminates, or does not disseminate, registrant information or sex offender information in good faith compliance with the requirements of this section shall be immune from criminal and civil liability for the dissemination or lack thereof.

(b) Any person, including an employee of a sheriff's office, acting in good faith in disseminating, or not disseminating, information previously disseminated by the Department of Kentucky State Police shall be immune from criminal and civil liability for the dissemination or lack thereof.

(6) The cabinet shall establish a toll-free telephone number for a person to call to learn the identity of the Web site created in this section and the location of public access to the Web site in the county where the person resides.

(7) In addition to the Web site, a local law enforcement agency may provide personal notification regarding the registrants located in its jurisdiction. Any notification shall contain the warning specified in subsection (4) of this section.

Effective: June 25, 2009


Legislative Research Commission Note (6/25/2009). This section was amended by 2009 Ky. Acts ch. 100, and repealed and reenacted by 2009 Ky. Acts ch. 105, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (6/25/2009). A reference in subsection (7) of this statute to "subsection (3) of this section" has been changed in codification to "subsection (4) of this section" by the Reviser of Statutes under the authority of KRS 7.136(1) to reflect the addition of a new subsection and renumbering of succeeding subsections in 2009 Ky. Acts ch. 100, sec. 7.