

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 17.545 is amended to read as follows:

- 4 (1) No registrant, as defined in KRS 17.500, shall reside within one thousand (1,000)
5 feet of a high school, middle school, elementary school, preschool, publicly owned
6 ***or leased*** playground, or licensed day care facility. The measurement shall be taken
7 in a straight line from the nearest property line ~~[of the school]~~ to the nearest
8 property line of the registrant's place of residence.
- 9 (2) No registrant, as defined in KRS 17.500, nor any person residing outside of
10 Kentucky who would be required to register under KRS 17.510 if the person resided
11 in Kentucky, shall be on the clearly defined grounds of a high school, middle
12 school, elementary school, preschool, publicly owned ***or leased*** playground, or
13 licensed day care facility, except with the advance written permission of the school
14 principal, the school board, the local legislative body with jurisdiction over the
15 publicly owned ***or leased*** playground, or the day care director that has been given
16 after full disclosure of the person's status as a registrant or sex offender from
17 another state and all registrant information as required in KRS 17.500. As used in
18 this subsection, "local legislative body" means the chief governing body of a city,
19 county, urban-county government, consolidated local government, charter county
20 government, or unified local government that has legislative powers.
- 21 (3) For purposes of this section:
- 22 (a) The registrant shall have the duty to ascertain whether any property listed in
23 subsection (1) of this section is within one thousand (1,000) feet of the
24 registrant's residence; and
- 25 (b) If a new facility opens, the registrant shall be presumed to know and, within
26 ninety (90) days, shall comply with this section.
- 27 (4) (a) Except as provided in paragraph (b) of this subsection, no registrant who is

1 eighteen (18) years of age or older and has committed a criminal offense
2 against a victim who is a minor shall have the same residence as a minor.

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

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

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

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

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

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

20 **(7) The prohibition against a registrant:**

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

23 **(b) Being on the grounds of a publicly leased playground as outlined in**
24 **subsection (2) of this section;**

25 **shall not operate retroactively.**

26 ~~(8)~~ This section shall not apply to a youthful offender probated or paroled during
27 his or her minority or while enrolled in an elementary or secondary education

1 program.