

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	27-30-01	4
	Date Filed	Effective Date
	December 16, 2011	May 4, 2012
Authority/References KRS 17.500, 17.510, 17.520, 17.545, 17.546, 196.035, 530.020 502 KAR 31:020 <i>Com. v. Baker</i> , 295 S.W.3d 437 (Ky. 2009)	Subject  <b>SEX OFFENDER REGISTRATION</b>	

## I. DEFINITION

“Division” means the Division of Probation and Parole.

“Registrant” is defined in KRS 17.500(5).

## II. POLICY and PROCEDURE

- A. The Sex Offender Duty to Register Notification Form shall be forwarded to the sentencing court with the presentence investigation. (502 KAR 31:020) The completed form shall be forwarded to the Kentucky State Police Criminal Identification & Records Branch, 1266 Louisville Road, Frankfort, KY 40601 by the Probation and Parole Officer.
- B. If a sex offender appears at a Probation and Parole office to register, a Probation and Parole Officer shall review the Kentucky Sex Offender Registration Form completed by the offender. Registrant information shall include the specific information set forth in KRS 17.500(6) as well as the name and address of any place the registrant is a student.
1. The Remarks/Description of Crime area of the form shall contain:
    - a. Information pertinent to the offense, including the exact nature of the unlawful sexual conduct, including the applicable statute number;
    - b. The age and sex of the victim; and
    - c. The relationship of the victim and offender.
  2. Pursuant to KRS 17.546, the registrant shall provide information about all internet communication information in the Internet Communication Information area of the form including electronic mail address, any instant messaging, chat room, social networking, or other internet communication name identities.

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- C. A photograph of the offender shall be taken when each offender registers. If an offender appears at the Probation and Parole Office to have his photograph taken, an officer shall photograph the offender in compliance with KRS 17.510(4) (annual photograph required during the registrant's birth month). This photograph shall be submitted to the Kentucky State Police and a copy kept on file. If the offender has not already provided a DNA sample, he shall do so when appearing for the new photograph.
- D. The probation and parole officer shall forward completed Kentucky Sex Offender Registration Forms to: Kentucky State Police, Criminal Identification & Records Branch, 1266 Louisville Road, Frankfort, Kentucky 40601.

Information obtained by the officer in completing the Kentucky Sex Offender Registration Form that is not posted on the Sex Offender Registry website shall not be released except to law enforcement agencies.

- E. Any registrant who changes his address shall register as required by KRS 17.510(10). If an offender provides a post office box for his address, the officer shall inform the offender that the post office box is not in compliance with KRS 17.510(10). A Kentucky Sex Offender Registration Form shall be completed to record any change in the registrant's address.
- F. If any registrant changes his address to a new state, the representative of Division shall advise the registrant that he has an obligation to register in the new state and notify the appropriate agency responsible for registration in the new state of the registrant information. See CPP 27-14-01 (Interstate Compact) for those offenders who are on supervision in another state.
- G. Residency Requirement
1. The officer shall inform a registrant of the statutory restriction the registrant shall not live within 1000 feet of a school, publicly owned playground, or licensed daycare pursuant to KRS 17.545. For an offender who committed his offense prior to July 12, 2006, the officer shall not inform a registrant of these restrictions pursuant to *Com. v. Baker*, 295 S.W.3d 437 (Ky. 2009).
  2. It shall be the registrant's responsibility to know if the residence meets with the 1000 feet requirements. The officer shall verify compliance for a registrant under the supervision of the Division, but the officer shall not verify compliance for a registrant who is not under supervision of the Division.
- H. Registrant from Foreign Jurisdiction

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1. Each offender required to register under KRS 17.520(5) shall be required to register for the period that corresponds to the registration requirement applicable to a substantially similar conviction under Kentucky law. The determination of what Kentucky offense is most similar to the crime for which the offender was convicted in the foreign jurisdiction shall be based on a comparison of the elements of the offense in the foreign jurisdiction to a similar Kentucky offense, as well as the relative severity of sentences for the comparable offenses in Kentucky and the foreign jurisdiction.
2. Any offender who is determined to be a lifetime registrant may appeal the lifetime registration to the Director of the Division or designee.
  - a. The Probation and Parole office shall notify and have the offender sign an acknowledgment that the offender is aware of the appeal policy. It is the offender's obligation to prove that the twenty (20) year registration period is appropriate instead of a lifetime designation. Any appeal shall be filed within sixty (60) days from the date of registration.
  - b. The appeal shall be in writing and include:
    - (1) A copy of the judgment of conviction from the foreign jurisdiction;
    - (2) A description of the offense, including the information required in section II.B. 1. of this policy; and
    - (3) A copy of the indictment, citation or other charging document which describes the conduct constituting the offense.
  - c. If the decision on appeal is not satisfactory to the offender, the offender may submit an appeal to the Director of the Division.
    - (1) The Director shall review the appeal and render a decision whether the offense meets the criteria established in KRS 17.520 for a twenty (20) year registration period within ninety (90) days from receipt of the appeal.
    - (2) The Director shall notify the registrant of his decision in writing by mailing his decision, via first class mail, to the last known address of the registrant.
  - d. Each offender shall be limited to one appeal except for issues that could not have been raised in the earlier appeal.

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- K. The penalties for noncompliance may be reviewed in KRS 17.510(11) and (12).
- L. If the Department of Corrections receives a letter of noncompliance from the Kentucky State Police, the officer shall forward the letter of noncompliance to the appropriate County Attorney or Commonwealth's Attorney for prosecution in accordance with KRS 17.510(13)(b). The officer shall record the date the notice was forwarded to the appropriate authority. If the registrant is under supervision of the Division of Probation and Parole, the officer shall consider if revocation is appropriate.