

June 5, 2006

TO ALL REGISTERED SEX OFFENDERS:

House Bill 3 of the 2006 session of the Kentucky General Assembly revised several laws relating to registered sex offenders.

A) Residence Restrictions

KRS 17.495 was repealed and reenacted as a new section of KRS 17.500 to 17.580 in the 2006 session of the General Assembly, and the revision will take effect on July 12, 2006. The statute, as revised, provides as follows:

- (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) *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.*
- (3) *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.*
- (4) *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 the effective date of this Act shall move and comply with this section within ninety (90) days of the effective date of this Act, and thereafter, shall be subject to the penalties set forth under subsection (3) of this section.*
- (5) *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.*

The residence restriction established by the above statute will no longer be limited to registrants that are on probation, parole or any form of supervised released. The new residence restriction will apply to **all** registered sex offenders. Another change is the one thousand-foot limit will be determined by measuring in a straight line from the nearest property line of the school, rather than the wall of a building, to the nearest property line of your residence. Note that it is **your** duty to determine whether you live within one thousand feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility. If, in the future, a new high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility opens within one thousand feet of your residence, you

will be presumed to have knowledge of this and must move within ninety days of the opening of the new facility.

Note that there is no “grandfather” clause in this legislation. If you are currently residing within one thousand feet of a school, publicly owned playground, or licensed day care facility you are required to move prior to October 11, 2006 or you will be subject to prosecution for a Class A misdemeanor for the first offense and a Class D felony for any subsequent offense.

Note that the subject residence restriction does not apply to a youthful offender probated or paroled during his or her minority or while enrolled in an elementary or secondary education program.

B) Secondary Addresses

Also, effective July 12, 2006 you will be required to register each of your residence addresses. KRS 17.500(7), as amended provides:

"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;

If you sleep at a location for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during the calendar year, it will be deemed a secondary residence that must be registered with the Sex Offender Registry. Failure to register a secondary address is a Class D felony for the first offense and a Class C felony for subsequent offenses.

C) Updated photographs

Effective July 12, 2006, you are required to return to the appropriate local probation and parole office not less than one time every two years for a new photograph of you to be obtained. It is your duty to pay the cost of updating the photo for registration purposes. Failure to comply with this requirement is a Class D felony for the first offense and a Class C felony for subsequent offenses.

If you have any additional questions regarding this matter, you should contact your local Probation & Parole office.

Sincerely,

Lieutenant Tanya Clark
Assistant Commander
Criminal Identification & Records Branch