

I. VICTIM RIGHTS & LEGAL PROTECTIONS

A. CRIME VICTIM BILL OF RIGHTS

- [KRS 421.500](#) Definitions – Duties of public officers and agencies
- [KRS 421.510](#) Speedy trial where child victim is involved
- [KRS 421.520](#) Victim impact statement
 - [KRS 421.530](#) Submission of victim impact statement to parole board – Duties of parole board
- [KRS 421.540](#) Effect of failure to provide required notification
- [KRS 421.550](#) No cause of action created
 - [KRS 421.570](#) Training requirement for victim advocates – Prohibition against practicing law
 - [KRS 421.575](#) Role of victim advocates in court proceedings
 - [KRS 421.576](#) KYCrime Victim Bill of Rights as short title for KRS 421.500 to 421.575

B. PROTECTIONS FOR SPECIFIC CIRCUMSTANCES

1. Children

- [KRS 26A.140](#) Accommodation of Special Needs of Children
- [KRS 421.350](#) Testimony of child allegedly victim of illegal sexual activity

2. Polygraph – Prohibitions Against Testing Sex Crimes Victims

- [KRS 16.062](#) Prohibition against requesting or requiring victim of alleged sexual offense to submit to polygraph or other examination – Other prohibitions (KY State Police)
- [KRS 69.008](#) Commonwealth's and county attorneys prohibited from requesting or requiring victim of alleged sexual offense to submit to polygraph or other examination – Other prohibitions
- [KRS 70.065](#) Sheriff, deputy sheriff, constable, and county police officers prohibited from requesting or requiring victim of alleged sexual offense to submit to polygraph or other examination – Other prohibitions
- [KRS 95.021](#) Police officer prohibited from requesting or requiring victim of alleged sexual offense to submit to polygraph or other examination – Other prohibitions
- [502 KAR 20:020](#)(1-4) Detection of deception examiners

3. Human Trafficking Victims

- [KRS 422.295](#) Confidentiality of communications between human trafficking victim and caseworker
 - [KRS 431.063](#) Human trafficking victim not to be incarcerated pending trial – Exceptions

4. **Interpretation Services Provided by Court for Individuals with Limited English Proficiency**

- [KRS 30A.400](#) Interpreters -- Appointment -- Hearing to determine need
- [KRS 30A.405](#) Qualifications of interpreter -- Standards
- [KRS 30A.410](#) When interpreter shall be provided -- Removal
- [KRS 30A.415](#) Responsibility for payment for interpreter's services
- [KRS 30A.420](#) Payment out of State Treasury
- [KRS 30A.425](#) Duties of interpreter
- [KRS 30A.430](#) Interpreter not to be examined as witness -- Other privileged communications
- [KRS 30A.435](#) Use of equipment by interpreter or disabled person -- Approval required

5. **Medical Records**

- [KRS 422.315](#) Patient may ask to prohibit or limit use of medical records

C. PRIVILEGES & OTHERS TESTIMONIAL ISSUES

1. **Privileges**

• [KRE 501](#) General rule

- [KRE 503](#) Lawyer-client privilege
- [KRE 504](#) Husband-wife privilege
- [KRE 505](#) Religious privilege
- [KRE 506](#) Counselor-client privilege
- [KRE 507](#) Psychotherapist-patient privilege
- [KRE 509](#) Waiver of privilege by voluntary disclosure
 - [KRE 510](#) Privileged matter disclosed under compulsion or without opportunity to claim

2. **Evidence Related to Character and Other Activities of Parties**

- [KRE 404](#) Character evidence and evidence of other crimes
- [KRE 410](#) Inadmissibility of pleas, plea discussions, and related statements
 - [KRE 412](#) Rape and similar cases -- Admissibility of victim's character and behavior (Rape Shield Rule)

3. **Witnesses, Opinions, and Expert Testimony**

- [KRE 601](#) Competency

- [KRE 608](#) Evidence of character and conduct of witness
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- [KRE 613](#) Prior statements of witnesses
- [KRE 615](#) Exclusion of witnesses
- [KRE 701](#) Opinion testimony by lay witnesses
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II: VICTIM SERVICES & SERVICE PROVIDERS

A. SEXUAL ASSAULT FORENSIC-MEDICAL EXAM

1. **Examination Requirements**

- [KRS 216B.400](#) Examination services for victims of sexual offenses
- [502 KAR 12:010](#) Sexual assault medical protocol

2.

ment for Exams

Pay

- [KRS 346.200](#) Sexual Assault Victim Assistance Fund
 - [107 KAR 2:010](#) Payment schedule for medical examination of reported victims of sexual offenses
 - [40 KAR 6:020](#) Funding assistance for child sexual abuse medical examinations

3.

Sexual Assault Nurse Examiners

- [KRS 314.011 \(14\)](#) Sexual Assault Nurse Examiner (SANE)
- [201 KAR 20:411](#) Sexual Assault Nurse Examiner Program standards and credential requirements

4. **Facilities**

- [KRS 216B.140](#) Licensed hospitals to provide services for child sexual abuse victims
- [KRS 216B.990 \(3\)](#) Penalties for Health Facilities for failure to provide sexual assault exam according to protocol
- [KRS 216B.015 \(26\)](#) Sexual Assault Exam Facility defined
- [KRS 620.020 \(4\)](#) Children's Advocacy Center (CAC) defined

B. RAPE CRISIS CENTERS (RCCs)

- [KRS 211.600](#) Designation of regional rape crisis centers – Provisions of services
- [KRS 211.602](#) Funding for establishment and operation of regional rape crisis centers
- [KRS 211.604](#) Rape crisis center board – Membership and duties
- [KRS 211.608](#) Confidentiality of rape crisis center clients' records
- 920 KAR 2:010 Standards for rape crisis centers

C. CHILDREN'S ADVOCACY CENTERS (CACs)

- [KRS 620.020 \(4\)](#) Definition
- [KRS 620.040 \(7\) \(i\)](#) Multidisciplinary team staffing
 - [KRS 620.045](#) **Funding** for regional children's advocacy center
 - [KRS 620.050 \(2\)](#) Sharing of information by children's advocacy centers
 - [KRS 620.050 \(6-10\)](#) Confidentiality of reports -- Parent's access to records -- Sharing of information by children's advocacy centers -- Confidentiality of interview with child
- [920 KAR 2:040](#) Standards for children's advocacy centers

D. DOMESTIC VIOLENCE PROGRAMS

- [KRS 209.160](#) Spouse abuse shelter fund -- Revenue Cabinet to administer -- Cabinet for Families and Children to use
- [922 KAR 5:040](#) Standards for state-funded spouse abuse shelters
- [922 KAR 5:050](#) Funding requirements for spouse abuse shelters.

E. PROSECUTORS & AFFILIATES

1. Prosecution-Based Victim Advocates

- [KRS 15.760 \(6\)](#) Commonwealth's attorneys – Employment of victim advocate
- [KRS 69.350](#) County attorneys - Employment of victim advocate
- [KRS 421.570](#) Training requirement for victim advocates -- Prohibition against practicing law
- [KRS 421.575](#) Role of victim advocates in court proceedings

2. Prosecuting Attorneys

a. Duties and Roles

- [KRS 15.725](#) Duties of Commonwealth's attorney and county attorneys
 - [KRS 15.727](#) Duty of Commonwealth's attorney and county attorney to assist child sexual abuse multidisciplinary team
- [KRS 15.020](#) Attorney General as Chief law officer and adviser

b. Intervention by Attorney General

- [KRS 15.190](#) Assistance in criminal proceedings on request of local prosecuting officials
- [KRS 15.200](#) May intervene or direct criminal proceeding on request of Governor, court or grand jury --Subpoenas
- [KRS 15.205](#) Attorney General may direct Commonwealth's attorney or county attorney to act as special prosecutor
- [KRS 15.715](#) Prosecution of complaint against local prosecutor -- Intervention in criminal prosecutions by Attorney General
- [KRS 15.733](#) Disqualification of prosecuting attorney -- Appointment of a special prosecutor

3. Prosecutors Advisory Council

Pros

- [KRS 15.705](#) Prosecutors Advisory Council
- [KRS 15.706](#) Prosecutors Advisory Council to collect data on sexual offenses involving minors

4. **Victim, Witness, & Family Protection Program**

- [KRS 15.247](#)
Victim, witness, and family protection program -- Protective services
- [40 KAR 6:010](#) Kentucky Victim and Witness Protection Program

F. CRIME VICTIMS COMPENSATION FUND

- [KRS 346.010](#) Purpose
- [KRS 346.020](#) Definitions for chapter
- [KRS 346.025](#) Nonresident victims of criminal acts occurring in Kentucky
- [KRS 346.030](#) Crime Victims Compensation Board
- [KRS 346.040](#) Powers and duties of board
- [KRS 346.050](#) Eligibility for benefits
- [KRS 346.055](#) Victim of hate crime deemed victim of criminally injurious conduct
- [KRS 346.060](#) Application for award
 - [KRS 346.080](#) Filing of claim – Investigation – Examination – Hearing – Order – Appeal
- [KRS 346.100](#) Failure to perfect claim – Denial
- [KRS 346.120](#) Emergency payment
- [KRS 346.130](#) Awards, findings, and amounts
 - [KRS 346.140](#) Reduction of award – Determination of victim's contribution – Basis for denial of claim
- [KRS 346.150](#) Manner of payment – Annual reconsideration
- [KRS 346.160](#) Records of proceedings are public – Confidentiality protected
- [KRS 346.170](#) Subrogation
- [KRS 346.180](#) Award constitutes debt owed state – Manner of payment
- [KRS 346.185](#) Crime victims' compensation fund
- [KRS 346.190](#) Reciprocal agreements with other states – Provisions -- Effects
- [107 KAR 1:005](#) Claim filing
- [107 KAR 1:010](#) Financial hardship standards
- [107 KAR 1:015](#) Decisions and hearings
- [107 KAR 1:025](#) Attorneys' fees
- [107 KAR 1:030](#) Reciprocal agreement defined
- [107 KAR 1:040](#) Cooperation with Kentucky Medical Assistance Act

G. MINORS CONSENT FOR SERVICES

- [KRS 210.410 \(2\)](#) Outpatient mental health services for child victims
- [KRS 214.185](#) Diagnosis and treatment of disease, addictions, or other conditions of minor
- [KRS 216B.400 \(7\)](#) Consent for Sexual Assault Examinations

- [KRS 222.441](#)(1) Capacity of minor to consent to (alcohol & drug related) treatment
- [KRS 645.030](#) Voluntary admission to hospital (related to mental illness)

Chapter 3: COMMITTEES, MEETINGS AND RECORDS

A. STATUTORY COMMITTEES, TEAMS, AND COUNCILS

1. Child Sexual Abuse Multidisciplinary Teams (MDTs)

a. Local MDTs

- [KRS 620.020](#)(7) Definition of Multidisciplinary team (MDT)
- [KRS 620.040](#)(7) MDT Membership & Operations
- [KRS 431.600](#) Coordination of child sexual abuse investigations and prosecutions -- Protection of and counseling for child victims
- [KRS 15.727](#) Duty of Commonwealth's attorney and county attorney to assist child sexual abuse multidisciplinary team
- [40 KAR 3:020](#) Protocol for operation of local multidisciplinary teams on child sexual abuse

b. Kentucky Multidisciplinary Commission on Child Sexual Abuse

- [KRS 431.650](#) Kentucky Multidisciplinary Commission on Child Sexual Abuse
- [KRS 431.660](#) Duties and powers of commission
- [KRS 431.670](#) Attachment of commission to Office of the Attorney General

2.

Council on Domestic Violence & Sexual Assault

- [KRS 403.700](#) Council on Domestic Violence and Sexual Assault

3.

Sexual Assault Response Team Advisory Committee

- [KRS 403.707](#) Sexual Assault Response Team Advisory Committee

4. Domestic Violence Coordinating Councils & Fatality Review Teams

- [KRS 403.705](#) Domestic violence coordinating councils & Domestic violence fatality review teams – Duties

5. Criminal Justice Council

- [KRS 15A.040](#) Criminal Justice Council -- Duties -- Members – Meetings

6. State Child Sexual Abuse & Exploitation Prevention Board

- [KRS 15.900](#) Definitions for KRS 15.910 to 15.940
- [KRS 15.905](#) State Child Sexual Abuse and Exploitation Prevention Board
- [KRS 15.910](#) Members of board -- Terms -- Chairman – Expenses
- [KRS 15.915](#) Public meetings and records
- [KRS 15.920](#) Duties of board
- [KRS 15.925](#) Recommendations of board
- [KRS 15.930](#) Use of funds
- [KRS 15.935](#) Purposes for disbursement of funds
- [KRS 41.400](#) Child victims' trust fund -- Limitation on disbursement

- [KRS 15.940](#) Criteria for making grants to local task forces
 - [KRS 15.942](#) Training plan for investigation of child sexual abuse and protection of victims
- [KRS 15.946](#) In-service training for peace officers on child sexual abuse
 - [KRS 15.948](#) Attorney General to have staff available specially trained in child sexual abuse -- Assistance to prosecutors

B. OPEN MEETINGS AND OPEN RECORDS ACTS

1. Open Meetings Act

- [KRS 61.800](#) Legislative statement of policy
- [KRS 61.805](#) Definitions for KRS 61.805 to 61.850
- [KRS 61.810](#) Exceptions to open meetings
- [KRS 61.815](#) Requirements for conducting closed sessions
- [KRS 61.820](#) Schedule of regular meetings to be made available
- [KRS 61.823](#) Special meetings -- Emergency meetings
- [KRS 61.826](#) Video teleconferencing of meetings
- [KRS 61.835](#) Minutes to be recorded -- Open to public
- [KRS 61.840](#) Conditions for attendance
- [KRS 61.848](#) Enforcement by judicial action -- De novo determination in appeal of Attorney
- [KRS 61.850](#) Construction

2. Open Records Act

- [KRS 61.870](#) Definitions for KRS 61.872 to 61.884
- [KRS 61.871](#) Policy of KRS 61.870 to 61.884 -- Strict construction of exceptions
- [KRS 61.8715](#) Legislative findings
- [KRS 61.872](#) Right to inspection -- Limitation
- [KRS 61.874](#) Abstracts, memoranda, copies -- Agency may prescribe fee -- Use of nonexempt public records for commercial purposes -- Online access
- [KRS 61.8745](#) Damages recoverable by public agency for person's misuse of public records
- [KRS 61.876](#) Agency to adopt rules and regulations
- [KRS 61.878](#) Certain public records exempted from inspection except on order of court -- Restriction of state employees to inspect personnel files prohibited
- [KRS 61.880](#) Denial of inspection -- Role of Attorney General
- [KRS 61.882](#) Jurisdiction of Circuit Court in action seeking right of inspection -- Burden of proof
- [KRS 61.884](#) Person's access to record relating to him

Chapter 4: MANDATORY REPORTING & SCHOOL SAFETY

A. CHILD ABUSE, NEGLECT, AND EXPLOITATION

1. Reporting and Investigation Standards

- [KRS 600.020](#) Definitions
- [KRS 620.010](#) Legislative purpose
- [KRS 620.020](#) Definitions for chapter
- [KRS 620.023](#) Evidence to be considered in determining the best interest of a child
- [KRS 620.030](#) Duty to report dependency, neglect or abuse
- [KRS 620.040](#) Duties of prosecutor, police, and cabinet -- Prohibition as to school personnel -- Multidisciplinary teams
- [KRS 620.050](#) Immunity for good faith actions or reports -- Investigations – Confidentiality of reports -- Exceptions -- Parent's access to records -- Sharing of information by children's advocacy centers -- Confidentiality of interview with child -- Exceptions
- [KRS 620.160](#) Motion to seal child's record
- [KRS 620.990](#) Penalty
- [922 KAR 1:230](#) Emergency protective services
- [922 KAR 1:330](#) Child protective services
- [922 KAR 1:470](#). Central registry.
- [922 KAR 1:480](#) Appeal of child abuse and neglect investigative findings.

2. Placement of Juvenile Sex Offenders & Required Disclosures

- [KRS 605.090](#) Alternative treatment for committed children - Notice of inappropriate behavior of child - Procedures for removal of child committed as dependent, neglected, or abused - Reports - Written transfer summary - Placement of public offenders
- [KRS 620.090](#) Temporary custody orders
- [KRS 620.230](#) Case permanency plans.

B. ADULT ABUSE, NEGLECT AND EXPLOITATION

1. Abuse of Spouse

- [KRS 209A.010](#). Purpose of chapter.
- [KRS 209A.020](#) Definitions for chapter.
- [KRS 209A.030](#). Administrative regulations - Reports of abuse or neglect - Cabinet actions - Penalty for failure to report ...
- [KRS 209A.040](#). Cabinet's authority to promulgate administrative regulations on general adult services.
- [KRS 209A.050](#). Immunity from civil or criminal liability for good faith performance of duties.
- [KRS 209A.060](#). Privileged relationships not ground for excluding evidence.
- [KRS 209A.070](#). Confidentiality of the identity of domestic violence program clients or former clients.
- [KRS 209A.080](#). Confidentiality of spousal abuse or neglect investigation information - Exceptions.
- [KRS 403.785](#) Duties of law enforcement agencies regarding domestic violence
- [922 KAR 5:102](#) Domestic violence protective services

2. Abuse of Other Vulnerable Adults

- [KRS 209.010](#) Purpose
- [KRS 209.020](#) Definitions for chapter
- [KRS 209.030](#) Rules and regulations -- Reports -- Cabinet actions
- [KRS 209.040](#) Remedies -- Injunctive relief
- [KRS 209.050](#) Immunity from civil or criminal liability
- [KRS 209.060](#) Privileged relationships not ground for excluding evidence
- [KRS 209.090](#) Legislative intent
- [KRS 209.100](#) Emergency protective services
- [KRS 209.140](#) Confidentiality of information
- [KRS 209.150](#) Who may make criminal complaint
- [KRS 209.990](#) Penalties
- [922 KAR 5:070](#) Adult protective services
- [922 KAR 5:090](#) General adult services

C. DUTY TO WARN OF DANGER OR THREAT

1. Threat by Adult

- [KRS 202A.011](#)(2) Definition of “Danger” or “Threat of danger”
- [KRS 202A.400](#) Duty of mental health professional to warn intended victim of patient's threat of violence
- [KRS 202A.410](#) Duty of administrator to warn law enforcement agency, prosecutor, and Department of Corrections upon discharge, transfer, or escape of involuntarily committed patient charged or convicted of a violent crime

2. Threat by Juvenile

- [KRS 645.020](#)(2) Definition of “danger to self or others”
- [KRS 645.020](#)(7) Definition of “mental health professional”
- [KRS 645.270](#) Duty of mental health professional to warn intended victim of patient's threat of violence

D. SCHOOL SAFETY & SECURITY

1. Primary & Secondary Institutions

a.

Bullying and Reporting Violent Behavior

- [KRS 158.148](#) Student discipline guidelines – Local code of acceptable behavior and discipline
- [KRS 158.154](#) Principal’s duty to report certain acts to local law enforcement agency
- [KRS 158.155](#) Reporting of specified incidents of student conduct which resulted in expulsion – Notation on school records – Report to law enforcement of certain student conduct – Immunity
- [KRS 158.156](#) Reporting of commission of felony KRS 508 (Assault) offense

against a student – Investigation – Immunity from liability for reporting – Privileges no bar to reporting

- [KRS 158.444](#) Administrative Regulations –Role of the Department of Education

b. ***Restrictions Related to Registered Sex Offenders***

- [KRS 17.545](#) Registrant prohibited from residing near school or day care facility
- [KRS 160.151](#) Criminal background checks on certified employees and student teachers in private, parochial, and church schools (schools may refuse to hire or terminate registered offenders)
- [KRS 160.380](#)(3-10) Public school employees – Restrictions on appointment of relatives, violent offenders, and persons convicted of sex crimes – National and state criminal and history background checks on applicants
- [KRS 161.148](#) Use of volunteer personnel -- Criminal records check -- Orientation -- Exception

2. Post-secondary Institutions

a. ***Tracking and Reporting Crimes***

- [KRS 164.9489](#) Short Title – Michael Minger Act
- [KRS 164.948](#) Definitions of KRS 164.9481, 164.9483, and 164.9485
- [KRS 164.9481](#) Duty of postsecondary institution to maintain crime log – Duty to Report to campus community on crimes and threats to safety or security of students and employees
- [KRS 164.9485](#) Duty of postsecondary institution to submit statement of policies concerning campus safety and security
- [KRS 164.9487](#) Duties of postsecondary institution to obtain statistics and crime reports – Limitations of liability – Reporting formats
- [13 KAR 1:030](#) Campus security, private institutions
- [13 KAR 2:100](#) Campus security, public institutions

b. ***Restrictions related to registered sex offenders***

- [KRS 164.281](#). Public institution of postsecondary education criminal history background checks - Initial hires, contractors, employees, volunteers, visitors - Disclosures - Termination

V: CRIMINAL LAW

A. OFFENSES

1. **Statutes of Limitations**

- [KRS 500.050](#) Time limitations (on bringing criminal charges)

2. **“Sex Offenses” (KRS 510)**

- [KRS 510.010](#) Definitions for chapter
- [KRS 510.015](#) Treatment of third or subsequent misdemeanor under KRS Chapter 510 as Class D felony

- [KRS 510.020](#) Lack of consent
- [KRS 510.030](#) Defenses
- [KRS 510.035](#) No offense committed if parties married to each other (in limited circumstances)
- [KRS 510.040](#) Rape in the first degree
- [KRS 510.050](#) Rape in the second degree
- [KRS 510.060](#) Rape in the third degree
- [KRS 510.070](#) Sodomy in the first degree
- [KRS 510.080](#) Sodomy in the second degree
- [KRS 510.090](#) Sodomy in the third degree
- [KRS 510.100](#) Sodomy in the fourth degree
- [KRS 510.110](#) Sexual abuse in the first degree
- [KRS 510.120](#) Sexual abuse in the second degree
- [KRS 510.130](#) Sexual abuse in the third degree
- [KRS 510.140](#) Sexual misconduct
- [KRS 510.148](#) Indecent exposure in the first degree
- [KRS 510.150](#) Indecent exposure in the second degree
- [KRS 510.155](#). Unlawful use of electronic means to induce a minor to engage in sexual or other prohibited activities - Prohibition of multiple convictions arising from single course of conduct.
- [KRS 510.300](#) Expungement of record

3. Sexual Exploitation of Minors

- [KRS 531.300](#) Definitions for KRS 531.080 and 531.310 to 531.370
- [KRS 531.310](#) Use of a minor in a sexual performance
- [KRS 531.320](#) Promoting a sexual performance by a minor
- [KRS 531.330](#) Presumption as to minority
- [KRS 531.335](#) Possession of matter portraying a sexual performance by a minor
- [KRS 531.340](#) Distribution of matter portraying a sexual performance by a minor
- [KRS 531.350](#) Promoting sale of material portraying a sexual performance by a minor
- [KRS 531.360](#) Advertising material portraying a sexual performance by a minor
- [KRS 531.370](#) Using minors to distribute material portraying a sexual performance by a minor

4. Other Offenses Involving Sexual Contact and/or Gratification

- [KRS 530.020](#) Incest
- [KRS 530.064](#) Unlawful transaction with a minor in the first degree
- [KRS 530.080](#) Endangering the welfare of an incompetent person
- [KRS 531.090](#) Voyeurism
- [KRS 531.100](#) Video voyeurism

- [KRS 531.105](#) Application of KRS 531.100
- [KRS 531.110](#) Sealing and destruction of images in cases of video voyeurism
- [KRS 525.120](#) Abuse of a corpse

5. Stalking and Harassment

- [KRS 508.130](#) Definitions for KRS 508.130 to 508.150
- [KRS 508.140](#) Stalking in the first degree
- [KRS 508.150](#) Stalking in the second degree
- [KRS 508.155](#) Restraining order upon violation of KRS 508.140 or 508.150
- [KRS 525.070](#) Harassment
- [KRS 525.080](#) Harassing Communications

6. Human Trafficking

a. Criminal Statutes Addressing Trafficking

- [KRS 506.120](#) Engaging in organized crime
- [KRS 529.010](#) Definitions
- [KRS 529.040](#) Promoting prostitution
- [KRS 529.100](#) Human trafficking
- [KRS 529.110](#) Promoting human trafficking

b. Rights of Trafficking Victims

- [KRS 422.295](#) Confidentiality of communications between human trafficking victim and caseworker
- [KRS 431.063](#) Human Trafficking victim not to be incarcerated pending trial-exceptions

7. Kidnapping and Related Offenses

- [KRS 509.010](#) Definitions
- [KRS 509.020](#) Unlawful imprisonment in the first degree
- [KRS 509.030](#) Unlawful imprisonment in the second degree
- [KRS 509.040](#) Kidnapping
- [KRS 509.050](#) Exemption
- [KRS 509.060](#) Defense
- [KRS 509.070](#) Custodial interference
- [KRS 509.080](#) Criminal coercion

8. Assault and Related Offenses

- [KRS 508.010](#) Assault in the first degree
- [KRS 508.020](#) Assault in the second degree
- [KRS 508.025](#) Assault in the third degree
- [KRS 508.030](#) Assault in the fourth degree
- [KRS 508.032](#) Assault of family member or member of an unmarried couple – Enhancement of penalty
- [KRS 508.040](#) Assault under extreme emotional disturbance

- [KRS 508.050](#) Menacing
- [KRS 508.060](#) Wanton endangerment in the first degree
- [KRS 508.070](#) Wanton endangerment in the second degree
- [KRS 508.090](#) Definitions for KRS 508.100 to 508.120
- [KRS 508.100](#) Criminal abuse in the first degree
- [KRS 508.110](#) Criminal abuse in the second degree
- [KRS 508.120](#) Criminal abuse in the third degree

9. Other 'Non-Sex-Specific' Offenses

- [KRS 502.020](#) Liability for conduct of another -- Complicity
- [KRS 511.020](#) Burglary in the first degree
- [KRS 511.030](#) Burglary in the second degree
- [KRS 519.040](#) False reporting an incident
- [KRS 525.135](#) Torture of dog or cat
- [KRS 218A.1415](#) Possession of controlled substance in the first degree (includes GHB and Flunitrazepam, which are commonly used to facilitate rape)
- [KRS 218A.1412](#) Trafficking in controlled substance in the first degree (includes GHB and Flunitrazepam, which are commonly used to facilitate rape)

B. TRIAL PROCEDURE & RELATED ISSUES

1. Rules of Criminal Procedure (RCr)

- [RCr 3.10](#) Preliminary Hearing: waiver
- [RCr 3.14](#) Probable Cause finding
- [RCr 4.02](#) Bailable offenses; eligibility for pretrial release
- [RCr 4.10](#) Release on personal recognizance; unsecured bail bond
- [RCr 4.12](#) Release on nonfinancial conditions
- [RCr 4.14](#) Nonfinancial conditions on release
- [RCr 4.16](#) Amount of bail
- [RCr 5.02](#) Charge to grand jury
- [RCr 5.06](#) Attendance of witnesses before the Grand Jury
- [RCr 5.08](#) Evidence for defendant
- [RCr 5.14](#) Duties of the prosecuting attorney
- [RCr 5.18](#) Presence of other persons with grand jury
- [RCr 5.22](#) Procedure upon failure to indict
- [RCr 8.02](#) Arraignment
- [RCr 8.06](#) Incapacity to stand trial
- [RCr 9.42](#) Order of Proceeding
- [RCr 9.56](#) Reasonable Doubt

2. Additional Procedures for Juvenile Offenders

a. Confidentiality of Court Proceedings & Required Disclosures

- [KRS 610.060](#) Duty of court upon formal proceeding -- Right to attend proceeding -- Payment for counsel (requires victim be notified and be allowed to be present)
- [KRS 610.070](#) Hearing (authorizes victim to be present)
- [KRS 610.320](#) Juvenile record and juvenile docket - Disclosure of information in court and police records concerning juvenile prohibited - Exceptions - Use of juvenile records in court
- [KRS 610.340](#) Confidentiality of juvenile court records
- [KRS 610.345](#) School superintendent or principal to be notified when child found guilty or when petition is filed -- Disclosure of records -- Provision of offense history to school superintendent

b. Placement of Juvenile Sex Offenders & Required Disclosures

- [KRS 605.090](#) Alternative treatment for committed children - Notice of inappropriate behavior of child - Procedures for removal of child committed as dependent, neglected, or abused - Reports - Written transfer summary - Placement of public offenders
- [KRS 620.090](#) Temporary custody orders
- [KRS 620.230](#) Case permanency plans.

c. Trying a Minor as a Youthful Offender, i.e. subject to same penalties as an adult

- [KRS 610.015](#) Procedure when child tried as an adult -- Matters to be tried by Circuit Court -- Release of records.
- [KRS 635.020](#) Criteria for determining how child is to be tried
- [KRS 640.010](#) Preliminary hearing - Proof required to try child as youthful offender in Circuit Court (as an adult)
- [KRS 640.030](#) Sentencing after conviction or plea of guilty.

C. SENTENCING GUIDELINES & PROCEDURES

- [KRS 532.031](#) Hate Crimes – Findings – Effect
- [KRS 532.032](#) Restitution
- [KRS 532.040](#) Probation and conditional discharge
- [KRS 532.050](#) Presentence procedure for felony conviction
- [KRS 532.055](#) **Verdicts and sentencing by jury in felony cases**
- [KRS 532.060](#) Sentence of imprisonment for felony
- [KRS 532.070](#) Court modification of felony sentence
- [KRS 532.080](#) Persistent felony offender sentencing
- [KRS 532.090](#) Sentence of imprisonment for misdemeanor
- [KRS 533.010](#) Alternative sentences
- [KRS 533.015](#) Alternatives to incarceration
- [501 KAR 6:200](#) Comprehensive sex offender presentence evaluation procedure

D. *RELEASE*

1. *Pre-trial Release*

- [KRS 431.064](#) Pretrial release of person arrested for assault, sexual offense, or violation of protective order – Conditions – Hearing – Victim entitled to copy of conditions of release – Entry of conditions into Law Information Network (LINK) - Penalty

2. *Pre-trial Diversion*

- [KRS 533.250](#) Pretrial diversion program in each judicial circuit
- [KRS 533.252](#) Requirements of Commonwealth's attorney when considering application for pretrial diversion
- [KRS 533.254](#) Application of probation and restitution
- [KRS 533.256](#) Failure to complete provisions of pretrial diversion agreement
 - [KRS 533.258](#) **Effects of successful completion of pretrial diversion agreement**
- [KRS 533.262](#) Other programs before and after July 15, 1998

3. *Probation and Conditional Discharge*

- [KRS 532.040](#) Probation and conditional discharge
- [KRS 532.043](#) Requirement of conditional discharge for certain felonies
- [KRS 532.045](#) Persons prohibited from probation or conditional discharge
- [KRS 532.047](#) Nonavailability of probation or suspension of sentence to violent offender
- [KRS 533.020](#) Probation and conditional discharge
- [KRS 533.030](#) Conditions -- Restitution to victim
- [501 KAR 1:030](#) Determining Parole Eligibility

4. *Shock Probation*

- [KRS 439.265](#) **Shock probation in felony conviction -- Procedure -- Nonavailability for violent offenders and sexual offenders -- Comprehensive sex offender pre-sentence evaluation**
- [KRS 439.267](#) Shock probation in misdemeanor convictions -- Procedure -- Exercise of authority -- Availability for sexual offenders

1. 5. *Conditional Release*

- [KRS 439.555](#) **Conditional release of certain prisoners**
- [KRS 197.045](#) **Credit on sentence for good conduct, educational accomplishment, or meritorious service -- Requirement of completion of sex offender treatment program for sex offenders**

6. *Parole*

- [KRS 439.340](#) Parole of prisoners confined in adult penal or correctional institutions
 - [KRS 439.3401](#) Parole for violent offenders -- Applicability of section to victim of domestic violence or abuse
 - [KRS 439.3402](#) Exemption from KRS 439.3401 for victims of domestic violence and abuse

- [KRS 439.3405](#) Parole of prisoners with documented terminal medical conditions
- [501 KAR 1:030](#). Determining parole eligibility.
- [KRS 439.341](#) Preliminary revocation hearings of probation and parole violators
- [KRS 439.344](#) Effect of parole time on sentence
- [KRS 439.346](#) Paroled prisoner subject to orders of board
- [KRS 439.510](#) Information obtained by probation or parole officer to be privileged
- [KRS 439.563](#) Restitution as condition of parole -- Board order -- Effect on length of parole
- [KRS 439.575](#) Prerelease probation of inmates program

E. SEX OFFENDER TREATMENT AND HIV TESTING

1. Adult Sex Offender Risk Assessment and Treatment

- [KRS 17.550](#) Definitions for KRS 17.550 to 17.991
- [KRS 17.552](#) Approval requirement for sexual offender risk evaluations or treatment -- Exemption
- [KRS 17.554](#) Sex Offender Risk Assessment Advisory Board -- Risk assessment procedure
- [KRS 17.556](#) Membership of board -- Chair -- Terms -- Committees
- [KRS 17.558](#) Issuance of approvals
- [KRS 17.566](#) Use of "approved provider" designation restricted
- [KRS 17.574](#) Forwarding of relevant information by certain facilities to approved provider for review prior to release - Confidentiality
- [KRS 17.576](#) Privileged communications -- Written waiver
- [KRS 197.440](#) Sexual offender's communications which are privileged
- [KRS 635.527](#) Disclosure of communications made in course of sexual offender's diagnosis and treatment
- [501 KAR 6:200](#) Comprehensive sex offender presentence evaluation procedure
- [501 KAR 6:220](#) Treatment for sex offenders

2. Juvenile Sex Offender Risk Assessment and Treatment

- [KRS 635.500](#) Operation of treatment program for juvenile sexual offenders
- [KRS 635.505](#) Definitions of "treatment program" and "juvenile sexual offender."
- [KRS 635.510](#) Criteria for classification as juvenile sexual offender -- Juvenile sexual offender assessment
- [KRS 635.515](#) Treatment time -- Treatment agreement -- Reports -- Reviews
- [KRS 635.520](#) Responsibility for design of program -- Agreements with public and private agencies
- [KRS 635.525](#) Maintenance of data -- Annual report

- [KRS 635.527](#) Disclosure of communications made in course of sexual offender's diagnosis and treatment
- [KRS 635.545](#) File of participants to be maintained -- Biennial report on whether participants later committed sex-related or other criminal offenses
- [KRS 630.080](#) Detention in secure juvenile detention facility or juvenile holding facility

3. ***HIV Testing***

- [KRS 510.320](#) HIV testing for defendants accused of certain sexual offenses
- [KRS 438.250](#). Mandatory testing for HIV, hepatitis B and C, and tuberculosis, and other diseases for criminal defendants, inmates, and state patients under specified conditions - Effect of refusal to be tested - Costs.

F. SEX OFFENDER REGISTRATION

1. Sex Offender Registration & Residency Restrictions

- [KRS 17.500](#) Definitions for KRS 17.500 to 17.540
- [KRS 17.510](#) Registration system for adults who have committed sex crimes or crimes against minors -- Persons required to register -- Manner of registration -- Penalties -- Notification of violations required
 - [KRS 17.520](#) Period of registration
 - [KRS 17.530](#) Authority to share information from registrations
 - [KRS 17.540](#) Short title for KRS 17.500 to 17.540
 - [KRS 17.545](#) Registrant prohibited from residing in certain areas - Violations -- Exception
 - [KRS 17.547](#) Persons immune from suit for good faith conduct under KRS [17.500](#) to 17.580 and 17.991
 - [KRS 17.549](#) False statements to law enforcement officials regarding noncompliant registrant -- Harboring -- Violation
 - [KRS 17.574](#) Forwarding of relevant information by certain facilities to approved provider for review prior to release -- Confidentiality
 - [KRS 17.578](#) Termination of duty to register
 - [KRS 17.580](#) Duty 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 Cabinet to establish toll-free telephone number

2.

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loyment & Volunteer Background Checks

- [KRS 15.382](#) Minimum qualifications for certification (law enforcement official)
- [KRS 15.3971](#) Court security officers -- Minimum qualifications
- [KRS 160.151](#) Criminal background checks on certified employees and student teachers in private, parochial, and church schools (schools may refuse to hire or terminate registered offenders)

- [KRS 160.380](#) (3-10) Public school employees – Restrictions on appointment of relatives, violent offenders, and persons convicted of sex crimes – National and state criminal and history background checks on applicants
- [KRS 161.148](#) Use of volunteer personnel -- Criminal records check
- [KRS 164.281](#) Public institution of postsecondary education criminal history background checks -- Initial hires, contractors, employees, volunteers, visitors
- [KRS 199.462](#) Criminal background investigation of applicant to provide foster care, relative caregiver services, or adoptive home, and of applicant's adult household members
- [KRS 199.640](#)(6) Licensing of child-care and child-placement agencies or facilities – Prohibition against hiring convicted sex offender
- [KRS 216.533](#) Department for Mental Health and Mental Retardation Services long-term care facilities -- Criminal background checks for applicants for employment -- Persons who may not be employed -- Effect of pardon or expunged record
- [KRS 216.789](#) Prohibition against employing certain felons at long-term care facilities, in nursing pools providing staff to nursing facilities, and in assisted-living communities
- [KRS 329A.035](#)(3) Applications for licenses (as Private Investigator)-- Requirements
- [922 KAR 1:490](#) Background checks for foster and adoptive parents and reporting requirements
- [922 KAR 2:090](#)(10) Child care facility licensure – Basis for Denial, Suspension or Revocation

G. VICTIM & COMMUNITY NOTIFICATION

- [KRS 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.
- [KRS 196.280](#) Notification of release of person from penitentiary, facility for youthful offenders, regional jail, or county jail -- Escape. (VINE System requirements)
- [501 KAR 14:010](#). Psychiatric or Forensic Psychiatric Facility Victim Notification System
- [908 KAR 3:025](#) Notification of discharge, transfer or escape of violent offenders (from a state psychiatric facility)

VI: CIVIL LAW

A. CIVIL CLAIMS FOR DAMAGES

1. **Civil Causes of Action**

- a. ***Any person injured by violation of any statute may recover damages***
- [KRS 446.070](#) Penalty no bar to civil recovery
- b. ***Threats, Contact, and/or Injury***
- ***Assault***
 - ***Stalking***
[KRS 411.220](#) Action by crime stalking victim against stalker -- Damages -- Statute of limitations
 - ***False imprisonment***
 - ***Battery***
 - ***Childhood sexual abuse/assault***
[KRS 413.249](#) Action relating to childhood sexual abuse or assault
 - ***Damages following conviction of sexual offense or pornography***
[KRS 431.082](#) Civil action by victim against defendant
- c. ***Mental or Emotional Injury or Distress***
- ***Intentional infliction of emotional distress (tort of outrage)***
- d. ***Injury to Victim's Property***
- ***Trespass to land***
 - ***Conversion / Trespass to Chattels***
 - ***Reparation for property stolen or damages***
[KRS 431.200](#) Reparation for property stolen or damaged, from person convicted
- e. ***Claims by Individual Other than the Victim***
- ***Wrongful death***
[KRS 411.130](#) Action for wrongful death -- Personal representative to prosecute -- Distribution of amount recovered
 - ***Death by a deadly weapon***
[KRS 411.150](#) Action by surviving spouse or child of person killed with deadly weapon
[KRS 500.080](#) (4) Definition of "deadly weapon"
 - ***Loss of Consortium***
[KRS 411.145](#) Damages for Loss of Consortium
- f. ***Negligence & Third Party Liability***
Information about claims against Landlords, Colleges, Shopping Malls, Employers, Law Enforcement Officials, and Others

3. Statutes of Limitation and Survival

- [KRS 413.249](#) Action relating to childhood sexual abuse or assault
- [KRS 413.140](#) Actions to be brought within one year
- [KRS 413.160](#) Actions not provided for by statute -- Ten (10) year limitation

- [KRS 413.250](#) When action commences
- [KRS 413.260](#) Effect of injunction or other restraint on limitation
- [KRS 413.265](#) Validity of agreements extending limitations periods
- [KRS 413.270](#) Effect of judgment of no jurisdiction -- Application to administrative agencies.
- [KRS 413.280](#) Person under more than one (1) disability
- [KRS 413.320](#) Cause of action barred here if barred where it accrued
- [KRS 413.330](#) Action on judgment barred here if barred where rendered -- Exception
- [KRS 413.340](#) Exceptions as to chapter
- [KRS 411.140](#) What action shall survive
- [KRS 411.110](#) Action against city for injury from defect in thoroughfare -- Service of notice
- [KRS 413.120](#) Actions to be brought within five years
- [KRS 413.125](#) Actions relating to personal property to be brought within two years
- [KRS 413.130](#) When certain actions in KRS 413.120 accrue -- Regulations for

4. Damages

- [KRS 411.182](#) Allocation of fault in tort actions -- Award of damages -- Effect of release
- [KRS 411.184](#) Definitions -- Punitive damages -- Proof of punitive damages
- [KRS 411.186](#) Assessment of punitive damages
- [KRS 411.187](#) Supersedeas bond for punitive damages on appeal -- Limit -- Rescission of limit if assets diverted or dissipated

B. CIVIL RIGHTS (*PROTECTION FROM SEXUAL HARASSMENT*)

- [KRS 344.010](#) Definitions for chapter
- [KRS 344.020](#) Purpose and construction of chapter – Effect
- [KRS 344.030](#) Definitions for KRS 344.030 to 344.110
- [KRS 344.040](#) Discrimination by employers
- [KRS 344.120](#) Refusal to rent or sell public accommodations unlawful
- [KRS 344.200](#) Complaints of discrimination – Procedure – Conciliation agreements – Enforcement
- [KRS 344.230](#) Orders of commission – Nature of affirmative action
- [KRS 344.240](#) Scope of and procedures for judicial review – Hearing – Appeal
- [KRS 344.280](#) Conspiracy to violate chapter unlawful
- [KRS 344.360](#) Unlawful housing practices – Design and construction requirements
- [KRS 344.400](#) Unlawful practices in connection with credit transactions - Exceptions
- [KRS 344.550](#) Definition for KRS 344.550 to 344.575

- [KRS 344.555](#) Prohibition against sex discrimination under any educational program receiving state financial assistance – Exceptions
- [KRS 344.560](#) Agencies and departments required to effectuate KRS 344.555
- [KRS 344.600](#) Complaint on discriminatory housing practice – Investigation
- [KRS 344.620](#) Civil action for preliminary or temporary relief – Effect
- [KRS 344.625](#) Probable cause determination – Issuance of charge
- [KRS 344.635](#) Election of method for securing relief
- [KRS 344.645](#) Final order of commission – Civil penalty
- [KRS 344.650](#) Civil action for relief from discriminatory housing practices or breach of conciliation agreement – Time limitation
- [KRS 344.655](#) Powers of Circuit Court
- [KRS 344.660](#) Damages and injunctive relief
- [KRS 344.665](#) Institution of civil actions by commission or Attorney General – Powers of court
- [KRS 344.670](#) Civil action by commission on behalf of aggrieved person election judicial proceeding
- [KRS 344.675](#) Appointment of attorney and award of fees.

C. DOMESTIC VIOLENCE PROTECTIVE ORDERS

- [KRS 403.715](#) Interpretation of KRS 403.715 to 403.785 by court
- [KRS 403.720](#). Definitions for KRS 403.715 to 403.785
 - [KRS 403.725](#) **Petition, who may file -- Protective orders**
 - [KRS 403.735](#) Review by court -- Access to emergency protective orders -- Local protocol in domestic violence matters -- Time at which orders of protection take effect
 - [KRS 403.737](#) **Forms for documents entered into Law Information Network of Kentucky**
 - [KRS 403.740](#) **Emergency protective order**
 - [KRS 403.745](#) **Hearing**
 - [KRS 403.750](#) **Court orders -- Amendment**
 - [KRS 403.7505](#) Certification standards for mental health professionals providing court mandated treatment -- List of certified providers to Administrative Office of the Courts -- Submission of data to cabinet -- Distribution of compiled data
 - [KRS 403.751](#) Statement to assist out-of-state court in determining whether protective order is entitled to full faith and credit
 - [KRS 403.7521](#) Foreign protective orders -- Filing -- Affidavit certifying validity -- Uncertified orders
 - [KRS 403.7524](#) **Authentication of foreign protective orders**
 - [KRS 403.7527](#) **Enforcement of foreign protective orders**
 - [KRS 403.7529](#) **Presumption of validity -- Enforcement by peace officers**

- [KRS 403.7531](#) Clearing of foreign protective orders from Law Information Network of Kentucky
- [KRS 403.7535](#) Changes in orders -- Notification
- [KRS 403.7539](#) Civil and criminal proceedings for violations of foreign protective orders
- [KRS 403.755](#) Enforcement by law enforcement agency
- [KRS 403.760](#) Contempt of court
- [KRS 403.763](#) Criminal penalty for violation of protective order
- [KRS 403.765](#) Certification of existence of domestic violence protective orders – Efficacy of existing orders
- [KRS 403.770](#) Nonpublication of petitioner's and minor children's addresses – Forwarding
- [KRS 403.771](#) Printout of foreign orders -- Annual validation
- [KRS 403.775](#) Effect of petitioner's leaving residence
- [KRS 403.780](#) Testimony not admissible in criminal proceeding

D. DOMESTIC RELATIONS (FAMILY LAW)

- [KRS 403.036](#) Mediation not to be ordered unless conditions are met
- [KRS 403.160](#) Temporary orders -- Disclosure of information on domestic violence or child abuse
- [KRS 403.270](#) Custodial Issues – Best Interest of the Child shall determine
- [KRS 403.320](#) Visitation of minor child
- [KRS 403.325](#) Visitation denied parent convicted of homicide of other parent
- [KRS 403.340](#) Modification of custody decree