

# Supreme Court of Kentucky

2016-10

**IN RE: Authorization for the Non-Financial Uniform Schedule of Bail  
Administrative Release Program**

## **AMENDED ORDER**

### **I. Introduction**

This order hereby authorizes the Non-Financial Uniform Schedule of Bail Administrative Release Program, ("Administrative Release Program") for use throughout the Commonwealth of Kentucky. This order replaces in its entirety Supreme Court Order 2015-24.

### **II. Purpose**

The purpose of the Administrative Release Program is to expedite pretrial release of low to moderate risk defendants charged with non-violent, non-sexual misdemeanors and to increase efficiency by reserving resources for higher-risk defendants ordered to pretrial supervision.

### **III. Implementation**

#### **A. Implementation Date**

The judges of the Commonwealth of Kentucky have had the option of implementing the Administrative Release Program in their respective circuits and districts since November 1, 2015. However, the Program will be mandatory beginning on January 1, 2017.

#### **B. Information Gathering**

Pretrial Services will gather, monitor and coordinate the gathering of data necessary to monitor and evaluate the effectiveness of the Administrative Release Project. Evaluations, comments, and relevant data analysis will be given bi-annually to the Chief Justice of the Supreme Court of Kentucky as a part of Pretrial Services' normal calendar and fiscal year reporting.

### **IV. Governance**

The Administrative Release Program will be governed by the attached Uniform Local Protocol for the Non-Financial Uniform Schedule of Bail Administrative Release Program and all applicable statutes and rules not inconsistent with this Order.

**V. Termination or Expansion**

The Chief Justice has the sole authority to amend, terminate or expand the scope of this pilot project. Requests for amendments, or changes, should be submitted to the Chief Justice.

Entered this 15th day of December 2016.

  
CHIEF JUSTICE

## **UNIFORM LOCAL PROTOCOL FOR THE NON-FINANCIAL UNIFORM SCHEDULE OF BAIL ADMINISTRATIVE RELEASE PROGRAM**

### **PART I: DEFINITIONS**

As used in these sections, unless the context otherwise requires:

- A. "Interview" means an investigation of a defendant for the purposes of pretrial release or pretrial supervision.
- B. "Investigation" means a Pretrial Services investigation containing Courtnet and NCIC records, charge information, personal information and demographics, probation status, address, and application of the PSA Risk Assessment (See Appendix A).
- C. "Non-Financial Uniform Schedule of Bail" means the authority granted by the court to a pretrial officer to apply a pre-determined release decision to detained defendants based on a uniform schedule of bail without the need for a judicial review.
- D. "PSA Risk Assessment" means the validated risk assessment tool used in Kentucky, containing questions relating to flight risk and anticipated criminal conduct.
- E. "Risk assessment" means an objective, research based, validated assessment tool that measures a defendant's risk of flight and risk of anticipated criminal conduct while on pretrial release pending adjudication.
- F. "Risk score" means the numeric value ranging from a low of '2' to a high of '12' that relates proportionally to the defendant's likelihood of pretrial failure (e.g., failure to appear or presenting a danger to the community).
- G. "Risk level" means a scale from low to high of the risk a defendant poses of pretrial failure (e.g., failure to appear or presenting a danger to the community).
- H. "Needs assessment" means the evidence-based, standardized template of the pretrial services agency which associates a defendant's risk level and resource needs with a corresponding level of supervision.
- I. "Sexual Offenses" means any offense defined as sexual under Kentucky Revised Statutes and those listed by Pretrial Services as sexual for purposes of Pretrial release (See Appendix C).
- J. "Verification" means matching a defendant's identity with an official record.

- K. "Verified and eligible defendant" means a defendant who is charged with a bailable offense and whose identity Pretrial Services is able to confirm through investigation.
- L. "Violent Offenses" means any offense defined as violent under Kentucky Revised Statutes and those listed by Pretrial Services as violent for purposes of Pretrial release (See Appendix B).

## **PART II: ADMINISTRATIVE RELEASE PROGRAM FOR THE PRETRIAL RISK ASSESSEMENT AND NON-FINANCIAL UNIFORM SCHEDULE OF BAIL**

### **Section 1. Obligations of Pretrial Services and Pretrial Officers**

Except where explicitly noted, no provision set forth in this order shall absolve the Administrative Office of the Courts' pretrial services agency and pretrial officers employed by the agency from following the Kentucky Rules of Criminal Procedure, including but not limited to: RCr 4.02, RCr 4.06, RCr 4.08, and RCr 4.38; and the Kentucky Revised Statutes, including but not limited to: KRS 431.066, KRS 431.515, KRS 431.518 and Administrative Procedures of the Court of Justice Part XIV, Pretrial Services.

### **Section 2. Risk Assessment and Risk Level**

- A. All verified and eligible defendants will have their risk level assessed by use of the PSA Risk Assessment.
- B. The risk assessment instrument, once applied to a defendant, will result in the defendant's risk score being a value between '2' and '12,' with a corresponding risk level as follows:
  - i. 2-5, Low (Risk)
  - ii. 6-9, Moderate (Risk)
  - iii. 10-12, High (Risk)
- C. The risk assessment instrument will be applied to the defendant prior to or at the approximate time of the pretrial interview. Nothing in this order shall prohibit the instrument from being re-applied to the defendant at any time after the initial application.

### **Section 3. Eligibility and Release Options**

- A. Defendants charged with non-violent/non-sexual misdemeanor(s)/violation(s) whose risk score has been assessed between '2' and '5' (Low Risk) will be eligible under the Schedule and shall be released on recognizance.

- B. Defendants charged with non-violent/non-sexual misdemeanor(s)/violation(s) whose risk score has been assessed as either '6' or '7' (Moderate Risk) will be eligible under the Schedule and shall be released on recognizance.
- C. Defendants charged with contempt of court and/or with violation(s) of misdemeanor or felony probation or conditional discharge are not eligible under the Schedule.
- D. Defendants who have allegedly violated a condition of release, including being charged with a new offense while out on bond, are not eligible under the Schedule.
- E. Defendants charged with violation of a protective order are not eligible under the Schedule.
- F. Defendants charged with a DUI 1st offense with injuries or accident or any aggravated circumstances (other than refusals) and DUI 2nd or greater are not eligible under the Schedule. All statutory times shall be followed for all DUI offenses.
- G. Defendants charged with driving on a DUI suspended license are not eligible under the Schedule.
- H. Defendants who have previously failed to appear on the charge or are charged with Bail Jumping are not eligible under the Schedule.
- I. Defendants who decline the pretrial services interview are not eligible under the Schedule.
- J. If the pretrial officer has reason to believe that exigent or extenuating factors exist that conflict with standard Pretrial Services policies or procedures, then the pretrial officer, after contacting and obtaining approval from the Pretrial Services Executive Officer or designee, may present the defendant for judicial review.
- K. All defendants not eligible for release under the Schedule shall only be released upon judicial review and conditions of release ordered by the court.
- L. The pretrial officer shall base his or her review on the actual charge indicated in the narrative/criminal record rather than the UOR code assigned by law enforcement.

#### **Section 4. Local Deviations**

By local rule, judges may order the following deviations from the Schedule:

- A. Local jurisdictions may order the Schedule's expansion to include certain, non-violent/non-sexual, Class D felony charges, with the exception of the charge of Fugitive from Justice;
- B. Local jurisdictions may order the Schedule's expansion to include defendants with a risk score of 8 or 9.

**Appendix A. Pretrial Interview**

**Manual Pretrial Interview, Investigation and Risk Assessment**

County: \_\_\_\_\_ DV: \_\_\_\_\_ Name: \_\_\_\_\_  
Date/Time: \_\_\_\_\_ Alias: \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Ethnicity \_\_\_\_\_  
DOB: \_\_\_\_\_ SSN: \_\_\_\_\_ Marital Status \_\_\_\_\_ Education: \_\_\_\_\_  
# of Dependants \_\_\_\_\_ Email: \_\_\_\_\_ ASL: \_\_\_\_\_ Int Lang: \_\_\_\_\_

Address: \_\_\_\_\_  
Texting Phone: \_\_\_\_\_ Other Phone \_\_\_\_\_  
Alternate Address: \_\_\_\_\_

Unsupervised probation? \_\_\_\_\_ Supervised probation \_\_\_\_\_ CD Time \_\_\_\_\_  
Prior/Current Military \_\_\_\_\_ Veteran \_\_\_\_\_ Combat \_\_\_\_\_ Permission to Submit to VJO \_\_\_\_\_

Have you ever felt you should Cut down on your drinking or drug use?	Yes	No
Have people Annoyed you by criticizing your drinking or drug use?	Yes	No
Have you ever felt Guilty about your drinking or drug use?	Yes	No
Have you had an Eye-opener first thing in the morning to steady nerves or get rid of a hangover? (or) Do you ever use drugs to change the effects of another drug you have taken?	Yes	No

Domestic Violence Questions: (if applicable)  
Currently under DVO/EPO? \_\_\_\_\_ History of violating a DVO/EPO? \_\_\_\_\_

Risk Assessment- Use excel file and print. Risk Score: \_\_\_\_\_ Risk Level \_\_\_\_\_

Judicial Decision:  
Judge: \_\_\_\_\_  
Date/Time: \_\_\_\_\_

AOI Completed: \_\_\_\_\_ Probable Cause Review: \_\_\_\_\_ Probable Cause Found: \_\_\_\_\_

24-Hour Review Completed: \_\_\_\_\_ Judicial Decision: \_\_\_\_\_  
Judge: \_\_\_\_\_ Date/Time: \_\_\_\_\_

MEMO:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Appendix B. List of Violent Crimes

<u>Code</u>	<u>KRS</u>	<u>Description</u>	<u>Type</u>	<u>Class</u>
060154	311.75	ABORTION BY NON LICENSED PERSONS	FELONY	B
002602	525.12	ABUSE OF CORPSE	MISDEMEANOR	A
002603	525.120(2)	ABUSE OF CORPSE (SEXUAL INTERCOURSE)	FELONY	D
002570	525.135(3)	TORTURE OF A DOG OR CAT- 1ST OFFENSE	MISDEMEANOR	A
002571	525.135(3)	TORTURE OF A DOG OR CAT 2ND OR>OFFENSE	FELONY	D
020003	513.02	ARSON, 1ST DEGREE	FELONY	A
020004	513.03	ARSON, 2ND DEGREE	FELONY	B
020005	513.04	ARSON, 3RD DEGREE	FELONY	D
013117	518.09	ASSAULT 3RD DEGREE - SPORTS OFFICIAL (5 OR MORE), 1ST OFF	FELONY	D
013118	518.09	ASSAULT 3RD DEGREE - SPORTS OFFICIAL, 2ND OR > OFFENSE	FELONY	D
013115	508.025(1)(a)(3)	ASSAULT 3RD-DEPT. SOCIAL SERVICES WORKER	FELONY	D
013214	525.205	ASSAULT ON SERVICE ANIMAL, 1ST DEGREE	FELONY	D
013213	525.205	ASSAULT ON SERVICE ANIMAL, 2ND DEGREE	MISDEMEANOR	B
013250	508.040(2)(a)	ASSAULT UNDER EXTREME EMOTIONAL DISTURBANCE	FELONY	D
013259	508.040(2)(b)	ASSAULT UNDER EXTREME EMOTIONAL DISTURBANCE	MISDEMEANOR	B
013150	508.01	ASSAULT, 1ST DEGREE	FELONY	B
013151	508.01	ASSAULT, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
013152	508.01	ASSAULT, 1ST DEGREE - POLICE OFFICER	FELONY	B
013160	508.02	ASSAULT, 2ND DEGREE	FELONY	C
013161	508.02	ASSAULT, 2ND DEGREE - DOMESTIC VIOLENCE	FELONY	C
013162	508.02	ASSAULT, 2ND DEGREE - POLICE OFFICER	FELONY	C
013120	508.025	ASSAULT, 3RD DEGREE (EMS, FIRE, RESCUE SQUAD)	FELONY	D
013124	508.025	ASSAULT, 3RD DEGREE (OFFICER TRANSPORTING INMATES)	FELONY	D
013123	508.025	ASSAULT, 3RD DEGREE (SCHOOL EMPLOYEE OR SCHOOL VOLUNTEER)	FELONY	D
013119	518.09	ASSAULT, 3RD DEGREE - SPORTS OFFICIAL, 1ST OFF	MISDEMEANOR	A
000799	508.03	ASSAULT, 4TH DEGREE (CHILD ABUSE)	MISDEMEANOR	A
000798	508.03	ASSAULT, 4TH DEGREE (DOMESTIC VIOLENCE) MINOR INJURY	MISDEMEANOR	A
000797	508.03	ASSAULT, 4TH DEGREE (DOMESTIC VIOLENCE) NO VISIBLE INJURY	MISDEMEANOR	A
000796	508.03	ASSAULT, 4TH DEGREE (MINOR INJURY)	MISDEMEANOR	A
000795	508.03	ASSAULT, 4TH DEGREE (NO VISIBLE INJURY)	MISDEMEANOR	A
013114	508.025(1)(b)	ASSAULT-3RD DEGREE-INMATE ASSAULT ON CORRECTIONS EMPLOYEE	FELONY	D
013113	508.025	ASSAULT-3RD DEGREE-POLICE/PROBATION OFFICER-IDENT WEAPON	FELONY	D
022060	511.02	BURGLARY, 1ST DEGREE	FELONY	B
041900	218A.1441	CONTROLLED SUBSTANCE ENDANGERMENT TO CHILD, 1ST DEGREE	FELONY	A
041901	218A.1442	CONTROLLED SUBSTANCE ENDANGERMENT TO CHILD, 2ND DEGREE	FELONY	B
013230	508.1	CRIMINAL ABUSE-1ST DEGREE	FELONY	C
013231	508.100(1)(c)	CRIMINAL ABUSE-1ST DEGREE-CHILD 12 OR UNDER	FELONY	C
013240	508.11	CRIMINAL ABUSE-2ND DEGREE	FELONY	D
013241	508.110(1)(c)	CRIMINAL ABUSE-2ND DEGREE-CHILD 12 OR UNDER	FELONY	D
000810	508.12	CRIMINAL ABUSE-3RD DEGREE	MISDEMEANOR	A
000811	508.120(1)(c)	CRIMINAL ABUSE-THIRD DEGREE-CHILD 12/UNDER	MISDEMEANOR	A



002618	509.08	CRIMINAL COERCION	MISDEMEANOR	A
051005	525.125	CRUELTY TO ANIMALS-1ST DEGREE	FELONY	D
002625	525.13	CRUELTY TO ANIMALS-2ND DEGREE	MISDEMEANOR	A
000404		DOMESTIC VIOLENCE & ABUSE, DUTIES OF LAW ENFORCEMENT AGENCY	OTHER	
002002	530.06	ENDANGERING THE WELFARE OF A MINOR	MISDEMEANOR	A
002030	209.990(1)	FAILURE TO REPORT ABUSE/NEGLECT/EXPLOIT OF ADULT	MISDEMEANOR	B
060155	311.641(2)	FALSIFY/WITHOLD MEDICAL TREATMENT CONTRARY TO PERSON	FELONY	B
002031	209.990(2)	KNOWINGLY ABUSE/NEGLECT OF ADULT BY PERSON	FELONY	C
002032	209.990(3)	WANTON ABUSE/NEGLECT OF ADULT BY PERSON	FELONY	D
002033	209.990(4)	RECKLESS ABUSE/NEGLECT OF ADULT BY PERSON	MISDEMEANOR	A
002034	209.990(5)	KNOWINGLY EXPLOIT ADULT BY PERSON O/\$300	FELONY	C
002035	209.990(6)	WANTON/ RECKLESS EXPLOIT ADULT BY PERSON O/\$300	FELONY	D
002036	209.990(7)	KNOWINGLY/WANTON/RECKLESS EXPLOIT OF ADULT BY PERSON U/\$300	MISDEMEANOR	A
049011	520.02	ESCAPE 1ST DEGREE-IDENTIFY INSTITUTION	FELONY	C
009300	507A.020	FETAL HOMICIDE, 1ST DEGREE	FELONY	A
009301	507A.030	FETAL HOMICIDE, 2ND DEGREE	FELONY	B
009302	507A.040	FETAL HOMICIDE, 3RD DEGREE	FELONY	C
009303	507A.050	FETAL HOMICIDE, 4TH DEGREE	FELONY	D
009151	507.02	MURDER- DOMESTIC VIOLENCE	FELONY	A
040100	529.1	HUMAN TRAFFICKING	FELONY	C
040101	529.1	HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY)	FELONY	B
040103	529.1	HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY) VICTIM U/18 YOA	FELONY	A
040104	529.11	PROMOTING HUMAN TRAFFICKING	FELONY	D
040105	529.11	PROMOTING HUMAN TRAFFICKING (VICTIM U/18 YOA)	FELONY	C
036051	520.02	INCEST - FORCIBLE COMPULSION/INCAP OF CONSENT, OR U/18 YOA	FELONY	B
036052	520.02	INCEST - VICTIM U/12 YOA OR SERIOUS PHYSICAL INJURY	FELONY	A
000172	510.148	INDECENT EXPOSURE-1ST DEGREE 3RD OFFENSE	FELONY	D
001753	510.148	INDECENT EXPOSURE-1ST DEGREE 4TH OR> OFFENSE	FELONY	D
051201	524.04	INTIMIDATING A PARTICIPANT IN LEGAL PROCESS	FELONY	D
059807	119.255	INTIMIDATION OF ELECTION OFFICER	FELONY	D
010060	509.04	KIDNAPPING-ADULT	FELONY	B
010050	509.04	KIDNAPPING-MINOR	FELONY	B
010072	509.04	KIDNAPPING-VICTIM DEATH	FELONY	A
010071	509.04	KIDNAPPING-WITH SERIOUS PHYSICAL INJURY	FELONY	A
009653	277.355	KN DROP. THROW OBJ AT/ON/IN PATH OF RR VEH CAUS SER PHYS INJ	FELONY	B
009665	277.355	KNOW DEF/DAM/OBS/REM/IMP OP OF SIG/DEV CAUS SER PHY INJ	FELONY	B
060229	315.32	KNOW AID UNL PER/PHAR U/INT DISP SCH 1 CONT SUB/SER PHY INJ	FELONY	B
041802	250.991(2)	KNOW POSS ANHYDROUS AMM O/APP CONT W/INT TO MANF METH 2ND/>	FELONY	A
009201	507.03	MANSLAUGHTER-1ST DEGREE	FELONY	B
009202	507.04	MANSLAUGHTER-2ND DEGREE	FELONY	C
000803	508.05	MENACING	MISDEMEANOR	B
009150	507.02	MURDER	FELONY	A
009151	507.02	MURDER - DOMESTIC VIOLENCE	FELONY	A

009152	507.02	MUDER-POLICE OFFICER	FELONY	A
010970	510.155	PROH USE OF ELEC COMM SYS TO PROC MINOR/PEACE OFF R/SEX OFF	FELONY	D
037229	531.320(2)(c)	PROMOTING A MINOR IN SEX PERFORMANCE-PHYSICAL INJURY	FELONY	A
037228	531.320(2)(b)	PROMOTING A MINOR U/16 IN SEX PERFORMANCE	FELONY	B
037230	531.320(a)	PROMOTING A SEXUAL PERFORMANCE BY A MINOR U/18	FELONY	C
010990	510.04	RAPE, 1ST DEGREE	FELONY	B
010992	510.04	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
010993	510.04	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE W/SERIOUS PHYSICAL INJ	FELONY	A
010995	510.04	RAPE, 1ST DEGREE - INCAP OF CONST/PHYS HELP W/SER PHYS INJ	FELONY	A
010994	510.04	RAPE, 1ST DEGREE - INCAPABLE OF CONSENT/PHYSICALLY HELPLESS	FELONY	B
010996	510.04	RAPE, 1ST DEGREE - VICTIM <12 YOA	FELONY	A
010991	510.04	RAPE, 1ST DEGREE W/SERIOUS PHYSICAL INJURY	FELONY	A
011161	510.05	RAPE, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX SUB)	FELONY	C
011162	510.05	RAPE-2ND DEGREE-NO FORCE	FELONY	C
009210	507.05	RECKLESS HOMICIDE	FELONY	D
028023	514.11	REC STOL PROP (ANHYDROUS AMMONIA) W/INT TO MAKE METH 2ND>	FELONY	A
002404	520.09	RESISTING ARREST	MISDEMEANOR	A
053031	525.02	RIOT-1ST DEGREE	FELONY	D
012002	515.02	ROBBERY, 1ST DEGREE	FELONY	B
012003	515.03	ROBBERY, 2ND DEGREE	FELONY	C
001709	510.13	SEXUAL ABUSE - 3RD DEGREE	MISDEMEANOR	B
011221	510.11	SEXUAL ABUSE, 1ST DEG, VICTIM U/12 YEARS OF AGE	FELONY	C
011220	510.11	SEXUAL ABUSE, 1ST DEGREE	FELONY	D
011222	510.12	SEXUAL ABUSE, 2ND DEGREE	MISDEMEANOR	A
011230	510.11	SEX OFFENSE-PRIOR TO PENAL CODE	FELONY	B
011185	510.07	SODOMY, 1ST DEG - INCAP CONST/PHYS HELP W/SERIOUS PHYS INJ	FELONY	A
011184	510.07	SODOMY, 1ST DEG - INCAPABLE OF CONSENT/PHYSICALLY HELPLESS	FELONY	B
011180	510.07	SODOMY, 1ST DEGREE	FELONY	B
011183	510.07	SODOMY, 1ST DEGREE - DOMESTIC VIOL - W/SERIOUS PHYSICAL INJ	FELONY	A
011182	510.07	SODOMY, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
011186	510.07	SODOMY, 1ST DEGREE - VICTIM <12 YOA	FELONY	A
011181	510.07	SODOMY, 1ST DEGREE W/SERIOUS PHYSICAL INJURY	FELONY	A
011201	510.08	SODOMY, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX SUB)	FELONY	C
011205	510.09	SODOMY, 3RD DEGREE	FELONY	D
011202	510.08	SODOMY-2ND DEGREE	FELONY	C
013242	508.14	STALKING-1ST DEGREE	FELONY	D
013243	508.15	STALKING-2ND DEGREE	MISDEMEANOR	A
041805	250.991(3)	TAMP W/ANHYDROUS AMN W/INT TO MAKE METH 2ND OR>	FELONY	A
023103	514.03	TBUT (ANHYDROUS AMMONIA) W/INT TO MAKE METH 2ND OR>	FELONY	A
000820	508.075	TERRORISTIC THREATENING, 1ST DEGREE	FELONY	C
000821	508.078	TERRORISTIC THREATENING, 2ND DEGREE	FELONY	D
000822	508.08	TERRORISTIC THREATENING, 3RD DEGREE	MISDEMEANOR	A
023240	514.08	THEFT BY EXTORTION	FELONY	D
001119	514.08	THEFT BY EXTORTION	MISDEMEANOR	A

002571	525.135(3)	TORTURE OF A DOG OR CAT 2ND OR > OFFENSE	FELONY	D
002570	525.135(3)	TORTURE OF A DOG OR CAT-1ST OFFENSE	MISDEMEANOR	A
009661	277.355	UNAU DIS/DEL/PRE OP OF VEH ON TCK CAUS SER PHYS INJ	FELONY	B
009657	277.355	UNAU CLIMB ON/IN RR VEH ON TCK CAUS SERIOUS PHYS INJ	FELONY	B
010201	509.02	UNLAWFUL IMPRISONMENT-1ST DEGREE	FELONY	D
002606	509.03	UNLAWFUL IMPRISONMENT-2ND DEGREEE	MISDEMEANOR	A
038115	530.064(1)(b)	UNLAW TRANS W/MINOR 1ST DEGREE ILL CONT SUB, PHYS INJ	FELONY	A
038114	530.064(1)(a)	UNLAW TRANS W/MINOR 1ST ILLEGAL SEX ACT PHYS INJ	FELONY	A
038112	530.064(1)(a)	UNLAW TRANS W/MINOR 1ST ILLEGAL SEX ACT U/16 YOA	FELONY	B
038113	530.064(1)(b)	UNLAW TRANS W/MINOR 1ST ILL CONT SUBSTANCE U/16	FELONY	B
060227	315.32	UNLIC PER/PHAR U/INTERNET DISPNS SCH 1 CONT SUB/SER PHY INJ	FELONY	B
037219	531.310(2)(c)	USE OF A MINOR IN SEX PERFORMANCE-PHYSICAL INJURY	FELONY	A
037218	531.310(2)(b)	USE OF A MINOR U/16 IN A SEX PERFORMANCE	FELONY	B
037220	531.310(2)(a)	USE OF A MINOR U/18 IN A SEXUAL PERFORMANCE	FELONY	C
002540	527.2	USE OF WEAPON OF MASS DESTRUCTION (1ST DEGREE)	FELONY	A
002541	527.205	USE OF WEAPON OF MASS DESTRUCTION (2ND DEGREE)	FELONY	B
002552	527.080(2)(d)	USING RESTRICTED AMMO DURING FELONY (PERSON KILLED)	FELONY	A
002551	527.080(2)(c)	USING RESTRICTED AMMO DURING FELONY (PERSON WOUNDED)	FELONY	B
002032	209.990(3)	WANTON ABUSE/NEGLECT OF ADULT BY PERSON	FELONY	D
013201	508.06	WANTON ENDANGERMENT-1ST DEGREE	FELONY	D
013221	508.06	WANTON ENDANGERMENT-1ST DEGREE-POLICE OFFICER	FELONY	D
000441	508.07	WANTON ENDANGERMENT-2ND DEGREE	MISDEMEANOR	A
000444	508.07	WANTON ENDANGERMENT-2ND DEGREE-POLICE OFFICER	MISDEMEANOR	A

## Appendix C. List of Sexual Offenses

<u>Code</u>	<u>KRS</u>	<u>Description</u>	<u>Type</u>	<u>Class</u>
001684	17.545	REGISTERED SEX OFFENDER REGISTRATION RESTRICTIONS (1ST OFFENSE)	MISDEMEANOR	A
001685	17.545	REGISTERED SEX OFFENDER RESIDENCE RESTRICTIONS (2ND OR > OFF)	FELONY	D
001660	17.546	SEX OFFENDER IM/CHAT/SOCIAL NETWORK USE	MISDEMEANOR	A
001686	17.549	FALSE STMT LAW ENFORCEMENT RE NON-COMPLIANT SEX OFF REG, 1ST OFF	MISDEMEANOR	A
001687	17.549	FALSE STMT TO LAW ENFC RE NON-COMPLIANT SEX OFF REG, 2ND OR >	FELONY	D
001688	17.549	HARBORING NON-COMPLIANT SEX OFFENDER REGISTRANT, 1ST OFF	MISDEMEANOR	A
001689	17.549	HARBORING NON-COMPLIANT SEX OFFENDER REGISTRANT, 2ND OR > OFF	FELONY	D
001680	17.510(11)	FAILURE TO COMPLY W/SEX OFFENDER REGISTRATION (1ST OFF)	FELONY	D
001681	17.510(11)	FAILURE TO COMPLY W/SEX OFFENDER REGISTRATION (2ND OR > OFFENSE)	FELONY	C
001682	17.510(12)	PROVIDE FALSE/MISLEAD/INCOMP INFO FOR SEX OFF REGISTRATION, 1ST OFF	FELONY	D
001683	17.510(12)	PROVIDE FALSE/MISLEAD/INCOMP INFO FOR SEX OFF REGISTRATION, 2ND OR > OFF	FELONY	C
001667	17.545(2)	REGISTER SEX OFFENDER SCHOOL RESTRICTIONS	MISDEMEANOR	A
011229	510.015	3RD OR SUBSEQUENT MISDEMEANOR SEXUAL OFFENSE	FELONY	D
010990	510.04	RAPE, 1ST DEGREE	FELONY	B
010991	510.04	RAPE, 1ST DEGREE W-SERIOUS PHYSICAL INJURY	FELONY	A
010992	510.04	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
010993	510.04	RAPE, 1ST DEGREE - DOMESTIC VIOL - W-SERIOUS PHYSICAL INJURY	FELONY	A
010994	510.04	RAPE, 1ST DEGREE - INCAPABLE OF CONSENT-PHYSICALLY HELPLESS	FELONY	B
010995	510.04	RAPE, 1ST DEG - INCAP OF CONSENT/PHYS HELP - W/SER PHYS INJ	FELONY	A
010996	510.04	RAPE, 1ST DEGREE - VICTIM <12 YEARS OF AGE	FELONY	A
011161	510.05	RAPE, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX SUBSTANCE)	FELONY	C
011162	510.05	RAPE 2ND DEGREE-NO FORCE	FELONY	C
011165	510.06	RAPE, 3RD DEGREE	FELONY	D
011180	510.07	SODOMY, 1ST DEGREE	FELONY	B
011181	510.07	SODOMY, 1ST DEGREE - W SERIOUS PHYSICAL INJURY	FELONY	A
011182	510.07	SODOMY, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
011183	510.07	SODOMY, 1ST DEGREE - DOMESTIC VIOL - W-SERIOUS PHYSICAL INJ	FELONY	A
011184	510.07	SODOMY, 1ST DEGREE - INCAP OF CONSENT-PHYSICALLY HELPLESS	FELONY	B
011185	510.07	SODOMY, 1ST DEG - INCAP OF CONSENT/PHYS HELPLESS -W SER PHYS INJ	FELONY	A
011186	510.07	SODOMY, 1ST DEGREE - VICTIM <12 YRS OF AGE	FELONY	A
011201	510.08	SODOMY, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX SUBSTANCE)	FELONY	C
011202	510.08	SODOMY 2ND DEGREE	FELONY	C
011205	510.09	SODOMY, 3RD DEGREE	FELONY	D
011220	510.11	SEXUAL ABUSE, 1ST DEGREE	FELONY	D
011221	510.11	SEXUAL ABUSE, 1ST DEGREE, VICTIM U/12 YEARS OF AGE	FELONY	C
011222	510.12	SEXUAL ABUSE, 2ND DEGREE	MISDEMEANOR	A
001709	510.13	SEXUAL ABUSE - 3RD DEGREE	MISDEMEANOR	B

001710	510.14	SEXUAL MISCONDUCT	MISDEMEANOR	A
001712	510.14	SEXUAL MISCONDUCT-SPOUSE	MISDEMEANOR	A
001750	510.148	INDECENT EXPOSURE, 1ST DEGREE, 1ST OFFENSE	MISDEMEANOR	B
001751	510.148	INDECENT EXPOSURE, 1ST DEGREE, 2ND OFFENSE (W/I 3 YRS)	MISDEMEANOR	A
001752	510.148	INDECENT EXPOSURE, 1ST DEGREE, 3RD OFFENSE	FELONY	D
001753	510.148	INDECENT EXPOSURE, 1ST DEGREE, 4TH OR > OFFENSE	FELONY	D
001754	510.15	INDECENT EXPOSURE, 2ND DEGREE	MISDEMEANOR	B
010970	510.155	PROH USE OF ELEC COM SYS TO PROCURE MINOR/PEACE OFF RE: SEX OFFENSES	FELONY	D
011230	510.***	SEX OFFENSE - OTHER - PRIOR TO PENAL CODE	FELONY	B
002603	525.120(2)	ABUSE OF CORPSE (SEXUAL INTERCOURSE)	FELONY	D
001600	529.02	PROSTITUTION	MISDEMEANOR	B
040190	529.04	PROMOTING PROSTITUTION	MISDEMEANOR	A
040191	529.04	PROMOTING PROSTITUTION (2 OR MORE PROSTITUTES)	FELONY	D
001604	529.07	PERMITTING PROSTITUTION	MISDEMEANOR	B
001605	529.08	LOITERING FOR PROSTITUTION PURPOSES 2ND > OFFENSE	MISDEMEANOR	B
001606	529.08	LOITERING FOR PROSTITUTION PURPOSES 1ST OFFENSE	VIOLATION	V
040100	529.100*	HUMAN TRAFFICKING*	FELONY	C
040101	529.100*	HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY)*	FELONY	B
040102	529.100*	HUMAN TRAFFICKING (VICTIM U/18 YOA)*	FELONY	B
040103	529.100*	HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY) VICTIM U/18 YOA*	FELONY	A
040104	529.110*	PROMOTING HUMAN TRAFFICKING*	FELONY	D
040105	529.110*	PROMOTING HUMAN TRAFFICKING (VICTIM U/18 YOA)*	FELONY	C
001607	529.090(2)	PROSTITUTION WHILE INFECTED (S.T.D.)	MISDEMEANOR	A
001608	529.090(3)	PROSTITUTION WHILE INFECTED (H.I.V.)	FELONY	D
001609	529.090(4)	PROSTITUTION, PROCURING WHILE INFECTED (H.I.V.)	FELONY	D
038040	530.01	BIGAMY	FELONY	D
036050	530.02	INCEST	FELONY	C
036051	530.02	INCEST - FORCIBLE COMPULSION/INCAPABLE OF CONSENT OR U/18 YOA	FELONY	B
036052	530.02	INCEST - VICTIM U/12 YOA OR SERIOUS PHYSICAL INJURY	FELONY	A
038110	530.064(1)(a)	UNLAWFUL TRANSACTION W/MINOR, 1ST - ILLEGAL SEX ACT, U/18 YOA	FELONY	C
038112	530.064(1)(a)	UNLAWFUL TRANSACTION W/MINOR, 1ST - ILLEGAL SEX ACT, U/16 YOA	FELONY	B
038114	530.064(1)(a)	UNLAWFUL TRANSACTION W/MINOR, 1ST - ILL SEX ACT, PHYS INJ	FELONY	A
001713	531.02	DISTRIBUTION OF OBSCENE MATTER-1 UNIT OF MATTER	MISDEMEANOR	B
001714	531.02	DISTRIBUTION OF OBSCENE MATTER >1 UNIT OF MATTER	MISDEMEANOR	A
037200	531.03	DISTRIB OBSCENE MATTER TO MINORS W/PRIOR CONVICT	FELONY	D
037201	531.03	DISTRIBUTION OBSCENE MATTER TO MINORS 1ST OFF	MISDEMEANOR	A
037202	531.04	USING MINOR TO DISTRIBUTE OBSCENE MATTER 1ST OFF	MISDEMEANOR	A
037210	531.04	USE MINOR TO DISTRIB OBSCENE MATTER W/PAST CONVICT	FELONY	D
001716	531.05	ADVERTISING OBSCENE MATERIAL	MISDEMEANOR	B
001717	531.06	PROMOTING SALE OF OBSCENITY 1ST OFFENSE	MISDEMEANOR	B
001722	531.06	PROMOTING SALE OBSCENITY 2ND OFFENSE	MISDEMEANOR	A
037020	531.06	PROMOTING SALE OF OBSCENITY 3RD OR > OFFENSE	FELONY	D
001730	531.09	VOYEURISM	MISDEMEANOR	A
001740	531.1	VIDEO VOYEURISM	FELONY	D

037272	531.335	Possess/view matter portray sexual performance by minor	FELONY	D
037280	531.34	DIST OF MATTER PORTRAYING SEXUAL PERF BY MINOR, 1ST OFF	FELONY	D
037281	531.34	DIST OF MATTER PORTRAYING SEX PERF BY MINOR, 2ND OR > OFF	FELONY	C
001720	531.35	PROM-SALE/MATTER PORTRAY SEX PERFORM-MINOR/1ST OFF	MISDEMEANOR	A
037250	531.35	PROM SALE OF MATTER PORT SEX PERF BY MINOR 2ND OFF	FELONY	D
037251	531.35	PROMO SALE OF MAT PORTRAY MINOR SEX PERF >2ND OFF	FELONY	C
001723	531.36	ADVERTISING MATTER PORTRAY SEX PERF BY MINOR, 1ST OFF	FELONY	D
001724	531.36	ADVERTISING MATTER PORTRAY SEX PERF BY MINOR, 2ND OR > OFF	FELONY	C
037260	531.37	USE MINOR TO DIST MAT PORT SEX PER MINOR 1ST OFF	FELONY	D
037261	531.37	USE MINOR TO DIST MAT PORT SEX PER MINOR 2 > OFF	FELONY	C
037220	531.310(2)(a)	USE OF A MINOR (U/18) IN A SEXUAL PERFORMANCE	FELONY	C
037218	531.310(2)(b)	USE OF A MINOR (U/16) IN A SEX PERFORMANCE	FELONY	B
037219	531.310(2)(c)	USE OF A MINOR IN A SEX PERFORMANCE-PHYS INJURY	FELONY	A
037230	531.320(2)(a)	PROMOTING A SEXUAL PERFORMANCE BY A MINOR (U/18)	FELONY	C
037228	531.320(2)(b)	PROMOTING A MINOR (U/16)IN SEX PERFORMANCE	FELONY	B
037229	531.320(2)(c)	PROMOTING A MINOR IN SEX PERFORMANCE-PHYS INJURY	FELONY	A

\* To be considered a sex crime, alleged activity should meet the definition of KRS 529.010(5B)