

Supreme Court of Kentucky

2013-11

IN RE: Authorization for the Laura and John Arnold Foundation Risk Assessment and Non-Financial Uniform Schedule of Bail Pilot Project for Ballard, Barren, Bath, Butler, Carlisle, Campbell, Jefferson, Johnson, Lawrence, Martin, Menifee, Metcalfe, Montgomery, Ohio & Rowan Counties

I. Introduction

This order hereby authorizes a pilot project for the implementation of the Laura and John Arnold Foundation (LJAF) Risk Assessment and Non-Financial Uniform Schedule of Bail in Ballard, Barren, Bath, Butler, Carlisle, Campbell, Jefferson, Johnson, Lawrence, Martin, Menifee, Metcalfe, Montgomery, Ohio & Rowan Counties ("Pilot Counties."). The district judges in the Pilot Counties have agreed to participate in this pilot project at the request of the Supreme Court of Kentucky. The pilot project will be in effect from September 1, 2013, to August 31, 2015.

II. Purpose

The purpose of this pilot project is to test the effectiveness of the LJAF Risk Assessment and Non-Financial Uniform Schedule of Bail to expedite pretrial release of low to moderate risk defendants charged with non-violent, non-sexual misdemeanors and certain Class D felony offenses and to increase efficiency by reserving resources for higher-risk defendants ordered to pretrial supervision.

III. Implementation

A. Implementation Date

The district judges in the Pilot Counties will implement the pilot project on or after September 1, 2013.

B. Use of Proposed Schedule and Exceptions

Pilot Counties will use the Uniform Local Protocol for the LJAF Risk Assessment and Non-Financial Uniform Schedule of Bail Pilot Project as attached, with the following exceptions:

1. In Butler and Ohio Counties:

- a. The following non-violent, non-sexual offenses are not eligible for release under the Schedule and require judicial review:
 - i. DUI 1st offense with a BAC of 0.15 or higher;
 - ii. DUI 1st offense with a refusal.
- b. Eligible defendants assessed as being low or low-moderate risk shall be released under the Schedule on a \$500 unsecured bond if the highest charge is a violation or misdemeanor.
- c. Eligible defendants assessed as being low risk shall be released under the Schedule on a \$1,500 unsecured bond if the highest charge is a Class D felony.
- d. Pretrial Services shall not override the risk assessment score or level for any failures to appear.
- e. Moderate risk defendants are not eligible for release under the Schedule and require judicial review.

2. In Barren and Metcalfe Counties:

- a. The following non-violent, non-sexual offenses are not eligible for release under the Schedule and require judicial review:
 - i. DUI 1st offense with a BAC of 0.15 or higher;
 - ii. DUI 1st offense with a refusal;
 - iii. DUI 1st offense where the defendant does not possess a valid, Kentucky license.
- b. Eligible defendants being assessed as low or low-moderate risk shall be released under the Schedule on a \$500 unsecured bond if the highest charge is a violation or misdemeanor.
- c. Eligible defendants being assessed as low risk shall be released under the Schedule on a \$1,500 unsecured bond if the highest charge is a Class D felony.
- d. Moderate risk defendants are not eligible for release under the Schedule and require judicial review.

3. In Johnson, Martin and Lawrence Counties:

- a. The following non-violent, non-sexual offenses are not eligible for release under the Schedule and require judicial review:
 - i. Any DUI offense;
 - ii. Any felony, drug-related offense.
- b. Eligible defendants assessed as being low, low-moderate, moderate, or moderate-high risk shall be released under this Schedule on recognizance, an unsecured bond or a surety bond.
- c. Eligible defendants assessed as low-moderate, moderate or moderate-high risk shall be supervised by Pretrial Services per the risk/needs matrix.
- d. The Pretrial Services risk assessment shall not calculate failure to appear on any non-DUI traffic case.
- e. If a defendant's risk level is affected by a case, whether a conviction or an unresolved case, in which the charge date is greater than 10 years old, no points shall be assessed for such cases on the LJAF Risk Assessment.

4. In Ballard and Carlisle Counties:

- a. The following non-violent, non-sexual offenses are not eligible for release under the Schedule and require judicial review:
 - i. DUI 1st offense with a BAC of 0.15 or higher;
 - ii. DUI 1st offense with a refusal;
 - iii. DUI 1st offense where the defendant does not possess a valid, Kentucky license.
- b. Eligible defendants being assessed as low or low-moderate risk shall be released under the Schedule on a \$500 unsecured bond if the highest charge is a violation or misdemeanor.
- c. Moderate risk defendants are not eligible for release under the Schedule and require judicial review.

- d. Defendants whose highest charge is a class D felony or higher are not eligible for release under the Schedule and require judicial review.
- e. Pretrial Services shall not override the risk assessment score or level for any failures to appear.
- f. If a defendant's risk level is affected by a case, whether a conviction or an unresolved case, in which the charge date is greater than 10 years old, no points shall be assessed for such cases on the LJAF Risk Assessment.

5. In Bath, Menifee, Montgomery and Rowan counties:

- a. The only defendants that are eligible for release under the Schedule are those charged with the following offenses:
 - i. Criminal trespass 3rd;
 - ii. Open container;
 - iii. Speeding;
 - iv. No insurance 1st, no accident;
 - v. Criminal littering;
 - vi. License to be in possession;
 - vii. Failure to register/transfer a motor vehicle;
 - viii. Failure to notify DOT of address change;
 - ix. Theft by unlawful taking/misdemeanor shoplifting, 1st offense;
 - x. Operating on a suspended license;
 - xi. Possession of marijuana;
 - xii. Possession of a legend drug;
 - xiii. Cultivating marijuana under 5 plants.
- b. Moderate risk defendants are not eligible for release under the Schedule and require judicial review.
- c. Eligible defendants being assessed as low risk charged with criminal trespass; open container; speeding; no insurance 1st, no accident; criminal littering; license to be in possession; failure to register/transfer a motor vehicle; or failure to notify DOT of address change and being assessed as low risk shall be released on a \$500 unsecured bond.
- d. Eligible defendants being assessed as low risk charged with theft by unlawful taking/misdemeanor shoplifting; operating on a suspended license; possession of marijuana; possession

of a legend drug; or cultivating marijuana under 5 plants and being assessed as low risk shall be released on a \$750 unsecured bond.

- e. Eligible defendants whose risk level has been assessed as low-moderate shall be released, after judicial approval, on an unsecured bond as defined in subsections (c) and (d), above).
- f. Pretrial Services shall not override the risk assessment score or level with the exception of one prior failure to appear on a traffic offense more than three years from the time of arrest.

B. Means of Implementation and Effect

The district judges in the Pilot Counties will implement the pilot project by means of an administrative or general order setting out their respective county's Non-Financial Uniform Schedule of Bail pursuant to and in accordance with the terms and provisions set forth in this order. While such an order constitutes an exception to this Court's longstanding requirement that matters affecting practice and procedure are more appropriately addressed by way of court rules,¹ this Court deems that an administrative or general order setting out the Non-Financial Uniform Schedule of Bail for each of the Pilot Counties is necessary under the circumstances to further the purpose of this pilot project. Thus, until such time as this pilot project expires or this Court amends or supplants the terms and provisions herein as to any county or counties, whichever occurs sooner, any administrative or general order promulgated pursuant to and in accordance with the terms and provisions herein will be of binding force and effect as if submitted to and approved by this Court.

C. Information Gathering

Pretrial Services will gather, monitor and coordinate the gathering of data necessary to monitor and evaluate the effectiveness of the LJAF Risk Assessment and Non-Financial Uniform Schedule of Bail Pilot Project. Evaluations, comments, and recommendations will be given quarterly to the Chief Justice of the Supreme Court of Kentucky.

IV. Governance

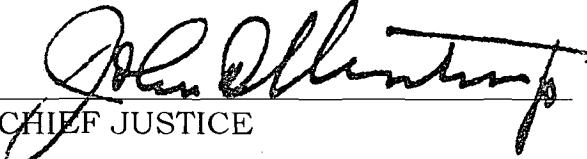
This pilot project will be governed by the Uniform Local Protocol for the LJAF Risk Assessment and Non-Financial Uniform Schedule of Bail Pilot Project and all applicable statutes and rules not inconsistent with said Schedule.

¹ Abernathy v. Nicholson, 899 S.W.2d 85 (Ky. 1995).

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 20th day of August, 2013.


CHIEF JUSTICE

**UNIFORM LOCAL PROTOCOL FOR THE LJAF
RISK ASSESSMENT AND NON-FINANCIAL
UNIFORM SCHEDULE OF BAIL PILOT PROJECT**

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 LJAF 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. "LJAF 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 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).
- G. "Risk/Needs Matrix" means the evidence-based, standardized template of the pretrial services agency which associates a defendant's risk level and needs level with a corresponding level of supervision.
- H. "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).

- I. "Supervision" means the placement of a defendant under supervision of Pretrial Services' Monitored Conditional Release program with conditions imposed by the court or pretrial services agency.
- 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: PILOT 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, and KRS 431.518.

Section 2. Risk Assessment and Risk Level

- A. All verified and eligible defendants will have their risk level assessed by use of the LJAF Risk Assessment.
- B. The risk assessment instrument, once applied to a defendant, will result in the defendant's risk level being assessed as either:
 - i. Low
 - ii. Low-moderate
 - iii. Moderate
 - iv. Moderate-High
 - v. High

- 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 level has been assessed as either low or low-moderate will be eligible under the Schedule and shall be released on recognizance with conditions as ordered by the court.
- B. Defendants charged with non-violent/non-sexual misdemeanor(s)/violation(s) whose risk level has been assessed as moderate will be eligible under the Schedule and shall be released on recognizance with supervision per the Pretrial Services risk/needs matrix.
- C. Defendants charged with one or more non-violent/non-sexual Class D felonies whose risk level has been assessed as low will be eligible under the Schedule and shall be released on recognizance or unsecured bond with conditions as ordered by the court.
- D. Defendants charged with one or more non-violent/non-sexual Class D felonies whose risk level has been assessed as low-moderate or moderate will be eligible under the Schedule and shall be released on recognizance or unsecured bond with supervision per the Pretrial Services risk/needs matrix.
- E. 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.
- 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 are not eligible under the Schedule.
- I. Defendants charged with Fugitive from Justice are not eligible under the Schedule.
- J. Defendants charged with trafficking in a controlled substance (Class D felony or higher) that have a pending trafficking in a controlled substance charge of any type or prior conviction for a trafficking in a controlled substance charge of any type are not eligible under the Schedule.
- K. Defendants who decline the pretrial services interview are not eligible under the Schedule.
- L. All defendants not eligible for release under the Schedule shall only be released upon judicial review with supervision and conditions of release ordered by the court.

Section 4. Overrides

- A. If a defendant's risk level is affected by a failure to appear (FTA) on a traffic offense no points shall be assessed for such events on the LJAF Risk Assessment.
- B. If a defendant's risk level is affected by a case, whether a conviction or an unresolved case, in which the charge date is greater than 10 years old (exclude class A, B and C felonies), no points shall be assessed for such cases on the LJAF Risk Assessment.
- C. If at any time the pretrial officer feels the facts associated with the charges or any other factors require judicial review then the pretrial officer may present the defendant to the on-call judge to set bond.
- D. 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.

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

Code	KRS	Description	Level	Class
60154	311.750	ABORTION BY NON LICENSED PERSONS	FELONY	B
02602	525.120	ABUSE OF CORPSE	MISDEMEANOR	A
02603	525.120(2)	ABUSE OF CORPSE (SEXUAL INTERCOURSE)	FELONY	D
02570	525.135(3)	TORTURE OF A DOG OR CAT- 1ST OFFENSE	MISDEMEANOR	A
02571	525.135(3)	TORTURE OF A DOG OR CAT 2ND OR>OFFENSE	FELONY	D
20003	513.020	ARSON, 1ST DEGREE	FELONY	A
20004	513.030	ARSON, 2ND DEGREE	FELONY	B
20005	513.040	ARSON, 3RD DEGREE	FELONY	D
13117	518.090	ASSAULT 3RD DEGREE - SPORTS OFFICIAL (5 OR MORE), 1ST OFF	FELONY	D
13118	518.090	ASSAULT 3RD DEGREE - SPORTS OFFICIAL, 2ND OR > OFFENSE	FELONY	D
13115	508.025(1A3)	ASSAULT 3RD-DEPT. SOCIAL SERVICES WORKER	FELONY	D
13214	525.205	ASSAULT ON SERVICE ANIMAL, 1ST DEGREE	FELONY	D
13213	525.205	ASSAULT ON SERVICE ANIMAL, 2ND DEGREE	MISDEMEANOR	B
13250	508.040(2A)	ASSAULT UNDER EXTREME EMOTIONAL DISTURBANCE	FELONY	D
13259	508.040(2B)	ASSAULT UNDER EXTREME EMOTIONAL DISTURBANCE	MISDEMEANOR	B
13150	508.010	ASSAULT, 1ST DEGREE	FELONY	B
13151	508.010	ASSAULT, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
13152	508.010	ASSAULT, 1ST DEGREE - POLICE OFFICER	FELONY	B
13160	508.020	ASSAULT, 2ND DEGREE	FELONY	C
13161	508.020	ASSAULT, 2ND DEGREE - DOMESTIC VIOLENCE	FELONY	C
13162	508.020	ASSAULT, 2ND DEGREE - POLICE OFFICER	FELONY	C
13120	508.025	ASSAULT, 3RD DEGREE (EMS, FIRE, RESCUE SQUAD)	FELONY	D
13124	508.025	ASSAULT, 3RD DEGREE (OFFICER TRANSPORTING INMATES)	FELONY	D
13123	508.025	ASSAULT, 3RD DEGREE (SCHOOL EMPLOYEE OR SCHOOL VOLUNTEER)	FELONY	D
13119	518.090	ASSAULT, 3RD DEGREE - SPORTS OFFICIAL, 1ST OFF	MISDEMEANOR	A
00799	508.030	ASSAULT, 4TH DEGREE (CHILD ABUSE)	MISDEMEANOR	A
00798	508.030	ASSAULT, 4TH DEGREE (DOMESTIC VIOLENCE) MINOR INJURY	MISDEMEANOR	A
00797	508.030	ASSAULT, 4TH DEGREE (DOMESTIC VIOLENCE) NO VISIBLE INJURY	MISDEMEANOR	A

00796	508.030	ASSAULT, 4TH DEGREE (MINOR INJURY)	MISDEMEANOR	A
00795	508.030	ASSAULT, 4TH DEGREE (NO VISIBLE INJURY)	MISDEMEANOR	A
13114	508.025(1B)	ASSAULT-3RD DEGREE-INMATE ASSAULT ON CORRECTIONS EMPLOYEE	FELONY	D
13113	508.025	ASSAULT-3RD DEGREE-POLICE/PROBATION OFFICER-IDENT WEAPON	FELONY	D
22060	511.020	BURGLARY, 1ST DEGREE	FELONY	B
41900	218A.1441	CONTROLLED SUBSTANCE ENDANGERMENT TO CHILD, 1ST DEGREE	FELONY	A
41901	218A.1442	CONTROLLED SUBSTANCE ENDANGERMENT TO CHILD, 2ND DEGREE	FELONY	B
13230	508.100	CRIMINAL ABUSE-1ST DEGREE	FELONY	C
13231	508.100(1C)	CRIMINAL ABUSE-1ST DEGREE-CHILD 12 OR UNDER	FELONY	C
13240	508.110	CRIMINAL ABUSE-2ND DEGREE	FELONY	D
13241	508.110(1C)	CRIMINAL ABUSE-2ND DEGREE-CHILD 12 OR UNDER	FELONY	D
00810	508.120	CRIMINAL ABUSE-3RD DEGREE	MISDEMEANOR	A
00811	508.120(1C)	CRIMINAL ABUSE-THIRD DEGREE-CHILD 12/UNDER	MISDEMEANOR	A
02618	509.080	CRIMINAL COERCION	MISDEMEANOR	A
51005	525.125	CRUELTY TO ANIMALS-1ST DEGREE	FELONY	D
02625	525.130	CRUELTY TO ANIMALS-2ND DEGREE	MISDEMEANOR	A
00404		DOMESTIC VIOLENCE & ABUSE, DUTIES OF LAW ENFORCEMENT AGENCY	OTHER	
02030	209.990(1)	FAILURE TO REPORT ABUSE/NEGLECT/EXPLOIT OF ADULT	MISDEMEANOR	B
60155	311.641(2)	FALSIFY/WITHOLD MEDICAL TREATMENT CONTRARY TO PERSON	FELONY	B
02031	209.990(2)	KNOWINGLY ABUSE/NEGLECT OF ADULT BY PERSON	FELONY	C
02032	209.990(3)	WANTON ABUSE/NEGLECT OF ADULT BY PERSON	FELONY	D
02033	209.990(4)	RECKLESS ABUSE/NEGLECT OF ADULT BY PERSON	MISDEMEANOR	A
02034	209.990(5)	KNOWINGLY EXPLOIT ADULT BY PERSON O/\$300	FELONY	C
02035	209.990(6)	WANTON/ RECKLESS EXPLOIT ADULT BY PERSON O/\$300	FELONY	D
02036	209.990(7)	KNOWINGLY/WANTON/RECKLESS EXPLOIT OF ADULT BY PERSON U/\$300	MISDEMEANOR	A
49011	520.020	ESCAPE 1ST DEGREE-IDENTIFY INSTITUTION	FELONY	C
09300	507A.020	FETAL HOMICIDE, 1ST DEGREE	FELONY	A

09301	507A.030	FETAL HOMICIDE, 2ND DEGREE	FELONY	B
09302	507A.040	FETAL HOMICIDE, 3RD DEGREE	FELONY	C
09303	507A.050	FETAL HOMICIDE, 4TH DEGREE	FELONY	D
09151	507.020	MURDER- DOMESTIC VIOLENCE	FELONY	A
40100	529.100	HUMAN TRAFFICKING	FELONY	C
40101	529.100	HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY)	FELONY	B
40103	529.100	HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY) VICTIM U/18 YOA	FELONY	A
40104	529.110	PROMOTING HUMAN TRAFFICKING	FELONY	D
40105	529.110	PROMOTING HUMAN TRAFFICKING (VICTIM U/18 YOA)	FELONY	C
36051	520.020	INCEST - FORCIBLE COMPULSION/INCAP OF CONSENT, OR U/18 YOA	FELONY	B
36052	520.020	INCEST - VICTIM U/12 YOA OR SERIOUS PHYSICAL INJURY	FELONY	A
00172	510.148	INDECENT EXPOSURE-1ST DEGREE 3RD OFFENSE	FELONY	D
01753	510.148	INDECENT EXPOSURE-1ST DEGREE 4TH OR> OFFENSE	FELONY	D
51201	524.04	INTIMIDATING A PARTICIPANT IN LEGAL PROCESS	FELONY	D
59807	119.255	INTIMIDATION OF ELECTION OFFICER	FELONY	D
10060	509.040	KIDNAPPING-ADULT	FELONY	B
10050	509.040	KIDNAPPING-MINOR	FELONY	B
10072	509.040	KIDNAPPING-VICTIM DEATH	FELONY	A
10071	509.040	KIDNAPPING-WITH SERIOUS PHYSICAL INJURY	FELONY	A
09653	277.355	KN DROP. THROW OBJ AT/ON/IN PATH OF RR VEH CAUS SER PHYS INJ	FELONY	B
09665	277.355	KNOW DEF/DAM/OBS/REM/IMP OP OF SIG/DEV CAUS SER PHY INJ	FELONY	B
60229	315.320	KNOW AID UNL PER/PHAR U/INT DISP SCH 1 CONT SUB/SER PHY INJ	FELONY	B
41802	250.991(2)	KNOW POSS ANHYDROUS AMM O/APP CONT W/INT TO MANF METH 2ND/>	FELONY	A
09201	507.030	MANSLAUGHTER-1ST DEGREE	FELONY	B
09202	507.040	MANSLAUGHTER-2ND DEGREE	FELONY	C
00803	508.050	MENACING	MISDEMEANOR	B
09150	507.020	MURDER	FELONY	A
09151	507.020	MURDER - DOMESTIC VIOLENCE	FELONY	A

09152	507.020	MUDER-POLICE OFFICER	FELONY	A
10970	510.155	PROH USE OF ELEC COMM SYS TO PROC MINOR/PEACE OFF R/SEX OFF	FELONY	D
37229	531.320(2C)	PROMOTING A MINOR IN SEX PERFORMANCE-PHYSICAL INJURY	FELONY	A
37228	531.320(2B)	PROMOTING A MINOR U/16 IN SEX PERFORMANCE	FELONY	B
37230	531.320(A)	PROMOTING A SEXUAL PERFORMANCE BY A MINOR U/18	FELONY	C
10990	510.040	RAPE, 1ST DEGREE	FELONY	B
10992	510.040	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
10993	510.040	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE W/SERIOUS PHYSICAL INJ	FELONY	A
10995	510.040	RAPE, 1ST DEGREE - INCAP OF CONST/PHYS HELP W/SER PHYS INJ	FELONY	A
10994	510.040	RAPE, 1ST DEGREE - INCAPABLE OF CONSENT/PHYSICALLY HELPLESS	FELONY	B
10996	510.040	RAPE, 1ST DEGREE - VICTIM <12 YOA	FELONY	A
10991	510.040	RAPE, 1ST DEGREE W/SERIOUS PHYSICAL INJURY	FELONY	A
11161	510.050	RAPE, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX SUB)	FELONY	C
11162	510.050	RAPE-2ND DEGREE-NO FORCE	FELONY	C
09210	507.050	RECKLESS HOMICIDE	FELONY	D
28023	514.110	REC STOL PROP (ANHYDROUS AMMONIA) W/INT TO MAKE METH 2ND>	FELONY	A
02404	520.090	RESISTING ARREST	MISDEMEANOR	A
53031	525.020	RIOT-1ST DEGREE	FELONY	D
12002	515.020	ROBBERY, 1ST DEGREE	FELONY	B
12003	515.030	ROBBERY, 2ND DEGREE	FELONY	C
01709	510.130	SEXUAL ABUSE - 3RD DEGREE	MISDEMEANOR	B
11221	510.110	SEXUAL ABUSE, 1ST DEG, VICTIM U/12 YEARS OF AGE	FELONY	C
11220	510.110	SEXUAL ABUSE, 1ST DEGREE	FELONY	D
11222	510.120	SEXUAL ABUSE, 2ND DEGREE	MISDEMEANOR	A
11230	510.110	SEX OFFENSE-PRIOR TO PENAL CODE	FELONY	B
11185	510.070	SODOMY, 1ST DEG - INCAP CONST/PHYS HELP W/SERIOUS PHYS INJ	FELONY	A
11184	510.070	SODOMY, 1ST DEG - INCAPABLE OF CONSENT/PHYSICALLY HELPLESS	FELONY	B

11180	510.070	SODOMY, 1ST DEGREE	FELONY	B
11183	510.070	SODOMY, 1ST DEGREE - DOMESTIC VIOL - W/SERIOUS PHYSICAL INJ	FELONY	A
11182	510.070	SODOMY, 1ST DEGREE - DOMESTIC VIOLENCE	FELONY	B
11186	510.070	SODOMY, 1ST DEGREE - VICTIM <12 YOA	FELONY	A
11181	510.070	SODOMY, 1ST DEGREE W/SERIOUS PHYSICAL INJURY	FELONY	A
11201	510.080	SODOMY, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX SUB)	FELONY	C
11205	510.090	SODOMY, 3RD DEGREE	FELONY	D
11202	510.080	SODOMY-2ND DEGREE	FELONY	C
13242	508.140	STALKING-1ST DEGREE	FELONY	D
13243	508.150	STALKING-2ND DEGREE	MISDEMEANOR	A
41805	250.991(3)	TAMP W/ANHYDROUS AMN W/INT TO MAKE METH 2ND OR>	FELONY	A
23103	514.030	TBUT (ANHYDROUS AMMONIA) W/INT TO MAKE METH 2ND OR>	FELONY	A
00820	508.075	TERRORISTIC THREATENING, 1ST DEGREE	FELONY	C
00821	508.078	TERRORISTIC THREATENING, 2ND DEGREE	FELONY	D
00822	508.080	TERRORISTIC THREATENING, 3RD DEGREE	MISDEMEANOR	A
23240	514.080	THEFT BY EXTORTION	FELONY	D
01119	514.080	THEFT BY EXTORTION	MISDEMEANOR	A
02571	525.135(3)	TORTURE OF A DOG OR CAT 2ND OR > OFFENSE	FELONY	D
02570	525.135(3)	TORTURE OF A DOG OR CAT-1ST OFFENSE	MISDEMEANOR	A
09661	277.355	UNAU DIS/DEL/PRE OP OF VEH ON TCK CAUS SER PHYS INJ	FELONY	B
09657	277.355	UNAU CLIMB ON/IN RR VEH ON TCK CAUS SERIOUS PHYS INJ	FELONY	B
10201	509.020	UNLAWFUL IMPRISONMENT-1ST DEGREE	FELONY	D
02606	509.030	UNLAWFUL IMPRISONMENT-2ND DEGREEE	MISDEMEANOR	A
38115	530.064(1)(B)	UNLAW TRANS W/MINOR 1ST DEGREE ILL CONT SUB, PHYS INJ	FELONY	A
38114	530.064(1)(A)	UNLAW TRANS W/MINOR 1ST ILLEGAL SEX ACT PHYS INJ	FELONY	A
38112	530.064(1)(A)	UNLAW TRANS W/MINOR 1ST ILLEGAL SEX ACT U/16 YOA	FELONY	B
38113	530.064(1)(B)	UNLAW TRANS W/MINOR 1ST ILL CONT SUBSTANCE U/16	FELONY	B
60227	315.320	UNLIC PER/PHAR U/INTERNET DISPNS SCH 1 CONT SUB/SER PHY INJ	FELONY	B
37219	531.310(2C)	USE OF A MINOR IN SEX PERFORMANCE-PHYSICAL INJURY	FELONY	A

37218	531.310(2B)	USE OF A MINOR U/16 IN A SEX PERFORMANCE	FELONY	B
37220	531.310(2A)	USE OF A MINOR U/18 IN A SEXUAL PERFORMANCE	FELONY	C
02540	527.200	USE OF WEAPON OF MASS DESTRUCTION (1ST DEGREE)	FELONY	A
02541	527.205	USE OF WEAPON OF MASS DESTRUCTION (2ND DEGREE)	FELONY	B
02552	527.080(2)(D)	USING RESTRICTED AMMO DURING FELONY (PERSON KILLED)	FELONY	A
02551	527.080(2)(C)	USING RESTRICTED AMMO DURING FELONY (PERSON WOUNDED)	FELONY	B
02032	209.990(3)	WANTON ABUSE/NEGLECT OF ADULT BY PERSON	FELONY	D
13201	508.060	WANTON ENDANGERMENT-1ST DEGREE	FELONY	D
13221	508.060	WANTON ENDANGERMENT-1ST DEGREE-POLICE OFFICER	FELONY	D
00441	508.070	WANTON ENDANGERMENT-2ND DEGREE	MISDEMEANOR	A
00444	508.070	WANTON ENDANGERMENT-2ND DEGREE-POLICE OFFICER	MISDEMEANOR	A

Appendix C. List of Sexual Offenses

<u>KRS</u>	<u>Chap.</u>	<u>Viol. Code</u>	<u>Violation Description</u>	<u>Class</u>	<u>Type</u>
17.545	17	01684	REGISTERED SEX OFFENDER REGISTRATION RESTRICTIONS (1ST OFFENSE)	A	M
17.545	17	01685	REGISTERED SEX OFFENDER RESIDENCE RESTRICTIONS (2ND OR > OFF)	D	F
17.546	17	01660	SEX OFFENDER IM/CHAT/SOCIAL NETWORK USE	A	M
17.549	17	01686	FALSE STMT LAW ENFORCEMENT RE NON-COMPLIANT SEX OFF REG, 1ST OFF	A	M
17.549	17	01687	FALSE STMT TO LAW ENFC RE NON-COMPLIANT SEX OFF REG, 2ND OR >	D	F
17.549	17	01688	HARBORING NON-COMPLIANT SEX OFFENDER REGISTRANT, 1ST OFF	A	M
17.549	17	01689	HARBORING NON-COMPLIANT SEX OFFENDER REGISTRANT, 2ND OR > OFF	D	F
17.510(11)	17	01680	FAILURE TO COMPLY W/SEX OFFENDER REGISTRATION (1ST OFF)	D	F
17.510(11)	17	01681	FAILURE TO COMPLY W/SEX OFFENDER REGISTRATION (2ND OR > OFFENSE)	C	F
17.510(12)	17	01682	PROVIDE FALSE/MISLEAD/INCOMP INFO FOR SEX OFF REGISTRATION, 1ST OFF	D	F
17.510(12)	17	01683	PROVIDE FALSE/MISLEAD/INCOMP INFO FOR SEX OFF REGISTRATION, 2ND OR > OFF	C	F
17.54S(2)	17	01667	REGISTER SEX OFFENDER SCHOOL RESTRICTIONS	A	M
510.015	510	11229	3RD OR SUBSEQUENT MISDEMEANOR SEXUAL OFFENSE	D	F
510.040	510	10990	RAPE, 1ST DEGREE	B	F
510.040	510	10991	RAPE, 1ST DEGREE W-SERIOUS PHYSICAL INJURY	A	F
510.040	510	10992	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE	B	F
510.040	510	10993	RAPE, 1ST DEGREE - DOMESTIC VIOL - W-SERIOUS PHYSICAL INJURY	A	F
510.040	510	10994	RAPE, 1ST DEGREE - INCAPABLE OF CONSENT-PHYSICALLY HELPLESS	B	F
510.040	510	10995	RAPE, 1ST DEG - INCAP OF CONSENT/PHYS HELP - W/SER PHYS INJ	A	F
510.040	510	10996	RAPE, 1ST DEGREE - VICTIM <12 YEARS OF AGE	A	F
510.050	510	11161	RAPE, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX SUBSTANCE)	C	F
510.050	510	11162	RAPE 2ND DEGREE-NO FORCE	C	F
510.060	510	11165	RAPE, 3RD DEGREE	D	F
510.070	510	11180	SODOMY, 1ST DEGREE	B	F
510.070	510	11181	SODOMY, 1ST DEGREE - W SERIOUS PHYSICAL INJURY	A	F
510.070	510	11182	SODOMY, 1ST DEGREE - DOMESTIC VIOLENCE	B	F
510.070	510	11183	SODOMY, 1ST DEGREE - DOMESTIC VIOL - W-SERIOUS PHYSICAL INJ	A	F
510.070	510	11184	SODOMY, 1ST DEGREE - INCAP OF CONSENT-PHYSICALLY HELPLESS	B	F
510.070	510	11185	SODOMY, 1ST DEG - INCAP OF CONSENT/PHYS HELPLESS -W SER PHYS INJ	A	F

510.070	510	11186	SODOMY, 1ST DEGREE - VICTIM <12 YRS OF AGE	A	F
			SODOMY, 2ND DEGREE (MENTALLY INCAPACITATED BY INTOX		
510.080	510	11201	SUBSTANCE)	C	F
510.080	510	11202	SODOMY 2ND DEGREE	C	F
510.090	510	11205	SODOMY, 3RD DEGREE	D	F
510.110	510	11220	SEXUAL ABUSE, 1ST DEGREE	D	F
510.110	510	11221	SEXUAL ABUSE, 1ST DEGREE, VICTIM U/12 YEARS OF AGE	C	F
510.120	510	11222	SEXUAL ABUSE, 2ND DEGREE	A	M
510.130	510	01709	SEXUAL ABUSE - 3RD DEGREE	B	M
510.140	510	01710	SEXUAL MISCONDUCT	A	M
510.140	510	01712	SEXUAL MISCONDUCT-SPOUSE	A	M
510.148	510	01750	INDECENT EXPOSURE, 1ST DEGREE, 1ST OFFENSE	B	M
510.148	510	01751	INDECENT EXPOSURE, 1ST DEGREE, 2ND OFFENSE (W/1 3 YRS)	A	M
510.148	510	01752	INDECENT EXPOSURE, 1ST DEGREE, 3RD OFFENSE	D	F
510.148	510	01753	INDECENT EXPOSURE, 1ST DEGREE, 4TH OR > OFFENSE	D	F
510.150	510	01754	INDECENT EXPOSURE, 2ND DEGREE	B	M
			PROH USE OF ELEC COM SYS TO PROCURE MINOR/PEACE OFF		
510.155	510	10970	RE: SEX OFFENSES	D	F
510.***	510	11230	SEX OFFENSE - OTHER - PRIOR TO PENAL CODE	B	F
525.120(2)	525	02603	ABUSE OF CORPSE (SEXUAL INTERCOURSE)	D	F
529.020	529	01600	PROSTITUTION	B	M
529.040	529	40190	PROMOTING PROSTITUTION	A	M
529.040	529	40191	PROMOTING PROSTITUTION (2 OR MORE PROSTITUTES)	D	F
529.070	529	01604	PERMITTING PROSTITUTION	B	M
529.080	529	01605	LOITERING FOR PROSTITUTION PURPOSES 2ND > OFFENSE	B	M
529.080	529	01606	LOITERING FOR PROSTITUTION PURPOSES 1ST OFFENSE		V
529.100*	529	40100	HUMAN TRAFFICKING*	C	F
529.100*	529	40101	HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY)*	B	F
529.100*	529	40102	HUMAN TRAFFICKING (VICTIM U/18 YOA)*	B	F
			HUMAN TRAFFICKING (SERIOUS PHYSICAL INJURY) VICTIM U/18		
529.100*	529	40103	YOA*	A	F
529.110*	529	40104	PROMOTING HUMAN TRAFFICKING*	D	F
529.110*	529	40105	PROMOTING HUMAN TRAFFICKING (VICTIM U/18 YOA)*	C	F
529.090(2)	529	01607	PROSTITUTION WHILE INFECTED (S.T.D.)	A	M
529.090(3)	529	01608	PROSTITUTION WHILE INFECTED (H.I.V.)	D	F
529.090(4)	529	01609	PROSTITUTION, PROCURING WHILE INFECTED (H.I.V.)	D	F
530.010	530	38040	BIGAMY	D	F
530.020	530	36050	INCEST	C	F
			INCEST - FORCIBLE COMPULSION/INCAPABLE OF CONSENT OR		
530.020	530	36051	U/18 YOA	B	F
530.020	530	36052	INCEST - VICTIM U/12 YOA OR SERIOUS PHYSICAL INJURY	A	F
530.064(1)(a			UNLAWFUL TRANSACTION W/MINOR, 1ST - ILLEGAL SEX ACT,		
)	530	38110	U/18 YOA	C	F
530.064(1)(a			UNLAWFUL TRANSACTION W/MINOR, 1ST - ILLEGAL SEX ACT,		
)	530	38112	U/16 YOA	B	F

530.064(1)(a)	530	38114	UNLAWFUL TRANSACTION W/MINOR, 1ST - ILL SEX ACT, PHYS INJ	A	F
)	531	01713	DISTRIBUTION OF OBSCENE MATTER-1 UNIT OF MATTER	B	M
531.020	531	01714	DISTRIBUTION OF OBSCENE MATTER >1 UNIT OF MATTER	A	M
531.020	531	37200	DISTRIB OBSCENE MATTER TO MINORS W/PRIOR CONVICT	D	F
531.030	531	37201	DISTRIBUTION OBSCENE MATTER TO MINORS 1ST OFF	A	M
531.040	531	37202	USING MINOR TO DISTRIBUTE OBSCENE MATTER 1ST OFF	A	M
531.040	531	37210	USE MINOR TO DISTRIB OBSCENE MATTER W/PAST CONVICT	D	F
531.050	531	01716	ADVERTISING OBSCENE MATERIAL	B	M
531.060	531	01717	PROMOTING SALE OF OBSCENITY 1ST OFFENSE	B	M
531.060	531	01722	PROMOTING SALE OBSCENEITY 2ND OFFENSE	A	M
531.060	531	37020	PROMOTING SALE OF OBSCENITY 3RD OR > OFFENSE	D	F
531.090	531	01730	VOYEURISM	A	M
531.100	531	01740	VIDEO VOYEURISM	D	F
531.335	531	37272	POSSESS/VIEW MATTER PORTRAY SEXUAL PERFORMANCE BY MINOR	D	F
531.340	531	37280	DIST OF MATTER PORTRAYING SEXUAL PERF BY MINOR, 1ST OFF	D	F
531.340	531	37281	DIST OF MATTER PORTRAYING SEX PERF BY MINOR, 2ND OR > OFF	C	F
531.350	531	01720	PROM-SALE/MATTER PORTRAY SEX PERFORM-MINOR/1ST OFF	A	M
531.350	531	37250	PROM SALE OF MATTER PORT SEX PERF BY MINOR 2ND OFF	D	F
531.350	531	37251	PROMO SALE OF MAT PORTRAY MINOR SEX PERF >2ND OFF	C	F
531.360	531	01723	ADVERTISING MATTER PORTRAY SEX PERF BY MINOR, 1ST OFF	D	F
531.360	531	01724	ADVERTISING MATTER PORTRAY SEX PERF BY MINOR, 2ND OR > OFF	C	F
531.370	531	37260	USE MINOR TO DIST MAT PORT SEX PER MINOR 1ST OFF	D	F
531.370	531	37261	USE MINOR TO DIST MAT PORT SEX PER MINOR 2 > OFF	C	F
531.310(2A)	531	37220	USE OF A MINOR (U/18) IN A SEXUAL PERFORMANCE	C	F
531.310(2B)	531	37218	USE OF A MINOR (U/16) IN A SEX PERFORMANCE	B	F
531.310(2C)	531	37219	USE OF A MINOR IN A SEX PERFORMANCE-PHYS INJURY	A	F
531.320(2A)	531	37230	PROMOTING A SEXUAL PERFORMANCE BY A MINOR (U/18)	C	F
531.320(2B)	531	37228	PROMOTING A MINOR (U/16)IN SEX PERFORMANCE	B	F
531.320(2C)	531	37229	PROMOTING A MINOR IN SEX PERFORMANCE-PHYS INJURY	A	F

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