

Kentucky



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Kentucky, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Records Protection:

Kentucky requires that records of the offense are destroyed, purged, or otherwise permanently irretrievable once the survivor is awarded criminal record relief.

Arrests and Adjudication Relief:

Kentucky allows trafficking survivors to clear their record of non-prosecuted cases, incident reports, arrests, any information related to an arrest, adjudications, and convictions.

NEEDS IMPROVEMENT:

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Kentucky is inadequate because relief only applies to non-violent offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Kentucky would expand the statute to include all offenses so more survivors are eligible for relief.

Survivor Must Notify Victim When Applying for Relief:

The statute requires a survivor to notify any victims of the original offense before applying for relief. In some cases, the victims of the original offense can submit impact statements that may impact the ability of the survivor to receive criminal record relief. This is problematic because the victim may not be aware of the survivor's victimization, or they may have been connected to the victimization as a trafficker or buyer. In these scenarios, notifying the victim may put the trafficking survivor at risk. Further, notifying a victim and allowing them to submit a statement puts the blame on the survivor for an offense they committed under coercion, force, or threat.

Hearing Requirement:

Kentucky requires a hearing in all instances for any petition for relief. However, hearing requirements can be time-consuming, expensive, and traumatizing for survivors. Ideally, hearings would not be required. A better middle ground would be to make the hearing conditional upon objection by other stakeholders.



Statute: [Ky. Rev. Stat. § 529.160](#)