

2019

KENTUCKY GENERAL ASSEMBLY

EFFECTIVE DATE OF MOST NEW LEGISLATION IS

JUNE 27, 2019

****Unless noted as different in individual statutes***

NOTE - CERTAIN BILLS ARE EMERGENCY LEGISLATION AND EFFECTIVE IMMEDIATELY UPON THE SIGNATURE OF THE GOVERNOR (SEE INDIVIDUAL STATUTES DENOTED IN RED). SEVERAL STATUTES HAVE STAGGERED ENACTMENT DATES AS WELL.

STATUTES ARE NOT CONSIDERED OFFICIAL UNTIL PUBLISHED BY THE LEGISLATIVE RESEARCH COMMISSION ON THE KENTUCKY STATE WEBSITE.

THIS SUMMARY DOES NOT INCLUDE STATUTES RELATED TO EXPUNGEMENT, RETIREMENT OR SPECIALIZED ENFORCEMENT (THOSE THAT RELATE ONLY TO A SINGLE AGENCY)

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SENATE

SENATE BILL 1 SCHOOL SAFETY

EMERGENCY

SEE ALSO SENATE BILL 162 for additional definitions that will be added to KRS 158.441 as well.

Section 1. KRS 158.441 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

EDITED

(2) "School resource officer" **or "SRO"** means an~~[a sworn law enforcement]~~ officer who has specialized training to work with youth at a school site~~[-.]~~ **and is:**

(a) 1. A sworn law enforcement officer; or

2. A special law enforcement officer appointed pursuant to KRS 61.902; and~~[The school resource officer shall be employed:]~~

(b) Employed:

1.~~[(a)]~~ Through a contract between a local law enforcement agency and a school district;~~[-or]~~

2.~~[(b)]~~ Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; ~~or~~~~[(and)]~~

3. Directly by a local board of education;

(3) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters; and

(4) "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.~~["School security officer" means a person employed by a local board of education who has been appointed a special law enforcement officer pursuant to KRS 61.902 and who has specialized training to work with youth at a school site.]~~

Section 2. KRS 158.442 is amended to read as follows:

(1) The General Assembly hereby authorizes the establishment of the Center for School Safety. The center's mission shall be to serve as the central point for data analysis; research; dissemination of information about successful school safety **and school security** programs, **best practices, training standards,** research results, and new programs; and, in collaboration with the Department of Education and others, to provide technical assistance for safe schools.

(2) To fulfill its mission, the Center for School Safety shall:

EDITED

- (h) Advise the Kentucky Board of Education on administrative policies and administrative regulations relating to school safety and security;~~and~~
- (i) Beginning July 1, 2020 and by July 1 of each subsequent year, provide an annual report ~~by July 1 of each year~~ to the Governor, the Kentucky Board of Education, and the Interim Joint Committee on Education regarding the status of school safety in Kentucky, including the number and placement of school resource officers working in school districts in Kentucky and the source of funding and method of employment for each position in accordance with KRS 158.4414;
- (j) Develop and implement a school safety coordinator training program based on national and state best practices in collaboration with the Kentucky Department of Education for school safety coordinators appointed pursuant to Section 5 of this Act. The training shall be approved by the board of directors of the Center for School Safety and include instruction on at least the following:
1. Policies and procedures for conducting emergency response drills using an all-hazards approach including hostage and active shooter situations;
 2. Identification and response to threats to school safety and security; and
 3. Preparing for, conducting, and reviewing school security risk assessments in accordance with KRS 158.4410; and
- (k) Award a school safety coordinator certificate of completion to a school safety coordinator upon satisfactory completion of the training program.
- (3) The Center for School Safety shall be governed by a board of directors consisting of fifteen (15) members ~~appointed by the Governor~~. Members shall consist of:
- (a) The commissioner or a designee of the Department of Education;
 - (b) The secretary~~commissioner~~ or a designee of the Cabinet for Health and Family Services~~Department of Juvenile Justice~~;
 - (c) The commissioner or a designee of the Department for Behavioral Health, Developmental and Intellectual Disabilities;
 - (d) The commissioner or a designee of the Department of Kentucky State Police~~for Community Based Services~~;
 - (e) The commissioner ~~secretary~~ or a designee of the Department of Criminal Justice Training~~Education and Workforce Development Cabinet~~;
 - (f) The executive director or a designee of the Kentucky Office of Homeland Security~~A juvenile court judge~~;
 - (g) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky League of Cities~~A local school district board of education member~~;
 - (h) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Boards Association~~A local school administrator~~;
 - (i) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Superintendents~~A school council parent representative~~;
 - (j) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Resource Officers~~A teacher~~;

- (k) **A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Education Association**[A classified school-employee];[and]
- (l) **A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Nurses Association**;~~[A superintendent of schools who is a member of the Kentucky Association of School Administrators.]~~
- (m) **A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association for Psychology in the Schools**;
- (n) **A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Counselor Association**; and
- (o) **A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Parent Teacher Association**.
- (4) Notwithstanding KRS 12.028, the Center for School Safety and its board of directors shall not be subject to reorganization by the Governor.** [~~In appointing the board of education member, the school administrator, the school superintendent, the school council parent member, the teacher, and the classified employee, the Governor shall solicit recommendations from the following groups respectively: the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of School Councils, the Kentucky Education Association, and the Kentucky Education Support Personnel Association. The initial board shall be appointed by July 15, 1998. The board shall hold its first meeting no later than thirty (30) days after the appointment of the members.~~]

Section 3. KRS 158.443 is amended to read as follows:

EDITED

(5) The board of directors shall appoint an executive director for the Center for School Safety and establish all positions for appointment by the executive director.

(6) Using a request-for-proposal process, the board of directors shall select a public university **or a nonprofit education entity** to administer the Center for School Safety for a period of not less than four (4) years unless funds for the center are not appropriated or the board determines that the **administrator for the center**[university] is negligent in carrying out its duties as specified in the request for proposal and contract. [~~The initial request for proposals shall be issued not later than September 15, 1998. The board shall select a university no later than January 1, 1999.~~] The **administrator for the center**[university] shall be the fiscal agent for the center and:

(a) Receive funds based on the approved budget by the board of directors and the General Assembly's appropriation for the center. The center shall operate within the fiscal policies of **the administrator of the center**[university] and in compliance with policies established by the board of directors per the request for proposal and contract; and

(b) Employ the staff of the center who shall have the retirement and employee benefits granted other similar [university]employees of the administrator of the center.

EDITED

(9) The board of directors shall additionally:

(a) Approve a school safety coordinator training program developed by the Center for School Safety in accordance with KRS 158.442;

(b) Approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A; and

(c) Within one (1) year of the March 11, 2019, review the organizational structure and operations of the Center for School Safety and provide recommendations, as needed, for improvements in its organizational and operational performance.

EDITED

SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

KRS 158.4410 School safety security marshal, duties and responsibilities – Marshal appointed by and reporting to the commissioner of the Department of Criminal Justice Training – Annual report to the Center for School Safety, the Legislative Research Commission, and the Kentucky Board of Education – School security risk assessment tool, purpose – Areas considered when evaluating school security – Annual verification of completion of state security risk assessment – Additional mandatory training, when required.

(1) There is established within the Department of Criminal Justice Training the office of the state school security marshal. The state school security marshal shall enhance school safety by monitoring school safety and security initiatives, developing reasonable training and other guidelines, developing a school security risk assessment tool pursuant to subsection (5) of this section, and ensuring compliance with the provisions of subsection (7) of this section and KRS 158.162(3).

(2) The office of the state school security marshal shall conduct on-site reviews to ensure compliance with subsection (7) of this section and KRS 156.162(3) as deemed necessary by the state school security marshal.

(3) The state school security marshal shall be appointed by and report to the commissioner of the Department of Criminal Justice Training.

(4) By September 1 of each year the state security marshal shall present an annual report to the board of the Center for School Safety which shall consist of a summary of the findings and recommendations made regarding the school safety and security activity of the previous school year and other items of significance as determined by the Center for School Safety or the Department of Criminal Justice Training. Once presented, the annual report information shall also be submitted to the Legislative Research Commission and the Kentucky Board of Education.

(5) By July 1, 2020, the state school security marshal shall develop and update as necessary a school security risk assessment tool in collaboration with the Center for School Safety and the Kentucky Department of Education to be used by local school districts to identify threats, vulnerabilities, and appropriate safety controls for each school within the district. The tool shall be approved by the board of directors of the Center for School Safety pursuant to of KRS 158.443(9)(b) and used by local school administrators when completing a school security risk assessment in accordance with this section.

(6) The assessment tool shall enable administrators to evaluate school security compared to best practices and standards in a minimum of the following areas:

(a) School emergency and crisis preparedness planning;

(b) Security, crime, and violence prevention policies and procedures;

(c) Physical security measures;

(d) Professional development training needs;

(e) Support service roles in school safety, security, and emergency and crisis preparedness planning;

(f) School resource officer staffing, operational practices, and related services;

(g) School and community collaboration on school security; and

(h) An analysis of the cost effectiveness of recommended physical security controls.

(7) No later than July 15, 2021, and each subsequent year, the local district superintendent shall send verification to the state school security marshal and the Kentucky Department of Education that all schools within the district have completed the school security risk assessment for the previous year. School security risk assessments shall be excluded from the application of KRS 61.870 to 27 61.884 pursuant to KRS 61.878(1)(m).

(8) Beginning with the 2021-2022 school year and each subsequent year, any school that has not completed a school security risk assessment in the previous year shall be required to provide additional mandatory training as established by the Department of Criminal Justice Training for all staff employed at the school.

SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

KRS 158.4412 Appointment of district-level school administrator to serve as district's school safety coordinator – School safety coordinator's functions and duties – Policies and procedures excluded from application of KRS 61.870 to 61.884 – Limitation of civil and criminal liability for school district, school safety coordinator, and school employees acting in good faith.

(1) Beginning with the 2019-2020 school year, each local school district superintendent shall appoint a district-level school administrator to serve as the district's school safety coordinator and primary point of contact for public school safety and security functions.

(2) The district's school safety coordinator shall:

(a) Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;

(b) Designate a school safety and security threat assessment team at each school of the district consisting of two (2) or more staff members in accordance with policies and procedures adopted by the local board of education to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel;

(c) Provide training to school principals within the district on procedures for completion of the school security risk assessment required pursuant to KRS 158.4410;

(d) Review all school security risk assessments completed within the district and prescribe recommendations as needed in consultation with the state school security marshal;

(e) Advise the local school district superintendent by July 1, 2021, and annually thereafter of completion of required security risk assessments;

(f) Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; and

(g) Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.

(3) The school district, school safety coordinator, and any school employees participating in the activities of a school safety and security threat assessment team, acting in good faith upon reasonable cause in the identification of students pursuant to subsection (2)(b) of this section shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:

(a) Identifying the student and implementing a response pursuant to policies and procedures adopted under subsection (2)(b) of this section; or

(b) Participating in any judicial proceeding that results from the identification.

SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

KRS 156.4414 Cooperation of school personnel with local and state law enforcement agencies in efforts to assign certified school resource officers to each school as funds and personnel become available – Memorandum of understanding between local boards of education and law enforcement agencies or the Kentucky State Police – Policies and procedures stating the purpose of the school resource officer program and defining roles and expectations – Promulgation of administrative regulations establishing levels of training for

certification of school resource officers – Course curriculum, specifications for training requirements, and consequences for deficiencies in required training – Officers to regain certification status upon completion of training deficiency – Local school district superintendents to report annually to the Center for School Safety upon the number and placement of school resource officers in the district, source of funding, and methods of employment for each position.

(1) Local boards of education, school district superintendents, and local and state law enforcement agencies shall cooperate to assign one (1) or more certified school resource officers to each school within a school district as funds and qualified personnel become available.

(2) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.

(3) Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.

(4) On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish three (3) levels of training for certification of school resource officers first employed as a school resource officer on or after the effective date of this Act: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours of training, with SRO I to be completed within one (1) year of the date of the officer's employment and SRO II and SRO III within the subsequent two (2) years.

(5) Course curriculum for school resource officers employed on or after March 11, 2019 shall include but not be limited to:

(a) Foundations of school-based law enforcement;

(b) Threat assessment and response;

(c) Youth drug use and abuse;

(d) Social media and cyber security;

(e) School resource officers as teachers and mentors;

(f) Youth mental health awareness;

(g) Diversity and bias awareness training;

(h) Trauma-informed action;

(i) Understanding students with special needs; and

(j) De-escalation strategies.

(6) Effective January 1, 2020, all school resource officers with active certification status shall successfully complete forty (40) hours of annual in-service training

that has been certified or recognized by the Kentucky Law Enforcement Council for school resource officers.

(7) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the Department of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.

(8) Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer work in a school.

(9) When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer's employing agency.

(10) A school resource officer who has lost school resource officer certification due solely to the officer's failure to meet the training requirements of this section may regain certification status as a school resource officer and return to a school setting upon successful completion of the training deficiency.

(11) No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.

Section 7. KRS 15.330 is amended to read as follows:

(1) The council is vested with the following functions and powers:

* * * * *

(h) To promulgate reasonable rules and administrative regulations in accordance with KRS Chapter 13A to accomplish the purposes of KRS 15.310 to 15.404 and KRS 158.4414;

Section 8. KRS 15.380 is amended to read as follows:

(1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified:

* * * * *

(e) School resource~~[security]~~ officers as defined in KRS 158.441 and employed or appointed under KRS 158.4414~~by local boards of education who are special law enforcement officers appointed under KRS 4 61.902~~];

EDITED

(4) The following officers may, upon request of the employing agency, be certified by the council:

* * * * *

(f) Officers appointed under KRS 61.902, except those who are school resource[security] officers ***as defined in KRS 158.441 and who shall be certified under subsection (1)(e) of this section***[employed by local boards of education];

NOTE: THE official version of (f) does not read the same as the bill.

EDITED

Section 9. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

(2)(a) "Police officer" means"

* * * * *

b. A school resource[security] officer ***as defined in KRS 158.441; and***

• * * * * *

Section 10. KRS 15.450 is amended to read as follows:

(1) The secretary or his or her designated representative shall administer the Law Enforcement Foundation Program fund pursuant to the provisions of KRS 15.410 to 15.510 and may promulgate any administrative regulations as necessary to carry out the responsibilities under KRS 15.410 to 15.510. Administrative hearings promulgated by administrative regulation under authority of this section shall be conducted in accordance with KRS Chapter 13B.

(2) The secretary or the designated representative may withhold or terminate payments to any unit of government that does not comply with the requirements of KRS 15.410 to 15.510 or the administrative regulations issued by the cabinet under KRS 15.410 to 15.510.

(3) The cabinet shall, from moneys appropriated and accruing to the fund as provided under KRS 15.430, receive reimbursement for the salaries and other costs of administering the fund, including, but not limited to, council operations and ***expenses and the salary and associated operating expenses of the office of the state school security marshal***. The amount to be reimbursed for any given year shall be determined by the council and shall not exceed five percent (5%) of the total amount of funds for that year.

(4) The cabinet shall furnish periodically to the council any reports as may be deemed reasonably necessary.

Section 11. KRS 15A.063 is amended to read as follows:

(1) The Juvenile Justice Oversight Council is created for the purpose of providing independent review of the state juvenile justice system and providing recommendations to the General Assembly. The council is to actively engage in the implementation of the juvenile justice reforms in 2014 Ky. Acts ch. 132, collect and review performance measurement data, and continue to review the juvenile justice system for changes that improve public safety, hold youth accountable, provide better outcomes for children and families, and control juvenile justice costs.

EDITED

(3) The council shall:

* * * * *

(d) Continue review of juvenile justice areas determined appropriate by the council, including:

1. Status offense reform;
2. Necessary training for school resource officers [~~and school security officers,~~] as defined in KRS 158.441, in juvenile justice best practices, research and impacts on recidivism and long-term outcomes;

EDITED

Section 12. KRS 61.900 is amended to read as follows:

As used in KRS 61.902 to 61.930:

* * * * *

(6) "Special law enforcement officer":

* * * * *

(e) Shall include the Capitol police, the Capital Plaza police, **school resource officers**~~[public school district security officers]~~ **as defined in KRS 158.441 who are employed directly by a local board of education,** public airport authority security officers, and the officers of the other public security forces established for the purpose of protecting specific public property; and

EDITED

Section 13. KRS 209A.020 is amended to read as follows:

As used in this chapter, unless the context otherwise requires

* * * * *

(4) "Law enforcement officer" means a member of a lawfully organized police unit or police force of county, city, or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as a sheriff, sworn deputy sheriff, campus police officer, law enforcement support personnel, public airport authority security officer, other public and federal peace officer

responsible for law enforcement, special local peace officer appointed pursuant to KRS 61.360, school resource officer **as defined in KRS 158.441**, ~~[public school district security officer,~~] and any other enforcement officer as defined by law;

Section 14. KRS 158.162 is amended to read as follows:

(1) As used in this section:

(a) "Emergency management response plan" or "emergency plan" means a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies; and

(b) "First responders" means local fire, police, and emergency medical personnel.

(2) (a) Each local board of education shall require the school council or, if none exists, the principal in each public school building in its jurisdiction to adopt an emergency plan to include procedures to be followed in case of fire, severe weather, or earthquake, or if a building lockdown as defined in KRS 158.164 is required.

(b) Following adoption, the emergency plan, along with a diagram of the facility, shall be provided to appropriate first responders.

(c) The emergency plan shall be reviewed following the end of each school year by the school council, the principal, and first responders and shall be revised as needed.

(d) The principal shall discuss the emergency plan with all school staff prior to the first instructional day of each school year and shall document the time and date of any discussion.

(e) The emergency plan and diagram of the facility shall be excluded from the application of KRS 61.870 to 61.884.

(3) Each local board of education shall require the school council or, if none exists, the principal in each public school building to:

(a) Establish primary and secondary evacuation routes for all rooms located within the school and shall post the routes in each room by any doorway used for evacuation;

(b) Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of safe zones in each room of the school;

(c) Develop practices for students to follow during an earthquake; and

(d) Develop and adhere to practices to control the access to each school building.

Practices **shall**~~may~~ include but not be limited to:

1. Controlling outside access to exterior doors during the school day;

2. Controlling the ~~main~~~~front~~ entrance of the school **with** electronically **locking doors, a camera, and an intercom system**~~or with a greeter~~;

3. Controlling access to individual classrooms ~~[if a classroom is equipped with hardware that allows the door to be locked from the outside but opened from the inside, the door should remain locked during instructional time]~~;

4. Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;

5. Requiring classroom doors to remain closed and locked during instructional time;

6. Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;

7. Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and

REMAINING RENUMBERED

(4) All schools shall be in compliance with the provisions of subsection (3)(d) of this section as soon as practicable but no later than July 1, 2022.

RENUMBERED

(7) A district with a school not in compliance with the requirements of subsection (3)(d) of this section by July 1, 2022, shall not be eligible for approval for new building construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance, except for facility improvements that specifically address school safety and security issues required by this section or in essential cases for the protection of student or staff health and safety.

Section 15. KRS 156.095 is amended to read as follows:

(1) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.

EDITED

(6) (a) By August 1, 2010, the Kentucky Cabinet for Health and Family Services shall post on its Web page suicide prevention awareness information, to include recognizing the warning signs of a suicide crisis. The Web page shall include information related to suicide prevention training opportunities offered by the cabinet or an agency recognized by the cabinet as a training provider.

(b) By ~~September 15, 2018, and]September 15 of each year[thereafter], every public school shall provide[middle and high school administrator shall disseminate] suicide prevention awareness **information in person, by live streaming, or via a video recording** to all **students in grades six (6) through twelve (12)**~~[middle and high school students].~~ The information may be obtained from the Cabinet for Health and Family Services or from a commercially developed suicide prevention training program.~~

(c) 1. Beginning with the 2018-2019 school year, and every other year thereafter, a minimum of one (1) hour of high-quality suicide prevention training, **including the recognition of signs and symptoms of possible mental illness**, shall be required for all **school district employees with job duties requiring direct contact with students in grades six (6) through twelve (12)**~~[high school and middle school principals, guidance counselors, and teachers].~~ The training shall be provided either in person, by live streaming, or via a video recording and may be included in the four (4) days of professional development under KRS 158.070.

(7) By November 1, 2019, and November 1 of each year thereafter, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be

required for all school district employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the Kentucky Department of Education in collaboration with the Kentucky Law Enforcement Council and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070.

(a) When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the local district shall provide materials on how to respond to an active shooter situation.

(b) The requirements of this subsection shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).

(8) (a) The Kentucky Department of Education shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.

(b) The trainings shall be Web-based or in-person and cover, at a minimum, the following topics:

1. Recognizing child physical, sexual, and emotional abuse and neglect;
2. Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;
3. Responding to the child; and
4. Understanding the response of child protective services.

(c) The trainings shall include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.

(d) Each local **board of education** [~~school board~~] shall adopt one (1) or more trainings from the list approved by the Department of Education to be implemented by schools.

EDITED

SECTION 16. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

KRS 158.4416 Trauma-informed approach to education – Definitions – School counselor or school-based mental health services provider to facilitate creation of trauma-informed team – Training and guidance of school personnel to assist in recognizing and dealing with issues of student trauma – Application to charter schools – Collaboration for provision of services between two or more school districts or between school districts and education cooperatives, or other public or private entities – Annual report to department of number and placement of school counselors in each district, source of funding, summary of job duties, and percentage of time devoted to each duty – Department of Education to make available toolkits to develop trauma-informed approach in schools – Plan and strategies for implementing trauma-informed approach.

(1) For purposes of this section:

(a) "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;

(b) "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; and

(c) "Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

(2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting.

(3) (a) Beginning July 1, 2021 or as funds and qualified personnel become available, each school district and each public charter school shall employ at least one (1) school counselor in each school with the goals of having one (1) school counselor for every two hundred fifty (250) students and the school counselor spending sixty percent (60%) or more of his or her time in direct services to students.

(b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.

(c) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:

1. Recognizing symptoms of trauma in students;

2. Utilizing interventions and strategies to support the learning needs of those students; and

3. Implementing a plan for a trauma-informed approach as described in subsection (5) of this section.

(d) 1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.

2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities including but not limited to local or regional mental health day treatment programs.

(e) No later than November 1, 2019, and each subsequent year, the local school district superintendent shall report to the department the number and placement of school counselors in the district. The report shall include the source of funding for each position, as well as a summary of the job duties and work undertaken by each counselor and the approximate percent of time devoted to each duty over the course of the year.

(4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.

(5) On or before July 1, 2021, each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:

(a) Enhancing trauma awareness throughout the school community;

(b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;

(c) Developing trauma-informed discipline policies;

(d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the chief of police to create procedures for notification of student-involved trauma; and

(e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.

Section 17. KRS 70.062 is amended to read as follows:

70.062 School and student safety issues training encouraged -- Collaboration between sheriffs and local school districts encouraged. (AMENDED CATCHLINE)

(1) The sheriff in each county is encouraged to receive training on issues pertaining to school and student safety, and shall be invited to meet annually with local school superintendents to discuss emergency response plans and emergency response concerns.

(2) The sheriff in each county is encouraged to collaborate with the local school district on policies and procedures for communicating to the school district any instances of student-involved trauma.

Section 18. KRS 95.970 is amended to read as follows:

KRS 95.970 School and student safety issues training encouraged – Collaboration between city police chief and local school district encouraged. (Amended Catchline)

(1) The chief of police in each city is encouraged to receive training on issues pertaining to school and student safety and shall be invited to meet annually with local

superintendents to discuss emergency response plans and emergency response concerns.

(2) The chief of police in each city is encouraged to collaborate with the local school district on policies and procedures for communicating to the school district any instances of student-involved trauma.

SECTION 19. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

KRS 16.128 The Department of Kentucky State Police is encouraged to receive training on issues pertaining to school and student safety, to meet with local superintendents, and to collaborate with local school districts on policies and procedures for communicating any instances of student –involved trauma.

(1) The Department of Kentucky State Police is encouraged to receive training on issues pertaining to school and student safety and shall be invited to meet annually with local superintendents to discuss emergency response plans and emergency response concerns.

(2) The Department of Kentucky State Police is encouraged to collaborate with local school districts on policies and procedures for communicating to the school district any instances of student-involved trauma.

Section 20. KRS 508.078 is amended to read as follows:

(1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:

(a) With respect to a school function, threatens to commit any act likely to result in death or serious physical injury to any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons or at a school does not need to identify a specific person or persons or school in order for a violation of this section to occur;

(b) Makes false statements by any means, including by electronic communication, for the purpose of:

1. Causing evacuation of a school building, school property, or school sanctioned activity;

2. Causing cancellation of school classes or school sanctioned activity;

3. Creating fear of serious bodily harm among students, parents, or school personnel;

EDITED

SECTION 21. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

KRS 158.4451 The Kentucky Office of Homeland Security, after collaboration with others, shall make available an anonymous reporting tool to allow students, parents, and community members to supply information about potentially

harmful, dangerous, or criminal activities to public safety agencies and school officials – Goals is to facilitate widespread awareness of the reporting tool and to provide a comprehensive training and awareness program on the use of the tool.

**(1) By July 1, 2019, the Kentucky Office of Homeland Security, after collaborating with the Center for School Safety, the Kentucky Department of Education, the Department of Criminal Justice Training, and the Department of Kentucky State Police, shall make available to each local school district an anonymous reporting tool that allows students, parents, and community members to anonymously supply information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. The reporting tool shall be accessible at least by telephone call, electronic e-mail, and a mobile device application. **

(2) The reporting tool shall notify the reporting individual of the following:

(a) The reporting individual may supply the information anonymously; and

(b) If the individual chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials. Law enforcement and school officials shall be required to maintain the information as confidential.

(3) Information reported using the tool shall immediately be sent to the administration of each school district affected and the law enforcement agencies responsible for protection of those school districts, including but not limited to the local sheriff's office, the local city police department, and the Kentucky State Police.

(4) Law enforcement dispatch centers, school districts, schools, and other entities identified by the Kentucky Office of Homeland Security shall be made aware of the reporting tool.

(5) The Kentucky Office of Homeland Security, in collaboration with the Center for School Safety, the Kentucky Department of Education, the Department of Criminal Justice Training, and the Department of Kentucky State Police, shall develop and provide a comprehensive training and awareness program on the use of the anonymous reporting tool.

SECTION 22. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

KRS 158.1559 Superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians about the provisions of KRS 508.078, and the potential penalties for terroristic threatening – Notice shall be given within ten days of the first instructional day of each school year.

The superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provisions of KRS 508.078 and potential penalties under KRS 532.060 and 534.030 upon conviction.

EDITED

Section 24. Sections 1 to 23 of this Act shall be known and may be cited as the School Safety and Resiliency Act.

EDITED

Section 26. Whereas school safety is the top priority for the General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

SENATE BILL 18 PREGNANCY ACCOMODATIONS

Section 1. KRS 344.030 is amended to read as follows:

* * * * *

(2) "Employer" means a person who has eight (8) or more employees within the state in each of twenty (20) or more calendar weeks in the current or preceding calendar year and an agent of such a person, **except for purposes of determining accommodations for an employee's own limitations related to her pregnancy, childbirth or related medical conditions, employer means a person who has fifteen (15) or more employees within the state in each of twenty (20) or more calendar weeks in the current or preceding calendar year and any agent of the person, and** except for purposes of determining discrimination based on disability, employer means a person engaged in an industry affecting commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of that person, except that, for two (2) years following July 14, 1992, an employer means a person engaged in an industry affecting commerce who has twenty-five (25) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding year, and any agent of that person. For the purposes of determining discrimination based on disability, employer shall not include:

- (a) The United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or
- (b) A bona fide private membership club (other than a labor organization) that is exempt from taxation under Section 501(c) of the Internal Revenue Service Code of 1986;[.]

* * * * *

(6) "Reasonable accommodation"

(a) Means making existing facilities used by employees readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities; **and**

(b) For an employee's own limitations related to her pregnancy, childbirth, or related medical conditions, may include more frequent or longer breaks, time off to recover from childbirth, acquisition or modification of equipment, appropriate seating, temporary transfer to a less strenuous or less hazardous position, job restructuring, light duty, modified work schedule, and private space that is not a bathroom for expressing breast milk;[-]

* * * * *

(8) **(a)** The terms "because of sex" ~~and~~^{or} "on the basis of sex" include[-] but are not limited to[-] because of or on the basis of pregnancy, childbirth, or related medical conditions,[-] and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work[-, and nothing in this section shall be interpreted to permit otherwise].

(b) "Related medical condition" includes but is not limited to lactation or the need to express breast milk for a nursing child and has the same meaning as in the Pregnancy Discrimination Act, 42 U.S.C. sec. 2000e(k), and shall be construed as that term has been construed under that Act; and

(9) "Undue hardship," for purposes of disability discrimination **or limitations due to pregnancy, childbirth, or related medical conditions as described KRS 344.040(1)(c)**, means an action requiring significant difficulty or expense, when considered in light of the following factors:

(a) The nature and cost of the accommodation needed;

(b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at the facility; the effect on expenses and resources; or the impact otherwise of such accommodation upon the operation of the facility;

(c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; and the number, type, and location of its facilities;[and]

(d) The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity; **and**

(e) In addition to paragraphs (a) to (d) of this subsection, for pregnancy, childbirth, and related medical conditions, the following factors:

1. The duration of the requested accommodation; and

2. Whether similar accommodations are required by policy to be made, have been made, or are being made for other employees due to any reason.

Section 2. KRS 344.040 is amended to read as follows:

* * * * *

(c) To fail to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition who requests an accommodation, including but not limited to the need to express breast milk, unless the employer can demonstrate the accommodation would impose an undue hardship on the employer's program, enterprise, or business. The following shall be required as to reasonable accommodations:

1. An employee shall not be required to take leave from work if another reasonable accommodation can be provided;

2. The employer and employee shall engage in a timely, good faith, and interactive process to determine effective reasonable accommodations; and

3. If the employer has a policy to provide, would be required to provide, is currently providing, or has provided a similar accommodation to other classes of employees, then a rebuttable presumption is created that the accommodation does not impose an undue hardship on the employer; or

(d) To require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products outside the course of employment, as long as the person complies with any workplace policy concerning smoking.

* * * * *

(3) (a) An employer shall provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions, including the right to reasonable accommodations, to:

1. New employees at the commencement of employment; and

2. Existing employees not later than thirty (30) days after June 27, 2019.

(b) An employer shall conspicuously post a written notice of the right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions, including the right to reasonable accommodations, at the employer's place of business in an area accessible to employees.

Section 3. This Act may be cited as the Kentucky Pregnant Workers Act.

SENATE BILL 55 GREEN ALERT

Section 1. KRS 39F.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

* * * * *

(12) "Veteran at risk" means a veteran or an active-duty member of the Armed Forces, the National Guard, or a military reserve component of the United States who is known to have a physical or mental health condition, to include post traumatic stress disorder (PTSD), that is related to his or her service; and

REMAINING RENUMBERED

Section 2. KRS 39F.180 is amended to read as follows:

(1) All 911 centers and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical service agencies, and emergency management agencies shall report the information required to be reported by administrative regulation, for all reports of persons missing, lost, or overdue, if a search for the lost person has lasted for more than two (2) hours to:

(a) The local emergency management director; and

(b) The local search and rescue coordinator for the jurisdiction in which the person is reported missing.

(2) (a) Any search for a missing minor, as that term is defined in KRS 2.015, shall be immediately reported to the Department of Kentucky State Police by the person or organization to whom the missing minor is reported.

(b) A search for an impaired person as defined in KRS 39F.010(3)(a) shall immediately be reported as a Golden Alert D to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search.

(c) A search for an impaired person as defined in KRS 39F.010(3)(b) shall immediately be reported as a Golden Alert to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.

(d) A search for a veteran at risk shall immediately be reported as a Green Alert to the local emergency management director, local search and rescue coordinator if different from the local emergency management manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.

SENATE BILL 67 SEX CRIMES INVOLVING ANIMALS

SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

KRS 525.137 Sexual crimes against an animal.

(1) As used in this section:

(a) "Animal" means any nonhuman creature; and

(b) "Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving:

1. Contact between the sex organs or anus of one (1) and the mouth, sex organs, or anus of another;

2. The insertion of any part of the animal's body into the vaginal or anal opening of the person; or

3. The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal without a bona fide veterinary or animal husbandry purpose.

(2) A person is guilty of sexual crimes against an animal if he or she:

(a) Engages in sexual contact with an animal;

(b) Advertises, solicits, offers, or accepts the offer of an animal, or possesses, purchases, or otherwise obtains an animal, with the intent that the animal be subject to sexual contact; or

(c) Causes, aids, or abets another person to engage in sexual contact with an animal.

(3) Sexual crimes against an animal is a Class D felony.

(4) Nothing in this section shall apply to:

(a) Accepted veterinary practices;

(b) Artificial insemination of an animal for reproductive purposes;

(c) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal; or

(d) Generally accepted practices related to the judging of breed conformation.

(5) In addition to the penalty imposed in subsection (3) of this section, the court shall order a person convicted of violating this section to:

(a) Relinquish custody of all animals under the person's control. If the person convicted of violating this section is not the owner of the animal that was the subject of the violation, then the animal shall be returned to the owner of the animal. An animal returned to an owner under this section shall not be spayed or neutered prior to being returned;

(b) Not harbor, own, possess, or exercise control over any animal, reside in any household where animals are present, or work or volunteer in a place where the person has unsupervised access to animals for a minimum of five (5) years after completion of the imposed sentence;

(c) Attend an appropriate treatment program or obtain psychiatric or psychological counseling, at the person's expense; and

(d) Reimburse the agency caring for the animal for reasonable costs incurred for the care and treatment of the animal from the date of impoundment until the disposition of the criminal proceeding.

Section 2. KRS 258.005 is amended to read as follows:

As used in KRS 258.005 to 258.087, unless the context requires otherwise:

* * * * *

(7) "Animal control officer" means an individual who is employed or appointed by, or has contracted with:

(a) A city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, **sexual crimes against**, or torture of animals, and local animal control ordinances; or

(b) An entity that has contracted with a city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, **sexual crimes against**, or torture of animals, and local animal control ordinances;

EDITED

Section 3. KRS 258.095 is amended to read as follows:

As used in KRS 258.095 to 258.500, unless the context requires otherwise:

* * * * *

(8) "Animal control officer" means an individual who is employed or appointed by, or has contracted with:

(a) A city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, **sexual crimes against**, or torture of animals, and local animal control ordinances; or

(b) An entity that has contracted with a city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, **sexual crimes against**, or torture of animals, and local animal control ordinances;

EDITED

Section 4. KRS 436.605 is amended to read as follows:

(1) Animal control officers and officers and agents of humane societies who are employed by, appointed by, or have contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services shall have the powers of peace officers, except for the power of arrest, for the purpose of enforcing the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, **sexual crimes against**, or torture of animals, provided they possess the qualifications required under KRS 61.300.

(2) When any peace officer, animal control officer, or any officer or agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth who is employed by, appointed by, or has contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services makes an oath before any judge of a District Court that he has reasons to believe or does believe that an act of cruelty,

mistreatment, sexual crimes against, or torture of animals is being committed in a building, barn, or other enclosure, the judge shall issue a search warrant directed to the peace officer, animal control officer, or officer or agent of the society or association for the prevention of cruelty to animals to search the premises. If a peace officer finds that an act of cruelty, mistreatment, sexual crimes against, or torture of animals is being perpetrated, the offender or offenders shall be immediately arrested by the peace officer and brought before the court for trial. If an animal control officer or an officer or agent of a society or association for the prevention of cruelty to animals finds that an act of cruelty, mistreatment, sexual crimes against, or torture of animals is being perpetrated, the officer or agent shall summon a peace officer to arrest the offender or offenders and bring them before the court for trial.

SENATE BILL 70 PENAL CODE (STRANGULATION)

SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

KRS 508.170 Strangulation in the first degree

(1) A person is guilty of strangulation in the first degree when the person, without consent, intentionally impedes the normal breathing or circulation of the blood of another person by:

(a) Applying pressure on the throat or neck of the other person; or

(b) Blocking the nose or mouth of the other person.

(2) Strangulation in the first degree is a Class C felony.

SECTION 2. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

KRS 508.175 Strangulation in the second degree

(1) A person is guilty of strangulation in the second degree when the person, without consent, wantonly impedes the normal breathing or circulation of the blood of another person by:

(a) Applying pressure on the throat or neck of the other person; or

(b) Blocking the nose or mouth of the other person.

(2) Strangulation in the second degree is a Class D felony.

Section 3. KRS 403.720 is amended to read as follows:

As used in KRS 403.715 to 403.785:

(1) "Domestic violence and abuse" means physical injury, serious physical injury, stalking, sexual assault, strangulation, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault occurring between family members or members of an unmarried couple;

* * * * *

(7) **"Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175; and**

REMAINING RENUMBERED

Section 4. KRS 456.010 is amended to read as follows:

As used in this chapter:

(2) "Dating violence and abuse" means physical injury, serious physical injury, stalking, sexual assault, **strangulation**, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault occurring between persons who are or have been in a dating relationship;

* * * * *

(8) **"Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175; and**

REMAINING RENUMBERED

Section 5. KRS 456.020 is amended to read as follows:

(1) This chapter shall be interpreted to:

EDITED

(d) Provide for the collection of data concerning incidents of dating violence and abuse, sexual assault, **strangulation, and** stalking in order to develop a comprehensive analysis of the numbers and causes of such incidents; and

EDITED

SENATE BILL 77 OPERATOR'S LICENSES

DELAYED ENACTMENT (1/1/2020)

Section 1. KRS 311.1947 is amended to read as follows:

(1) Contingent upon the availability of funding, the Cabinet for Health and Family Services shall facilitate the establishment of a statewide electronic registry for organ and tissue donation for transplantation purposes. The cabinet may contract with a public or private nonprofit entity to perform gatekeeper functions of the registry that include but are not limited to the operation, maintenance, privacy, and security of the registry.

(2) An ongoing collaboration shall be established among the Transportation Cabinet, the Cabinet for Health and Family Services, the Kentucky Circuit Court Clerks Trust for Life, the Kentucky Hospital Association, the Kentucky Medical Association, and the federally certified organ and tissue procurement organizations that operate in Kentucky to develop strategies for the operation of the registry. Strategies shall include but not be limited to:

(a) Donor designation at the time of application or renewal of a driver's license;

(b) **Donor designation at the time of application or renewal of a state identification card;**

(c) Donor designation on the Commonwealth's single sign-on system;

- (d) Other** online registration as a donor;
 - (e)** ~~(e)~~ Removal or exit from the registry;
 - (f)** ~~(d)~~ Timely access to the registry by relevant parties in accordance with federal laws and regulations relating to organ and tissue donation and procurement for transplantation purposes; and
 - (g)** ~~(e)~~ Evaluation of the effectiveness of the registry.
- (3) The cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.

Section 2. This Act takes effect January 1, 2020.

SENATE BILL 85 DUI

NOTE – THE FOLLOWING CHANGES ARE DELAYED ENACTMENT AND DO NOT TAKE EFFECT UNTIL JULY 1, 2020.

Section 1. KRS 189A.005 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

* * * * *

(2) "**Cabinet**" means the **Transportation Cabinet**;

(3) "Ignition interlock device" **or "device"** means a device, certified by the Transportation Cabinet for use in this Commonwealth under **KRS 189A.350**,~~[KRS 189A.500(1)~~, that:

(a) Connects a motor vehicle ignition system or motorcycle ignition system to a breath alcohol analyzer and prevents a motor vehicle ignition or motorcycle ignition from starting, and from continuing to operate, if a driver's breath alcohol concentration exceeds 0.02, as measured by the device; **and**

(b) Has a fully functional camera that is equipped to record the date, time, and photo of all persons providing breath samples to the device;

(4)~~(3)~~ "Ignition interlock **certificate**~~[certification]~~ of installation" means a certificate providing that the installed ignition interlock device **has been installed and** is certified for use in the Commonwealth under **KRS 189.350**~~[KRS 21-189A-500(1)]~~;

(5)~~(4)~~ "Ignition interlock device provider" **or "provider"** means any person or company **certified by the Transportation Cabinet to engage**~~[engaged]~~ in the business of manufacturing, selling, leasing, servicing, or monitoring ignition interlock devices within the Commonwealth;

(6)~~(5)~~ "Ignition interlock license" means a motor vehicle or motorcycle operator's license issued or granted by the laws of the Commonwealth of Kentucky that, **except for those with an employer exemption under KRS 189A.340**~~[with limited exceptions]~~, permits a person to drive only motor vehicles or motorcycles equipped with a functioning ignition interlock device;

RENUMBERED

(9)[(8)] "Refusal" means declining to submit to any test or tests pursuant to KRS 189A.103. Declining may be either by word or by the act of refusal. If the breath testing instrument for any reason shows an insufficient breath sample and the alcohol concentration cannot be measured by the breath testing instrument, the law enforcement officer shall then request the defendant to take a blood or urine test in lieu of the breath test. If the defendant then declines either by word or by the act of refusal, he shall then be deemed to have refused if the refusal occurs at the site at which any alcohol concentration or substance test is to be administered; ***and***

(10)[(9)] When age is a factor, it shall mean age at the time of the commission of the offense[; and (10) Unless otherwise provided, license suspensions under this chapter shall be imposed by the court. The court shall impose the applicable period of license suspension enumerated by this chapter and shall include in its order or judgment the length and terms of any suspension imposed. The license suspension shall be deemed effective on the date of entry of the court's order or judgment. The role of the Transportation Cabinet shall be limited to administering the suspension period under the terms and for the duration enumerated by the court in its order or judgment].

Section 2. KRS 189A.010 is amended to read as follows:

(1) A person shall not operate or be in physical control of a motor vehicle anywhere in this state:

EDITED

(2)With the exception of the results of the tests administered pursuant to KRS 189A.103(7):[;]

(a) If the sample of the person's blood or breath that is used to determine the alcohol concentration thereof was obtained more than two (2) hours after cessation of operation or physical control of a motor vehicle, the results of the test or tests shall be inadmissible as evidence in a prosecution under subsection (1)(a) or (f) of this section. The results of the test or tests, however, may be admissible in a prosecution under subsection (1)(b) or (e) of this section; ***or***

(b) If the sample of the person's blood that is used to determine the presence of a controlled substance was obtained more than two (2) hours after cessation of operation or physical control of a motor vehicle, the results of the test or tests shall be inadmissible as evidence in a prosecution under subsection (1)(d) of this section. The results of the test or tests, however, may be admissible in a prosecution under subsection (1)(c) or (e) of this section.

(3) In any prosecution for a violation of subsection (1)(b) or (e) of this section in which the defendant is charged with having operated or been in physical control of a motor vehicle while under the influence of alcohol, the alcohol concentration in the defendant's blood as determined at the time of making analysis of his blood or breath shall give rise to the following presumptions:

(a) If there was an alcohol concentration of less than ***0.04***[0-05] based upon the definition of alcohol concentration in KRS 189A.005, it shall be presumed that the defendant was not under the influence of alcohol; and

(b) If there was an alcohol concentration of 0.04~~[0.05]~~ or greater but less than 0.08 based upon the definition of alcohol concentration in KRS 189A.005, that fact shall not constitute a presumption that the defendant either was or was not under the influence of alcohol, but that fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant. The provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the questions of whether the defendant was under the influence of alcohol or other substances, in any prosecution for a violation of subsection (1)(b) or (e) of this section.

(4) (a) Except as provided in paragraph (b) of this subsection, the fact that any person charged with violation of subsection (1) of this section is legally entitled to use any substance, including alcohol, shall not constitute a defense against any charge of violation of subsection (1) of this section.

(b) A laboratory test or tests for a controlled substance shall be inadmissible as evidence in a prosecution under subsection (1)(d) of this section upon a finding by the court that the defendant consumed the substance under a valid prescription from a practitioner, as defined in KRS 218A.010, acting in the course of his or her professional practice. **However, a laboratory test for a controlled substance may be admissible as evidence in a prosecution under subsection (1)(c) or (e) of this section.**

(5) Any person who violates the provisions of paragraph (a), (b), (c), (d), or (e) of subsection (1) of this section shall:

* * * * *

(c) For a third offense within a ten (10) year period, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than **thirty (30)** ~~[ten (10)]~~ days nor more than twelve (12) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be sixty (60) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

* * * * *

(6) Any person who violates the provisions of subsection (1)(f) of this section shall ~~[have his driving privilege or operator's license suspended by the court for a period of no less than thirty (30) days but no longer than six (6) months, and the person shall]~~ be fined no less than one hundred dollars (\$100) and no more than five hundred dollars (\$500), or sentenced to twenty (20) hours of community service in lieu of a fine. A person subject to the penalties of this subsection shall not be subject to the penalties established in subsection (5) of this section or any other penalty established pursuant to KRS Chapter 189A, except those established in KRS 189A.040(1) **and KRS 189A.070.**

* * * * *

(11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:

- (a) Operating a motor vehicle in excess of thirty (30) miles per hour above the speed limit;
- (b) Operating a motor vehicle in the wrong direction on a limited access highway;
- (c) Operating a motor vehicle that causes an accident resulting in death or serious physical injury as defined in KRS 500.080;
- (d) Operating a motor vehicle while the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle;
- (e) Refusing to submit to any test or tests of one's blood, breath, or urine requested by an officer having reasonable grounds to believe the person was operating or in physical control of a motor vehicle in violation of subsection (1) of this section, **except it shall not be considered an aggravating circumstance for a first offense under subsection (5)(a) of this section;** and
- (f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.

EDITED

Section 3. KRS 189A.040 is amended to read as follows:

(1) In addition to any other penalty prescribed by KRS 189A.010(5)(a) or (6), the court shall sentence the person to attend an alcohol or substance abuse education or treatment program subject to the following terms and conditions for a first offender or a person convicted under KRS 189A.010(1)(f):

* * * * *

(5) For defendants who are Medicaid-eligible, alcohol or substance abuse treatment under this section shall be authorized by the Department for Medicaid Services and its contractors as Medicaid-eligible services and shall be subject to the same medical necessity criteria and reimbursement methodology as for all other covered behavioral health services.

REMAINING RENUMBERED

Section 4. KRS 189A.045 is amended to read as follows:

(1) (a) Except as provided in paragraph (b) of this subsection, when a court requires a defendant to enroll in an alcohol or **substance abuse**[drug] education or treatment program pursuant to this chapter, it shall require the defendant to accomplish the enrollment within ten (10) days of the entry of judgment of conviction.

(b) A defendant may choose to enroll in an alcohol or substance abuse education or treatment program prior to conviction. If a defendant chooses to enroll prior to conviction, the alcohol or substance abuse education or treatment completed

prior to conviction shall count towards the period of alcohol or substance abuse education or treatment required pursuant to KRS 189A.040

(2) When a defendant enrolls in the program[~~ordered by the court~~], the administrator of the program or his authorized representative shall transmit to the court a certificate of enrollment within five (5) working days of the enrollment.

(3) If the court does not receive a certificate of enrollment from the administrator of a program to which the defendant has been assigned within twenty (20) days of the entry of judgment of conviction, the court shall hold a hearing requiring the defendant to show cause why he did not enroll.

(4) If a defendant enrolled in ~~an~~[a drug or] alcohol **or substance abuse** education or treatment program drops out of the program or does not maintain satisfactory attendance at the program, the administrator of the program or his authorized representative shall transmit to the court a notice describing the defendant's failure to attend.

(5) Upon receipt of a notice of failure to attend a required alcohol or **substance abuse** [drug] education or treatment program, the court shall hold a hearing requiring the defendant to show cause why he should not be held in contempt of court and be subject to the reinstatement of any penalties which may have been withheld pending completion of treatment.

(6) When a defendant completes the required alcohol or **substance abuse**[drug] education or treatment program, the administrator of the program shall notify the court and the Transportation Cabinet of the defendant's completion of the program.

Section 5. KRS 189A.070 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

KRS 189A.070 License suspensions – Time periods – Completion of alcohol or substance abuse treatment or education program required before reinstatement

(1)(a) 1. Unless the person is under eighteen (18) years of age, in addition to the penalties specified in KRS 189A.010, the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle upon conviction of KRS 189A.010(1).

2. Upon conviction of KRS 189A.010(a),(b), (c), (d) or (e), the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle as follows:

a. For the first offense within a ten (10) year period:

i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;

ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is shorter; or

iii. For all others, six (6) months;

b. For the second offense within a ten (10) year period:

i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first twelve (12) months of the issuance of the ignition interlock license, twelve (12) months;

ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first twelve (12) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or eighteen (18) months, whichever is shorter; or

iii. For all others, eighteen (18) months;

2 c. For a third offense within a ten (10) year period:

i For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first eighteen (18) months of the issuance of the ignition interlock license, eighteen (18) months;

ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first eighteen (18) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or thirty-six (36) months, whichever is shorter; or

iii. For all others, thirty-six (36) months;

d. For a fourth or subsequent offense within a ten (10) year period:

i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first thirty (30) months of the issuance of the ignition interlock license, thirty (30) months;

ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first thirty (30) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or sixty (60) months, whichever is shorter; or

iii. For all others, sixty (60) months;

e. If the conviction records transmitted to the Transportation Cabinet pursuant to subsection (3) of this section show that a person was convicted of a:

i. First offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision a. of this subparagraph;

ii. Second offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision b. of this subparagraph;

iii. Third offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision c. of this subparagraph; and

iv. Fourth or subsequent offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision d. of this subparagraph; and

f. The license suspension shall be deemed effective on the date of entry of the court's order or judgement for a conviction of KRS 189A.010.

3. Upon conviction of subsection (1)(f) of KRS 189A.010(1)(f), the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle as follows:

a. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;

b. For a person who is issued an ignition interlock license under KRS 198A.340 does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is shorter; or

c. For all others, six (6) months.

4. For purposes of this paragraph, "ninety (90) consecutive day requirement" and "one hundred twenty (120) consecutive day requirement" mean the requirements established in subsection (4)(b)2. of KRS 189A.340(4)(b)2.

(b) For a person under the age of eighteen (18), in addition to the penalties specified in KRS 189A.010(1), the Transportation Cabinet shall suspend the person's license to operate a motor vehicle or motorcycle upon conviction of KRS 189A.010(1). The person shall have his or her license suspended until he or she reaches the age of eighteen (18) or as provided in paragraph (a) of this subsection, whichever penalty will result in the longer period of suspension.

(2) In addition to the period of license suspension set forth in subsection (1) of this section, no person shall be eligible for reinstatement of his or her full privilege to operate a motor vehicle or motorcycle until he or she has completed the alcohol or substance abuse education or treatment program ordered pursuant to KRS 189A.040.

(3) Upon conviction of KRS 189A.010(1):

(a) A person shall surrender his or her license to operate a motor vehicle or motorcycle to the court. Should the person fail to surrender his or her license to the court, the court shall issue an order directing the sheriff or any other peace officer to seize the license forthwith and deliver it to the court. The court shall then forward the license to the Transportation Cabinet. This paragraph shall not apply to a person who has previously surrendered his or her license pursuant to KRS 189A.200; and

(b) The court shall immediately transmit the conviction records and other appropriate information to the Transportation Cabinet. A court shall not waive or stay this procedure.

(4) In determining the ten (10) year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.

Section 6. KRS 189A.085 is amended to read as follows:

(1) Unless a person has been issued an ignition interlock license under KRS 189A.340 or a hardship license under KRS 189A.410, [at the final sentencing hearing of] a person who has been convicted of **an** [a second or subsequent] offense under KRS 189A.010[, the person provides proof that the requirements of KRS 16

~~189A.420 have been met for issuance of an ignition interlock license, the person]~~ shall have the license plate or plates on all of the motor vehicles **or motorcycles** owned by him or her, either solely or jointly, impounded by the court of competent jurisdiction in accordance with the following procedures:

(a) At the final sentencing hearing, **or within forty-five (45) days thereafter,** the person shall physically surrender any and all license plate or plates currently in force on any motor vehicle **or motorcycle** owned either individually or jointly by him or her to the court. The order of the court suspending the license plate or plates shall not exceed the time for the suspension of the ~~[motor vehicle]~~ operator's license ~~[of the second or subsequent offender]~~ as specified in KRS 26 189A.070.

(b) The clerk of the court shall retain any surrendered plate or plates and transmit all surrendered plate or plates to the Transportation Cabinet in the manner set forth by the Transportation Cabinet in administrative regulations promulgated by the Transportation Cabinet.

(2) Upon application, the court may grant hardship exceptions to family members or other individuals affected by the surrender of any license plate or plates of any **motor vehicle or motorcycle** owned by the ~~[second or subsequent]~~ offender. Hardship exceptions may be granted by the court to the ~~[second or subsequent]~~ offender's family members or other affected individuals only if the family members or other affected individuals prove to the court's satisfaction that their inability to utilize the surrendered **motor vehicles or motorcycles** would pose an undue hardship upon the family members or ~~[affected]~~ other affected individuals. Upon the court's granting of hardship exceptions, the clerk or the Transportation Cabinet as appropriate, shall return to the family members or other affected individuals the license plate or plates of the **motor vehicles or motorcycles** of the ~~[second or subsequent]~~ offender for their utilization. The ~~[second or subsequent]~~ offender shall not be permitted to operate a **motor vehicle or motorcycle** for which the license plate has been suspended or for which a hardship exception has been granted, **unless the offender has been issued an ignition interlock license under KRS 189A.340 or a hardship license under KRS 189A.410** ~~[under any circumstances].~~

(3) If the license plate of a jointly owned vehicle is impounded, this vehicle may be transferred to a joint owner of the vehicle who was not the violator.

(4) If the license plate of a motor vehicle is impounded, the vehicle may be transferred.

Section 7. KRS 189A.090 is amended to read as follows:

(1) No person shall operate or be in physical control of a motor vehicle **or motorcycle** while his or her license is ~~[revoked or]~~ suspended under this chapter, ~~[or upon the conclusion of a license revocation period pursuant to KRS 189A.340]~~ unless the person has a ~~[his or her]~~ valid:

(a) Ignition interlock license in the person's possession and:

1. The motor vehicle or motorcycle is equipped with a functioning ignition interlock device ~~[as required by KRS 189A.420.];~~ **or**

2. The person is operating or in physical control of an employer's motor vehicle or motorcycle in accordance with KRS 189A.340(6); or

(b) Hardship license in the person's possession.

(2) In addition to the period of license suspension imposed by KRS 189A.070,~~[any other penalty imposed by the court]~~, any person who violates subsection (1) of this section shall:

(a) For a first offense within a ten (10) year period, be guilty of a Class B misdemeanor and have his or her license suspended ~~[revoked]~~ by the Transportation Cabinet ~~[court]~~ for six (6) months, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event the person ~~[he]~~ shall be guilty of a Class A misdemeanor and have his or her license suspended ~~[revoked]~~ by the Transportation Cabinet ~~[court]~~ for a period of one (1) year;

(b) For a second offense within a ten (10) year period, be guilty of a Class A misdemeanor and have his or her license suspended ~~[revoked]~~ by the Transportation Cabinet ~~[court]~~ for one (1) year, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event the person ~~[he]~~ shall be guilty of a Class D felony and have his or her license suspended ~~[revoked]~~ by the Transportation Cabinet ~~[court]~~ for a period of two (2) years; and

(c) For a third or subsequent offense within a ten (10) year period, be guilty of a Class D felony and have his or her license suspended ~~[revoked]~~ by the Transportation Cabinet ~~[court]~~ for two (2) years, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event the person ~~[he]~~ shall be guilty of a Class D felony and have his or her license suspended ~~[revoked]~~ by the Transportation Cabinet ~~[court]~~ for a period of five (5) years.~~[-and]~~

(3) ~~[(4)]~~ Any person who violates subsection (1) of this section may apply for~~[At the sole discretion of the court, in the interest of public safety and upon a written finding in the record for good cause shown, the court may order that, following any period of incarceration required for the conviction of an offense under paragraph (a), (b), or (c) of this subsection, the eligible person is authorized to]~~ apply for ~~[and the cabinet shall issue to the person]~~ an ignition interlock license for the remainder of the original period of suspension ~~[or revocation]~~ under KRS 189A.070 and for the entire period of the new suspension~~[revocation]~~ if the person is and remains otherwise eligible for such license pursuant to KRS 189A.340.

(4) ~~[(3)]~~ The ten (10) year period under this section shall be measured in the same manner as in KRS 189A.070.

~~[(4) Upon a finding of a violation of any of the requirements of an ignition interlock license, the court shall dissolve such an order and the person shall receive no credit toward the remaining period of revocation required under subsection (2)(b) or (c) of this section.]~~

Section 8. KRS 189A.100 is amended to read as follows:

(1) Law enforcement agencies may administer preliminary breath tests using devices or 26 equipment which will ensure an accurate determination of blood alcohol content. Such tests may be administered in the field to a person suspected of violation of KRS 189A.010 before the person is arrested. This test may be administered in addition to any other blood alcohol level test authorized by law. A person's refusal to take a

preliminary breath test shall not be used against him in a court of law or in any administrative proceeding.

(2) **(a)** Law enforcement agencies may record on film or videotape or by other visual and audible means:

1. The pursuit of a violator or suspected violator;[;]

2. The traffic stop;[;] or

3. a. Field sobriety tests administered at the scene [~~of an arrest for violation of KRS 189A.010~~] or such tests at a police station, jail, or other suitable facility; or

b. The refusal of a violator or suspected violator to submit to tests under KRS 189A.103; for a suspected violation of KRS 189A.010.

(b) **Recordings made under paragraph (a) of this subsection shall be** subject to the following conditions:

1. [~~a~~] The testing is recorded in its entirety (except for blood alcohol analysis testing);[and]

2. [~~b~~] The entire recording of the field sobriety tests **or refusal** and the entire recording of[such portions of] the pursuit and traffic stop[~~as were recorded~~] is shown in court unless the defendant waives the showing of any portions not offered by the prosecution;[and]

3. [~~c~~] The entire recording is available to be shown by the defense at trial if the defendant so desires regardless of whether it was introduced by the Commonwealth;[and]

4. [~~d~~] The defendant or his counsel is afforded an opportunity to view the entire recording a reasonable time before the trial in order to prepare an adequate defense;[and]

5. [~~e~~] Recordings shall be used for official purposes only, which shall include:

a. [4.] Viewing in court;

b. [2.] Viewing by the prosecution and defense in preparation for a trial; and

c. [3.] Viewing for purposes of administrative reviews and official administrative proceedings. Recordings shall otherwise be considered as confidential records;[and]

6. [~~f~~] The videotape or film taken in accordance with this section shall, upon order of the **sentencing**[~~District~~] court, be destroyed after the later of the following:

a. [1.] Fourteen (14) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, or if the videotape or film does not record the actual happening of an accident involving a motor vehicle;

b. [2.] Fourteen (14) months after a decision has been made not to prosecute any case upon which an arrest has been made or a citation issued as a result of the videotape or film, if the videotape does not record the actual happening of an accident involving a motor vehicle;

c. [3.] Twenty-six (26) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, if the videotape or film records the actual happening of an accident involving a motor vehicle;

d. [4.] After all appeals have been exhausted arising from any criminal or traffic case filed as a result of the videotape;

e. [5.] At the conclusion of any civil case arising from events depicted on the videotape or film; or

~~f. [6.]~~ At the conclusion of the exhaustion of all appeals arising from any law enforcement agency administrative proceedings arising from events depicted on the videotape or film; and

~~7. [(g)]~~ Public officials or employees utilizing or showing recordings other than as permitted in this chapter or permitting others to do so shall be guilty of official misconduct in the first degree.

(3) When a peace officer makes a videotape or film recording of any transaction covered by subsection (2) of this section and a citation is issued or an arrest is made, the peace officer shall note on the uniform citation that a videotape has been made of the transaction.

Section 9. KRS 189A.105 is amended to read as follows:

(1) A person's refusal to submit to tests under KRS 189A.103 shall result in suspension~~revocation~~ of his or her driving privilege as provided in this chapter.

(2) (a) At the time a breath, blood, or urine test is requested, the person shall be informed:

1. That, if the person refuses to submit to such tests:~~;~~

a. The fact of this refusal may be used against him or her in court as evidence of violating KRS 189A.010 and will result in suspension~~revocation~~ of his or her driver's license by the court at the time of arraignment~~;~~ and if the person refuses to submit to the tests] and

b. Is subsequently convicted of violating KRS 189A.010(1):

i. For a second or third time within a ten (10) year period, ~~then~~ he or she will be subject to a mandatory minimum jail sentence which is twice as long as the mandatory minimum jail sentence imposed if he or she 2 submits to the tests~~;~~ and ~~[that if the person refuses to submit to the tests]~~

ii. His or her license will be suspended by the Transportation Cabinet~~court at the time of arraignment~~, and he or she will be unable to obtain an ignition interlock license during the suspension period~~;~~ and]

2. That, if a test is taken:~~;~~

a. The results of the test may be used against the person~~him~~ in court as evidence of violating KRS 189A.010(1)~~;~~ and

b. The person has the right to have a test or tests of his or her blood performed by a person of his or her choosing described in KRS 189A.103 within a reasonable time of his or her arrest at the expense of the person arrested; and

3. That although his or her license will be suspended, he or she may be eligible immediately for an ignition interlock license allowing him or her to drive during the period of suspension and, if he or she is convicted, he or she will receive a credit toward any other ignition interlock requirement arising from this arrest~~;~~ and

~~3. That if the person first submits to the requested alcohol and substance tests, the person has the right to have a test or tests of his blood performed by a person of his choosing described in KRS 189A.103 within a reasonable time of his arrest at the expense of the person arrested].~~

(b) Nothing in this subsection shall be construed to prohibit a judge of a court of competent jurisdiction from issuing a search warrant or other court order requiring a blood or urine test, or a combination thereof, of a defendant charged with a violation of

KRS 189A.010, or other statutory violation arising from the incident, when a person is killed or suffers physical injury, as defined in KRS 500.080, as a result of the incident in which the defendant has been charged. However, if the incident involves a motor vehicle accident in which there was a fatality, the investigating peace officer shall seek such a search warrant for blood, breath, or urine testing unless the testing has already been done by consent. If testing done pursuant to a warrant reveals the presence of alcohol or any other substance that impaired the driving ability of a person who is charged[with] and convicted of **KRS 189A.010(1)**~~[an offense arising from the accident]~~, the sentencing court shall require, in addition to any other sentencing provision, that the defendant make restitution to the state for the cost of the testing.

(3) During the period immediately preceding the administration of any test, the person shall be afforded an opportunity of at least ten (10) minutes but not more than fifteen (15) minutes to attempt to contact and communicate with an attorney and shall be informed of this right. Inability to communicate with an attorney during this period shall not be deemed to relieve the person of his obligation to submit to the tests and the penalties specified by KRS 189A.010 and 189A.107 shall remain applicable to the person upon refusal. Nothing in this section shall be deemed to create a right to have an attorney present during the administration of the tests, but the person's attorney may be present if the attorney can physically appear at the location where the test is to be administered within the time period established in this section.

(4) Immediately following the administration of the final test requested by the officer, the person shall again be informed of his **or her** right to have a test or tests of his **or her** blood performed by a person of his **or her** choosing described in KRS 189A.103 within a reasonable time of his **or her** arrest at the expense of the person arrested. He **or she** shall then be asked "Do you want such a test?" The officer shall make reasonable efforts to provide transportation to the tests.

Section 10. KRS 189A.107 is amended to read as follows:

(1) A person who refuses to submit to an alcohol concentration or substance test requested by an officer having reasonable grounds to believe that the person violated KRS 189A.010(1) shall have his **or her** driver's license suspended~~[by the court]~~ during the pendency of the action as provided in **KRS 189A.200**~~[under KRS 189A.200 unless, at the time of arraignment, the person files a motion with the court waiving the right to judicial review of the suspension, after which the court, in its discretion, may authorize the person to apply to the cabinet for issuance of an ignition interlock license under KRS 189A.420 for the period of the suspension. If the person complies with the requirements of KRS 189A.420 and is otherwise eligible, the cabinet shall issue the person an ignition interlock license for the remainder of the suspension period and apply the court-determined credit on a day-for-day basis for any subsequent ignition interlock requirement arising from the same incident].~~

(2) **(a)** In the event a defendant is not convicted of a violation of KRS 189A.010(1) in a case in which it is alleged that he **or she** refused to take an alcohol concentration or substance test, upon motion of the attorney for the Commonwealth, the court shall conduct a hearing, without a jury, to determine by clear and convincing evidence if the person actually refused the testing. However, the hearing shall not be required if the

court has made a previous determination of the issue at a hearing held under KRS 189A.200 24 and 189A.220.

(b) If the court finds that the person did refuse to submit to the testing, the court shall suspend the person's driver's license for the[a] period of time[within the time range specified that] the license would have been suspended upon conviction as set forth in KRS 189A.070(1), except that the court[, in its discretion,] may authorize the person to apply to the **Transportation** Cabinet for issuance of an ignition interlock license under **KRS 189A.340**[KRS 189A.420] for the period of the suspension[. If the person complies with the requirements of KRS 189A.420 and is otherwise eligible, the cabinet shall issue the person an ignition interlock license for the remainder of the suspension period and grant the person day-for-day credit for any subsequent ignition interlock requirement arising from the same incident].

(c) When the court orders the suspension of a person's license pursuant to this subsection, the person shall surrender the license in the same manner prescribed by KRS 189A.200(4). In addition, notice of the suspension shall be immediately transmitted to the Transportation Cabinet.

Section 11. KRS 189A.200 is amended to read as follows:

KRS 189A.200 Pretrial suspension of license of person charged with driving under the influence for refusing to take test, for being a repeat offender, and for causing accident resulting in death or serious physical injury to another person – Hearing – Length of suspension – When application for ignition interlock license required. (AMENDED CATCHLINE)

(1) The court shall at the arraignment or as soon as such relevant information becomes available suspend the motor vehicle operator's license and motorcycle operator's license and driving privileges of any person charged with a violation of KRS 189A.010(1) who:

(a) Has refused to take an alcohol concentration or substance test as reflected on the uniform citation form;

(b) Has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his or her operator's license[revoked or] suspended on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the ten (10) year period immediately preceding his or her arrest; or

(c) Was involved in an accident that resulted in death or serious physical injury as defined in KRS 500.080 to a person other than the defendant.

(2) Persons whose licenses have been suspended pursuant to this section may file a motion for judicial review of the suspension, and the court shall conduct the review in accordance with this chapter within thirty (30) days after the filing of the motion. The court shall, at the time of the suspension, advise the defendant of his rights to the review.

(3) When the court orders the suspension of a license pursuant to:

(a) Subsection (1)(a) of this section[If the person files a motion with the court waiving the right to judicial review of the suspension], the court[, in its discretion,] may, **in addition to any other conditions the court may order, require that the**[authorize the] person[to] apply to the **Transportation** Cabinet for issuance of an ignition interlock license under **KRS 189A.340**[KRS 189A.420] for the period of the suspension;

(b) Subsection (1)(b) or (c) of this section, the court shall, in addition to any other conditions the court may order, require that the person apply to the Transportation Cabinet for issuance of an ignition interlock license under Section 15 of this Act for the period of suspension; and

(c) Subsection (1) of this section and the person is required to apply for an ignition interlock license pursuant to paragraph (a) or (b) of this subsection, the person shall present the completed ignition interlock license application to the court. [If the person complies with KRS 189A.420 and is otherwise eligible, the cabinet shall issue the person an ignition interlock license for the remainder of the suspension period and apply the court determined credit on a day-for-day basis for any subsequent ignition interlock requirement arising from the same incident.]

(4)[(3)] When the court orders the suspension of a license pursuant to this section, the defendant shall immediately surrender his or her[the] license to operate a motor vehicle or motorcycle to[the Circuit Court clerk, and] the court. **Should the defendant fail to surrender his or her license to the court, the court shall issue an order directing**[retain the defendant in court or remand him into the custody of] the sheriff or any other peace officer to seize[until] the license **forthwith and deliver it to the court**[is produced and surrendered. If the defendant has lost his operator's license, other than due to a previous suspension or revocation, which is still in effect, the sheriff shall take him to the office of the circuit clerk so that a new license can be issued]. If the license is currently under suspension[or revocation], the provisions of this subsection shall not apply.

(5) [(4)] The Circuit Court Clerk shall forthwith transmit to the Transportation Cabinet:

(a) Any license surrendered[to him] pursuant to this section; **and**

(b) If the court ordered a person to apply for an ignition interlock device under subsection (3) of this section, notification of the order.

(6) [(5)] Licenses suspended under this section shall remain suspended until:

(a) The person is acquitted;

(b) All pending or current charges relating to a violation of KRs 189A.010 have been dismissed; or

(c) The person is convicted and the Transportation Cabinet has suspended his or her license pursuant to KRS 189A.070; [a judgment of conviction or acquittal is entered in the case or until the court enters an order terminating the suspension,] but in no event for a period longer than the[maximum] license suspension period applicable to the person under KRS 189A.070 or[and] 189A.107.[Nothing in this subsection shall prevent the person from filing a motion for, the court from granting, or the Cabinet from issuing an ignition interlock license under subsection (2) of this section.]

(7) [(6)] Any person whose operator's license has been suspended pursuant to this section shall be given credit for all pretrial suspension time against the period of suspension[revocation] imposed **under KRS 189A.070.** [Licenses suspended under this section shall remain suspended until a judgment of conviction or acquittal is entered in the case or until the court enters an order terminating the suspension, but in no event for a period longer than the maximum license suspension period applicable to the person under KRS 189A.070 and 189A.107.]

Section 12. KRS 189A.220 is amended to read as follows:

In any judicial review of a pretrial suspension imposed for refusal to take an alcohol concentration or substance test under KRS 189A.200(1)(a), if the court determines, by the preponderance of the evidence, that:

- (1) The person was charged and arrested by a peace officer with violation of KRS 189A.010(1);
- (2) The officer had reasonable grounds to believe that the person was operating or in physical control of a motor vehicle in violation of KRS 189A.010(1);
- (3) The person was advised of the implied consent law pursuant to KRS ~~189A.103~~ 189A.105;
- (4) The peace officer requested the person to take the test or tests pursuant to KRS 189A.103; and ~~then~~
- (5) The person refused to take a test requested by a peace officer pursuant to KRS 189A.103;[,] then the court shall continue the suspension of the person's operator's license or privilege to operate a motor vehicle during the pendency of the proceedings, but in no event for a period longer than the license suspension period applicable to the person under KRS 189A.070 and 189A.107.

Section 13. KRS 189A.240 is amended to read as follows:

In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)(~~a~~)(b), if the court determines by a preponderance of the evidence that:

- (1) The person was charged and arrested by a peace officer with a violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
- (2) The peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
- (3) There is probable cause to believe that the person committed the violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) as charged; and
- (4) The person has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his or her motor vehicle operator's license suspended ~~or revoked~~ on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the ten (10) year period immediately preceding his or her arrest;[,] then the court shall continue to suspend the person's operator's license or privilege to operate a motor vehicle, but in no event for a period longer than the license suspension period applicable to the person under KRS 189A.070 and 189A.107.

The provisions of this section shall not be construed as limiting the person's ability to challenge any prior convictions or license suspensions or refusals.

Section 14. KRS 189A.250 is amended to read as follows:

KRS 189A.250 Judicial review of pretrial suspension for causing an accident resulting in death or serious physical injury to another person. (AMENDED CATCHLINE)

In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)(c)(~~b~~), if the court determines by a preponderance of the evidence that:

- (1) The person was charged and arrested by a peace officer with violation of KRS 189A.010;
- (2) The officer had reasonable grounds to believe that the person was operating or in physical control of a motor vehicle in violation of KRS 189A.010;

- (3) There is probable cause to believe that the person committed the violation of KRS 189A.010(1) as charged; and
- (4) There is probable cause to believe that the person was involved in an accident that resulted in death or serious physical injury as defined in KRS 500.080 to a person other than the defendant; then the court shall continue the suspension of the person's operator's license or privilege to operate a motor vehicle during the pendency of the proceedings, but in no event for a period longer than the license suspension period applicable to the person under Sections 5 and 10 of this Act.]

SECTION 15. KRS 189A.340 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

KRS 189A.340 Ignition interlock licenses – Provider fees (AMENDED CATCHLINE)

(1) (a) If a person's license is suspended pursuant to this chapter and the initial suspension was for a violation of KRS 189A.010(1)(a), (b), (e), or (f), the sole license the person shall be eligible for is an ignition interlock license pursuant to this section.

(b) If a person's license is suspended pursuant to this chapter and the initial suspension was for a violation of KRS 189A.010(1)(c) or (d), the person shall be eligible for an ignition interlock license pursuant to this section and may be eligible for a hardship license pursuant to KRS 189A.410.

(2) (a) A person may apply for an ignition interlock license anytime, including after receiving the notices under KRS 189A.105 or after his or her license has been suspended pursuant to this chapter.

(b) If at the time the person applies for an ignition interlock license, the person's license has been suspended pursuant to this chapter, the person shall be authorized to drive to:

1. An ignition interlock device provider to have a functioning ignition interlock device installed in his or her motor vehicle or motorcycle; and

2. The circuit clerk's office in the person's county of residence to obtain an ignition interlock license;

This paragraph shall only apply within fourteen (14) days of the date printed on the ignition interlock approval letter issued by the Transportation Cabinet and if the person has the ignition interlock approval letter in the motor vehicle or motorcycle.

(3) Before the Transportation Cabinet shall issue an ignition interlock license, the person shall:

(a) Submit an application for an ignition interlock license;

(b) Provide proof of motor vehicle insurance;

(c) Provide an ignition interlock certificate of installation issued by an ignition interlock device provider; and

(d) Provide any other information required by administrative regulations promulgated by the Transportation Cabinet under KRS 189A.350.

(4) An ignition interlock license shall restrict the person to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device, unless the person qualifies for an employer exemption under subsection (6) of this section. This restriction shall remain in place for:

(a) If a person's license was suspended pretrial pursuant to KRS 189A.200, the required suspension period under KRS 189A.200(6);

(b) If a persons' license was suspended pursuant to KRS 189A.070 or 189A:107

1. The required suspension period under KRS 189A.070(1); and

2. a. If the maximum suspension period under KRS 189A.070(1)(a) has not yet been met, until the Transportation Cabinet has received a declaration from the person's ignition interlock device provider, in a form provided or This paragraph shall only apply within fourteen (14) days of the date printed on the ignition interlock approval letter issued by the Transportation Cabinet and if the person has the ignition interlock approval letter in the motor vehicle or motorcycle.

(3) Before the Transportation Cabinet shall issue an ignition interlock license, the person shall:

(a) Submit an application for an ignition interlock license;

(b) Provide proof of motor vehicle insurance;

(c) Provide an ignition interlock certificate of installation issued by an ignition interlock device provider; and

(d) Provide any other information required by administrative regulations promulgated by the Transportation Cabinet under Section 17 of this Act.

(4) An ignition interlock license shall restrict the person to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device, unless the person qualifies for an employer exemption under subsection (6) of this section. This restriction shall remain in place for:

(a) If a person's license was suspended pretrial pursuant to KRS 189A.200, the required suspension period under KRS 189A.200(6);

(b) If a persons' license was suspended pursuant to KRS 189A.170 or KRS 189A.107:

1. The required suspension period under KRS 189A.070((1); and

2. a. If the maximum suspension period under KRS 189A.070(1)(a) has not yet been met, until the Transportation Cabinet has received a declaration from the person's ignition interlock device provider, in a form provided or approved by the cabinet, certifying that none of the violations outlined in subdivision b. of this subparagraph has occurred:

i. For a first offense within a ten (10) year period of KRS 189A.010(1)(a), (b), (c), (d), or (e) or for any offense of KRS 189A.010(1)(f), in the ninety (90) consecutive days; and

ii. For all subsequent offenses within a ten (10) year period of KRS 189A.010(1)(a), (b), (c), (d), or (e), one hundred twenty (120) consecutive days; prior to the date of releasing the ignition interlock device restriction.

b. If any of the following occur, it shall be a violation of the ninety (90) or one hundred twenty (120) consecutive day requirement:

i. Failure to take any random breath alcohol concentration test unless a review of the digital image confirms that the motor vehicle or motorcycle was not occupied by a driver at the time of the missed test;

ii. Failure to pass any random retest with a breath alcohol concentration of 0.02 or lower unless a subsequent test performed within ten (10) minutes registers a

breath alcohol concentration lower than 0.02, and the digital image confirms the same person provided both samples;

iii. Failure of the person, or his or her designee, to appear at the ignition interlock device provider when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device;

iv. Failure of the person to pay fees established pursuant to subsection (7) of this section;

v. Tampering with an installed ignition interlock device with the intent of rendering it defective; or

vi. Altering, concealing, hiding, or attempting to alter, conceal, or hide, the person's identity from the ignition interlock device's camera while providing a breath sample;

(c) If a person's license was suspended pursuant to KRS 189A.090, for the required suspension period under KRS 189A.090(2); or

(d) If a person's license suspension was extended pursuant to KRS 189A.345, the required suspension period under KRS 189A.345(1).

(5) (a) The time period a person:

1. Holds a valid ignition interlock license pursuant to this section; or

2. Receives alcohol or substance abuse treatment in an inpatient residential facility; shall apply on a day-for-day basis toward satisfying the suspension periods detailed in subsection (4) of this section.

(b) Except as provided in paragraph (c) of this subsection, the Transportation Cabinet shall give the person a day-for-day credit for any time period the person:

1. Held a valid ignition interlock license; or

2. Received alcohol or substance abuse treatment in an inpatient residential facility.

(c) A person shall not receive day-for-day credit for days the person utilized the employer exemption in accordance with subsection (6) of this section and drove an employer's motor vehicle or motorcycle not equipped with a functioning ignition interlock device.

(6) (a) A person with an ignition interlock license may operate a motor vehicle or motorcycle not equipped with a functioning ignition interlock device if:

1. The person is required to operate an employer's motor vehicle or motorcycle in the course and scope of employment; and

2. The business entity that owns the motor vehicle or motorcycle is not owned or controlled by the person.

(b) To qualify for the employer exemption, the person shall provide the Transportation Cabinet with a sworn statement from his or her employer stating that the person and business entity meet the requirements of paragraph (a) of this subsection.

(7) (a) Except as provided in paragraph (c) of this subsection, an ignition interlock device provider may charge the following fees:

1. An installation fee for an alternative fuel vehicle or a vehicle with a push button starter not to exceed one hundred thirty dollars (\$130), an installation fee for all other vehicles not to exceed one hundred dollars (\$100);

2. A monthly fee not to exceed one hundred dollars (\$100);

3. A removal fee not to exceed thirty dollars (\$30);

4. A reset fee not to exceed fifty dollars (\$50); or

5. A missed appointment fee not to exceed thirty-five dollars (\$35).

(b) A person who is issued an ignition interlock license shall pay fees as established in his or her lease agreement with the ignition interlock device provider for any ignition interlock device installed in his or her motor vehicle or motorcycle. However, the fees shall never be more than allowed under paragraph (a) of this subsection and are subject to paragraph (c) of this subsection.

(c) Any person who has an income:

1. At or below two hundred percent (200%) but above one hundred fifty percent (150%) of the federal poverty guidelines, shall pay only seventy-five percent (75%) of fees established pursuant to paragraph (a) of this subsection;

2. At or below one hundred fifty percent (150%) but above one hundred percent (100%) of the federal poverty guidelines, shall pay only fifty percent (50%) of fees established pursuant to paragraph (a) of this subsection; or

3. At or below one hundred percent (100%) of the federal poverty guidelines, shall pay only twenty-five percent (25%) of fees established pursuant to paragraph (a) of this subsection; As used in this paragraph, "federal poverty guidelines" has the same meaning as in KRS 205.5621. The Transportation Cabinet shall determine the person's income and where that income places the person on the federal poverty guidelines.

(d) Neither the Commonwealth, the Transportation Cabinet, nor any unit of state or local government shall be responsible for payment of any costs associated with an ignition interlock device.

(8) For a person issued an ignition interlock license under this section who is residing outside of Kentucky, the Transportation Cabinet may accept an ignition interlock certificate of installation from an ignition interlock device provider authorized to do business in the state where the person resides if the ignition interlock device meets the requirements of that state.

Section 16. KRS 189A.345 is amended to read as follows:

KRS 189A.345 Prohibition against use of vehicle other than for purpose authorized by ignition interlock license -- Penalties for unlawful acts relating to ignition interlock licenses and devices. (AMENDED CATCHLINE)

(a) No person who is issued an ignition interlock license under KRS 189A.340 shall operate a motor vehicle or motorcycle without a functioning ignition interlock device or at any time, place, or for any purpose other than authorized ~~when prohibited to do so~~ under KRS 189A.340 ~~KRS 189A.420~~.

(b) Any person who violates the provisions of paragraph (a) of this subsection shall be guilty of a Class A misdemeanor, and shall have his or her license suspended by the Transportation Cabinet for the initial period of suspension under KRS 189A.070 for an additional six (6) months.

(2) (a) No person who is issued an ignition interlock license under KRS 189A.340 shall request, permit, or allow another person to:

1. Start a motor vehicle or motorcycle equipped with an ignition interlock device;
or

2. Take a subsequent breath alcohol concentration test; for the purpose of providing an operable motor vehicle or motorcycle for that person subject to the ignition interlock license to drive in violation of KRS 189A.340.

(b) Any person who violates paragraph (a) of this subsection shall:

1. For a first offense, be guilty of a Class B misdemeanor; and

2. For a second or subsequent offense, be guilty of a Class A misdemeanor.

(3) [(2)-] (a) No person shall start a motor vehicle or motorcycle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle or motorcycle to a person subject to the prohibition established in **KRS 189A.340**~~[KRS 189A.420]~~.

(b) Any person who violates paragraph (a) of this subsection shall:

1. For a first offense, be guilty of a Class B misdemeanor; and

2. For a second or subsequent offense, be guilty of a Class A misdemeanor.

(4) [(3)-] (a) No person shall:

1. Knowingly install a defective ignition interlock device on a motor vehicle or motorcycle;~~[or]~~

2. Tamper with an installed ignition interlock device with the intent of rendering it defective; **or**

3. Alter, conceal, hide, or attempt to alter, conceal, or hide, the person's identity from the ignition interlock device's camera while providing a breath sample.

(b) Any person who violates paragraph (a) of this subsection shall:

1. For a first offense, be guilty of a Class B misdemeanor; and

2. For a second or subsequent offense, be guilty of a Class A misdemeanor and be prohibited from installing ignition interlock devices or directing others in the installation of ignition interlock devices.

(5) [(4)-] (a) No person shall direct another person to install a defective ignition interlock device on a motor vehicle or motorcycle when the person giving the direction knows that the ignition interlock device is defective.

(6) (a) No person shall knowingly assist a person who is issued an ignition interlock license in making a false statement in order to qualify for the employer exemption under KRS 189A.340(6).

(b) Any person who violates paragraph (a) of this subsection, is guilty of a Class A misdemeanor and shall have his or her motor vehicle or motorcycle operator's license suspended by the Transportation Cabinet for six (6) months.

Section 17. KRS 189A.500 is repealed, reenacted, amended, and renumbered as KRS 189A.350 to read as follows:

189A.350 Administrative regulations promulgated by Transportation Cabinet for ignition interlock licenses, devices, and providers -- Certification of devices and device providers -- Provider contract provisions.

(1) (a) The Transportation Cabinet shall:

~~1. [(a)]~~ Issue ignition interlock license application forms and other forms necessary for the implementation of ignition interlock licenses;

2. [(b)] Create a uniform **ignition interlock** certificate of installation to be provided to a defendant by an ignition interlock provider upon installation of **an**~~[a-certified]~~ ignition interlock device;

3. ~~[(e)]~~ Create an ignition interlock license. The ignition interlock license may be a regular driver's or operator's license with an ignition interlock restriction printed on the license ~~[for issuance to any person granted authorization by the court to receive an ignition interlock license];~~

4. Require a person issued an ignition interlock license to maintain motor vehicle insurance for the duration of his or her ignition interlock license;

5. ~~[(d)]~~ Certify ignition interlock devices approved for use in the Commonwealth;

6. ~~[(e)]~~ Publish and periodically update on the Transportation Cabinet Web site a list of contact information, including a link to the Web site of each certified ignition interlock device provider, with the entity appearing first on the list changing on a statistically random basis each time a unique visitor visits the list of the approved ignition interlock installers and the approved servicing and monitoring entities;

7. Monitor the ignition interlock device service locations of providers and create a random or designated selection process to require a provider to provide ignition interlock device services in any area of the Commonwealth which the Transportation Cabinet determines is underserved by providers; and

8. ~~[(f)]~~ Except as provided in paragraph (b) of this subsection, promulgate administrative regulations to carry out the provisions of this section.

(b) The Transportation Cabinet shall not create any ignition interlock license or device violations in administrative regulations. The sole ignition interlock license or device violations are established in this chapter.

(2) No model of ignition interlock device shall be certified for use in the Commonwealth unless it meets or exceeds standards promulgated by the Transportation Cabinet pursuant to this section.

(3) In bidding for ~~a~~^{the} contract with the Transportation Cabinet to provide ignition interlock devices and servicing or monitoring or both, the ignition interlock **device** provider shall take into account that some defendants will not be able to pay the full ~~amount~~^{cost} of the **fees established pursuant to KRS 189A.340(7)(a)**. ~~[ignition interlock device or servicing and monitoring fees].~~

(4) ~~[Upon June 24, 2015,]~~Any contract between the cabinet and an ignition interlock device provider shall include the following:

(a) A requirement that the provider accept reduced payments as a full payment for all purposes from persons determined to be **at or below two hundred percent 20 (200%) of the federal poverty guidelines**~~[indigent]~~ by **the Transportation Cabinet as provided by KRS 189A.340(7)(c)** ~~[a court authorizing the use of an ignition interlock device pursuant to KRS 189A.420(7)];~~

(b) A requirement that no unit of state or local government and no public officer or employee shall be liable for the cost of purchasing or installing the ignition interlock device or associated costs;

(c) A requirement that the provider agree to a price for the cost of leasing or purchasing an ignition interlock device and any associated servicing or monitoring fees during the duration of the contract. This price shall not be increased but may be reduced during the duration of the contract;

(d) Requirements and standards for the servicing, inspection, and monitoring of the ignition interlock device;

(e) Provisions for training for service center technicians and clients;

- (f) A requirement that the provider electronically transmit reports on driving activity within seven (7) days of servicing an ignition interlock device to the **Transportation Cabinet**~~[respective court]~~, prosecuting attorney, and defendant;
- (g) Requirements for a transition plan for the ignition interlock device provider before the provider leaves the state to ensure that continuous monitoring is achieved and to provide a minimum forty-five (45) day notice to the cabinet of any material change to the design of the ignition interlock device, or any changes to the **provider's**~~[vendor's]~~ installation, servicing, or monitoring]] capabilities;
- (h) A requirement that, before beginning work, the ignition interlock device provider have and maintain insurance as approved by the cabinet, including **provider's**~~[vendor's]~~ public liability and property damage insurance, in an amount determined by the cabinet, that covers the cost of defects or problems with product design, materials, workmanship during manufacture, calibration, installation, device removal, or any use thereof;
- (i) A provision requiring that an ignition interlock provider agree to hold harmless and indemnify any unit of state or local government, public officer, or employee from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any action or omission by the ignition interlock provider relating to the installation, service, repair, use, or removal of an ignition interlock device;
- (j) A requirement that a warning label to be affixed to each ignition interlock 3 device upon installation. The label shall contain a warning that any person 4 who tampers with, circumvents, or otherwise misuse the device commits a 5 violation of law under KRS 189A.345;~~[-and]~~
- (k) A requirement that a provider will remove an ignition interlock device without cost, if the device is found to be defective;
- (l) A requirement that a provider have at least one (1) ignition interlock device service location in each Transportation Cabinet highway district; and**
- (m) A requirement that a provider accept assignments to provide ignition interlock device services in areas of the Commonwealth which the Transportation Cabinet determines are underserved by providers in accordance with subsection (1) of this section.**

Section 18. KRS 189A.420 is repealed, reenacted, amended, and renumbered as KRS 189A.360 to read as follows:

KRS 189A.360 Nonrefundable application fee for ignition interlock license.

~~[(1) A person shall be eligible for an ignition interlock license:~~

~~(a) During a period of license suspension under this chapter or upon the conclusion of a license revocation period pursuant to KRS 189A.340; or~~

~~(b) If he or she was convicted pursuant to KRS 189A.010(1)(a), (b), (c), or (f) and has enrolled in and is actively participating or has completed, alcohol or 21 substance treatment.~~

~~(2) Before authorizing a person to apply for an ignition interlock license, the court shall order the person to:~~

~~(a) Provide the court with proof of motor vehicle insurance;~~

~~(b) If necessary, provide the court with a written, sworn statement from his employer, on a form provided by the cabinet, detailing the necessity for the defendant to use the~~

~~employer's motor vehicle in his work at the direction of the employer during working hours, and acknowledging that the person is restricted from using an employer's non-ignition interlock-equipped vehicle until the expiration of thirty (30) days from the date of issuance of an ignition interlock license for a first offense or twelve (12) months from the date of issuance of an ignition interlock license for a second or subsequent offense in violation of KRS 189A.010; and~~

~~(c) Provide to the court such other information as may be required by administrative regulation of the Transportation Cabinet.~~

~~(3) No court shall grant authorization for a person to operate only motor vehicles or motorcycles equipped with a functioning ignition interlock device, unless and until the person:~~

~~(a) Provides proof that the person has been issued or has filed a completed application with the Transportation Cabinet for issuance of an ignition interlock license pursuant to KRS 189A.500; and~~

~~(b) Provides a certificate of installation of an ignition interlock device issued by a certified ignition interlock device provider pursuant to KRS 189A.500.~~

~~(4) Whenever the court grants authorization to apply for an ignition interlock license pursuant to this section, the court through court order, shall:~~

~~(a) Prohibit the person from operating any motor vehicle or motorcycle without a functioning ignition interlock device;~~

~~(b) Require that within the first thirty (30) days of installation of an ignition interlock device and every sixty (60) days thereafter, the person shall have the device serviced pursuant to the administrative regulations promulgated by the cabinet under KRS 189A.500; and~~

~~(c) If the requirements of paragraph (b) of subsection (2) of this section are met, allow that after the expiration of thirty (30) days from the date of issuance of an ignition interlock license for a first offense or twelve (12) months from the date of issuance of an ignition interlock license for a second or subsequent offense in violation of KRS 189A.010, the person may use an employer's nonignition interlock-equipped vehicle as part of the employee's job duties if the person is to be authorized by the cabinet to use a nonignition interlock vehicle owned or leased by the employer as part of the employee's job duties.~~

~~(5) Upon authorizing a person to operate only motor vehicles or motorcycles equipped with a functioning ignition interlock device, the court, without a waiver or a stay of the following procedure, shall:~~

~~(a) Transmit its order and other appropriate information to the Transportation Cabinet;~~

~~(b) Direct that the Transportation Cabinet records reflect:~~

~~1. That during the applicable suspension or revocation period or upon the conclusion of a license revocation period, the person shall not operate a motor vehicle or motorcycle without a functioning ignition interlock device;~~

~~2. Whether the court has expressly permitted the person to operate a motor vehicle or motorcycle without a functioning ignition interlock device, as provided in subsection (2)(b) of this section; and~~

~~3. Direct the Transportation Cabinet to issue to any person restricted pursuant to this section an ignition interlock license that states the person shall operate only a motor vehicle or motorcycle equipped with a functioning ignition interlock device. However, if~~

~~the exception provided for in subsection (2)(b) of this section applies, the license shall indicate the exception.~~

~~(6) All persons applying for an ignition interlock license shall pay a nonrefundable application fee to the Transportation Cabinet in an amount not to exceed the actual cost to the cabinet for issuing the ignition interlock license, but not to exceed two hundred dollars (\$200).~~

~~[(7) The court shall require the person to pay the reasonable cost of leasing or buying, installing, servicing, and monitoring the device. If the court determines that a defendant is indigent, the court may, based on a sliding scale established by the Supreme Court of Kentucky by rule, require the defendant to pay the costs imposed under this section in an amount that is less than the full amount of the costs associated with the lease, purchase, or installation of an ignition interlock device and associated servicing and monitoring fees. If a defendant pays to an ignition interlock provider the amount ordered by the court under this subsection, the provider shall accept the amount as payment in full. Neither the Commonwealth, Transportation Cabinet, or any unit of state or local government shall be responsible for payment of any costs associated with an ignition interlock device.]~~

SECTION 19. A NEW SECTION OF KRS 189A.005 TO 189A.360 IS CREATED TO READ AS FOLLOWS:

189A.370 Administrative appeals process for ignition interlock license.

(1) (a) In every instance where the Transportation Cabinet takes action which affects:

1. A person's eligibility for an ignition interlock license;

2. The calculation of a person's ninety (90) or one hundred twenty (120) consecutive days;

3. The calculation of a person's day-for-day credit;

4. A person's eligibility for an employer exemption; or

5. The calculation of a person's income and where that income places the person on the federal poverty guidelines; under KRS 189A.340, that action shall include a letter that notifies the person of the action, informs the person of the basis of the action, and informs the person of his or her right to request an informal hearing within twenty (20) days of receiving the notice.

(b) The informal hearing shall be scheduled as early as practical within twenty (20) days after receipt of the request at a time and place designated by the cabinet.

(c) The informal hearing shall be conducted by a hearing officer designated by the commissioner and shall adhere to the requirements of KRS 13B.090. At the hearing, the complainant shall be given a statement of why the cabinet took the action, and both the cabinet and the complainant shall have the right to be advised by an attorney with the burden of proof resting with the complainant. After the hearing, the hearing officer shall prepare a written report of the hearing with a recommended decision to the commissioner. The final decision shall be made by the commissioner. As used in this paragraph, "commissioner" means the commissioner of the cabinet's Office of Vehicle Regulation.

(2) An aggrieved party may file a request for reconsideration of the commissioner's final decision with the cabinet's Office of Legal Services within twenty (20) days after receipt of the informal hearing decision. The Office of Legal Services shall issue a decision within twenty (20) days after receipt of the request.

(3) An aggrieved party may appeal the Office of Legal Services' decision within twenty (20) days after receipt of the decision, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

Section 20. KRS 189A.400 is amended to read as follows:

(1) The **sentencing court** ~~[District Court]~~ shall have ~~[exclusive]~~ jurisdiction over the issuance of ~~[ignition interlock and]~~ hardship licenses.

(2) The Commonwealth's or county attorney shall review applications submitted to the **sentencing court** ~~[District Court]~~ and may object to the issuance of ~~[ignition interlock and]~~ hardship licenses.

Section 21. KRS 189A.410 is amended to read as follows:

189A.410 Hardship license -- Prohibition against issuance when alcohol or substance test refused. (AMENDED CATCHLINE)

(1) At any time **during** ~~[following]~~ the ~~[expiration of the minimum license]~~ suspension periods enumerated in:

(a) **KRS 189A.070 for violation of KRS 189A.010(1)(c) or (d);** ~~[KRS 189A.010(6)];~~ or

(b) **KRS 189A.090 relating to a violation of KRS 189A.010(1)(c) or (d);** ~~[KRS~~

~~189A.070 for a violation of: 8-1. KRS 189A.010(1)(c) or (d); or~~

~~2. KRS 189A.010(1)(a), (b), or (e) for a first offense within a ten (10) year period if, at the time of the offense, none of the aggravating circumstances enumerated under KRS 189A.010(11) were present while the person was operating or in control of a motor vehicle];~~

the court may grant the person hardship driving privileges for the balance of the suspension period imposed by the **Transportation Cabinet** ~~[court, upon written petition of the defendant]~~, if the court finds reasonable cause to believe that revocation would hinder the person's ability to continue his **or her** employment; continue attending school or an educational institution; obtain necessary medical care; attend driver improvement, alcohol, or substance abuse education programs; or attend court-ordered counseling or other programs.

EDITED

Section 22. KRS 189A.440 is amended to read as follows:

KRS 189A.440 Prohibition against use of vehicle other than for purpose authorized by hardship statement. (AMENDED CATCHLINE)

(1) No person who is issued ~~[an ignition interlock license under KRS 189A.420 or]~~ a hardship license shall operate a motor vehicle at any time, place, or for any purpose other than those authorized upon the face of the ~~[ignition interlock or]~~ hardship license issued under KRS 189A.410.

(2) Any defendant who violates the provisions of subsection (1) of this section is guilty of a Class A misdemeanor, and shall have his or her license suspended by the Transportation Cabinet~~revoked~~ for the initial period of suspension under KRS 189A.070~~revocation plus~~ an additional six (6) months.

(3) Any defendant or any other person who knowingly assists the defendant in making a false application statement is guilty of a Class A misdemeanor and shall have his or her motor vehicle or motorcycle operator's license suspended by the Transportation Cabinet~~revoked~~ for six (6) months.

Section 23. KRS 186.550 is amended to read as follows:

(1) Except for offenses committed under KRS Chapter 189A, the clerk of any court having jurisdiction over offenses committed under motor vehicle laws shall report upon a form furnished by the cabinet the conviction, pleas or forfeiture of bond arising under motor vehicle laws, to the cabinet within fifteen (15) days.

(2) The court shall take up the motor vehicle operator's license certificate of a person convicted of any of the offenses for which mandatory revocation is provided by KRS 186.560 and have it immediately forwarded to the cabinet with the report 24 covering the conviction.

Section 24. KRS 186.560 is amended to read as follows:

* * * * *

(6) In order to secure the reinstatement of a license to operate a motor vehicle or motorcycle restored following a period of suspension ~~or revocation~~ pursuant to KRS Chapter 189A~~189A.070, 189A.080, and 189A.090~~, the person whose license is suspended ~~or revoked~~ shall comply with the fees and other procedures of the Transportation Cabinet with regard to the reinstatement of suspended ~~or revoked~~ licenses.

EDITED

Section 25. The following KRS sections are repealed:

189A.080 Surrender and forwarding of suspended or revoked licenses.

189A.320 Court reporting of convictions and license revocations to Transportation Cabinet.

189A.430 Permit card and window decal for hardship driving privileges -- Requirement to carry permit -- Penalty for failure to display decal.

189A.450 Service fee for hardship driving privileges.

Section 26. This Act takes effect on July 1, 2020.

**SENATE BILL 89 METHAMPHETAMINE
DECONTAMINATION**

SECTION 1. A NEW SECTION OF KRS 65.8801 TO 65.8839 IS CREATED TO READ AS FOLLOWS:

KRS 65.8823 Abatement and decontamination of methamphetamine contamination - Ordinance

A local government may provide by ordinance for the abatement and decontamination of a property where a methamphetamine contamination notice has been posted as provided in KRS 224.1-410.

Section 2. KRS 65.8840 is amended to read as follows:

* * * * *

- (2) (a) The provisions of this section may be enforced through a code enforcement board pursuant to KRS 65.8801 to 65.8839, or by any other means authorized by law, including but not limited to direct enforcement through the enactment of an ordinance as provided in subsection ~~(7)~~[(6)] of this section.
- (b) If the provisions of this section are enforced through a code enforcement board pursuant to KRS 65.8801 to 65.8839, the provisions of subsections ~~(8)~~[(7)], ~~(9)~~[(8)], and ~~(10)~~[(9)] of this section shall not apply, and KRS 22 65.8801 to 65.8839 shall supersede any conflicting provisions of this section.

* * * * *

(6) A local government may provide by ordinance for the abatement and decontamination of a property where a methamphetamine contamination notice has been posted as provided in KRS 224.1-410. Pursuant to subsections (7) and (8) of this section, notice and an opportunity to request a hearing shall be afforded to an owner prior to decontamination of the property. A lien for all fees, charges, and costs incurred by the local government in the enforcement of an ordinance related to decontaminating a property where a methamphetamine contamination notice has been posted pursuant to KRS 224.1-410, shall be placed on the property pursuant to subsection (9) of this section. Notwithstanding subsections (12) and (13) of this section, the costs of abatement and decontamination of a property where a methamphetamine contamination notice has been posted are recoverable throughout the county.

~~(7)~~[(6)] Any local government may establish by ordinance reasonable standards and procedures for the enforcement of this section. The procedures shall comply with all applicable statutes, administrative regulations, or codes. Any ordinance establishing these procedures may be enforced by any means authorized by law. Proper notice shall be given to owners before any action is taken pursuant to this section, and, prior to the **decontamination of a property where a methamphetamine contamination notice has been posted pursuant to KRS 224.1-410 or the** demolition of any unfit or unsafe structure, **the opportunity**[the right] to **request** a hearing shall be afforded the owner.

REMAINING RENUMBERED AND INTERNAL NUMBERING ADJUSTED

(14) The right to request a hearing pursuant to this section shall be limited to a period of thirty (30) days after notice has been placed on the property and has been sent by certified mail return receipt requested.

Section 3. KRS 132.012 is amended to read as follows:

As used in this section and in KRS 92.305 and 91.285, unless the context otherwise requires:

* * * * *

(d) Has had a methamphetamine contamination notice posted as provided in KRS 224.1-410 for a period of at least ninety (90) days and the owner has neither appealed the notice nor provided a certificate of decontamination during the ninety (90) days; or

REMAINING RENUMBERED

Section 4. KRS 426.205 is amended to read as follows:

(1) In an action otherwise properly brought to enforce a mortgage or lien against real property, **including a lien pursuant to KRS 65.8801 to 65.8839 or KRS 65.8840, which has been** determined by the court to be vacant and abandoned, a sale of the property shall be ordered expeditiously.

SENATE BILL 97 SEXUAL ASSAULT KITS

Section 1. KRS 16.132 is amended to read as follows:

KRS 16.132 Collection of statistical data concerning sexual offenses and sexual assault evidence kits – Tracking process for evidence kits – Public portal for victims to access the system. (AMENDED CATCHLINE)

(1) The Department of Kentucky State Police shall request from other law enforcement agencies, pursuant to KRS 17.150, and shall collect statistical data regarding the reporting and investigation of any person charged with committing, attempting to commit, or complicity to a sexual offense as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310, and on the number of sexual assault evidence kits, as defined in KRS 216B.400, which are submitted to law enforcement agencies, the number of such kits submitted to the Department of Kentucky State Police forensic laboratory, and the number of kits tested.

(2) The information collected pursuant to this section for the previous calendar year shall be provided by May 1, 2018, and by each May 1 thereafter to the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.

(3) The department shall by July 1, 2020, create and implement a tracking process for sexual assault forensic evidence kits. The department shall by December 1, 2020, promulgate administrative regulations governing the tracking process. The tracking process shall include, and the administrative regulations promulgated pursuant to this subsection shall require, a public portal allowing victims to

access the system, and shall provide for the information to be submitted to the Department of Kentucky State Police.

SENATE BILL 103 SHERIFFS EMERGENCY

Section 1. KRS 64.090 is amended to read as follows:

(1) Sheriffs may charge and collect the following fees from the Commonwealth and any of its agencies, including the Department of Kentucky State Police, when the source of payment is not otherwise specified, if the Commonwealth, any of its agencies, or the Department of Kentucky State Police makes a request that the sheriff perform any of the following:

* * * * *

(3) Sheriffs may charge and collect a fee of twenty-five dollars (\$25) for the handling of an impounded vehicle and a fee of twenty-five dollars (\$25) per day for the storage of an impounded vehicle.

SECTION 2. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

KRS 70.155 Motor vehicle impoundment – Handling and storage fees – Challenge to validity of impoundment – Hearing – Appeal.

(1) As used in this section, "hearing board" or "board" means a body:

(a) Established by ordinance;

(b) Empowered to conduct hearings pursuant to this section; and

(c) Composed of one (1) or more persons appointed pursuant to ordinance and any hearing officers appointed by the board. Any actions of a hearing officer shall be deemed to be the action of the board.

(2) A sheriff may impound a motor vehicle parked, stopped, or standing upon a street or public way within its jurisdiction that is in violation of an ordinance or statute prohibiting parking, stopping, or standing in the location, manner, or at the time the vehicle is cited or for any other lawful reason.

(3) A sheriff may condition the release of an impounded motor vehicle upon the payment of the handling and storage fees imposed thereon, unless the owner or other person entitled to possession challenges the validity of the impoundment pursuant to subsection (4) of this section. A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. The sheriff may require reasonable security, bond, or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to that person.

(4) The owner of a motor vehicle which has been impounded pursuant to this section or other person entitled to possession may challenge the validity of the impoundment and request in writing a hearing before the hearing retain possession of the vehicle pending the hearing, unless the owner or other person

claiming right of possession posts a bond in an amount equal to the fees accrued as of the date of the hearing request, or seventy-five dollars (\$75), whichever is less. If the owner or person claiming possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within seventy two (72) hours of the date the request for the hearing is received, unless that person requests or agrees to a continuance.

(5) (a) At least five (5) days prior to the date set for the hearing, the sheriff shall notify the person requesting the hearing of the date, time, and place of the hearing. In the case of a hearing required to be held within seventy-two (72) hours of the date of the request as provided in subsection (4) of this section, the person requesting the hearing shall be informed at the time of his or her request, or as soon thereafter as is practicable, of the date, time, and place of the hearing.

(b) Any person who refuses or, except for good cause, fails to appear at the date, time, and place set for the hearing shall be deemed to have conceded on that person's and owner's behalf that the impoundment was valid and reasonable.

(c) At the hearing, after consideration of the evidence, the board shall determine whether the impoundment was valid and reasonable. If the board determines the impoundment was:

1. Valid and reasonable, the board shall uphold the impoundment and condition the release of the vehicle upon payment of all fees accruing thereto. If a bond was posted as security for release of the vehicle, the bond shall be forfeited to the sheriff. Any fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the sheriff; or

2. Not valid and reasonable, an order releasing the vehicle shall be entered. All fees paid or amounts posted as bond because of the impoundment of the vehicle shall be returned. The board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(d) The board may consider a parking citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.

(e) An appeal from the hearing board's determination may be made to the District Court of the county in which the sheriff is located within seven (7) days of the board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any civil action. The action shall be tried de novo and the burden shall be on the sheriff to establish that the impoundment was valid and reasonable. If the court finds that the impoundment was:

1. Valid and reasonable, the owner shall be ordered to pay all fees accruing thereto as of the date of judgment; or

2. Not valid and reasonable, the sheriff shall be ordered to release the vehicle, if applicable, and to return all fees paid as a result of the impoundment and the plaintiff shall be authorized to recover his or her costs.

(f) The judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

Section 3. Whereas confusion exists as to whether a sheriff may charge for the storage of impounded vehicles, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

SENATE BILL 115 LOCAL ABC

Section 1. KRS 15.380 is amended to read as follows:

The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified:

EDITED

(7) Local alcoholic beverage control investigators appointed under KRS Chapter 241 on or after April 1, 2019, shall be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met. Local alcoholic beverage control investigators appointed under KRS Chapter 241 before April 1, 2019, shall be exempt from this requirement.

SENATE BILL 121 SEXUAL ASSAULT TRAINING

Section 1. KRS 15.334 is amended to read as follows:

(1) The Kentucky Law Enforcement Council shall approve mandatory training subjects to be taught to all students attending a law enforcement basic training course that include but are not limited to:

EDITED

(2) (a) The council shall develop and approve mandatory ***in-service***~~[professional development]~~ training courses to be presented to all certified peace officers. **The council may promulgate administrative regulations in accordance with KRS Chapter 13A setting forth the deadlines by which all certified peace officers shall attend the mandatory in-service training courses**~~[A mandatory professional development training course shall be first taken by a certified peace officer in the training year following its approval by the council and biennially thereafter. A certified peace officer shall be required to take these courses no more than two (2) times in eight (8) years].~~

(b) ~~[Beginning January 1, 2011, the council shall require that one and one-half (1.5) hours of professional development covering the recognition and prevention of pediatric abusive head trauma be included in the curriculum of all mandatory professional development training courses such that all officers shall receive this training at least once by December 31, 2013. The one and one-half (1.5) hours required under this section shall be included in the current number of required continuing education hours.~~

(c) ~~[Beginning January 1, 2017, the council shall establish a forty (40) hour sexual assault investigation training course.~~ **After January 1, 2019, agencies shall maintain**

officers on staff who have completed the forty (40) hour sexual assault investigation training course in accordance with the following:

1. Agencies with more than ten (10) but fewer than twenty-one (21) full time officers shall maintain one (1) officer who has completed the forty (40) hour sexual assault investigation training course;

2. Agencies with twenty-one (21) or more but fewer than fifty-one (51) full-time officers shall maintain at least two (2) officers who have completed the forty (40) hour sexual assault investigation training course; and

3. Agencies with fifty-one (51) or more full-time officers shall maintain at least four (4) officers who have completed the sexual assault investigation course.

(c) An agency shall not make an officer directly responsible for the investigation or processing of sexual assault offenses unless that officer has completed the forty (40) hour sexual assault investigation training course.

(d) The council may, upon application by any agency, grant an exemption from the training requirements set forth in paragraph (b) of this subsection if that agency, by limitations arising from its scope of authority, does not conduct sexual assault investigations.

(e) Any agency failing to comply with paragraph (b) or (c) of this subsection shall, from the date the noncompliance commences, have one (1) year to reestablish the minimum number of trained officers required~~[By January 1, 2019, agencies shall have one (1) or more officers trained in this curriculum, as follows:~~

~~1. Agencies with five (5) or fewer officers shall have at least one (1) officer trained in sexual assault investigation;~~

~~2. Agencies with more than five (5) officers but fewer than thirty (30) officers shall have at least two (2) officers trained in sexual assault investigation; and~~

~~3. Agencies with thirty (30) or more officers shall have at least four (4) officers trained in sexual assault investigation].~~

(3) The Justice and Public Safety Cabinet shall provide training on the subjects of domestic violence and abuse and may do so utilizing currently available technology. All certified peace officers shall be required to complete this training at least once every two (2) years.

(4) The council shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish mandatory basic training and **in-service**~~[professional development]~~ training courses.

~~[(5) The council shall make an annual report by December 31 each year to the Legislative Research Commission that details the subjects and content of mandatory professional development training courses established during the past year and the subjects under consideration for future mandatory training.]~~

Section 2. KRS 15.386 is amended to read as follows:

The following certification categories shall exist:

(1) "Precertification status" means that the officer is currently employed or appointed by an agency and meets or exceeds all those minimum qualifications set forth in KRS 15.382, but has not successfully completed a basic training course, except those peace officers covered by KRS 15.400. Upon the council's verification that the minimum qualifications have been met, the officer shall have full peace officer powers as

authorized under the statute under which he or she was appointed or employed. If an officer fails to successfully complete a basic training course within one (1) year of employment, his or her enforcement powers shall automatically terminate, **unless that officer is actively enrolled and participating in a basic training course or, after having begun a basic training course, is on an approved extension of time due to injury or extenuating circumstances.**

EDITED

SENATE BILL 131 BIOLOGICAL EVIDENCE

Section 1. KRS 524.140 is amended to read as follows:

(1) As used in this section:

(a) **"Biological evidence" means:**

1. The contents of a sexual assault evidence collection kit; or

2. Any item, or representative sample taken from an item, that contains blood, saliva, sperm, hair, tissue, bones, teeth, or other bodily fluids that was collected as part of a criminal investigation and that reasonably may be used to incriminate or exculpate any person from an offense or delinquent act;

REMAINING RENUMBERED

(2) No item of **biological** evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order **to assist federal, state, and local criminal justice and law enforcement agencies within and outside the Commonwealth in the identification, detection, or exclusion of individuals who are subjects of investigation or prosecution, or** to confirm the guilt or innocence of a criminal defendant, shall be disposed of prior to **a criminal** trial[~~of a criminal defendant~~] unless:

(a) The evidence has been in custody not less than fifty (50) years; or

(b) The evidence has been in custody not less than ten (10) years; and

1. The prosecution has determined that the defendant will not be tried for the criminal offense; and

2. The prosecution has made a motion, before the court in which the case would have been tried, to destroy the evidence.

(3) No item of **biological** evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to confirm the guilt or innocence of a criminal defendant shall be disposed of following the trial unless:

(a) The evidence, together with DNA evidence testing and analysis results, has been presented at the trial, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial;

(b) The evidence was not introduced at the trial, or if introduced at the trial was not the subject of DNA testing and analysis, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial, and the trial court has ordered the

destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant;

(c) The trial resulted in the defendant being found not guilty or the charges were dismissed after jeopardy attached, whether or not the evidence was introduced at the trial or was subject to DNA testing and analysis or not, and the trial court ordered the destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant; or

(d) The trial resulted in the dismissal of charges against the defendant, and the defendant may be subject to retrial, in which event the evidence shall be retained until after the retrial, which shall be considered a new trial for the purposes of this section.

(3) The burden of proof for a motion to destroy ***biological*** evidence that may be subject to DNA testing and analysis shall be upon the party making the motion, and the court may permit the destruction of the evidence under this section upon good cause shown favoring its destruction.

SENATE BILL 150 FIREARMS

SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

KRS 237.109 Authorization to carry concealed deadly weapons without a license.

(1) Persons age twenty-one (21) or older, and otherwise able to lawfully possess a firearm, may carry concealed firearms or other concealed deadly weapons without a license in the same locations as persons with valid licenses issued under KRS 237.110.

(2) Nothing in this section shall be construed to allow the carrying or possession of any deadly weapon where it is prohibited by federal law.

Section 2. KRS 527.020 is amended to read as follows:

(1) A person is guilty of carrying a concealed weapon when he or she carries concealed a firearm or other deadly weapon on or about his or her person **in violation of this section.**

* * * * *

(4) Persons [~~except those specified in subsection (5) of this section,~~] **carrying concealed weapons in accordance with KRS 158.441 or** licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a **concealed** firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of **KRS 237.109 or** KRS 237.110 [~~that section~~]. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon [~~with a permit~~] at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or

private, shall prohibit a person [~~licensed to carry a concealed deadly weapon~~] from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.109, 237.110, and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.

* * * * *

(6)(a) Except as provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:

* * * * *

(9) The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person [~~without a license issued pursuant to KRS 237.110~~]:

(a) If he or she is the owner of the property or has the permission of the owner of the property, on real property which he or she or his or her spouse, parent, grandparent, or child owns;

(b) If he or she is the lessee of the property or has the permission of the lessee of the property, on real property which he or she or his or her spouse, parent, grandparent, or child occupies pursuant to a lease; or

(c) If he or she is the sole proprietor of the business, on real property owned or leased by the business. (10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has 5 been previously convicted of a felony in which a deadly weapon was possessed, 6 used, or displayed, in which case it is a Class D felony.

EDITED

Section 3. KRS 237.115 is amended to read as follows:

(1) Except as provided in KRS 527.020, nothing contained in KRS 237.109 or 237.110 shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any postsecondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them or the right of a unit of state, city, county, urban-county, or charter county government to prohibit the carrying of concealed deadly weapons [~~by licensees~~] in that portion of a building actually owned, leased, or occupied by that unit of government.

(2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or urban-county government may, by statute, administrative regulation, or ordinance, prohibit or limit the carrying of concealed deadly weapons [~~by licensees~~] in that portion of a building owned, leased, or controlled by that unit of government. That portion of a building in which the carrying of concealed deadly weapons is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute or

ordinance shall exempt any building used for public housing by private persons, highway rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of deadly weapons. The statute, administrative regulation, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute or ordinance may be denied entrance to the building, ordered to leave the building, and if employees of the unit of government, be subject to employee disciplinary measures for violation of the provisions of the statute or ordinance. The provisions of this section shall not be deemed to be a violation of KRS 65.870 if the requirements of this section are followed. The provisions of this section shall not apply to any other unit of government. (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon ~~[with a permit]~~ at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried.

SENATE BILL 155 PENAL CODE (ABUSE OF A CORPSE)

Section 1. KRS 525.120 is amended to read as follows:

(1) A person is guilty of abuse of a corpse when except as authorized by law he intentionally treats a corpse in a way that would outrage ordinary family sensibilities. A person shall also be guilty of abuse of a corpse if that person enters into a contract and accepts remuneration for the preparation of a corpse for burial or the burial or cremation of a corpse and then deliberately fails to prepare, bury, or cremate that corpse in accordance with that contract.

(2) Abuse of a corpse is a ~~[Class A misdemeanor, unless the act attempted or committed involved sexual intercourse or deviate sexual intercourse with the corpse or the deliberate failure to prepare, bury, or cremate a corpse after the acceptance of remuneration in accordance with any contract negotiated, in which case it is a]~~ Class D felony.

SENATE BILL 157 DRONES

Section 1. KRS 511.100 is amended to read as follows:

(1) As used in this section:

(a) "Key infrastructure assets" means:

* * * * *

8. *Grounds or property of a state prison, juvenile justice facility, jail, or other facility for the detention of persons charged with or convicted of crimes;*

REMAINING RENUMBERED

Section 2. KRS 520.010 is amended to read as follows:

The following definitions apply in this chapter, unless the context otherwise requires:

(3) "Dangerous contraband" means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080; any controlled substances; any quantity of an alcoholic beverage; ~~and~~ any quantity of marijuana; cell phones not authorized under KRS 441.111; **drones, unmanned aircraft, or other remotely controlled vehicles; and any payload carried by those vehicles,** and saws, files, and similar metal cutting instruments;

Section 2. This Act shall be known and may be cited as Kristen's Law.

SENATE BILL 161 SUBSTANCE USE TREATMENT

Section 1. KRS 15.525 is amended to read as follows:

(1) A law enforcement agency may create a program to refer persons to treatment for substance use who voluntarily seek assistance from the law enforcement agency.

(2) A person voluntarily seeking assistance through a program created pursuant to this section:

(a) Shall not be placed under arrest;

(b) Shall not be prosecuted for the possession of any controlled substance **or drug** [;] paraphernalia [~~or other item~~] surrendered to the law enforcement agency. Items surrendered pursuant to this paragraph shall be recorded by the law enforcement agency at the time of surrender and shall be destroyed; **and**

(c) [~~Shall be paired immediately with a volunteer mentor to assist his or her recovery; and~~

(d) Shall be **promptly** [~~immediately~~] referred to a community mental health center, medical provider, or other entity for substance use treatment.

(3) A person is ineligible for placement through a program established pursuant to this section if the person:

(a) Has an outstanding arrest warrant **issued by a Kentucky court or an extraditable arrest warrant issued by a court of another state;**

(b) **Places law enforcement or its representatives in reasonable apprehension of physical injury** [~~Has been convicted of three (3) or more drug-related offenses~~]; or

(c) Is under the age of eighteen (18) and does not have the consent of a parent or guardian.

(4) **Information gathered by a program created pursuant to this section related to a person who has voluntarily sought assistance under this section is exempt from disclosure under the Kentucky Open Records Act pursuant to KRS 61.878(1)(a).**

(5) **Except for intentional misconduct, any law enforcement agency or person that provides referrals or services in accordance with subsection (2) of this section shall be immune from criminal and civil liability** [~~Programs created pursuant to this section may be called an Angel Initiative Program~~].

SENATE BILL 162 KSP / SCHOOLS

NOTE: THIS BILL SHOULD BE READ IN CONJUNCTION WITH SENATE BILL 1

Section 1. KRS 158.441 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

* * * * *

(2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;

(3) "School activities" means official school functions held on school property, including student attendance days as defined in KRS 158.070, athletic events, and graduation;

(4) "School property" means any public school building, public school vehicle, public school campus, grounds, recreational area, or athletic field in the charge of the school district;

REMAINING RENUMBERED

SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

KRS 158.4415 Kentucky State Police school resource officer (KSPSRO) specification for employment as a school resource officer by a school district – When officer considered an employee of the school district and when an employee of the Kentucky State Police – Duties and prohibited activities – Funding of position – Rights, privileges, immunities, and matters of defense protected.

(1) A KSPSRO shall possess sworn law enforcement authority and shall be trained in school-based policing and crisis response including all training required of school resource officers. If a school district decides to utilize a KSPSRO, the school district and the officer shall first enter into a memorandum of understanding that clarifies the purpose of the KSPSRO program and the roles and expectations of the participating entities. Any contract entered into pursuant to this subsection shall include:

(a) A provision specifying that the KSPSRO shall follow the policies and procedures of the Department of Kentucky State Police and shall abide by federal, state, and local laws. The responsibility and decision to arrest or take other police action lies solely with the KSPSRO, respective to state law and the KSPSRO's departmental standard operating procedures or standing order. The KSPSRO's continual collaboration with school personnel and his or her understanding of each student's needs may impact the decision to arrest or take other police action, but the responsibility is that of the KSPSRO;

(b) A provision stipulating that the KSPSRO shall be an employee of the school district, but shall revert to Department of Kentucky State Police employee status during such time that the KSPSRO takes police action pursuant to state or federal

law. The KSPSRO shall be under the immediate supervision and direction of the Department of Kentucky State Police when taking police action;

(c) A provision stipulating that the school district shall be responsible for worker's compensation coverage for the KSPSRO; and

(d) A provision detailing how liability coverage will be provided for any acts or omissions of the KSPSRO within the scope of his or her duties.

(2) (a) A KSPSRO shall promote the safety and security of students and school personnel during school activities and on school property.

(b) A KSPSRO may assist with supportive activities and programs, including but not limited to:

1. Planning and implementing procedures that train and drill all school personnel to respond to crisis events, control access to the school property during the school day, and close or partially close the school property after students arrive;

2. Identifying risk and protective factors of students; and

3. Coordinating nurturing intervention and prevention efforts.

(c) A KSPSRO shall not address school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or school personnel.

(d) A KSPSRO shall not administer formal school discipline such as detentions, suspensions, or expulsions. These decisions are the sole responsibility of school personnel.

(3) Notwithstanding KRS Chapter 11A, the KSPSRO shall wear the uniform and utilize the vehicles, firearms, ammunition, and equipment issued to him or her by the Department of Kentucky State Police or other agency-authorized clothing or equipment. In the event additional weapons or gear is utilized than that which is carried on his or her person, the storage of these items shall be defined by the Department of Kentucky State Police. If a vehicle or equipment is damaged during the scope of a KSPSRO's secondary employment with the school district, but not while the KSPSRO is engaged in police action, the school district is responsible for restitution to the Department of Kentucky State Police.

(4) Notwithstanding subsection (2) of this section, a KSPSRO shall be deemed an employee of the Department of Kentucky State Police for all purposes whenever engaged in any police action, including arrests, searches and seizures, uses of force, issuing citations, serving warrants, pursuing suspects, or investigating criminal offenses or vehicle accidents.

(5) Nothing in this section shall be construed to require the Department of Kentucky State Police to assign or provide funding for KSPSROs.

(6) Nothing in this section shall be deemed to waive or otherwise limit the rights, privileges, immunities, and matters of defense, now available or hereafter made available, to school districts, the Department of Kentucky State Police, any local law enforcement agency, any KSPSRO, or any school resource officer in any suit brought against them in consequence of acts or omissions.

REMAINING RELATES TO KSP RETIREMENT PROVISIONS FOR KSPSROS AND PROVISIONS FOR WATER FOUNTAINS IN SCHOOLS

SENATE BILL 230 OPEN RECORDS

Section 1. KRS 61.872 is amended to read as follows:

(1) All public records shall be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884, and suitable facilities shall be made available by each public agency for the exercise of this right. No person shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.

(2) Any person shall have the right to inspect public records. The official custodian may require:

(a) Written application, signed by the applicant and with his name printed legibly on the application, describing the records to be inspected. The written application shall be hand delivered, mailed, or sent via facsimile to the public agency;

(b) Facsimile transmission of the written application described in paragraph (a) of this subsection; or

(c) E-mail of the application described in paragraph (a) of this subsection.

EDITED

HOUSE

HOUSE BILL 11 ALTERNATIVE NICOTINE PRODUCTS IN SCHOOLS

SECTION 1. A NEW SECTION OF KRS CHAPTER 438 IS CREATED TO READ AS FOLLOWS:

KRS 438.345 Use of tobacco products, alternative nicotine products, and vapor products on school property and during school activities – Written policies – Penalties – Board may opt out.

(1) As used in this section:

(a) "Alternative nicotine product" has the same meaning as in KRS 438.305;

(b) "Tobacco product" has the same meaning as in KRS 438.305; and

(c) "Vapor product" has the same meaning as in KRS 438.305.

(2) The use of any tobacco product, alternative nicotine product, or vapor product:

(a) Shall be prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education;

(b) Shall be prohibited for all students while attending or participating in any school-related student trip or student activity; and

(c) Is prohibited for school district employees, volunteers, and all other individuals affiliated with a school while the user is attending or participating in

any school-related student trip or student activity and is in the presence of a student or students.

(3) On or before July 1, 2020, each local board of education shall implement this section by adopting written policies that prohibit the use of tobacco products, alternative nicotine products, and vapor products pursuant to this section. The policies shall provide for:

(a) Adequate notice regarding the policy to be provided to students, parents and guardians, school employees, and the general public;

(b) A requirement to post signage on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education, clearly stating that use of tobacco products, alternative nicotine products, and vapor products is prohibited at all times and by all persons on or in the property; and

(c) A requirement that school employees enforce the policies.

(4) A person in violation of subsection (2) of this section, or policies adopted by a local board of education pursuant to subsection (3) of this section, shall be subject to penalties as set forth by the local board of education.

(5) Nothing in this section shall be interpreted or construed to:

(a) Permit use of a tobacco product, alternative nicotine product, or vapor product, where it is otherwise restricted by this section, other state or federal law, administrative regulation, or executive order;

(b) Prevent a local board of education or any other local governmental entity from adopting local ordinances, regulations, or policies relating to use of a tobacco product, alternative nicotine product, or a vapor product, in public places of employment, and non-enclosed areas, that are more restrictive than what is provided for in this section; or

(c) Repeal any existing local ordinances, regulations, or policies that provide restrictions on the use of a tobacco product, alternative nicotine product, or vapor product, in addition to those provided for in this section.

(6) Each local board of education may choose, up to three (3) years after June 27, 2019, to opt out of subsections (2) to (4) of this section.

Section 2. KRS 438.050 is amended to read as follows:

(1) Any person, except adult employees of the school system who smoke in a room on the school premises designated by the superintendent or principal for the purpose, who [smokes]**uses alternative nicotine products, tobacco products, or vapor products** in any school building or any part of any building used for school purposes, or upon school grounds, while children are assembled there for lawful purposes, except in areas in secondary schools designated and supervised by the superintendent or principal for the purpose, shall be fined not less than one dollar (\$1) nor more than five dollars (\$5).

(2) The exception granted for smoking areas designated by the superintendent or principal shall extend to all schools.

HOUSE BILL 110 CORONERS

Section 1. KRS 367.97524 is amended to read as follows:

KRS 367.97534 Credmation authorization form required – Disposal or delivery of cremated remains – Unclaimed cremated remains – Limitation of liability. (AMENDED CATCHLINE)

(1) A crematory authority shall not conduct any cremations, nor accept a body for cremation, unless it has a cremation authorization form signed by the authorizing agent clearly stating the disposition to be made of the cremated remains.

(2) Cremated remains shall be disposed of by placing them in a grave, crypt, or niche; by scattering them in a scattering area; or in any manner on the private property of a consenting owner. The crematory authority or funeral director as defined in KRS 316.010 may deliver, either in person or by a method that has an internal tracking system that provides a receipt signed by the person accepting delivery, the cremated remains to the designated individual specified on the cremation authorization form. Upon receipt of the cremated remains, the individual receiving them may keep or transport them in any manner in this Commonwealth without a permit. After delivery, the crematory authority or funeral home shall be discharged from any legal obligation or liability concerning the cremated remains relative to disposition.

(3) If the cremated remains have remained unclaimed for a period of at least two (2) years, a funeral director may inter, bury, entomb, or place the cremated remains in a columbarium or may deliver the cremated remains to a bona fide religious society, veterans organization, or civic group in person or by a delivery method that utilizes an internal tracking system that provides a receipt signed by the individual accepting delivery, for the sole purpose of interment, burial, entombment, or placement in a columbarium. If such a delivery is made, the funeral director or crematory authority shall maintain records of the delivery for at least ten (10) years from the date of delivery.

(4) A crematory authority or a licensed funeral director arranging a cremation shall not be held liable for good faith reliance on representations made by the authorizing agent regarding the authority to cremate.

(5) A crematory authority or licensed funeral director shall not be held liable for delivering cremated remains that have been in their possession for two (2) years or more to a bona fide religious society, veterans group, or civic organization for the sole purpose of interment, burial, entombment, or placement in a columbarium.

HOUSE BILL 130 PENAL CODE (TERRORISTIC THREATENING)

Section 1. KRS 508.078 is amended to read as follows:

(1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:

(a) With respect to **any scheduled, publicly advertised event open to the public, any place of worship, or any**[a] school function, threatens to commit any act likely to result in death or serious physical injury to **any person at a scheduled, publicly advertised event open to the public, any person at a place of worship, or any** student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to

any other person reasonably expected to lawfully be on school property or at a school sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons **at a scheduled, publicly advertised event open to the public, place of worship,** or ~~at a~~ school does not need to identify a specific person or persons or school in order for a violation of this section to occur;

(b) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or

(c) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.

(2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.

(3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(4) **Except as provided in subsection (5) of this section,** terroristic threatening in the second degree is a Class D felony.

(5) Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

Section 2. The restrictions of KRS 6.945(1) shall not apply to KRS 508.078.

HOUSE BILL 141 FORFEITURE

Section 1. KRS 67.0802 is amended to read as follows:

(1) A county may sell or otherwise dispose of any of its real or personal property.

(2) Before selling or otherwise disposing of any real or personal property, the county shall make a written determination setting forth and fully describing:

(a) The real or personal property;

(b) Its intended use at the time of acquisition;

(c) The reasons why it is in the public interest to dispose of it; and

(d) The method of disposition to be used.

(3) Real or personal property may be:

(a) Transferred, with or without compensation, to another governmental agency;

(b) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);

(c) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or

(d) Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4).

(4) If a county receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the county. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.

(5) **(a) Except as provided in paragraph (b) of this subsection,** any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the county.

(b) Any compensation resulting from the disposal of real or personal property that was acquired by forfeiture under KRS Chapter 218A or purchased using funds restricted under KRS 218A.420(4)(a) shall be transferred to the account used for such forfeiture proceeds and upon transfer shall remain subject to the restrictions of KRS 218A.420(4)(a).

HOUSE BILL 151 ACCIDENT REPORTS

NOTE: OTHER SECTIONS OF THIS BILL INVOLVE PROVISIONS SPECIFIC TO INSURANCE FRAUD

EDITED

Section 3. KRS 189.635 is amended to read as follows:

(1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to ensure that uniform definitions, classifications, and other federal requirements are in compliance.

(2) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or nonfatal personal injury to any person or damage to the 20 vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction. In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, such responsibility shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.

(3) Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a report of the accident with the Department of Kentucky State Police within ten (10) days after investigation of the accident upon forms supplied by the department.

(4) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding five hundred dollars (\$500) in

which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the Department of Kentucky State Police within ten (10) days of occurrence of the accident upon forms provided by the department.

(5) **(a)** All accident reports filed with the Department of Kentucky State Police in compliance with subsection (4) above shall not be considered open records under KRS ~~61.870~~~~[64.872]~~ to 61.884 and shall remain confidential, except that the department may:

1. Disclose the identity of a person involved in an accident when his or her identity is not otherwise known or when he or she denies his or her presence at an accident; **and**

2. Make the reports available:

a. To the persons named in paragraph (c) of this subsection; and

b. In accordance with subsection (8) of this section.

(b) ~~[Except as provided in subsection (9) of this section,]~~ All other accident reports required by this section, and the information contained in the reports, shall be confidential and exempt from public disclosure **under KRS 61.870 to 61.884**, except **when:**

1. ~~[when]~~Produced pursuant to a properly executed subpoena or court order; or~~[, or except pursuant to]~~

2. Disclosed as provided in~~[subsection (8) of]~~ this section

(c) Accident~~[These]~~ reports shall be made available~~[only]~~ to:

1. The parties to the accident;~~[,]~~

2. The parents or guardians of a minor who is party to the accident;~~[, and]~~

3. Insurers or their written designee for insurance business purposes of any party who is the subject of the report;~~[, or to]~~

4. The attorneys of the parties **to the accident;**

5. Any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties; and

6. The Department of Workplace Standards in the Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation.

(6) **(a)** Except as provided for in **paragraph (b) of** this subsection, the department shall not release accident reports for a commercial purpose.

(b) **Notwithstanding any other provision of this section,** the department may, as a matter of public safety, contract with an outside entity and release **unredacted** vehicle damage data extracted from accident reports to ~~the~~~~[such an]~~ entity if the data is used solely for the purpose of providing the public a means of determining a vehicle's accident history. The department may further contract with a third party to provide electronic access to reports for persons and entities who are entitled to ~~the~~~~[such]~~ reports under **subsection**~~[subsections]~~ (5)~~[and (9)]~~ of this section.

(7) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set out a fee schedule for accident reports made available pursuant to subsections (5)~~[, (8),]~~ and (8)~~[(9)-]~~ of this section. These fees shall be in addition to those charged to the public for records produced under KRS Chapter 61.

(8) (a) The report shall be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news. The news-gathering

organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial purpose other than the news-gathering organization's publication or broadcasting of the information in the report.

(b) For the purposes of this subsection:

1. "News-gathering organization" includes:

a. A newspaper or periodical [~~shall be considered a news-gathering organization~~] if it:
i. [4.] Is published at least fifty (50) of fifty-two (52) weeks during a calendar year;

ii. [2.] Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar year; and

iii. [3.] Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices;[.]

b. A television or radio station with a valid broadcast license issued by the Federal Communications Commission;

c. A news organization that broadcasts over a multichannel video programming service as defined in KRS 136.602;

d. A Web site published by or affiliated with any entity described in subdivision a., b., or c. of this subparagraph;

e. An online-only newspaper or magazine that publishes news or opinion of interest to a general audience and is not affiliated with any entity described in subparagraph 2. of this paragraph; and

f. Any other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group; and

2. "News-gathering organization" does not include any product or publication with the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.

7 (c) A **news-gathering organization**[~~newspaper, periodical, or radio or television station~~] shall not be held to have used or knowingly allowed the use of the report for a commercial purpose merely because of its publication or broadcast.

(d) [~~For the purposes of this section, the meaning of "news-gathering organization" does not include any product or publication:~~

1. Which is intended primarily for members of a particular profession or occupational group; or

2. With the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.

~~(e)~~]A request under this subsection[~~section~~] shall be completed using a form promulgated by the department through administrative regulations in accordance with KRS Chapter 13A. The form under this paragraph shall include:

1. The name and address of the requestor and the news-gathering organization the requestor represents;

2. A statement that the requestor is a news-gathering organization under this subsection **and identifying the specific subdivision of paragraph (b)1. of this subsection under which the requester qualifies;**

3. A statement that the request is in compliance with the criteria contained 2 in this section; and

4. A declaration of the requestor as to the accuracy and truthfulness of the information provided in the request.

(e) 1. The department shall redact all personal information from a report prior to making it available to a news-gathering organization as defined under paragraph (b)1.f. of this subsection.

2. Reports may be provided to news-gathering organizations as defined under paragraph (b)1.a. to e. of this subsection without redaction.

3. For the purposes of this paragraph, "personal information" means:

a. The address, driver's license number, phone number, date of birth, and any other contact information contained in the report for each person listed on the report; and

b. The vehicle identification numbers (VINs) for each vehicle listed on the report.

~~(9) [The report shall be made available without subpoena to any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties.~~

~~(10) The report shall be made available without subpoena to the Department of Workplace Standards in the Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation.~~

~~(11)]The motor vehicle insurers of any train engineer or other train crew member involved in an accident on a railroad while functioning in their professional capacity shall be prohibited from obtaining a copy of any accident report filed on the accident under this section without written consent from the individual the company insures. Insurance companies issuing motor vehicle policies in the Commonwealth shall be prohibited from raising a policyholder's rates solely because the policyholder, in his or her professional capacity, is a train engineer or other train crew member involved in an accident on a railroad.~~

(10) [(12)-] For reporting and statistical purposes, an auticycle as defined in KRS 186.010 shall be listed as its own distinct category and shall not be considered to be a motor vehicle or a motorcycle for reports issued under this section.

EDITED

HOUSE BILL 154 VEHICLES (GOLF CARTS)

Section 1. KRS 189.286 is amended to read as follows:

(1) As used in this section:

(2)(a) "Golf cart" means any self-propelled vehicle that:

1. Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;

2. Has a minimum of four (4) wheels;

3. Is designed to operate at a speed of not more than thirty-five (35) miles per hour;
4. Is designed to carry not more than six (6) persons, including the driver;
5. Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;
6. Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds; and

7. Is equipped with the following:

a. Headlamps;

b. Tail lamps;

c. Stop lamps;

d. Front and rear turn signals;

e. One (1) red reflex reflector on each side as far to the rear as practicable, and one (1) red reflex reflector on the rear;

f. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;

g. A parking brake;

h. For each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209; and

i. A horn that meets the requirements of KRS 189.080 ~~Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500]; and~~

EDITED

HOUSE BILL 158 JUVENILES

NOTE – SECTION 1 of this Act ONLY is EMERGENCY legislation, the remainder will take effect on the regular date. SECTION 1 does not directly impact law enforcement.

EDITED

Section 8. KRS 620.020 is amended to read as follows:

The definitions in KRS Chapter 600 shall apply to this chapter. In addition, as used in this chapter, unless the context requires otherwise:

(10) "Position of authority" has the same meaning as in KRS 532.045;

(11) "Position of special trust" has the same meaning as in KRS 532.045;

REMAINING RENUMBERED

Section 9. KRS 620.030 is amended to read as follows:

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or to the Department of Kentucky State Police, [;] the cabinet or its designated representative, [;] the Commonwealth's attorney, or the county attorney [;] by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the

proper authorities for investigation. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian, **fictive kin, person in a position of authority, person in a position of special trust**, or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Department of Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report.

(2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer, or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, regardless of whether the person believed to have caused the dependency, neglect, or abuse is a parent, guardian, **fictive kin, person in a position of authority, person in a position of special trust**, person exercising custodial control or supervision, or another person, or who has attended such child as a part of his or her professional duties shall, if requested, in addition to the report required in subsection (1) or (3) of this section, file with the local law enforcement agency or the Department of Kentucky State Police, **the cabinet or its designated representative**,~~[or]~~ the Commonwealth's **attorney**, or county attorney~~[, the cabinet or its designated representative]~~ within forty-eight (48) hours of the original report a written report containing:

- (a) The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision;
- (b) The child's age;
- (c) The nature and extent of the child's alleged dependency, neglect, or abuse, including any previous charges of dependency, neglect, or abuse, to this child or his or her siblings;
- (d) The name and address of the person allegedly responsible for the abuse or neglect; and
- (e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.

Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking as defined in KRS 529.010 shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; or the cabinet or its designated representative; or the Commonwealth's attorney or the county attorney; by telephone or otherwise. This subsection shall apply regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, **fictive kin, person in a position of authority, person in a position of special trust**, or person exercising custodial control or supervision.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.

(5) The cabinet upon request shall receive from any agency of the state or any other agency, institution, or facility providing services to the child or his or her family, such cooperation, assistance, and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.

(6) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.

(7) Any person who intentionally violates the provisions of this section shall be guilty of a:

- (a) Class B misdemeanor for the first offense;
- (b) Class A misdemeanor for the second offense; and
- (c) Class D felony for each subsequent offense.

Section 10. KRS 620.040 is amended to read as follows:

(a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, **fictive kin, person in a position of authority, person in a position of special trust,** or person exercising custodial control or supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report unless they are the reporting source.

(b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk determined, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.

(c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and holidays, make a written report to the Commonwealth's or county attorney and the local enforcement agency or the Department of Kentucky State Police 9 concerning the action that has been taken on the investigation.

(d) If the report alleges abuse or neglect by someone other than a parent, guardian, **fictive kin, person in a position of authority, person in a position of special trust,** or person exercising custodial control or supervision, or the human trafficking of a child, the cabinet shall immediately notify the Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police.

(a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and (2), the recipient shall immediately notify the cabinet or its designated representative.

(b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.

(c) The cabinet need not notify the local law enforcement agency or the Department of Kentucky State Police or county attorney or Commonwealth's attorney of reports made under this subsection unless the report involves the human trafficking of a child, in which case the notification shall be required.

(3) If the cabinet or its designated representative receives a report of abuse by a person other than a parent, guardian, **fictive kin, person in a position of authority, person in a position of special trust**, or other person exercising custodial control or supervision of a child, it shall immediately notify the local law enforcement agency or the Department of Kentucky State Police and the Commonwealth's or county attorney of the receipt of the report and its contents, and they shall investigate the matter. The cabinet or its designated representative shall participate in an investigation of noncustodial physical abuse or neglect at the request of the local law enforcement agency or the Department of Kentucky State Police. The cabinet shall participate in all investigations of reported or suspected sexual abuse or human trafficking of a child.

* * * * *

(8) Nothing in this section shall limit the cabinet's investigatory authority under KRS 10 620.050 or any other obligation imposed by law.

Section 11. KRS 620.180 is amended to read as follows:

* * * * *

(d) By October 1, 2019, the establishment and implementation of the processes, procedures, and requirements to ensure that children committed to the cabinet as dependent, neglected, or abused and placed in qualified residential treatment facilities are subject to case reviews within sixty (60) days of the start of each placement in accordance with 42 U.S.C. sec. 675a(c)(2).

EDITED

Section 12. Whereas the background checks authorized herein are vital for child safety and to ensure ongoing federal funding compliance, an emergency is declared to exist, and Section 1 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

HOUSE BILL 191 POLICE OFFICER REVOCATION

Section 1. KRS 15.391 is amended to read as follows:

(1) As used in this section:

(a) "Agency" means any law enforcement agency, or other unit of government listed in KRS 15.380, that employs a certified peace officer;

(b) "Final order" has the same meaning as in KRS 13B.010;

(c) "General employment policy" means a rule, regulation, policy, or procedure commonly applicable to the general workforce or civilian employees that is not unique to law enforcement activities or the exercise of peace officer authority, regardless of whether the rule, regulation, policy, or procedure exists or appears in a manual or handbook that is solely applicable to a law enforcement department or agency within the unit of government employing the officer;

(d) "Professional malfeasance" means engaging in an act in one's professional capacity as a peace officer that violates a federal, state, or local law or regulation;

(e) "Professional nonfeasance" means a failure to perform one's professional duty as a peace officer through omission or inaction that violates a federal, state, or local law or regulation; and

(f) "Regulation" means:

1. A federal or state administrative regulation adopted by a federal or state executive branch; and

2. A local rule, regulation, policy, or procedure adopted by ordinance, order, or resolution, or other official action by an agency. However, "regulation" does not mean a general employment policy.

(2) (a) The certification of a peace officer ~~shall~~ [may, after a hearing held in conformity with KRS Chapter 13B,] be revoked by the council for one (1) or more of the following:

~~1. (1) Failure to meet or maintain training requirements;~~

~~(2) Willful falsification of information to obtain or maintain certified status;~~

~~(3) Certification that was the result of an administrative error;~~

~~2. (4) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;~~

~~3. (5) Prohibition by federal or state law from possessing a firearm; or~~

~~4. (6) Receipt of a dishonorable discharge or [bad conduct discharge [or general discharge under other than honorable conditions] from any branch of the Armed Forces of the United States.~~

(b) A peace officer whose certification is revoked pursuant to paragraph (a) of this subsection may file an appeal with the council. If an appeal is filed, the council shall conduct an administrative hearing pursuant to KRS Chapter 13B to consider the reinstatement of the peace officer's certification if the revocation was made in error or the condition requiring revocation was removed or remedied.

(3) (a) The certification of a peace officer may be revoked by the council for one (1) or more of the following:

1. Termination of the peace officer for willful falsification of information to obtain or maintain certified status;

2. Termination of the peace officer for failure to meet or maintain training requirements, unless the certification is in inactive status. As used in this subparagraph, "inactive status" has the same meaning as in Section 2 of this Act;

3. Termination of the peace officer for professional malfeasance or professional nonfeasance by his or her agency;

4. Resignation or retirement of the peace officer while he or she is under criminal investigation or administrative investigation for professional malfeasance or professional nonfeasance that, in the judgement of the agency that employed the peace officer, would have likely resulted in the termination of that peace officer had it been substantiated prior to his or her resignation or retirement; or

5. Receipt of general discharge under other than honorable conditions from any branch of the Armed Forces of the United States that results in the termination of the peace officer from his or her agency.

(b) The council shall review any allegations or reports of subparagraphs 1. to 5. of paragraph (a) of this subsection to determine whether the allegation or report warrants the initiation of proceedings to revoke a peace officer's certification. If the council determines to initiate proceedings to revoke a peace officer's certification based on the allegation or report, the administrative hearing shall be conducted pursuant to KRS Chapter 13B.

(4) A peace officer may appeal a final order issued by the council denying reinstatement of his or her certification pursuant to subsection (2) of this section or revoking his or her certification pursuant to subsection (3) of this section as provided in KRS 13B.140.

(5) (a) An agency:

1. That has knowledge of a peace officer in its employment who meets any of the revocation conditions outlined in subsection (2) of this section shall report that condition to the council within fifteen (15) days of gaining knowledge;

2. Who terminated a peace officer for any of the revocation conditions outlined in subsection (3)(a)1., 2., 3., or 5. of this section shall report that condition to the council within fifteen (15) days of the termination; and

3. That would have likely terminated a peace officer for the revocation condition outlined in subsection (3)(a)4. of this section shall report that condition to the council within fifteen (15) days of the peace officer's resignation or retirement. If an agency reports pursuant to this subparagraph, the agency shall notify the peace officer that a report has been made.

(b) If an agency fails to make a report required by this subsection, the council may suspend the agency from participation in the Kentucky Law Enforcement Foundation Program fund. However, the time that an agency may be suspended by the council under this paragraph shall not exceed five (5) years.

(6) The council may promulgate administrative regulations in accordance with KRS 14 Chapter 13A to implement this section.

Section 2. KRS 15.386 is amended to read as follows:

The following certification categories shall exist:

* * * * *

(5) "Revoked status" means that the officer has no enforcement powers and his or her certification has been revoked by the Kentucky Law Enforcement Council under **KRS 15.391** for any one (1) of the following reasons: and

(a) Failure to meet or maintain training requirements;

(b) Willful falsification of information to obtain or maintain certified status;

(c) Certification was the result of an administrative error;

(d) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;

(e) Prohibition by federal or state law from possessing a firearm; or

(f) Receipt of a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions from any branch of the Armed Forces of the United States].

EDITED

Section 3. KRS 15.440 is amended to read as follows:

(1) Each unit of government that meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:

* * * * *

(f) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150 and transmission of reports as required by KRS 15.391;

EDITED

HOUSE BILL 197 INDUSTRIAL HEMP

Section 1. KRS 260.850 is amended to read as follows:

As used in KRS 260.850 to 260.869:

(5) "Industrial hemp" means the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis; [~~has the same meaning as in 7 U.S.C. sec. 5940 as it 20 currently exists or as it may be subsequently amended;~~]

HOUSE BILL 201 SHERIFFS

Section 1. KRS 454.210 is amended to read as follows:

(1) As used in this section, "person" includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, who is a nonresident of this Commonwealth.

(2) (a) A court may exercise personal jurisdiction over a person who acts directly or by an agent, as to a claim arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or goods in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth, provided that the tortious injury

occurring in this Commonwealth arises out of the doing or soliciting of business or a persistent course of conduct or derivation of substantial revenue within the Commonwealth;

5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when the seller knew such person would use, consume, or be affected by, the goods in this Commonwealth, if he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

6. Having an interest in, using, or possessing real property in this Commonwealth, providing the claim arises from the interest in, use of, or possession of the real property, provided, however, that such in personam jurisdiction shall not be imposed on a nonresident who did not himself voluntarily institute the relationship, and did not knowingly perform, or fail to perform, the act or acts upon which jurisdiction is predicated;

7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;

8. Committing sexual intercourse in this state which intercourse causes the birth of a child when:

a. The father or mother or both are domiciled in this state;

b. There is a repeated pattern of intercourse between the father and mother in this state; or

c. Said intercourse is a tort or a crime in this state; or

9. Making a telephone solicitation, as defined in KRS 367.46951, into the Commonwealth.

(b) When jurisdiction over a person is based solely upon this section, only a claim arising from acts enumerated in this section may be asserted against him.

(3) (a) When personal jurisdiction is authorized by this section, service of process may be made:

1. In any manner authorized by the Kentucky Rules of Civil Procedure;

2. On such person, or any agent of such person, in any county in this Commonwealth, where he may be found;[,] or

3. On the Secretary of State who, for this purpose, shall be deemed to be the statutory agent of such person.

EDITED

HOUSE BILL 208 LAW ENFORCEMENT MEMORIAL

Section 1. KRS 15A.197 is amended to read as follows:

The Justice and Public Safety Cabinet and its agencies may provide state personnel, state property, and [~~ether~~] state resources to Trooper Island Incorporated, [~~and~~] the Kentucky State Police Foundation, **and the Kentucky Law Enforcement Memorial Foundation.**

**HOUSE BILL 223 SUBSTANCE ABUSE TREATMENT
(ANGEL)
EMERGENCY**

Section 1. KRS 15.525 is amended to read as follows:

(1) A law enforcement agency may create a program to refer persons to treatment for substance use who voluntarily seek assistance from the law enforcement agency.

(2) A person voluntarily seeking assistance through a program created pursuant to this section:

(a) Shall not be placed under arrest;

(b) Shall not be prosecuted for the possession of any controlled substance or drug[,] paraphernalia[, or other item] surrendered to the law enforcement agency. Items surrendered pursuant to this paragraph shall be recorded by the law enforcement agency at the time of surrender and shall be destroyed; and

(c) ~~[Shall be paired immediately with a volunteer mentor to assist his or her recovery; and~~

~~(d)]Shall be promptly[immediately] referred to a community mental health center, medical provider, or other entity for substance use treatment.~~

(3) A person is ineligible for placement through a program established pursuant to this section if the person:

(a) Has an outstanding arrest warrant issued by a Kentucky court or an extraditable arrest warrant issued by a court of another state;

(b) Places law enforcement or its representatives in reasonable apprehension of physical injury[Has been convicted of three (3) or more drug-related offenses]; or

(c) Is under the age of eighteen (18) and does not have the consent of a parent or guardian.

(4) Information gathered by a program created pursuant to this section related to a person who has voluntarily sought assistance under this section is exempt from disclosure under the Kentucky Open Records Act pursuant to KRS

61.878(1)(a)[Programs created pursuant to this section may be called an Angel Initiative Program].

(5) Except for intentional misconduct, any law enforcement agency or person that provides referrals or services in accordance with subsection (2) of this section shall be immune from criminal and civil liability.

REMAINING RELATES TO KSP ONLY

HOUSE BILL 244 TRAFFIC (WORK ZONES)

SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

KRS 189.2327 Doubling of fines in highway work zone – Highway work zone safety fund.

(1) Subject to the requirements of subsection (2) of this section, if a violation of KRS 189.290 to 189.580 or KRS 189.910 to 189.960 occurred in a highway work zone, the fine established under KRS 189.394, KRS 189.990, or KRS 189.993 shall be doubled.

(2) In order for a fine to be doubled under this section, the highway work zone must have:

(a) Signs displayed informing drivers of the existence of a highway work zone and that fines are doubled in it; and

(b) At least one (1) bona fide worker present.

(3) All fines collected for violations in a highway work zone under subsection (1) of this section shall be deposited into a separate trust and agency account within the Transportation Cabinet known as the "Highway Work Zone Safety Fund." The highway work zone safety fund shall be used exclusively by the Transportation Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway work zones.

Section 2. KRS 189.2329 is amended to read as follows:

(1) A person shall not intentionally destroy, remove, injure, or deface a temporary traffic control device erected for the purpose of enhancing traffic safety or worker safety in a highway work zone. A temporary traffic control device shall include but not be limited to a cone, tubular marker, delineator, warning light, drum, barricade, sign, sign truck, arrow board, or other device specified in an approved traffic control plan or by an administrative regulation promulgated by the cabinet pursuant to KRS Chapter 13A.

(2) A person who violates the provisions of this section shall, upon conviction, in addition to any other penalty established by statute, be sentenced to pay **one hundred dollars (\$100)** [~~fifty dollars (\$50)~~] for each temporary traffic control device that the person destroyed, removed, injured, or defaced, and the person shall make restitution to the owner of the temporary traffic control device.

EDITED

Section 4. KRS 189.010 is amended to read as follows:

As used in this chapter:

* * * * *

(26) "Highway work zone" means that lane or portion of a state-maintained highway open to vehicular traffic and the affected area adjacent to a lane, berm, or shoulder of a state-maintained highway upon which construction, reconstruction, resurfacing, maintenance, inspection, or other work of that nature is being conducted.

Section 5. KRS 189.999 is amended to read as follows:

(1) All offenses under this chapter classified as violations shall be prepayable except for:

- (a) Any offense that could result in license suspension or revocation by the court or the Transportation Cabinet;
- (b) Any offense relating to KRS 189.393, 189.520, or 189.580;
- (c) ~~When the defendant is speeding in a restricted zone;~~
- (d) When the defendant is speeding more than twenty-five (25) miles per hour over the posted speed limit under KRS 189.394;

REMAINING RENUMBERED

Section 6. The following KRS section is repealed:
189.232 Definition of "highway work zone."

HOUSE BILL 248 BOATING

Section 1. KRS 235.240 is amended to read as follows:

- (1) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, in a reckless or negligent manner so as to endanger the life or property of any person.
- (2) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, while intoxicated or under the influence of any other substance which impairs one's driving ability.
- (3) Any person who operates a vessel upon the waters of the Commonwealth shall be deemed to have given consent to a test or tests as accepted by the state's evidentiary mandate for the purpose of determining the operator's alcohol concentration or the presence of other drugs. The test or tests shall be administered at the direction of a law enforcement officer who has probable cause to believe that the operator may have been violating this section.
- (4) For the purposes of enforcing **subsection (2) of** this section, the elements of the offense are those established in KRS 189A.010(1) to (4), except that the penalties for this offense are set forth in KRS 235.990.

Section 2. KRS 235.990 is amended to read as follows:

* * * * *

- (2) Any person who violates KRS 235.240 shall not be subject to the penalties of KRS Chapter 189A but shall be guilty of a separate offense and subject to a fine of two hundred dollars (\$200) to two hundred fifty dollars (\$250) **or imprisonment for twenty-four (24) hours** for the first offense, a fine of three hundred fifty dollars (\$350) to five hundred dollars (\$500) **or imprisonment for forty-eight (48) hours** for the second offense, and a fine of six hundred dollars (\$600) to one thousand dollars (\$1,000) or imprisonment in the county jail for not less than thirty (30) days, or both, for the third or subsequent offense. Refusal to submit to a breath alcohol analysis or similar test in violation of KRS 235.240(3) shall be deemed an offense.

Section 3. KRS 431.005 is amended to read as follows:

(1) A peace officer may make an arrest:

* * * * *

(f) Without a warrant when a violation of KRS 508.030 has occurred in a hospital without the officer's presence if the officer has probable cause to believe that the person being arrested has violated KRS 508.030. As used in this paragraph, "hospital" includes any property owned or used by a hospital as a parking lot or parking garage; **or**

(g) Without a warrant when a violation of KRS 235.240(2) has occurred causing an accident, occurring outside of the peace officer's presence, involving a motorboat or vessel on the waters of the Commonwealth, and resulting in a physical injury or property damage, and a commissioned peace officer has probable cause to determine who the operator of the motorboat or vessel was and that operator was intoxicated or under the influence of any substance that impairs one's ability to operate the motorboat or vessel at the time of the accident.

EDITED

**HOUSE BILL 254 POSTSECONDARY (UNIVERSITY)
EDUCATIONAL INSTITUTIONS**

Section 1. KRS 164.348 is amended to read as follows:

* * * * *

(RELATES TO UNIVERSITY POLICY REGARDING FREE SPEECH)

(5) (a) Nothing in this section shall be construed to grant students the right to engage in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under the exclusive use or control of a particular group.

(b) Conduct intentionally, materially, and substantially disrupts another's expressive activity if it significantly hinders the expressive activity of another person or group, or prevents the communication of a message or the transaction of a lawful meeting, gathering, or procession by:

1. Being of a violent or seriously disruptive nature; or

2. Physically blocking or significantly hindering any person from attending, hearing, viewing, or otherwise participating in an expressive activity.

(c) Conduct does not intentionally, materially, and substantially disrupt another's expressive activity if the conduct:

1. Is protected under the First Amendment to the United States Constitution or the Constitution of the Commonwealth of Kentucky, including but not limited to

lawful protests and counter-protests in the outdoor areas of campus generally accessible to the public, except during times when those areas have been reserved in advance for other events; or

2. Is an isolated occurrence that causes minor, brief, and nonviolent disruptions of expressive activity.

HB 256 ALCOHOL SALES EMERGENCY

Section 1. KRS 242.230 is amended to read as follows:

(1) No person in dry territory shall sell, barter, loan, [~~give,~~] procure for, or **provide** [~~furnish~~] another, or keep or transport for sale, barter, or loan, directly or indirectly, any alcoholic beverage.

(2) No person in moist territory shall sell, barter, loan, [~~give,~~] procure for, or **provide** [~~furnish~~] another, or keep or transport for sale, barter, or loan, directly or indirectly, any alcoholic beverage unless the sale of that alcoholic beverage has been specifically authorized in that moist territory under a limited local option election.

(3) No person shall possess any alcoholic beverage unless it has been lawfully acquired and is intended to be used lawfully, and in any action the defendant shall have the burden of proving that the alcoholic beverages found in his or her possession were lawfully acquired and were intended for lawful use.

(4) (a) It shall not be a violation of this section for a person to possess or consume, or to provide alcoholic beverages to others in dry or moist territory, if:

1. The alcoholic beverages were lawfully purchased in wet or moist territory;

2. The alcoholic beverages are not sold to any person in dry or moist territory;

3. Any person possessing or consuming alcohol is twenty-one (21) years of age or older;

4. The possession, consumption, or provision occurs at a private residence or private event, regardless of whether the venue is a public place; and

5. The possession, consumption, or provision does not occur at a public place in violation of KRS Chapter 222.

2 (b) For purposes of this section, an event is public, not private, if any member of the public is permitted to enter or attend the event upon payment of consideration.

Section 2. KRS 242.260 is amended to read as follows:

(1) It shall be unlawful for any person to bring into, transfer to another, deliver, or distribute in any dry or moist territory, except as provided in subsection (2) of this section, any alcoholic beverage, regardless of its name. Each package of such beverage so brought, transferred, or delivered in such territory shall constitute a separate offense. Nothing in this section shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer, or wholesale dealer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries, or warehouses where the sale of such beverage may be lawful, either in or out of the state.

(2) Subsection (1) of this section shall also apply to any moist territory unless the sale of the alcoholic beverage in question has been specifically authorized in that moist territory under a limited local option election.

(3) No properly licensed common carrier or any of its employees acting on behalf of a consignor shall be liable for a violation of this section.

(4) Proof that the purchaser represented in writing that the delivery address is located in wet territory shall be an absolute defense to a violation of this section on behalf of a retailer, winery, small farm winery, or distillery in connection with the delivery or shipment of alcoholic beverages purchased at retail.

(5) It shall not be a violation of this section for a person to bring alcoholic beverages that were lawfully purchased in wet or moist territory into dry or moist territory to a private residence, or to a private event regardless of whether the venue is a public place, for personal consumption or consumption by others so long as the possession, consumption, or provision does not occur at a public place in violation of KRS Chapter 222. For purposes of this subsection, an event is public, not private, if any member of the public is permitted to enter or attend the event upon payment of consideration.

EDITED

Section 4. KRS 243.033 is amended to read as follows:

* * * * *

(11) Notwithstanding subsection (3)(b) of this section, a caterer may serve alcoholic beverages to guests who are twenty-one (21) years of age or older at a private event in dry territory if:

(a) The alcoholic beverages were lawfully purchased in a wet or moist territory:

1. By an individual; or

2. At the caterer's licensed premises in wet or moist territory; and

(b) The alcoholic beverages are not sold in dry territory to guests at the private residence or private event regardless of whether the venue is a public place.

Section 5. Whereas the inability to possess, consume, or provide alcoholic beverages at a private residence, or at a private event regardless of whether the venue is a public place, is a hindrance to individual freedoms and commerce, and individuals may find themselves subject to needless prosecution if these are not corrected immediately, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

HOUSE BILL 257 AMUSEMENT PARK RIDES

SECTION 1. A NEW SECTION OF KRS 247.232 TO 247.236 IS CREATED TO READ AS FOLLOWS:

KRS 247.2353 Requirements for patrons of amusement rides and attractions – Penalties – Exceptions – Display of penalties.

(1) All patrons of amusement rides or attractions shall:

(a) Obey all signage posted in conspicuous locations, including but not limited to warning signs, instruction signs, and directional signs pertaining to the amusement rides or attractions;

(b) Obey all verbal instructions from amusement ride or attraction operators; and

(c) Maintain all safety devices, including but not limited to seat belts, restraint bars, and harnesses in accordance with all instructions from operators and posted signage.

(2) All patrons of amusement rides or attractions shall refrain from:

(a) Engaging in any activity that may cause bodily harm or death;

(b) Interfering in any manner with the normal operation of the amusement ride or attraction;

(c) Disconnecting or disabling any safety device at any time unless at the express instruction of the operator;

(d) Extending arms or legs beyond the seating area unless at the express instruction of the operator;

(e) Throwing, dropping, or otherwise expelling any object from any amusement ride or attraction;

(f) Embarking on or disembarking from any amusement ride or attraction except at the designated time and area or at the direction of the operator;

(g) Unreasonably controlling the speed or direction of any amusement ride or attraction that requires a passenger to control or direct any part of the amusement ride or attraction; or

(h) Boarding or attempting to board any amusement ride or attraction if he or she is under the influence of alcohol or any controlled substance as defined in KRS 218A.010.

(3) Any person who violates the provisions of this section shall, upon request of the owner of the amusement ride or attraction, leave the premises on which the amusement ride or attraction is located without a refund of any admission charges or entrance fees.

(4) Any person who violates subsections (1) or (2) of this section and does not comply with a request to leave under subsection (3) of this section shall be guilty of criminal trespass in the second degree.

(5) Subsections (1) to (4) of this section shall not apply to any individual who, due to the following conditions, is not capable of understanding the posted rules or oral instructions:

(a) Blind or visually impaired as defined in KRS 61.980;

(b) Deaf or hard of hearing as defined in KRS 61.980; or

(c) Developmental disability as defined in KRS 387.510.

(6) Any owner of an amusement ride or attraction shall conspicuously display the penalties for violations of this section near each amusement ride or attraction.

HOUSE BILL 258 VEHICLES (SCOOTERS)

Section 1. KRS 186.010 is amended to read as follows:

As used in this chapter, unless otherwise indicated:

* * * * *

(8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, **except electric low-speed scooters**,~~[excepting]~~ road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the city limit of any municipality.

(b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, **except electric low-speed scooters**,~~[excepting]~~ devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires;

* * * * *

(15) "Motorcycle" means any motor driven vehicle **that has a maximum speed that exceeds fifty (50) miles per hour, has**~~[having]~~ a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. **Only** for purposes of registration, "motorcycle" shall include **a motor scooter**, an alternative-speed motorcycle, and an autocyte as defined in this section, but shall not include a tractor or a moped as defined in this section;

* * * * *

(24) "Motor scooter" means a low-speed motorcycle that is:

(a) Equipped with wheels greater than sixteen (16) inches in diameter;

(b) Equipped with an engine greater than fifty (50) cubic centimeters;

(c) Designed to operate at a speed not to exceed fifty (50) miles per hour;

(d) Equipped with brake horsepower of two (2) or greater; and

(e) Equipped with a step-through frame or a platform for the operator's feet.

Section 2. KRS 186A.080 is amended to read as follows:

No Kentucky certificate of registration, license plate, or certificate of title need be applied for or obtained for:

EDITED

(10) A moped; **and**

(11) An electric low-speed scooter as defined in KRS 189.010.

Section 3. KRS 189.010 is amended to read as follows:

As used in this chapter:

(19) (a) "Vehicle" includes:

1. All agencies for the transportation of persons or property over or upon the public highways of the Commonwealth; and
2. All vehicles passing over or upon the highways.

(b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this subsection except:

1. Road rollers;
2. Road graders;
3. Farm tractors;
4. Vehicles on which power shovels are mounted;
5. Construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways;
6. Vehicles that travel exclusively upon rails;
7. Vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; ~~and~~
8. Vehicles propelled by muscular power; **and**
- 9. Electric low-speed scooters;**

* * * * *

(26) "Electric low-speed scooter" means a device that:

(a) Weighs less than one hundred (100) pounds;

(b) Is equipped with two (2) or three (3) wheels;

(c) Is equipped with handlebars;

(d) Is equipped with a brake adequate enough to stop and park the device;

(e) Is equipped with a floorboard designed for the operator to stand upon while operating the scooter;

(f) Is propelled by an electric motor, human power, or both; and

(g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a paved level surface, with or without human propulsion.

SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

KRS 189.289 Operation of electric low-speed scooter on highway, bicycle lane, or bicycle path.

(1) A person sixteen (16) years of age or older, may operate an electric low-speed scooter on a highway, bicycle lane, or bicycle path.

(2) A person operating an electric low-speed scooter under this section shall be subject to traffic regulations outlined in this chapter, and the provisions of KRS 189.520.

(3) An electric low-speed scooter shall be equipped with and shall have illuminated, at least one (1) headlamp and at least one (1) rear red light when:

(a) Operated during the period from one-half (1/2) hour after sunset to one half (1/2) hour before sunrise; or

(b) At such other times as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period.

(4) An electric low-speed scooter may be parked on a sidewalk in a manner that does not impede the reasonable movement of pedestrian or any other traffic.

(5) An operator of an electric low-speed scooter and any company or entity that provides electric low-speed scooters for rental, shall comply with all local government ordinances.

(6) The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish safe operating standards for electric low-speed scooters. Administrative regulations established under this section shall not include any equipment or helmet use requirements.

SECTION 5. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

KRS 189.2851 Operations, titling, registration, and insuring of motor scooters – Headgear requirements.

(1) As used in this section, "motor scooter" has the same meaning as in KRS 186.010.

(2) A person may operate a motor scooter on a highway if the operator has a valid motorcycle operator's license or motorcycle instructional permit in his or her possession.

(3) A motor scooter operating on a highway is considered to be a motorcycle as defined in KRS 186.010 and shall be titled in accordance with KRS Chapter 186A and registered as a motorcycle in accordance with KRS 186.050(2).

(4) A motor scooter operating on a highway shall be insured in compliance with KRS 304.39-110 by the owner or operator, and the proof of insurance shall be in possession of the operator at all times of operation on a highway.

(5) A person operating a motor scooter on a highway shall comply with the traffic regulations of this chapter, meet the same equipment standards as those for motorcycles in this chapter, and shall be subject to the provisions of KRS Chapter 189A.

(6) A person operating a motor scooter shall be subject to the protective headgear requirements of KRS 189.285.

Section 6. KRS 189.050 is amended to read as follows:

* * * * *

(4) When in operation on any highway slow-moving or motorless vehicles, except bicycles **and electric low-speed scooters**, shall have at least one (1) light on the left side of the vehicle whether from the front or rear, showing white and of sufficient power to reveal clearly the outline of the left side of the vehicle and in such a manner that the outline may be observed clearly by approaching vehicles from a distance of at least five hundred (500) feet.

(5) When in operation between sunset and sunrise on any highway, motorless vehicles, except bicycles **and electric low-speed scooters**, shall have in operation:

(a) A four (4) way flasher system, with two (2) flashing yellow or amber lights visible from the front of the vehicle for a distance of at least five hundred (500) feet and two (2) flashing red lights visible from the rear of the vehicle for a distance of at least five hundred (500) feet; or

(b) Two (2) reflective lanterns, one (1) on either side of the rear of the vehicle, showing white to the front of the vehicle and red to the rear of the vehicle, with the lantern on the left side of the vehicle situated at least twelve (12) inches higher than the lantern on the right.

Section 7. KRS 189.340 is amended to read as follows:

* * * * *

(2) (a) Vehicles overtaking a bicycle or **electric low-speed scooter** proceeding in the same direction shall:

1. If there is more than one (1) lane for traffic proceeding in the same direction, move the vehicle to the immediate left, if the lane is available and moving in the lane is reasonably safe; or

2. If there is only one (1) lane for traffic proceeding in the same direction, pass to the left of the bicycle **or an electric low-speed scooter** at a distance of not less than three (3) feet between any portion of the vehicle and the bicycle and maintain that distance until safely past the overtaken bicycle **or electric low-speed scooter**. If space on the roadway is not available to have a minimum distance of three (3) feet between the vehicle and the bicycle **or electric low-speed scooter**, then the driver of the passing vehicle shall use reasonable caution in passing the bicyclist **or electric low-speed scooter operator**.

(b) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no-passing zone is marked in accordance with subsection (6) of this section, to pass a person operating a bicycle **or electric low-speed scooter** only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle **or electric low-speed scooter** safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of the roadway when otherwise prohibited under state law.

(c) The operator of a bicycle **or electric low-speed scooter** shall not ride more than two (2) abreast on a single highway lane unless operating on any part of the roadway marked exclusively for bicycle use. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic.

Section 8. KRS 189.810 is amended to read as follows:

(1) "Slow-moving vehicle" includes farm machinery, including animal-drawn vehicles, highway construction and maintenance vehicles, and any other type of vehicle, except bicycles and electric low-speed scooters, capable of a rate of speed no greater than twenty-five (25) miles per hour.

EDITED

Section 9. KRS 189.635 is amended to read as follows:

(12) For reporting and statistical purposes, motor scooters and autocycles~~[an autocycle]~~ as defined in KRS 186.010 shall be listed as a~~[its own]~~ distinct category and shall not be considered to be a motor vehicle or a motorcycle for reports issued under this section.

Section 10. KRS 304.39-020 is amended to read as follows:

* * * * *

(7) "Motor vehicle" means any vehicle which transports persons or property upon the public highways of the Commonwealth, propelled by other than muscular power except road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electrical power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the said limits of any municipality. Motor vehicle shall not mean moped as defined in this section or an electric low-speed scooter as defined in KRS 189.010.

HOUSE BILL 266 SPEED LIMITS

Section 1. KRS 189.390 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

EDITED

(4) (a) If the secretary of transportation determines, upon the basis of an engineering and traffic investigation, that any speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of sixty-five (65) miles per hour, except that, notwithstanding the provisions of subsection (3)(a) of this section, the secretary may increase the speed limit on any of the following segments of highway to seventy (70) miles per hour:

* * * * *

7. Interstate 165 (entire length);

* * * * *

11. The Bert T. Combs Mountain Parkway Extension (entire length);

EDITED

INCLUDES INTERNAL RENUMBERING OF SECTIONS

HOUSE BILL 274 FISH & WILDLIFE

Section 1. KRS 150.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

* * * * *

(3) "Conservation officer" means any member of the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division, pursuant to KR 150.090, who possesses the powers of a peace officer;

REMAINING RENUMBERED

Section 2. KRS 150.090 is amended to read as follows:

(1) The commissioner shall appoint, promote, or take other employment actions to the ranks, grades, and positions of the department conservation officers who are considered by the commissioner to be necessary for the efficient administration of the department.

(2) Conservation officers appointed by the commissioner shall have full powers as peace officers for the enforcement of all of the laws of the Commonwealth including the administrative regulations promulgated pursuant to KRS Chapters 150 and 235 and [except that they shall not enforce laws other than this chapter and the administrative regulations issued thereunder or] to serve process [unless so directed by the commissioner in life threatening situations or when assistance is requested by another law enforcement agency].

(3) Each conservation officer is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables, and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables, and police officers in any suit brought against them in consequence of acts done in the course of their employment and within

the scope of their duties. Any warrant of arrest may be executed by any officer of the department.

~~[(2) The commissioner may appoint other persons to enforce only the provisions of this chapter and the administrative regulations issued thereunder. Such persons shall have the power to make arrests or issue citations only for violations of this chapter and the administrative regulations issued thereunder.~~

~~(3) All other peace officers and their deputies shall enforce the provisions of this chapter and the administrative regulations issued thereunder.]~~

(4) **Conservation officers**~~[All persons]~~ charged with the enforcement of this chapter and the administrative regulations issued thereunder shall have the right to go upon the land of any person or persons whether private or public for the purpose of ~~[conducting research or investigation of game or fish or their habitat conditions or engage in restocking game or fish or in any type of work involved in or incident to game and fish restoration projects or their enforcement or in]~~the enforcement of laws or orders of the department relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest for trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

SECTION 3. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

KRS 150.097 Indemnification by the Commonwealth of conservation officer who is sued in his or her individual capacity and personally suffers financial loss – Indemnification contingent upon findings that the act or omission which resulted in liability was lawful and proper and within the officer’s scope and course of employment – Indemnification does not abrogate, limit, or constitute a waiver of any privilege, immunity, or matter of defense otherwise available to the conservation officer.

(1) Any conservation officer who is sued for any act or omission in the line of duty and who has a judgment for monetary damages rendered against him or her in his or her individual capacity, and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney fees awarded pursuant thereto, shall be indemnified by the Commonwealth, from funds appropriated to the fish and game fund for the payment of judgments, to the extent of his or her actual financial loss.

(2) The indemnification shall be contingent upon an express determination by the commissioner that the act or omission which resulted in liability was within the scope and course of employment of the conservation officer, and occurred

during the performance of duty, and was committed or omitted in the good faith belief that the act or omission was lawful and proper.

(3) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the conservation officer and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

REMAINDER RELATED TO INTERNAL MATTERS

HOUSE BILL 328 FIREARMS / SCHOOLS

Section 1. KRS 527.070 is amended to read as follows:

* * * * *

(3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:

* * * * *

(a) An adult who is not a pupil of any secondary school and who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;

EDITED

HOUSE BILL 337 SHERIFFS

Section 1. KRS 70.030 is amended to read as follows:

(1) The sheriff may appoint his or her own deputies and may revoke the appointment at his or her pleasure except where that revocation is prohibited by the provisions of KRS 70.260 to 70.273. Any law to the contrary notwithstanding, a sheriff may appoint a deputy who resides outside the Commonwealth. In a county containing a consolidated local government or city of the first class with a deputy sheriff merit board, the term of office of a deputy shall continue from sheriff to sheriff unless a deputy is removed according to the provisions of KRS 70.260 to 70.273. Before any deputy executes the duties of his or her office, he or she shall take the oath required to be taken by the sheriff.

EDITED

Section 2. KRS 61.300 is amended to read as follows:

No person shall serve as a deputy sheriff, deputy constable, patrol or other nonelective peace officer, or deputy peace officer, unless:

* * * * *

(3) ~~[If a deputy sheriff, he shall be a resident of the Commonwealth of Kentucky.]~~ A sheriff may require his or her deputies to reside in the county in which they serve. Any deputy sheriff appointed pursuant to this section who has not been a resident of the county in which he serves for a period of at least two (2) years shall not be an active participant in any labor dispute and shall immediately forfeit his position if he violates this provision;

EDITED

HOUSE BILL 340 CMRS

Section 1. KRS 65.750 is amended to read as follows:

As used in this section to KRS 65.760:

(1) "911 emergency service" means a system that provides the end user of a service connection with emergency services by using the digits ~~[dialing]~~ 9-1-1, directs emergency~~[911]~~ calls to the appropriate public safety answering points based on the geographic location from which the call originated, and provides the capability for automatic number identification and automatic location identification features in accordance with the FCC order. As used in KRS 65.760, the term "911 emergency service" includes the terms "next generation 911," as defined in KRS 65.7621, "wireless enhanced 911 system," "wireless enhanced 911 service," and "wireless E911 service" as used in KRS 65.7621 to 65.7643;

EDITED

Section 2. KRS 65.7637 is amended to read as follows:

KRS 65.7637 Limitations of liability for CMRS providers, service suppliers, VoIP service providers, and 911 or next generation 911 system services or equipment providers. (AMENDED CATCHLINE)

Notwithstanding any other provision of law, no CMRS provider,~~[or]~~ service supplier, **provider of Interconnected Voice over Internet Protocol service as defined in KRS 65.750, or entity that provides services or equipment used in a 911 or next generation 911 system,** nor their employees, directors, officers, **subcontractors,** or agents, except in cases of negligence, or wanton or willful misconduct, or bad faith, shall be liable for any damages in a civil action or subject to criminal prosecution resulting from death or injury to any person or from damage to property incurred by any person in connection with developing, adopting, establishing, participating in, implementing, maintaining, or providing access to **911 emergency service as defined in KRS 65.750;**~~[a CMRS system for the purposes of providing wireless 911 service or E911 service in compliance with the wireless E911 service requirements established by the FCC order and any rules and regulations which are or may be adopted by the Federal Communications Commission in carrying out the FCC orders:]~~ in connection with the quality of the service; in connection with ensuring that any 911 call or

communication goes through properly; or in connection with providing access to **911 emergency**[CMRS] service in connection with providing wireless 911 service,[or] E911 service, or next generation 911 service.

HOUSE BILL 342 CONTROLLED SUBSTANCES

DELAYED ENACTMENT 1/1/2021

SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO READ AS FOLLOWS:

KRS 218A.171 Electronic prescribing of controlled substances required – Exceptions – Duties of pharmacist – Administrative regulations.

(1) Notwithstanding KRS 218A.180 or any other state law to the contrary, beginning January 1, 2021, no practitioner shall issue any prescription for a controlled substance unless the prescription is made by electronic prescription from the practitioner issuing the prescription to a pharmacy, except for prescriptions issued:

(a) By veterinarians;

(b) In circumstances where electronic prescribing is not available due to temporary technological or electrical failure;

(c) By a practitioner to be dispensed by a pharmacy located outside the state;

(d) When the prescriber and dispenser are the same entity;

(e) That include elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard;

(f) By a practitioner for a drug that contains certain elements that cannot be incorporated as required by the United States Food and Drug Administration with electronic prescribing, including extemporaneous compounding;

(g) By a practitioner allowing for the dispensing of a non-patient specific prescription under a standing order, approved protocol for drug therapy, or collaborative drug management or comprehensive medication management, in response to a public health emergency;

(h) By a practitioner prescribing a drug under a research protocol;

(i) By practitioners who have received a waiver or a renewal thereof, from the requirement to use electronic prescribing due to economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner. The initial waiver and each subsequent waiver renewal shall not exceed one (1) year per waiver or waiver renewal;

(j) By a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subsection, the practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and delay would adversely impact the patient's medical condition;

(k) By a practitioner for an individual who receives hospice care; or

(l) By a practitioner for an individual who is a resident of a nursing facility.

(2) A pharmacist who receives a written, oral, or faxed prescription for a controlled substance shall not be required to verify that the prescription properly falls under one (1) of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral, or fax prescriptions that are consistent with current laws and administrative regulations.

(3) The cabinet shall promulgate administrative regulations to implement this section including enforcement mechanisms, waivers of requirements, and appropriate penalties for violations.

Section 2. This Act takes effect January 1, 2021.

HOUSE BILL 368 COUNTY DETECTIVES

Section 1. KRS 69.360 is amended to read as follows:

(1) A county attorney may [~~as funding allows,~~] employ one (1) or more county detectives. County detectives [~~in counties containing a consolidated local government]~~ shall have the power of arrest in the county and the right to execute process statewide. They shall assist the county attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in District Court by investigating the evidence and facts connected with such cases.

(2) A county detective ***appointed after July 1, 2019*** [~~in a county containing a consolidated local government who has the power of arrest in the county and right to execute process statewide, as set out in subsection (1) of this section,~~] shall be certified in accordance with KRS 15.380 to [KRS] 15.404.

~~[(3) A county detective certified in accordance with KRS 15.380 to 15.404 shall have the right to execute civil process statewide.~~

~~(4) A county detective who is not certified in accordance with KRS 15.380 to 15.404 shall have the right to serve civil process only in the county in which the county attorney is elected.~~

~~(5) The provisions of subsections (3) and (4) of this section shall not apply to a county detective appointed pursuant to subsections (1) and (2) of this section.~~

Section 2. KRS 15.380 is amended to read as follows:

(1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified:

EDITED

(j) County detectives appointed [~~in a county containing a consolidated local government with the power of arrest in the county and the right to execute process statewide]~~ in accordance with KRS 69.360 ***after July 1, 2019.***

HOUSE BILL 375 WIRELESS COMMUNICATION

SECTION 1. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO READ AS FOLLOWS:

KRS 17.190 Emergency requests for call location information.

(1) For purposes of this section:

(a) "Call location information" means the best available location information, including but not limited to information obtained using historical cellular site information or a mobile locator tool;

(b) "Emergency responder" has the same meaning as in KRS 194A.400;

(c) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of state, county, urban county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal laws, and excludes constables.

(d) "Public safety answering point" has the same meaning as in KRS 65.750;

(e) "Wireless communications device" means any wireless electronic communication device that provides for voice or data communication between two (2) or more parties, including a mobile or cellular telephone; and

(f) "Wireless telecommunications carrier" means a provider of commercial mobile radio services, including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licenses, which offer real-time, two-way voice services interconnected with the public switched telephone network and doing business in this Commonwealth.

(2) (a) Upon a request from a public safety answering point or law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the wireless communications device of a wireless telecommunications user to the requesting public safety answering point or law enforcement agency, in order to respond to a call for emergency services or in an emergency situation that involves the imminent risk of death or serious physical injury.

(b) Local emergency responders seeking call location information under this section shall direct inquiries to either a public safety answering point or a law enforcement agency, and the highest ranking person on duty at the public safety answering point or a law enforcement agency shall determine, in consultation with the emergency responders in the jurisdiction in which the emergency call or situation arose, whether the conditions under paragraph (a) of this subsection are met.

(3) Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.

(4) No cause of action shall lie in any court against any wireless telecommunications carrier or its officers, employees, or agents for providing call

location information while acting in good faith and in accordance with this section.

(5) (a) In order to facilitate requests for call location information in accordance with this section, all wireless telecommunications carriers and all resellers of wireless telecommunications doing business in the Commonwealth shall submit emergency contact information to:

1. The Department of Kentucky State Police, for dissemination to law enforcement agencies; and

2. The Kentucky 911 Services Board, as created in KRS 65.7623, for dissemination to public safety answering points.

(b) The contact information required under this subsection shall be submitted annually, or immediately upon any change in contact information.

(6) All public safety answering points and law enforcement agencies shall develop and maintain policies and procedures regarding this section.

(7) Call location information gathered pursuant to this section shall not be disclosed to any party who is not officially involved in the underlying emergency response.

Section 2. This Act may be cited as the Leah Carter Act.

HOUSE BILL 385 KENTUCKY LAW ENFORCEMENT COUNCIL

Section 1. KRS 15.315 is amended to read as follows:

The Kentucky Law Enforcement Council is hereby established as an independent administrative body of state government to be made up as follows:

(1) The Attorney General of Kentucky, the commissioner of the Department of Kentucky State Police, the commissioner of the Department of Criminal Justice Training, the chief of police of the Louisville Metro Police Department, the chief of police of the Lexington-Fayette Urban County Division of Police, the director of the Southern Police Institute of the University of Louisville, the dean of the College of Justice and Safety of Eastern Kentucky University, the president of the Kentucky Peace Officers Association, the president of the Kentucky Association of Chiefs of Police, the Kentucky president of the Fraternal Order of Police, **the president of the Kentucky Women's Law Enforcement Network**, and the president of the Kentucky Sheriffs' Association shall be ex officio members of the council, as full voting members of the council by reason of their office. The United States attorneys for the Eastern and Western Districts of Kentucky may confer and designate a local law enforcement liaison who shall serve on the council in an advisory capacity only without voting privileges. Each ex officio member may designate in writing a person to represent him or her and to vote on his or her behalf. Designees of the Department of Kentucky State Police, Department of Criminal Justice Training, Louisville Metro Police Department, and the Lexington-Fayette Urban County Division of Police shall be the head of the agency's training division or the agency's deputy chief or deputy commissioner.

HOUSE BILL 393 HOMELAND SECURITY BECAME LAW WITHOUT GOVERNOR'S SIGNATURE

Section 1. KRS 39G.010 is amended to read as follows:

39G.010 Kentucky Office of Homeland Security executive director -- Duties --
Delegation of duties -- Commonwealth Activity Taxonomy System Committee --
Notification of disaster or emergency. (AMENDED CATCHLINE)

* * * * *

(4) The Kentucky Office of Homeland Security shall:

* * * * *

(f)1. Form the Commonwealth Activity Taxonomy System (CATS) Committee to
develop and oversee a system of evaluating special events to determine, plan,
mitigate, and respond to risks and threats to the Commonwealth.

2. The committee shall consist of members from no fewer than five (5) state
agencies, including:

a. Kentucky Office of Homeland Security;

b. Kentucky Division of Emergency Management;

c. Kentucky National Guard; and

d. Kentucky State Police.

3. The committee shall establish a quantitative system to identify and rank state
public events, to maintain public safety, and to protect public property.

4. Membership shall be determined by the state agencies identified in
subparagraph 2. of this paragraph, and the executive director of the Kentucky
Office of Homeland Security shall appoint other members as necessary.

5. The committee shall elect a chair and a vice chair from its members
who shall serve in those capacities for a term of two (2) years. A majority of the
committee shall constitute a quorum for the purposes of conducting business.

6. The committee shall meet when called by the chair, or at the request of the
executive director of the Kentucky Office of Homeland Security;

REMAINING RENUMBERED

HOUSE BILL 397 SHERIFFS

Section 1. KRS 64.090 is amended to read as follows:

* * * * *

(2) Sheriffs shall [may] charge and collect a fee of sixty[forty] dollars (\$60) [(\$40)] from any person not requesting the service of the sheriff on behalf of the Commonwealth, any of its agencies, or the Department of Kentucky State Police for the services

provided in subsection (1) of this section where a percentage, commission, or reasonable fee is not otherwise allowed. If a percentage, commission, or reasonable fee is allowed, that amount shall be paid. If payment is specified from a person other than the person who requested the service, then the person specified shall be responsible for payment.

HOUSE BILL 411 ASSISTANCE ANIMALS

Section 1. KRS 383.085 is amended to read as follows:

(1) As used in this section:

* * * * *

(b) "Therapeutic relationship" means the provision of [~~medical~~]care, [~~program care, or personal care services,~~] in good faith, to the person with a disability by:

1. **A licensed clinical social worker who holds a valid, unrestricted state license under KRS 335.100 and who maintains an active practice within the state**[~~A mental health service provider~~];

2. **A professional counselor who holds a valid, unrestricted state license under KRS 335.525 and who maintains an active practice within the state**; [~~An individual or entity with a valid, unrestricted state license, certification, or registration to serve persons with disabilities; or~~]

3. **An advanced practice registered nurse who holds a valid, unrestricted state license under KRS 314.042 and who maintains an active practice within the state**; [~~A caregiver, reliable third party, or a government entity with actual knowledge of the person's disability~~]

4. **A psychologist who holds a valid, unrestricted state license under KRS 319.050 or 319.053 and who maintains an active practice within the state ; or**

5. **A physician who holds a valid, unrestricted state license under KRS 311.571 and who maintains an active practice within the state.**

An individual who moves from another state may provide documentation from a health services provider who is licensed in that state, so long as the person with a disability has an ongoing therapeutic relationship with the provider. This definition shall not include a health care provider described in this paragraph whose primary service is to provide documentation to a person requesting a reasonable accommodation in exchange for a fee.

* * * * *

(6) A person commits the offense of misrepresentation of an assistance animal if the person knowingly:

(a) Misrepresents as a part of a request for a reasonable accommodation to maintain an assistance animal in a dwelling that the person has a disability or disability-related need for the use of an assistance animal;

(b) Makes materially false statements for the purpose of obtaining documentation for the use of an assistance animal in housing;

- (c) ~~Creates or executes a document that misrepresents an animal as an assistance animal for use in housing;~~
- (~~d~~) ~~Provides a document to another falsely stating that an animal is an assistance animal for use in housing;~~
- (d)** ~~(e)~~ Fits an animal, which is not an assistance animal, with a harness, collar, vest, or sign that the pet is an assistance animal for use in housing;
- (e) Engages in fraud, deceit, or dishonesty in providing documentation to a person as a part of a request for the use of an assistance animal in housing; or**
- (f) Provides documentation as a part of a request for an assistance animal in housing to a person for the primary purpose of obtaining a fee.**
- (7) Misrepresentation of an assistance animal is a violation with a fine of up to one thousand dollars (\$1,000).

HOUSE BILL 435 CORONERS

Section 1. KRS 316.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

* * * * *

(5) "Embalming service establishment" means a place of business where dead human bodies are embalmed or otherwise prepared or held for burial~~, including the transportation of the bodies~~. An embalming service establishment shall not arrange or conduct a funeral or direct burial. An embalming service establishment may arrange for and transport dead human bodies ~~[for direct cremation purposes]~~ only under the following circumstances:

- (a) On behalf of a full-service funeral establishment;
- (b) On behalf of a visitation and ceremonial funeral establishment; or
- (c) At the direction of a coroner;

SECTION 2. A NEW SECTION OF KRS CHAPTER 316 IS CREATED TO READ AS FOLLOWS:

KRS 316.165 Business of providing surface transportation or removal of dead human bodies – Permit to authorize – Providers and activities not eligible for permit – Administrative regulations.

(1) Any person employed by a full-service funeral establishment or an embalming service establishment, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services provider duly certified or licensed pursuant to KRS Chapter 311A, who wants to engage in the business of surface transportation or removal of dead human bodies in the Commonwealth, shall apply for and may be granted a permit from the board.

(2) Surface transportation and removal services shall not include:

- (a) The arrangement or conduction of funerals;**
- (b) The provision for the care or preparation, including embalming, of dead human bodies; or**

(c) The sale or provision of funeral-related goods and services; without also the issuance of a funeral service establishment license or an embalming service establishment license.

(3) The board shall promulgate administrative regulations related to the processes and procedures for the permitting of persons to provide surface transportation and removal services of dead human bodies.

HOUSE BILL 470 NALOXONE TRAINING

Section 1. KRS 217.186 is amended to read as follows:

* * * * *

(5) Notwithstanding any provision of law to the contrary, a pharmacist may utilize the protocol established by this section to dispense naloxone to any person or agency who provides training on the mechanism and circumstances for the administration of naloxone to the public as part of a harm reduction program, regardless of whom the ultimate user of the naloxone may be. The documentation of the dispensing of naloxone to any person or agency operating a harm reduction program shall satisfy any general documentation or recording requirements found in administrative regulations regarding legend drugs promulgated pursuant to this chapter.

Section 2. KRS 218A.1412 is amended to read as follows:

* * * * *

(3) (a) Any person who violates the provisions of subsection (1)(a), (b), (c), or (d) of this section shall be guilty of a Class C felony for the first offense and a Class B felony for a second or subsequent offense.

(b) Any person who violates the provisions of subsection (1)(e) of this section~~[-4.]~~ shall be guilty of a Class D felony for the first offense and a Class C felony for a second or subsequent offense~~[-; and~~

~~2. a. Except as provided in subdivision b. of this subparagraph, where the trafficked substance was heroin and the defendant committed the offense while possessing more than one (1) items of paraphernalia, including but not limited to scales, ledgers, instruments and material to cut, package, or mix the final product, excess cash, multiple subscriber identity modules in excess of the number of communication devices possessed by the person at the time of arrest, or weapons, which given the totality of the circumstances indicate the trafficking to have been a commercial activity, shall not be released on parole until he or she has served at least fifty percent (50%) of the sentence imposed.~~

~~b. This subparagraph shall not apply to a person who has been determined by a court to have had a substance use disorder relating to a controlled substance at the time of the offense. "Substance use disorder" shall have the same meaning as in the current~~

edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders].

EDITED

Section 3. KRS 507.040 is amended to read as follows:

(1) A person is guilty of manslaughter in the second degree when he wantonly causes the death of another person, including, but not limited to, situations where the death results from the person's:

(a) Operation of a motor vehicle;[or]

(b) Leaving a child under the age of eight (8) years in a motor vehicle under circumstances which manifest an extreme indifference to human life and which create a grave risk of death to the child, thereby causing the death of the child; **or**

(c) Unlawful distribution for remuneration of a Schedule I or II controlled substance when the controlled substance is the proximate cause of death.

(2) Manslaughter in the second degree is a Class C felony.

FOR FULL TEXT OF ALL NEW STATUTES, GO TO:

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