

Department of
CRIMINAL JUSTICE TRAINING

KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET



KENTUCKY GENERAL ASSEMBLY
NEW LEGISLATION
2020 EDITION



ACCREDITED BY



2020

KENTUCKY GENERAL ASSEMBLY

EFFECTIVE DATE OF MOST NEW LEGISLATION IS

JULY 15, 2020

**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 GENERAL ASSEMBLY'S WEBSITE.

Kentucky Revised Statutes Headings in bold. New text in *bold*. Deleted text in ~~strikethrough~~.

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 8

SCHOOL SAFETY

EMERGENCY

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

KRS 158.441

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

(1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;

(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;

(5) "School resource officer" or "SRO" means an officer ***whose primary job function is to work with youth at a school site as described in Section 3 of this Act***, who has specialized training to work with youth at a school site ***pursuant to Section 3 of this Act***, and ***who*** is:

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

2. A special law enforcement officer appointed pursuant to KRS 61.902; and

(b) Employed:

1. Through a contract between a local law enforcement agency and a school district;

2. 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

3. Directly by a local board of education;

(6) "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

(7) "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

Section 2.

KRS 158.4412 is amended to read as follows:

KRS 158.4412

(1) Beginning with the 2019–2020 school year, each local school district superintendent shall appoint ***an individual*** ~~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 3. KRS 158.4414 is amended to read as follows:

KRS 158.4414

(1) Local boards of education, school district superintendents, **administrators of state controlled facilities**, and local and state law enforcement agencies shall cooperate to assign one (1) or more certified school resource officers to **serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis** 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) **In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.**

(5) 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 March 11, 2019: 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.

(6)(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.

(7)(6) Effective January 1, 2020, all school resource officers with active **school resource officer** 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.

~~(8)(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.

~~(9)(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 **serve in the capacity of a school resource officer** ~~work~~ in a school.

~~(10)(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.

~~(11)(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 **may resume service in the capacity of a school resource officer** ~~in return to a school setting~~ upon successful completion of the training deficiency.

~~(12)(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 4. KRS 158.4416 is amended to read as follows:

KRS 158.4416

(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:

1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the **goal of** ~~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~~ **providing counseling and related** ~~in~~ direct services **directly** to students; **and**

2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.

(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 **local** chief of police to create procedures for notification of **trauma-exposed students** ~~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 5. KRS 16.128 is amended to read as follows:

KRS 16.128

- (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 **trauma-exposed students** ~~student involved trauma~~.

Section 6. KRS 61.315 is amended to read as follows:

KRS 61.315

- (1) As used in this section:
 - (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, **any school resource officer as defined in Section 1 of this Act**, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, **local board of education**, or by the state;
 - (b) "Firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations; and

(c) "Emergency medical services personnel" means any paid or volunteer emergency medical services personnel who is certified or licensed pursuant to KRS Chapter 311A and who is employed directly by, or volunteering directly for, any:

1. County;
2. City;
3. Fire protection district created under KRS 75.010 to 75.260; or
4. Emergency ambulance service district created under KRS 108.080 to 108.180; to provide emergency medical services.

(2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, **any school resource officer as defined in Section 1 of this Act**, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general fund of the State Treasury. The spouse of any emergency medical services personnel whose death occurs on or after November 1, 2015, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:

- (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and
- (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.

If a child dies before reaching the age of eighteen (18) years, his or her account shall be paid to his or her estate. If there are no surviving children, the payment shall be made to any parents of the deceased.

(3) The Commission on Fire Protection Personnel Standards and Education shall be authorized to promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

(4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the

power of a peace officer pursuant to KRS 446.010, **any school resource officer as defined in Section 1 of this Act**, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

(5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.

(6) The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to emergency medical services personnel, including but not limited to which employees or volunteers qualify for coverage and which circumstances constitute death in the line of duty.

(7) The Department of Military Affairs shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to National Guard or Reserve component members, including but not limited to defining which National Guard or Reserve component members qualify for coverage and which circumstances constitute death in the line of duty.

(8) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

(9) The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, emergency medical services personnel, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

(10) Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

(11) (a) For the purposes of this section, if a firefighter dies as a result of cancer, the death shall be a direct result of an act in the line of duty if the firefighter:

1. Was a firefighter for at least five (5) consecutive years;
2. Developed one (1) or more of the cancers listed in paragraph (b) of this subsection which caused the firefighter's death within ten (10) years of separation from service as a firefighter;
3. Did not use tobacco products for a period of ten (10) years prior to the diagnosis of cancer;
4. Was under the age of sixty-five (65) at the time of death;
5. Was not diagnosed with any cancer prior to employment as a firefighter; and

6. Was exposed while in the course of firefighting to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is reasonably associated with one (1) or more of the cancers listed in paragraph (b) of this subsection.

(b) This section shall apply to the following cancers:

1. Bladder cancer;
2. Brain cancer;
3. Colon cancer;
4. Non-Hodgkin's lymphoma;
5. Kidney cancer;
6. Liver cancer;
7. Lymphatic or haematopoietic cancer;
8. Prostate cancer;
9. Testicular cancer;
10. Skin cancer;
11. Cervical cancer; and
12. Breast cancer.

(c) 1. The provisions of this subsection creating an entitlement to the line of duty death benefits shall apply exclusively to this section and shall not be interpreted or otherwise construed to create either an express or implied presumption of work-relatedness for any type of claim filed pursuant to KRS Chapter 342.

2. This paragraph is intended to provide clarification regarding the sole and exclusive application of this subsection to only the benefits available under this section and shall not be used as a bar or other type of limitation to impair or alter the rights and ability of a claimant to prove work-relatedness under KRS Chapter 342 or other laws.

Section 7. KRS 61.902 is amended to read as follows:

KRS 61.902

(1) The secretary of the Justice and Public Safety Cabinet may commission special law enforcement officers, for such time as he or she deems necessary, to protect and to enforce the law on public property.

(2) *Notwithstanding subsection (1) of this section, in the case of a special law enforcement officer employed as a school resource officer, the commission shall be for four (4) years, provided the officer continues to meet all statutory and regulatory requirements.*

(3) Upon application of a unit or agency of state, county, city or metropolitan government, the secretary may appoint those persons recommended by the unit or agency who satisfy the requirements of KRS 61.900 to 61.930.

Section 8. KRS 70.062 is amended to read as follows:

KRS 70.062

(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 ***trauma-exposed students*** ~~student involved trauma~~.

Section 9. KRS 95.970 is amended to read as follows:

KRS 95.970

(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 ***trauma-exposed students*** ~~student involved trauma~~.

Section 10. KRS 156.095 is amended to read as follows:

KRS 156.095

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

(2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.

(a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.

(b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers' roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.

(3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the

Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:

(a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;

(b) Curriculum content and methods of instruction for each content area, including differentiated instruction;

(c) School-based decision making;

(d) Assessment literacy;

(e) Integration of performance-based student assessment into daily classroom instruction;

(f) Nongraded primary programs;

(g) Research-based instructional practices;

(h) Instructional uses of technology;

(i) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;

(j) Instruction in reading, including phonics, phonemic awareness, comprehension, fluency, and vocabulary;

(k) Educational leadership; and

(l) Strategies to incorporate character education throughout the curriculum.

(4) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.

(5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.

(a) Professional development strategies may include, but are not limited to, participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.

(b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.

(c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may be used throughout the year for all staff, including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.

(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 of each year, every public school shall provide suicide prevention awareness information in person, by live streaming, or via a video recording to all students in grades six (6) through twelve (12). 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 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). 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.

2. When a staff member subject to the training under subparagraph 1. of this paragraph is initially hired during a school year in which the training is not required, the local district shall provide suicide prevention materials to the staff member for review.

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

(7) (a) 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 Criminal Justice Training** ~~Kentucky Department of Education~~ in collaboration with the Kentucky Law Enforcement Council, **the Kentucky Department of Education**, and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070.

(b) 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.

(c) 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 shall adopt one (1) or more trainings from the list approved by the Department of Education to be implemented by schools.

(e) All current school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district shall complete the implemented training or trainings by January 31, 2017, and then every two (2) years after.

(f) All school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district hired after January 31, 2017, shall complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years after.

(g) Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services, and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

(9) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.

(10) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

- (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
- (b) Plan specific instructional strategies to teach at-risk students;

(c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;

(d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and

(e) Significantly reduce the dropout rate of all students.

(11) The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.

(12) The department shall annually provide to the oversight council established in KRS 15A.063, the information received from local schools pursuant to KRS 158.449.

Section 11. KRS 158.162 is amended to read as follows:

KRS 158.162

(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 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 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 include but not be limited to:

1. Controlling outside access to exterior doors during the school day;
2. Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
3. Controlling access to individual classrooms;
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, **except:**

a. In instances in which only one (1) student and one (1) adult are in the classroom; or

b. When approved in writing by the state school security marshal;

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

8. Providing a visitor's badge to be visibly displayed on a visitor's outer garment.

(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.

(5) Each local board of education shall require the principal in each public school building in its jurisdiction to conduct, at a minimum, emergency response drills to include one (1) severe weather drill, one (1) earthquake drill, and one (1) lockdown drill within the first thirty (30) instructional days of each school year and again during the month of January. Required fire drills shall be conducted according to administrative regulations promulgated by the Department of Housing, Buildings and Construction. Whenever possible, first responders shall be invited to observe emergency response drills.

(6) No later than November 1 of each school year, a local district superintendent shall send verification to the Kentucky Department of Education that all schools within the district are in compliance with the requirements of this section.

(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 **by the Kentucky Department of Education** 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 **the** school safety and security **requirements of** issues required by this section, **when deemed necessary** in essential cases for the protection of student or staff health and safety, **or to comply with other legal requirements or orders.**

Section 12. KRS 508.078 is amended to read as follows:

KRS 508.078

(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 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 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, ***indicating that an act likely to result in death or serious physical injury is occurring or will occur*** 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; or
3. Creating fear of ***death or serious physical injury*** ~~serious bodily-arm~~ among students, parents, or school personnel;

(c) 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

(d) 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 13. Whereas school safety continues to be a 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.

Approved February 21, 2020.

2020 Kentucky Laws Ch. 5 (SB 8)

SENATE BILL 15 CONSTITUTIONAL AMENDMENT – CRIME VICTIMS’ RIGHTS

Section 1. Are you in favor of creating a new section of the Constitution of Kentucky relating to crime victims, as proposed in Section 2 below?

SECTION 2. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

To secure for victims of criminal acts or public offenses justice and due process and to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, a victim, as defined by law which takes effect upon the enactment of this section and which may be expanded by the General Assembly, shall have the following rights, which shall be respected and protected by law in a manner no less vigorous than the protections afforded to the accused in the criminal and juvenile justice systems: victims shall have the reasonable right, upon request, to timely notice of all proceedings and to be heard in any proceeding involving a release, plea, sentencing, or in the consideration of any pardon, commutation of sentence, granting of a reprieve, or other matter involving the right of a victim other than grand jury proceedings; the right to be present at the trial and all other proceedings, other than grand jury proceedings, on the same basis as the accused; the right to proceedings free from unreasonable delay; the right to consult with the attorney for the Commonwealth or the attorney's designee; the right to reasonable protection from the accused and those acting on behalf of the accused throughout the criminal and juvenile justice process; the right to timely notice, upon request, of release or escape of the accused; the right to have the safety of the victim and the victim's family considered in setting bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction; the right to full restitution to be paid by the convicted or adjudicated party in a manner to be determined by the court, except that in the case of a juvenile offender the court shall determine the amount and manner of paying the restitution taking into consideration the best interests of the juvenile offender and the victim; the right to fairness and due consideration of the crime victim's safety, dignity, and privacy; and the right to be informed of these enumerated rights, and shall have standing to assert these rights. The victim, the victim's attorney or other lawful representative, or the attorney for the Commonwealth upon request of the victim may seek enforcement of the rights enumerated in this section and any other right afforded to the victim by law in any trial or appellate court with jurisdiction over the case. The court shall act promptly on such a request and afford a remedy for the violation of any right. Nothing in this section shall afford the victim party status, or be construed as altering the presumption of innocence in the criminal justice system. The accused shall not have standing to assert the

rights of a victim. Nothing in this section shall be construed to alter the powers, duties, and responsibilities of the prosecuting attorney. Nothing in this section or any law enacted under this section creates a cause of action for compensation, attorney's fees, or damages against the Commonwealth, a county, city, municipal corporation, or other political subdivision of the Commonwealth, an officer, employee, or agent of the Commonwealth, a county, city, municipal corporation, or any political subdivision of the Commonwealth, or an officer or employee of the court. Nothing in this section or any law enacted under this section shall be construed as creating:

(1) A basis for vacating a conviction; or

(2) A ground for any relief requested by the defendant.

Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 4 and 5 of this Act.

Section 4. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State shall cause the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to be published at least one (1) time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication required by this section and KRS 118.415 shall be made no later than the first Tuesday in August preceding the election at which the amendment is to be voted on.

Section 5. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to the county clerk of each county, and the county clerk shall have the question in Section 1 of this Act and the entirety of the amendment contained in Section 2 of this Act, as so certified, indicated on the ballots provided to the voters in paper or electronic form as applicable to the voting machines in use in each county or precinct.

Approved April 14, 2020.

SENATE BILL 21 VETERINARIANS

SECTION 1. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

If a veterinarian finds that an animal with which he or she has a veterinarian-client-patient relationship has been abused in violation of KRS 525.125, 525.130, 525.135, or 525.137, the veterinarian may make a report to:

- (1) The Office of the State Veterinarian for any animal for which an on-farm livestock or poultry care standard has been promulgated under KRS 257.196; or***
- (2) Law enforcement for any other animal.***

Section 2. KRS 321.185 is amended to read as follows:

KRS 321.185

(1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained.

“Veterinarian-client-patient relationship” means that:

- (a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;
- (b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and
- (c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.

(2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.

(3) (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.

(b) A veterinarian shall not release information concerning a client or care of a client's animal, ~~except on the veterinarian's receipt of:~~

1. On the veterinarian's receipt of:

a. A written authorization or other form of waiver executed by the client; or

b. 2. An appropriate court order or subpoena; **or**

2. In cases of animal abuse, pursuant to Section 1 of this Act.

(c) A veterinarian who releases information under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.

(d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:

1. The nature and extent of the animal's injuries; or
2. The care and treatment of the animal provided by the veterinarian.

(e) This subsection shall not apply to:

1. An inspection or investigation conducted by the board or an agent of the board; or
2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth.

(4) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.

Approved April 24, 2020.

2020 Kentucky Laws Ch. 117 (SB 21).

SENATE BILL 42 STUDENT HEALTH AND SAFETY

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

AN ACT relating to student health and safety.

WHEREAS, college women ages 18 to 24 are 3 times more likely to experience sexual violence with more than 50% of college sexual assaults taking place between August and November; and

WHEREAS, according to the National Intimate Partner and Sexual Violence Survey 2010–2012 State Report, 39.1% of Kentucky women experience sexual violence in their lifetimes; and

WHEREAS, according to the Children's Bureau of the U.S. Department of Health and Human Services' Child Maltreatment Report, child abuse and neglect are more prevalent in Kentucky than any other state in the nation, with 22.2 victims per 1,000 Kentucky children compared to the national average of 9.1 victims per 1,000 children; and

WHEREAS, according to the United Health Foundation's 2018 Annual Report, the number of deaths in Kentucky due to intentional self-harm per 100,000 population was 17.1, which was above the national average of 13.9; and

WHEREAS, according to the American Foundation for Suicide Prevention, suicide is the 11th leading cause of death in the Commonwealth and the second leading cause of death for Kentuckians ages 15–34; and

WHEREAS, Fayette County Coroner Gary Ginn and Jefferson County Coroner Barbara Weakley-Jones each expressed alarm about the rise in youth suicide after their offices investigated record-breaking rates of suicides with victims younger than 14 in 2018; and

WHEREAS, the rise of suicide rates, and youth suicide rates in particular, in Kentucky evidences the desperate need to enhance the prevalence of suicide prevention resources in our Commonwealth's schools and colleges; and
WHEREAS, the General Assembly recognizes the dire need to provide crisis-intervention information to Kentucky students to assist students coping with these threats to student health and safety; and
WHEREAS, student identification badges issued to students are a meaningful method of distributing crisis-intervention information to students in an easily accessible, and regularly reinforced manner;
NOW, THEREFORE,
Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) Beginning August 1, 2020, any student identification badge issued to a student in grades six (6) through twelve (12) by a public school shall contain the contact information for:

- (a) A national domestic violence hotline;***
- (b) A national sexual assault hotline; and***
- (c) A national suicide prevention hotline.***

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

(3) By July 20, 2020, the Cabinet for Health and Family Services shall publish recommendations for at least one (1) national hotline accessible twenty-four (24) hours a day, seven (7) days a week, and three hundred and sixty-five (365) days a year that specializes in each of the hotline categories required by subsection (1) of this section.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

Beginning August 1, 2020, any student identification badge issued by a public or private postsecondary education institution, vocational school, or any other institution that offers a postsecondary degree, certificate, or licensure shall contain the contact information for:

- (1) A national domestic violence hotline;***
- (2) A national sexual assault hotline; and***
- (3) A national suicide prevention hotline.***

Approved March 27, 2020.

2020 Kentucky Laws Ch. 54 (SB 42).

SENATE BILL 56

SALE OF TOBACCO, ALTERNATIVE NICOTINE AND VAPOR PRODUCTS

EMERGENCY

Section 1. KRS 438.305 is amended to read as follows:

KRS 438.305

As used in KRS 438.305 to 438.340, unless the context requires otherwise:

- (1) (a) "Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.
- (b) "Alternative nicotine product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;
- (2) "Manufacturer" means any person who manufactures or produces tobacco products within or without this Commonwealth;
- (3) "Nonresident wholesaler" means any person who purchases cigarettes or other tobacco products directly from the manufacturer and maintains a permanent location or locations outside this state at which Kentucky cigarette tax evidence is attached or from which Kentucky cigarette tax is reported and paid;
- (4) "Proof of age" means a driver's license or other documentary or written evidence **of an individual's age** that the individual is eighteen ~~(18)~~ years of age or older;
- (5) "Resident wholesaler" means any person who purchases at least seventy-five percent (75%) of all cigarettes or other tobacco products purchased by that person directly from the cigarette manufacturer on which the cigarette tax provided for in KRS 138.130 to 138.205 is unpaid, and who maintains an established place of business in this state at which the person attaches cigarette tax evidence or receives untaxed cigarettes;
- (6) "Sample" means a tobacco product, alternative nicotine product, or vapor product distributed to members of the general public at no cost;
- (7) "Subjobber" means any person who purchases tobacco products, on which the Kentucky cigarette tax has been paid, from a wholesaler licensed pursuant to KRS 138.195, and makes them available to a retail establishment for resale;
- (8) (a) "Tobacco product" means any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth. **"Tobacco product" also means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product, except for raw materials other than tobacco used in manufacturing any component, part, or accessory of a tobacco product, in accordance with the federal Tobacco Control Act, Pub. L. No. 111-31;**

(b) "Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act; and

(9) (a) "Vapor product" means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. "Vapor product" includes but is not limited to **any device deemed to be an electronic nicotine delivery system by the United States Food and Drug Administration**, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.

(b) "Vapor product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

Section 2. KRS 438.310 is amended to read as follows:

KRS 438.310

(1) No person shall sell or cause to be sold any tobacco product, alternative nicotine product, or vapor product at retail to any person under the age of **twenty-one (21)** ~~eighteen (18)~~, or solicit any person under the age of **twenty-one (21)** ~~eighteen (18)~~ to purchase any tobacco product, alternative nicotine product, or vapor product at retail.

(2) Any person who sells tobacco products, alternative nicotine products, or vapor products at retail shall cause to be posted in a conspicuous place in his establishment a notice stating that it is illegal to sell tobacco products, alternative nicotine products, or vapor products to persons under age **twenty-one (21)** ~~eighteen (18)~~.

(3) Any person selling tobacco products, alternative nicotine products, or vapor products shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective buyer or recipient is under the age of **twenty-one (21)** ~~eighteen (18)~~.

(4) A person who violates subsection (1) or (2) of this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for a first violation and a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for any subsequent violation. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure.

Section 3. KRS 438.311 is amended to read as follows:

KRS 438.311

(1) Except for the provisions of KRS 438.330, it shall be unlawful for a person who has not attained the age of **twenty-one (21)** ~~eighteen (18)~~ years to purchase or accept

receipt of or to attempt to purchase or accept receipt of a tobacco product, alternative nicotine product, or vapor product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product, alternative nicotine product, or vapor product. It shall not be unlawful for such a person to accept receipt of a tobacco product, alternative nicotine product, or vapor product from an employer when required in the performance of the person's duties.

~~(2) This offense shall be deemed a status offense and shall be under the jurisdiction of the District Court.~~

~~(3) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may **confiscate the tobacco product, alternative nicotine product, or vapor product of a person under the age of twenty-one (21) who has violated** issue a uniform citation, but not make an arrest or take a child into custody, for a violation of this section. **Notwithstanding any provision of law to the contrary, no other penalty shall apply to a person under the age of twenty-one (21) for a violation of this section.** If a child fails to appear in court in response to a uniform citation issued pursuant to the section, the court may compel the attendance of the defendant in the manner specified by law.~~

Section 4. KRS 438.313 is amended to read as follows:

KRS 438.313

(1) No wholesaler, retailer, or manufacturer of cigarettes, tobacco products, alternative nicotine products, or vapor products may distribute cigarettes, tobacco products, alternative nicotine products, or vapor products, including samples thereof, free of charge or otherwise, to any person under the age of **twenty-one (21)** ~~eighteen (18)~~.

(2) Any person who distributes cigarettes, tobacco products, alternative nicotine products, or vapor products, including samples thereof, free of charge or otherwise shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of **twenty-one (21)** ~~eighteen (18)~~ .

(3) Any person who violates the provisions of this section shall be fined not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) for each offense. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older. ~~For persons under the age of (18) years, the offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.~~

(4) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section. ~~If a child fails to appear in court in response to a uniform citation issued pursuant to this section, the court may compel the attendance of the defendant in the manner specified by law.~~

Section 5. KRS 438.315 is amended to read as follows:

KRS 438.315

- (1) The sale of tobacco products, alternative nicotine products, or vapor products dispensed through a vending machine is prohibited to any person under the age of **twenty-one (21)** ~~eighteen (18)~~ years.
- (2) The purchase of tobacco products, alternative nicotine products, or vapor products dispensed through a vending machine is prohibited to any person under the age of **twenty-one (21)** ~~eighteen (18)~~ years.
- (3) Except for vending machines located in factories or vending machines located in bars or taverns to which minors are not permitted access, any vending machine from which tobacco products, alternative nicotine products, or vapor products are dispensed shall be located in the line of sight of the cashier for the retail establishment.
- (4) Any owner of a retail establishment violating this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older. ~~For persons under the age of eighteen (18) years, the offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.~~
- (5) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section. ~~If a child fails to appear in court in response to a uniform citation issued pursuant to this section, the court may compel the attendance of the defendant in the manner specified by law.~~

Section 6. KRS 438.325 is amended to read as follows:

KRS 438.325

- (1) Each owner of a retail establishment selling or distributing tobacco products, alternative nicotine products, or vapor products shall notify each individual employed in the retail establishment as a retail sales clerk that the sale of tobacco products, alternative nicotine products, or vapor products to any person under the age of **twenty-one (21)** ~~eighteen (18)~~ years and the purchase of tobacco products, alternative nicotine products, or vapor products by any person under the age of **twenty-one (21)** ~~eighteen (18)~~ years are prohibited.
- (2) Each owner of a retail establishment selling or distributing tobacco products, alternative nicotine products, or vapor products shall notify each individual employed in the retail establishment as a retail sales clerk that proof of age is required from a prospective buyer or recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of **twenty-one (21)** ~~eighteen (18)~~.
- (3) The notice to employees that is required in subsection (1) of this section shall be provided before the person commences work as a retail sales clerk, or, in the case of a person employed as a retail sales clerk on **the effective date of this Act** ~~April 10, 2014~~, within thirty (30) days of that date. The employee shall signify receipt of the notice required by this section by signing a form that states as follows:

“I understand that under the law of the Commonwealth of Kentucky it is illegal to sell or distribute tobacco products, alternative nicotine products, or vapor products to persons under the age of **twenty-one (21)** ~~eighteen (18)~~ years and that it is illegal for persons under the age of **twenty-one (21)** ~~eighteen (18)~~ years to purchase tobacco products, alternative nicotine products, or vapor products.”

(4) The owner of the retail establishment shall maintain the signed notice that is required pursuant to subsection (3) of this section in a place and in a manner so as to be easily accessible to any employee of the Department of Alcoholic Beverage Control or the Department of Agriculture conducting an inspection of the retail establishment for the purpose of monitoring compliance in limiting the sale or distribution of tobacco products, alternative nicotine products, or vapor products to persons under the age of **twenty-one (21)** ~~eighteen (18)~~ as provided in KRS 438.305 to 438.340.

(5) Any owner of the retail establishment violating subsections (1) to (4) of this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The fine shall be administered by the Department of Alcoholic Beverage Control in a civil enforcement procedure.

Section 7. KRS 438.330 is amended to read as follows:

KRS 438.330

(1) The Department of Alcoholic Beverage Control and the Department of Agriculture shall carry out annually conducted random, unannounced inspections of retail establishments where tobacco products, alternative nicotine products, or vapor products are sold or distributed for the purpose of enforcing the provisions of KRS 438.305 to 438.340. The inspections shall be conducted to the extent necessary to assure that the Commonwealth remains in compliance with Public Law 102–321 and applicable federal regulations. The Department of Alcoholic Beverage Control and the Department of Agriculture shall also ensure that targeted inspections are conducted at those retail establishments where, and at those times when, persons under the age of **twenty-one (21)** ~~eighteen (18)~~ years are most likely to purchase tobacco products, alternative nicotine products, or vapor products. Persons under the age of **twenty-one (21)** ~~eighteen (18)~~ years may be used to test compliance with the provisions of KRS 438.305 to 438.340 only if the testing is conducted under the direct supervision of the Department of Alcoholic Beverage Control, sheriff, or chief of police, or their employees, and written parental consent has been obtained. The Department of Alcoholic Beverage Control shall prepare annually, for submission by the Governor to the Secretary of the United States Department of Health and Human Services, the report required by Section 1926 of Subpart 1 of Part B of Title XIX of the Federal Public Health Service Act.

(2) The Department of Alcoholic Beverage Control shall develop and implement the survey sampling methodologies to carry out the inspections as described in this section.

Section 8. KRS 438.337 is amended to read as follows:

KRS 438.337

(1) ~~Except for violations of the provisions of KRS 438.311, 438.313, and 438.315 by a juvenile, which shall be under the jurisdiction of the juvenile session of the District Court,~~ The Department of Alcoholic Beverage Control shall carry out the enforcement provisions of KRS 438.305 to 438.340.

(2) The Department of Alcoholic Beverage Control shall be entitled to the revenue produced by one-twentieth of one cent (\$0.0005) of the three-cent (\$0.03) per pack revenue collected by the Finance and Administration Cabinet from the state excise tax on the sale of cigarettes as imposed by KRS 138.140 to be deposited in a trust and agency account created in the State Treasury, and to keep fifty percent (50%) of any fines collected under KRS 438.305 to 438.340 to offset the costs of enforcement of KRS 438.305 to 438.340.

(3) The Department of Alcoholic Beverage Control shall be responsible for maintaining statistics for compilation of required reports to be submitted to the United States Department of Health and Human Services.

(4) The Department of Alcoholic Beverage Control shall devise a plan and time frame for enforcement to determine by random inspection if the percentage of retailers or distributors making illegal sales to **persons under the age of twenty-one (21)** minors does or does not exceed federal guidelines preventing tobacco sales to **persons under the age of twenty-one (21)** minors.

Section 9. KRS 438.350 is amended to read as follows:

KRS 438.350

(1) No person under the age of **twenty-one (21)** ~~eighteen (18)~~ shall possess or use tobacco products, alternative nicotine products, or vapor products.

(2) Any tobacco product, alternative nicotine product, or vapor product found in the possession of a person under the age of **twenty-one (21)** ~~eighteen (18)~~ and in plain view of the law enforcement officer shall be confiscated by the law enforcement officer making the charge.

(3) This section shall not apply to persons exempted as provided by KRS 438.311 and 438.330.

(4) The terms "alternative nicotine product," "tobacco product," and "vapor product," shall have the same meanings as in KRS 438.305.

Section 10. KRS 600.020 is amended to read as follows:

KRS 600.020

As used in KRS Chapters 600 to 645, unless the context otherwise requires:

(1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when:

(a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:

1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;
4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
7. Abandons or exploits the child;
8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child; or
9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
 - (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;
 - (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);
 - (3) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:
 - (a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;
 - (b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;
 - (c) The parent has sexually abused the child and has refused available treatment;
 - (d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years;
 - or
 - (e) The parent has caused the child serious physical injury;
- (4) "Beyond the control of parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in

- danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645;
- (5) "Beyond the control of school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in writing by the school as a part of the school's petition or as an attachment to the school's petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school;
- (6) "Boarding home" means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet;
- (7) "Cabinet" means the Cabinet for Health and Family Services;
- (8) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training in juvenile detention developed and approved by, the Department of Juvenile Justice after consultation with other appropriate state agencies;
- (9) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;
- (10) "Child-caring facility" means any facility or group home other than a state facility, Department of Juvenile Justice contract facility or group home, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility;
- (11) "Child-placing agency" means any agency, other than a state agency, which supervises the placement of children in foster family homes or child-caring facilities or which places children for adoption;
- (12) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;
- (13) "Commitment" means an order of the court which places a child under the custodial control or supervision of the Cabinet for Health and Family Services, Department of Juvenile Justice, or another facility or agency until the child attains the age of eighteen (18) unless otherwise provided by law;
- (14) "Community-based facility" means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;
- (15) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;
- (16) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;
- (17) "Court-designated worker" means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating,

- entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;
- (18) “Deadly weapon” has the same meaning as it does in KRS 500.080;
- (19) “Department” means the Department for Community Based Services;
- (20) “Dependent child” means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;
- (21) “Detention” means the safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted or closely supervised environment for his or her own or the community's protection;
- (22) “Detention hearing” means a hearing held by a judge or trial commissioner within twenty-four (24) hours, exclusive of weekends and holidays, of the start of any period of detention prior to adjudication;
- (23) “Diversion agreement” means a mechanism designed to hold a child accountable for his or her behavior and, if appropriate, securing services to serve the best interest of the child and to provide redress for that behavior without court action and without the creation of a formal court record;
- (24) “Eligible youth” means a person who:
- (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
 - (b) Is eighteen (18) years of age to nineteen (19) years of age; and
 - (c) Is requesting to extend or reinstate his or her commitment to the cabinet in order to participate in state or federal educational programs or to establish independent living arrangements;
- (25) “Emergency shelter” is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;
- (26) “Emotional injury” means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional;
- (27) “Evidence-based practices” means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;
- (28) “Fictive kin” means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child;
- (29) “Firearm” shall have the same meaning as in KRS 237.060 and 527.010;
- (30) “Foster family home” means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;
- (31) “Graduated sanction” means any of a continuum of accountability measures, programs, and sanctions, ranging from less restrictive to more restrictive in nature, that may include but are not limited to:
- (a) Electronic monitoring;
 - (b) Drug and alcohol screening, testing, or monitoring;
 - (c) Day or evening reporting centers;
 - (d) Reporting requirements;

- (e) Community service; and
- (f) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment;
- (32) “Habitual runaway” means any child who has been found by the court to have been absent from his or her place of lawful residence without the permission of his or her custodian for at least three (3) days during a one (1) year period;
- (33) “Habitual truant” means any child who has been found by the court to have been reported as a truant as defined in KRS 159.150(1) two (2) or more times during a one (1) year period;
- (34) “Hospital” means, except for purposes of KRS Chapter 645, a licensed private or public facility, health care facility, or part thereof, which is approved by the cabinet to treat children;
- (35) “Independent living” means those activities necessary to assist a committed child to establish independent living arrangements;
- (36) “Informal adjustment” means an agreement reached among the parties, with consultation, but not the consent, of the victim of the crime or other persons specified in KRS 610.070 if the victim chooses not to or is unable to participate, after a petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;
- (37) “Intentionally” means, with respect to a result or to conduct described by a statute which defines an offense, that the actor's conscious objective is to cause that result or to engage in that conduct;
- (38) “Least restrictive alternative” means, except for purposes of KRS Chapter 645, that the program developed on the child's behalf is no more harsh, hazardous, or intrusive than necessary; or involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury; or protection of the community, and is conducted at the suitable available facility closest to the child's place of residence to allow for appropriate family engagement;
- (39) “Motor vehicle offense” means any violation of the nonfelony provisions of KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39–110, or 304.39–117;
- (40) “Near fatality” means an injury that, as certified by a physician, places a child in serious or critical condition;
- (41) “Needs of the child” means necessary food, clothing, health, shelter, and education;
- (42) “Nonoffender” means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (43) “Nonsecure facility” means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;
- (44) “Nonsecure setting” means a nonsecure facility or a residential home, including a child's own home, where a child may be temporarily placed pending further court action. Children before the court in a county that is served by a state operated secure detention facility, who are in the detention custody of the Department of Juvenile Justice, and who are placed in a nonsecure alternative by the Department of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;

(45) "Out-of-home placement" means a placement other than in the home of a parent, relative, or guardian, in a boarding home, clinical treatment facility, community-based facility, detention facility, emergency shelter, fictive kin home, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;

(46) "Parent" means the biological or adoptive mother or father of a child;

(47) "Person exercising custodial control or supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child;

(48) "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;

(49) "Physical injury" means substantial physical pain or any impairment of physical condition;

(50) "Physically secure facility" means a facility that relies primarily on the use of construction and hardware such as locks, bars, and fences to restrict freedom;

(51) "Public offense action" means an action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense;

(52) "Qualified mental health professional" means:

(a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;

(b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, and who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;

(c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;

(d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse with a bachelor's degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and who is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;

(e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;

(f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center;

(g) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center; or

(h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:

1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;

2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;

3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:

a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or

b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or

4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:

a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or

b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;

(53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);

(54) "Residential treatment facility" means a facility or group home with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of children;

(55) "Retain in custody" means, after a child has been taken into custody, the continued holding of the child by a peace officer for a period of time not to exceed twelve (12)

hours when authorized by the court or the court-designated worker for the purpose of making preliminary inquiries;

(56) "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;

(57) "School personnel" means those certified persons under the supervision of the local public or private education agency;

(58) "Secretary" means the secretary of the Cabinet for Health and Family Services;

(59) "Secure juvenile detention facility" means any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined;

(60) "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ;

(61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person;

(62) "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;

(63) "Social service worker" means any employee of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;

(64) "Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;

(65) (a) "Status offense action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall include:

1. Beyond the control of school or beyond the control of parents;
2. Habitual Runaway;
3. Habitual truant; **and**
4. ~~Tobacco offenses as provided in KRS 438.305 to 438.340; and~~
5. Alcohol offenses as provided in KRS 244.085.

(b) Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew;

(66) "Take into custody" means the procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours;

(67) "Transitional living support" means all benefits to which an eligible youth is entitled upon being granted extended or reinstated commitment to the cabinet by the court;

(68) "Transition plan" means a plan that is personalized at the direction of the youth that:

(a) Includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services; and

(b) Is as detailed as the youth may elect;

(69) "Valid court order" means a court order issued by a judge to a child alleged or found to be a status offender:

(a) Who was brought before the court and made subject to the order;

(b) Whose future conduct was regulated by the order;

(c) Who was given written and verbal warning of the consequences of the violation of the order at the time the order was issued and whose attorney or parent or legal guardian was also provided with a written notice of the consequences of violation of the order, which notification is reflected in the record of the court proceedings; and

(d) Who received, before the issuance of the order, the full due process rights guaranteed by the Constitution of the United States;

(70) "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;

(71) "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the detention of juveniles, both prior to adjudication and after adjudication, which meets the criteria specified in KRS 15A.320; and

(72) "Youthful offender" means any person regardless of age, transferred to Circuit Court under the provisions of KRS Chapter 635 or 640 and who is subsequently convicted in Circuit Court.

Section 11. KRS 610.010 is amended to read as follows:

KRS 610.010

(1) Unless otherwise exempted by KRS Chapters 600 to 645, the juvenile session of the District Court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who has not reached his or her eighteenth birthday or of any person who at the time of committing a public offense was under the age of eighteen (18) years, who allegedly has committed a public offense prior to his or her eighteenth birthday, except a motor vehicle offense involving a child sixteen (16) years of age or older. A child sixteen (16) years of age or older taken into custody upon the allegation that the child has committed a motor vehicle offense shall be treated as an adult and shall have the same conditions of release applied to him or her as an adult. A child taken into custody upon the allegation that he or she has committed a motor vehicle offense who is not released under conditions of release applicable to adults shall be held, pending his or her appearance before the District Court, in a facility as defined in KRS 15A.067. Children sixteen (16) years of age or older who are convicted

of, or plead guilty to, a motor vehicle offense shall, if sentenced to a term of confinement, be placed in a facility for that period of confinement preceding their eighteenth birthday and an adult detention facility for that period of confinement subsequent to their eighteenth birthday. The term "motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent nor any offense which constitutes a felony;

(2) Unless otherwise exempted by KRS Chapters 600 to 645, the juvenile session of the District Court of each county or the family division of the Circuit Court shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who has not reached his or her eighteenth birthday and who allegedly:

(a) Is beyond the control of the school or beyond the control of parents as defined in KRS 600.020;

(b) Is an habitual truant from school;

(c) Is an habitual runaway from his or her parent or other person exercising custodial control or supervision of the child;

(d) Is dependent, neglected, or abused;

(e) Has committed an alcohol offense in violation of KRS 244.085; **or**

(f) ~~Has committed a tobacco offense as provided in KRS 438.305 to 438.340; or~~

~~(g) Is mentally ill.~~

(3) Actions brought under subsection (1) of this section shall be considered to be public offense actions.

(4) Actions brought under subsection (2)(a), (b), (c), **and** (e), ~~and (f)~~ of this section shall be considered to be status offense actions.

(5) Actions brought under subsection (2)(d) of this section shall be considered to be nonoffender actions.

(6) Actions brought under subsection ~~(2)(f)(2)(g)~~ of this section shall be considered to be mental health actions.

(7) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of Circuit Courts over adoptions and proceedings for termination of parental rights.

(8) The court shall have no jurisdiction to make permanent awards of custody of a child except as provided by KRS 620.027.

(9) If the court finds an emergency to exist affecting the welfare of a child, or if the child is eligible for the relative or fictive kin caregiver assistance as established in KRS 620.142, it may make temporary orders for the child's custody; however, if the case involves allegations of dependency, neglect, or abuse, no emergency removal or temporary custody orders shall be effective unless the provisions of KRS Chapter 620 are followed. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the Circuit Court awarding custody of such child, all prior orders of the juvenile session of the District Court in conflict therewith shall be deemed canceled. This section shall not work to deprive the Circuit Court of jurisdiction over cases filed in Circuit Court.

(10) The court of each county wherein a public offense, as defined in subsection (1) of this section, is committed by a child who is a resident of another county of this state shall have concurrent jurisdiction over such child with the court of the county wherein the child resides or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of the case, or in its discretion may make an order transferring the case to the court of the county of the child's residence or the county wherein the offense was committed, as the case may be.

(11) Nothing in this chapter shall prevent the court from holding a child in contempt of court to enforce valid court orders previously issued by the court, subject to the requirements contained in KRS 610.265 and 630.080.

(12) Except as provided in KRS 635.060(4), 630.120(5), or 635.090, nothing in this chapter shall confer upon the District Court or the family division of the Circuit Court, as appropriate, jurisdiction over the actions of the Department of Juvenile Justice or the cabinet in the placement, care, or treatment of a child committed to the Department of Juvenile Justice or committed to or in the custody of the cabinet; or to require the department or the cabinet to perform, or to refrain from performing, any specific act in the placement, care, or treatment of any child committed to the department or committed to or in the custody of the cabinet.

(13) Unless precluded by KRS Chapter 635 or 640, in addition to informal adjustment, the court shall have the discretion to amend the petition to reflect jurisdiction pursuant to the proper chapter of the Kentucky Unified Juvenile Code.

(14) The court shall have continuing jurisdiction over a child pursuant to subsection (1) of this section, to review dispositional orders, and to conduct permanency hearings under 42 U.S.C. sec. 675(5)(c) until the child is placed for adoption, returned home to his or her parents with all the court imposed conditions terminated, completes a disposition pursuant to KRS 635.060, or reaches the age of eighteen (18) years.

Section 12. KRS 630.020 is amended to read as follows:

KRS 630.020

The court shall have exclusive jurisdiction in proceedings concerning any child living, or found within the district, who allegedly:

(1) Has been an habitual runaway from his parent or person exercising custodial control or supervision of the child;

(2) Is beyond the control of the school or beyond the control of parents as defined in KRS 600.020;

(3) Has been an habitual truant from school; **or**

(4) ~~Has committed a tobacco offense under KRS 438.305 to 438.340; or~~

~~(5) Has committed an alcohol offense under KRS 244.085.~~

Section 13. Whereas it is critical to bring the Commonwealth's purchase age requirements for tobacco, alternative nicotine, and vapor products into conformance with recently enacted federal purchase age requirements, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved March 26, 2020.

2020 Kentucky Laws Ch. 35 (SB 56)

SENATE BILL 66 DISPOSITION OF A DECEDENT'S BODY

Section 1. KRS 367.93117 is amended to read as follows:

KRS 367.93117

(1) Except as provided in subsection (2) of this section, the right to control the disposition of a decedent's body, make arrangements for funeral services, make arrangements for burial, and to make other ceremonial arrangements after an individual's death devolves on the following in the priority listed:

(a)(1) A person:

1. (a) Named as the designee or alternate designee in a declaration executed by the decedent under KRS 367.93101 to 367.93121; or

2. (b) Named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense if the decedent died while serving in any branch of the United States Armed Forces, pursuant to KRS 36.440;

(b) (2) The decedent's surviving spouse;

(c) (3) A surviving adult child of the decedent or, if more than one (1) adult child is surviving, the majority of the adult children. Less than half of the surviving adult children have the right to control disposition under this section if the child or children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children and this has been attested to in writing;

(d) (4) The surviving parent or parents of the decedent. If one (1) of the parents is absent, the parent who is present has the right to control disposition under this section if the parent who is present has used reasonable efforts to notify the absent parent and attests to that in writing;

(e) (5) The surviving adult grandchild of the decedent or, if more than one (1) adult grandchild is surviving, the majority of the adult grandchildren. Less than half of the surviving adult grandchildren have the right to control disposition under this section if the grandchild or grandchildren have used reasonable efforts to notify the other surviving adult grandchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult grandchildren and this has been attested to in writing;

(f) (6) The decedent's surviving adult sibling or, if more than one (1) adult sibling is surviving, the majority of the adult siblings. Less than half of the surviving adult siblings have the right to control disposition under this section if the sibling or siblings have used reasonable efforts to notify the other surviving adult siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult siblings and this has been attested to in writing;

(g) (7) An individual in the next degree of kinship under KRS 391.010 to inherit the estate of the decedent or, if more than one (1) individual of the same degree is surviving, the majority of those who are of the same degree of kinship. Less than half of the individuals who are of the same degree of kinship have the right to control disposition under this section if they used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship and this has been attested to in writing;

(h) (8) If none of the persons described in **subsection (1)(a) to (g)** subsections (1) to (7) of this section are available, the following may act and arrange for the final disposition of the decedent's remains:

1. (a) Any other person willing to act and arrange for the final disposition of the decedent's remains who attests in writing that a good-faith effort has been made to contact any living individuals described in **subsection (1)(a) to (g)** subsections (1) to (7) of this section; or

2. (b) A funeral home that has a valid prepaid funeral plan that makes arrangements for the disposition of the decedent's remains if the funeral director attests in writing that a good-faith effort has been made to contact any living individuals described in **subsection (1)(a) to (g)** subsections (1) to (7) of this section; or

(i) (9) The District Court in the county of the decedent's residence or the county in which the funeral home or the crematory is located.

(2) No person shall have the right to control the disposition of the remains of the decedent if the person has been arrested for, or charged with, committing an offense intentionally, knowingly, or wantonly, which resulted in the death of the decedent.

(3) A person disqualified pursuant to subsection (2) of this section may petition the court, in the interest of justice, to waive the disqualification.

Section 2. KRS 367.93121 is amended to read as follows:

KRS 367.93121

An action to contest or determine the validity of any declaration made under KRS 367.93101 to 367.93121 or cremation authorization form, or to resolve a conflict between an executed cremation authorization form and the person or persons authorized in KRS 367.93117 regarding cremation, **or to contest a disqualification pursuant to subsection (2) of Section 1 of this Act**, shall be:

(1) Brought in the District Court of the county of the decedent's residence or the county in which the funeral home or the crematory is located;

(2) Expedited on the docket of the court as a matter requiring priority; and

(3) Accompanied by a bond, cash deposit, or other surety sufficient to guarantee that the entity holding the declarant's remains is compensated for the safekeeping charges incurred while the action is pending.

Approved April 24, 2020.

2020 Kentucky Laws Ch. 123 (SB 66)

SENATE BILL 72 FEMALE GENITAL MUTILATION

EMERGENCY

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

(1) As used in this section, “female genital mutilation” means a procedure that involves the partial or total removal of the external female genitalia or any procedure harmful to the female genitalia, including but not limited to:

- (a) A clitoridectomy;**
- (b) The partial or total removal of the clitoris or the prepuce;**
- (c) The excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;**
- (d) The infibulation or the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning of the labia minora or the labia majora, with or without the excision of the clitoris;**
- (e) Pricking, piercing, incising, scraping, or cauterizing the genital area; or**
- (f) Any other action to purposely alter the structure or function of the female genitalia for a nonmedical reason.**

(2) A person is guilty of female genital mutilation when:

- (a) The person knowingly performs female genital mutilation on another person under eighteen (18) years of age;**
- (b) The person is a parent, guardian, or has immediate custody or control of a person under eighteen (18) years of age and knowingly consents to or permits female genital mutilation of such person; or**
- (c) The person knowingly removes or causes or permits the removal of a person under eighteen (18) years of age from Kentucky for the purposes of performance of female genital mutilation of the person.**

(3) It is not a defense to female genital mutilation that the conduct under subsection (2) of this section is:

- (a) Required as a matter of religion, custom, ritual, or standard practice; or**
- (b) Consented to by the individual on whom it is performed or the individual's parent or guardian.**

(4) A surgical procedure is not a violation of subsection (1) of this section if the procedure is:

- (a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a health care provider; or**
- (b) Performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place of its performance as a health care provider.**

(5) Female genital mutilation is a Class B felony.

SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, “female genital mutilation” has the same meaning as in Section 1 of this Act.

(2) The Department for Public Health in the Cabinet for Health and Family Services shall:

(a) Develop and produce educational materials regarding female genital mutilation, the health risks and emotional trauma inflicted by the practice of female genital mutilation, and the criminal penalties for female genital mutilation; and

(b) Disseminate the educational material produced under paragraph (a) of this subsection to health care providers, teachers, law enforcement personnel, immigration and refugee resettlement agencies, and any other professionals or community entities who may reasonably be expected to come into contact with individuals who may be at risk of suffering female genital mutilation.

(3) The department may consult or contract with nonprofit organizations to develop and produce the educational materials required by subsection (2) of this section.

Section 3. KRS 15.334 is amended to read as follows:

KRS 15.334

(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:

(a) Abuse, neglect, and exploitation of the elderly and other crimes against the elderly, including the use of multidisciplinary teams in the investigation and prosecution of crimes against the elderly;

(b) The dynamics of domestic violence, pediatric abusive head trauma, as defined in KRS 620.020, child physical and sexual abuse, and rape; child development; the effects of abuse and crime on adult and child victims, including the impact of abuse and violence on child development; legal remedies for protection; lethality and risk issues; profiles of offenders and offender treatment; model protocols for addressing domestic violence, rape, pediatric abusive head trauma, as defined in KRS 620.020, and child abuse; available community resources and victim services; and reporting requirements. This training shall be developed in consultation with legal, victim services, victim advocacy, and mental health professionals with expertise in domestic violence, child abuse, and rape. Training in recognizing pediatric abusive head trauma may be designed in collaboration with organizations and agencies that specialize in the prevention and recognition of pediatric abusive head trauma approved by the secretary of the Cabinet for Health and Family Services;

(c) Human immunodeficiency virus infection and acquired immunodeficiency virus syndrome;

(d) Identification and investigation of, responding to, and reporting bias-related crime, victimization, or intimidation that is a result of or reasonably related to race, color, religion, sex, or national origin;

(e) The characteristics and dynamics of human trafficking, state and federal laws relating to human trafficking, the investigation of cases involving human trafficking, including but not limited to screening for human trafficking, and resources for assistance to the victims of human trafficking; ~~and~~

(f) Beginning January 1, 2017, the council shall require that a law enforcement basic training course include at least eight (8) hours of training relevant to sexual assault; **and**

(g) Education on female genital mutilation as defined in Section 1 of this Act, including the risk factors associated with female genital mutilation, the criminal penalties for committing female genital mutilation, and the psychological and health effects on a victim of female genital mutilation.

(2) (a) The council shall develop and approve mandatory in-service 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.

(b) 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.

(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 training courses.

Section 4. KRS 311.595 is amended to read as follows:

KRS 311.595

If the power has not been transferred by statute to some other board, commission, or agency of this state, the board may deny an application or reregistration for a license; place a licensee on probation for a period not to exceed five (5) years; suspend a license for a period not to exceed five (5) years; limit or restrict a license for an indefinite period; or revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

- (1) Knowingly made or presented, or caused to be made or presented, any false, fraudulent, or forged statement, writing, certificate, diploma, or other thing, in connection with an application for a license or permit;
- (2) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy in connection with an examination for a license;
- (3) Committed, procured, or aided in the procurement of an unlawful abortion, including a partial-birth abortion or an abortion in violation of KRS 311.731;
- (4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky of a crime as defined in KRS 335B.010, if in accordance with KRS Chapter 335B;
- (5) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or been found by the board to have had sexual contact as defined in KRS 510.010(7) with a patient while the patient was under the care of the physician;
- (6) Become addicted to a controlled substance;
- (7) Become a chronic or persistent alcoholic;
- (8) Been unable or is unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition including but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills, or by reason of an extended absence from the active practice of medicine;
- (9) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof;
- (10) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any document executed in connection with the practice of his profession;
- (11) Employed, as a practitioner of medicine or osteopathy in the practice of his profession in this state, any person not duly licensed or otherwise aided, assisted, or abetted the unlawful practice of medicine or osteopathy or any other healing art;
- (12) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any medical practice act, including but not limited to the code of conduct promulgated by the board under KRS 311.601 or any other valid regulation of the board;
- (13) Violated any agreed order, letter of agreement, final order, or emergency order issued by the board;
- (14) Engaged in or attempted to engage in the practice of medicine or osteopathy under a false or assumed name, or impersonated another practitioner of a like, similar, or different name;

- (15) Obtained a fee or other thing of value on the fraudulent representation that a manifestly incurable condition could be cured;
- (16) Willfully violated a confidential communication;
- (17) Had his license to practice medicine or osteopathy in any other state, territory, or foreign nation revoked, suspended, restricted, or limited or has been subjected to other disciplinary action by the licensing authority thereof. This subsection shall not require relitigation of the disciplinary action;
- (18) Failed or refused, without legal justification, to practice medicine in a rural area of this state in violation of a valid medical scholarship loan contract with the trustees of the rural Kentucky medical scholarship fund;
- (19) Given or received, directly or indirectly, from any person, firm, or corporation, any fee, commission, rebate, or other form of compensation for sending, referring, or otherwise inducing a person to communicate with a person licensed under KRS 311.530 to 311.620 in his professional capacity or for any professional services not actually and personally rendered; provided, however, that nothing contained in this subsection shall prohibit persons holding valid and current licenses under KRS 311.530 to 311.620 from practicing medicine in partnership or association or in a professional service corporation authorized by KRS Chapter 274, as now or hereinafter amended, or from pooling, sharing, dividing, or apportioning the fees and moneys received by them or by the partnership, corporation, or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association. Nothing contained in this subsection shall abrogate the right of two (2) or more persons holding valid and current licenses under KRS 311.530 to 311.620 to receive adequate compensation for concurrently rendering professional care to a single patient and divide a fee, if the patient has full knowledge of this division and if the division is made in proportion to the services performed and responsibility assumed by each;
- (20) Been removed, suspended, expelled, or disciplined by any professional medical association or society when the action was based upon what the association or society found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provision of KRS Chapter 311. This subsection shall not require relitigation of the disciplinary action;
- (21) Been disciplined by a licensed hospital or medical staff of the hospital, including removal, suspension, limitation of hospital privileges, failing to renew privileges for cause, resignation of privileges under pressure or investigation, or other disciplinary action if the action was based upon what the hospital or medical staff found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provisions of KRS Chapter 311. This subsection shall not require relitigation of the disciplinary action;
- (22) Failed to comply with the requirements of KRS 213.101, 311.782, or 311.783 or failed to submit to the Vital Statistics Branch in accordance with a court order a complete report as described in KRS 213.101;
- (23) Failed to comply with any of the requirements regarding making or maintaining medical records or documents described in KRS 311.7704 or 311.7707; ~~or~~
- (24) Failed to comply with the requirements of KRS 311.7705 or 311.7706; **or**
- (25) Been convicted of female genital mutilation under Section 1 of this Act, which shall result in mandatory revocation of a license.**

SECTION 5. A NEW SECTION OF KRS CHAPTER 413 IS CREATED TO READ AS FOLLOWS:

(1) A civil action for recovery of damages for injury or illness suffered as a result of female genital mutilation as defined in Section 1 of this Act shall be brought within ten (10) years:

(a) Of the procedure being performed; or

(b) After the victim attains the age of eighteen (18) years.

(2) The court may award actual, compensatory, and punitive damages, and any other appropriate relief.

(3) Treble damages may be awarded if the plaintiff proves the defendant's acts were willful and malicious.

Section 6. KRS 600.020 is amended to read as follows:

KRS 600.020

As used in KRS Chapters 600 to 645, unless the context otherwise requires:

(1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when:

(a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:

1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;
4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
7. Abandons or exploits the child;
8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child; or

9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or

10. Commits or allows female genital mutilation as defined in Section 1 of this Act to be committed; or

(b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;

(2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);

(3) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:

(a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;

(b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;

(c) The parent has sexually abused the child and has refused available treatment;

(d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years;

or

(e) The parent has caused the child serious physical injury;

(4) "Beyond the control of parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645;

(5) "Beyond the control of school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in writing by the school as a part of the school's petition or as an attachment to the school's petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school;

(6) "Boarding home" means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet;

(7) "Cabinet" means the Cabinet for Health and Family Services;

(8) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training in juvenile detention developed and approved by, the Department of Juvenile Justice after consultation with other appropriate state agencies;

(9) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;

(10) "Child-caring facility" means any facility or group home other than a state facility, Department of Juvenile Justice contract facility or group home, or one certified by an

appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility;

(11) "Child-placing agency" means any agency, other than a state agency, which supervises the placement of children in foster family homes or child-caring facilities or which places children for adoption;

(12) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;

(13) "Commitment" means an order of the court which places a child under the custodial control or supervision of the Cabinet for Health and Family Services, Department of Juvenile Justice, or another facility or agency until the child attains the age of eighteen (18) unless otherwise provided by law;

(14) "Community-based facility" means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;

(15) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;

(16) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;

(17) "Court-designated worker" means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;

(18) "Deadly weapon" has the same meaning as it does in KRS 500.080;

(19) "Department" means the Department for Community Based Services;

(20) "Dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;

(21) "Detention" means the safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted or closely supervised environment for his or her own or the community's protection;

(22) "Detention hearing" means a hearing held by a judge or trial commissioner within twenty-four (24) hours, exclusive of weekends and holidays, of the start of any period of detention prior to adjudication;

(23) "Diversion agreement" means a mechanism designed to hold a child accountable for his or her behavior and, if appropriate, securing services to serve the best interest of the child and to provide redress for that behavior without court action and without the creation of a formal court record;

(24) "Eligible youth" means a person who:

(a) Is or has been committed to the cabinet as dependent, neglected, or abused;

- (b) Is eighteen (18) years of age to nineteen (19) years of age; and
- (c) Is requesting to extend or reinstate his or her commitment to the cabinet in order to participate in state or federal educational programs or to establish independent living arrangements;
- (25) “Emergency shelter” is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;
- (26) “Emotional injury” means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child’s ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional;
- (27) “Evidence-based practices” means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;
- (28) “Fictive kin” means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child;
- (29) “Firearm” shall have the same meaning as in KRS 237.060 and 527.010;
- (30) “Foster family home” means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;
- (31) “Graduated sanction” means any of a continuum of accountability measures, programs, and sanctions, ranging from less restrictive to more restrictive in nature, that may include but are not limited to:
- (a) Electronic monitoring;
 - (b) Drug and alcohol screening, testing, or monitoring;
 - (c) Day or evening reporting centers;
 - (d) Reporting requirements;
 - (e) Community service; and
 - (f) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment;
- (32) “Habitual runaway” means any child who has been found by the court to have been absent from his or her place of lawful residence without the permission of his or her custodian for at least three (3) days during a one (1) year period;
- (33) “Habitual truant” means any child who has been found by the court to have been reported as a truant as defined in KRS 159.150(1) two (2) or more times during a one (1) year period;
- (34) “Hospital” means, except for purposes of KRS Chapter 645, a licensed private or public facility, health care facility, or part thereof, which is approved by the cabinet to treat children;
- (35) “Independent living” means those activities necessary to assist a committed child to establish independent living arrangements;
- (36) “Informal adjustment” means an agreement reached among the parties, with consultation, but not the consent, of the victim of the crime or other persons specified in KRS 610.070 if the victim chooses not to or is unable to participate, after a petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;

- (37) “Intentionally” means, with respect to a result or to conduct described by a statute which defines an offense, that the actor's conscious objective is to cause that result or to engage in that conduct;
- (38) “Least restrictive alternative” means, except for purposes of KRS Chapter 645, that the program developed on the child's behalf is no more harsh, hazardous, or intrusive than necessary; or involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury; or protection of the community, and is conducted at the suitable available facility closest to the child's place of residence to allow for appropriate family engagement;
- (39) “Motor vehicle offense” means any violation of the nonfelony provisions of KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39–110, or 304.39–117;
- (40) “Near fatality” means an injury that, as certified by a physician, places a child in serious or critical condition;
- (41) “Needs of the child” means necessary food, clothing, health, shelter, and education;
- (42) “Nonoffender” means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (43) “Nonsecure facility” means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;
- (44) “Nonsecure setting” means a nonsecure facility or a residential home, including a child's own home, where a child may be temporarily placed pending further court action. Children before the court in a county that is served by a state operated secure detention facility, who are in the detention custody of the Department of Juvenile Justice, and who are placed in a nonsecure alternative by the Department of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- (45) “Out-of-home placement” means a placement other than in the home of a parent, relative, or guardian, in a boarding home, clinical treatment facility, community-based facility, detention facility, emergency shelter, fictive kin home, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;
- (46) “Parent” means the biological or adoptive mother or father of a child;
- (47) “Person exercising custodial control or supervision” means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child;
- (48) “Petition” means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;
- (49) “Physical injury” means substantial physical pain or any impairment of physical condition;
- (50) “Physically secure facility” means a facility that relies primarily on the use of construction and hardware such as locks, bars, and fences to restrict freedom;
- (51) “Public offense action” means an action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony,

misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense;

(52) "Qualified mental health professional" means:

(a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;

(b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, and who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;

(c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;

(d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse with a bachelor's degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and who is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;

(e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;

(f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center;

(g) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center; or

(h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:

1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its

predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:

a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or

b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or

4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:

a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or

b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;

(53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);

(54) "Residential treatment facility" means a facility or group home with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of children;

(55) "Retain in custody" means, after a child has been taken into custody, the continued holding of the child by a peace officer for a period of time not to exceed twelve (12) hours when authorized by the court or the court-designated worker for the purpose of making preliminary inquiries;

(56) "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;

(57) "School personnel" means those certified persons under the supervision of the local public or private education agency;

(58) "Secretary" means the secretary of the Cabinet for Health and Family Services;

(59) "Secure juvenile detention facility" means any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined;

(60) "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ;

(61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person;

(62) "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;

(63) "Social service worker" means any employee of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;

(64) "Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;

(65) (a) "Status offense action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall include:

1. Beyond the control of school or beyond the control of parents;
2. Habitual Runaway;
3. Habitual truant;
4. Tobacco offenses as provided in KRS 438.305 to 438.340; and
5. Alcohol offenses as provided in KRS 244.085.

(b) Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew;

(66) "Take into custody" means the procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours;

(67) "Transitional living support" means all benefits to which an eligible youth is entitled upon being granted extended or reinstated commitment to the cabinet by the court;

(68) "Transition plan" means a plan that is personalized at the direction of the youth that:

(a) Includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services; and

(b) Is as detailed as the youth may elect;

(69) "Valid court order" means a court order issued by a judge to a child alleged or found to be a status offender:

(a) Who was brought before the court and made subject to the order;

(b) Whose future conduct was regulated by the order;

(c) Who was given written and verbal warning of the consequences of the violation of the order at the time the order was issued and whose attorney or parent or legal guardian was also provided with a written notice of the consequences of violation of the order, which notification is reflected in the record of the court proceedings; and

- (d) Who received, before the issuance of the order, the full due process rights guaranteed by the Constitution of the United States;
- (70) "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;
- (71) "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the detention of juveniles, both prior to adjudication and after adjudication, which meets the criteria specified in KRS 15A.320; and
- (72) "Youthful offender" means any person regardless of age, transferred to Circuit Court under the provisions of KRS Chapter 635 or 640 and who is subsequently convicted in Circuit Court.

Section 7. KRS 620.030 is amended to read as follows:

KRS 620.030

- (1) 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, the Commonwealth's attorney, or county attorney 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.

(3) 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) Any person who knows or has reasonable cause to believe that a child is a victim of female genital mutilation as defined in Section 1 of this Act shall immediately cause an oral or written report to be made by telephone or otherwise to:

(a) A local law enforcement agency or the Department of Kentucky State Police;

(b) The cabinet or its designated representative; or

(c) The Commonwealth's attorney or the county attorney.

This subsection shall apply regardless of whether the person believed to have caused the female genital mutilation of the child is a parent, guardian, or person exercising custodial control or supervision.

(5) (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.

(6) (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.

(7) (6) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.

(8) (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 8. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

By November 1 of each year, beginning in 2021, the Cabinet for Health and Family Services shall submit to the Legislative Research Commission a comprehensive report that does not identify individuals, detailing the number of reports the cabinet has received regarding female genital mutilation as defined in Section 1 of this Act, the number of reports in which the cabinet has investigated and determined that a child is the victim of female genital mutilation, and the number of cases in which services were provided.

Section 9. Whereas female genital mutilation is a public health and human rights concern of great magnitude, 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.

Approved April 2, 2020.

2020 Kentucky Laws Ch. 74 (SB 72)

SENATE BILL 80 CRIME VICTIMS' RIGHTS

Section 1. KRS 421.576 is repealed and reenacted to read as follows:

KRS 421.576

(1) In order to establish the minimum conduct of criminal justice professionals with respect to crime victims and to communicate the intent of the General Assembly that victims of crime play an integral role in the criminal justice process, KRS 421.500 to 421.575 is hereby named the Kentucky Crime Victim Bill of Rights.

(2) The rights established by KRS 421.500 to 421.575 shall apply in all felony and misdemeanor proceedings in a District or Circuit Court of the Commonwealth.

(3) Nothing in KRS 421.500 to 421.575 shall provide grounds for the victim to challenge a charging decision or a conviction, to obtain a stay of trial, or to compel a new trial. Law enforcement agencies, county attorneys, and Commonwealth's attorneys and courts shall make every reasonable effort to ensure that victims of crime receive the benefits of the rights set out in KRS 421.500 to 421.575.

Section 2. KRS 421.500 is repealed, reenacted, and amended to read as follows:

KRS 421.500

(1) ***(a)*** As used in KRS 421.500 to 421.575, "victim" means ***an individual directly and proximately harmed as a result of:***

1. The commission of a crime classified as a felony; a misdemeanor involving threatened or actual physical injury, harassment, or restraint; a misdemeanor involving a child or incompetent person; or a misdemeanor involving a sexual offense or a trespass; or

2. Conduct which, if committed by an adult, would be classified as a felony or a misdemeanor described in subparagraph 1. of this paragraph.

If the victim is a minor, incapacitated, or deceased, "victim" also means one (1) or more of the victim's spouse, parents, siblings, children, or other lawful representatives which shall be designated by the court unless the person is the defendant or a person the court finds would not act in the best interests of the victim.

(b) In a case in which the number of victims makes it impracticable to accord all victims those rights provided by KRS 421.500 to 421.575, the court may fashion a reasonable procedure that does not unduly complicate or prolong the proceeding, to give effect to this section.

~~(c) an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime classified as stalking, unlawful imprisonment, use of a minor in a sexual performance, unlawful transaction with a minor in the first degree, terroristic threatening, menacing, harassing communications, intimidating a witness, criminal homicide, robbery, rape, assault, sodomy, kidnapping, burglary in the first or second degree, sexual abuse, wanton endangerment, criminal abuse, human trafficking, or incest. If the victim is a minor or legally incapacitated, "victim" means a parent, guardian, custodian or court-appointed special advocate.~~

~~(a) If the victim is deceased and the relation is not the defendant, the following relations shall be designated as "victim" for the purpose of exercising those rights contained in KRS 421.500 to 421.575:~~

- ~~1. The spouse;~~
- ~~2. An adult child if subparagraph 1. of this paragraph does not apply;~~
- ~~3. A parent if subparagraphs 1. and 2. of this paragraph do not apply;~~
- ~~4. A sibling if subparagraphs 1. to 3. of this paragraph do not apply; and~~
- ~~5. A grandparent if subparagraphs 1. to 4. do not apply.~~

~~(b) If the victim is deceased and the relation is not the defendant, the following relations shall be designated as "victims" for the purpose of presenting victim impact testimony under KRS 532.055(2)(a)7.:~~

- ~~1. A spouse;~~
- ~~2. An adult child;~~
- ~~3. A parent;~~
- ~~4. A sibling; and~~
- ~~5. A grandparent.~~

(2) If any court believes that the health, safety, or welfare of a victim who is a minor or is legally incapacitated would not otherwise adequately be protected, the court may appoint a special advocate to represent the interest of the victim and to exercise those rights provided for by KRS 421.500 to 421.575. Communication between the victim and the special advocate shall be privileged.

(3) Law enforcement personnel shall ensure that victims receive information on available protective, emergency, social, and medical services upon initial contact with the victim and are given information on the following as soon as possible:

- (a) Availability of crime victim compensation where applicable;
- (b) Community-based treatment programs;
- (c) The criminal justice process as it involves the participation of the victim or witness;

(d) The arrest of the accused; and

(e) How to register to be notified when a person has been released from prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized pursuant to KRS Chapter 202A.

(4) Law enforcement officers and attorneys for the Commonwealth shall provide information to victims and witnesses on how they may be protected from intimidation, harassment, and retaliation as defined in KRS 524.040 or 524.055.

(5) Attorneys for the Commonwealth shall make a reasonable effort to insure that:

(a) All victims and witnesses who are required to attend criminal justice proceedings are notified promptly of any scheduling changes that affect their appearances;

(b) If victims so desire and if they provide the attorney for the Commonwealth with a current address and telephone number, they shall receive prompt notification, if possible, of judicial proceedings relating to their case, including but not limited to the defendant's release on bond and any special conditions of release; of the charges against the defendant, the defendant's pleading to the charges, and the date set for the trial; of notification of changes in the custody of the defendant and changes in trial dates; of the verdict, the victim's right to make an impact statement for consideration by the court at the time of sentencing of the defendant, the date of sentencing, the victim's right to receive notice of any parole board hearing held for the defendant, and that the office of Attorney General will notify the victim if an appeal of the conviction is pursued by the defendant; and of a scheduled hearing for shock probation or for bail pending appeal and any orders resulting from that hearing;

(c) The victim knows how to register to be notified when a person has been released from a prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized pursuant to KRS Chapter 202A;

(d) The victim receives information on available:

1. Protective, emergency, social, and medical services;
2. Crime victim compensation, where applicable;
3. Restitution, where applicable;
4. Assistance from a victim advocate; and
5. Community-based treatment programs; and

(e) The victim of crime may, pursuant to KRS 15.247, receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts.

(6) The victim shall be consulted by the attorney for the Commonwealth on the disposition of the case, including dismissal, release of the defendant pending judicial proceedings, any conditions of release, a negotiated plea, and entry into a pretrial diversion program.

(7) In prosecution for offenses listed in this section for the purpose of defining "victim," law enforcement agencies and attorneys for the Commonwealth shall promptly return a victim's property held for evidentiary purposes unless there is a compelling reason for retaining it. Photographs of such property shall be received by the court as competent evidence in accordance with the provisions of KRS 422.350.

(8) A victim or witness who so requests shall be assisted by law enforcement agencies and attorneys for the Commonwealth in informing employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work.

(9) The Attorney General, where possible, shall provide technical assistance to law enforcement agencies and attorneys for the Commonwealth if such assistance is requested for establishing a victim assistance program.

(10) If a defendant seeks appellate review of a conviction and the Commonwealth is represented by the Attorney General, the Attorney General shall make a reasonable effort to notify victims promptly of the appeal, the status of the case, and the decision of the appellate court

(11) Full restitution to a named victim, if there is a named victim, shall be ordered by the court to be paid by the convicted or adjudicated party in a manner consistent, insofar as possible, with this section and KRS 439.563, 532.032, 532.033, 533.020, and 533.030 in addition to any other penalty.

(12) Nothing in KRS 421.500 to 421.575 shall be construed as altering the presumption of innocence in the criminal justice system, or to be a waiver of sovereign immunity or any other immunity or privilege maintained by the Commonwealth; its cabinets, departments, bureaus, political subdivisions, and agencies; and its officers, agents, and employees.

Section 3. KRS 421.510 is repealed and reenacted to read as follows:

KRS 421.510

(1) Where the victim is less than sixteen (16) years old and the crime is a sexual offense including violations of KRS 510.040 to 510.150, 530.020, 530.064(1)(a), 530.070, 531.310, 531.320, and 531.370, a speedy trial may be scheduled as provided in subsection (2) of this section.

(2) The court, upon motion by the attorney for the Commonwealth for a speedy trial, shall set a hearing date on the motion within ten (10) days of the date of the motion. If the motion is granted, the trial shall be scheduled within ninety (90) days from the hearing date.

(3) In ruling on any motion or other request for a delay or continuance of the proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim or witness.

Section 4. KRS 421.520 is repealed and reenacted to read as follows:

KRS 421.520

(1) The attorney for the Commonwealth shall notify the victim that, upon conviction of the defendant, the victim has the right to submit a written victim impact statement to the probation officer responsible for preparing the presentence investigation report for inclusion in the report or to the court should such a report be waived by the defendant.

(2) The impact statement may contain, but need not be limited to, a description of the nature and extent of any physical, psychological or financial harm suffered by the victim, the victim's need for restitution and whether the victim has applied for or received compensation for financial loss, and the victim's recommendation for an appropriate sentence.

(3) The victim impact statement shall be considered by the court prior to any decision on the sentencing or release, including shock probation, of the defendant.

Section 5. KRS 421.530 is repealed and reenacted to read as follows:

KRS 421.530

(1) If a defendant is sentenced to a period of incarceration and his release is subject to the authority of the parole board, the victim may submit a written impact statement to the parole board that it shall consider when making a decision on the release of the defendant.

(2) The impact statement may contain, but need not be limited to, a description of the long-term consequences of the crime, including but not necessarily limited to, the physical, psychological and financial harm suffered by the victim, and whether the victim has applied for or received compensation for financial loss.

Section 6. KRS 421.550 is amended to read as follows:

KRS 421.550

(1) Nothing in ***KRS 421.500 to 421.575*** ~~421.510 to 421.540, or KRS 15.245, or 196.280, or 421.500~~ creates a cause of action for money damages against the state, a county, a municipality, or any of their agencies, public officials, or employees.

(2) The jailer or chief administrator of a juvenile detention facility, regional jail, or county jail, or any of their respective designees who acts in good faith in making available the release information required by KRS 196.280, or in good faith fails or is unable to provide the release information required by KRS 196.280, shall be immune from any criminal liability.

(3) The jailer or chief administrator of a juvenile detention facility, regional jail, or county jail, or any of their respective designees, who acts in good faith in making available the release information required by KRS 196.280, or in good faith fails or is unable to provide the release information required by KRS 196.280, and who is sued for any act or omission in relation to KRS 196.280, and who has a judgment rendered against him and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney's fees awarded pursuant thereto, shall be indemnified by the Commonwealth from funds appropriated to the Finance and Administration Cabinet for the payment of judgments, to the extent of his actual financial loss. The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the person claiming indemnification and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

(4) The Attorney General shall defend the jailer, chief administrator, or designee upon request, in any suit related to the provision of information under KRS 196.280.

(5) An attorney for the Commonwealth who acts in good faith in his or her ministerial duties under KRS 421.500 to 421.575 shall be immune from criminal or civil liability. The immunity shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

Repealed: KRS 421.540

Section 7. The following KRS section is repealed:

421.540 Effect of failure to provide required notification.

Section 8. This Act shall take effect only upon the ratification, in the general election of November 3, 2020, of a Constitutional amendment providing for the protection of crime victims' rights. If such an amendment is not ratified, this Act shall be void.

Approved April 24, 2020.

2020 Kentucky Laws Ch. 101 (SB 80)

SENATE BILL 111 PUBLIC SAFETY PERSONNEL

SECTION 1. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

(1) The coroner shall ensure that the remains of a police officer, firefighter, or emergency medical services personnel, as defined in KRS 61.315, or a coroner or deputy coroner, killed in the line of duty are returned to the care and custody of that person's family or other party responsible for the person's final arrangements in a professional manner so as to obscure the contour of the decedent's remains. Upon the wishes of the family or other responsible party, the coroner shall ensure that the decedent is covered by an American flag in honor of his or her service.

(2) The coroner may make arrangements with the family or other responsible party of a decedent described in subsection (1) of this section to have the individual returned to the care and custody of that person's family or other party responsible for the person's final arrangement by a funeral home or a designated transport service. In that case, the decedent shall be transported in the manner set out in subsection (1) of this section.

Section 2. KRS 15.440 is amended to read as follows:

KRS 15.440

- (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:
- (a) Employs one (1) or more police officers;
 - (b) Pays every police officer at least the minimum federal wage;
 - (c) Requires all police officers to have, at a minimum, a high school degree, or its equivalent as determined by the council, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection;
 - (d) 1. Requires all police officers to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the council, which may provide a different number of hours of instruction as established in this paragraph, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection.
2. As the exclusive method by which the number of hours required for basic training courses shall be modified from that which is specifically established by this paragraph, the council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, explicitly set the exact number of hours for basic training at a number different from nine hundred twenty-eight (928) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis.
3. If the council sets an exact number of hours different from nine hundred twenty-eight (928) in an administrative regulation as provided by this paragraph, it shall not further change the number of hours required for basic training without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A.
4. Nothing in this paragraph shall be interpreted to prevent the council, pursuant to its authority under KRS 15.330, from approving training schools with a curriculum requiring attendance of a number of hours that exceeds nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation as provided by subparagraphs 2. and 3. of this paragraph. However, the training programs and schools for the basic training of law enforcement personnel conducted by the department pursuant to KRS 15A.070 shall not contain a curriculum that requires attendance of a number of hours for basic training that is different from nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation promulgated by the council pursuant to the provisions of KRS Chapter 13A as provided by subparagraphs 2. and 3. of this paragraph.
5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
- a. Years of service credit as a law enforcement officer with previous service in another state; and
 - b. Basic training completed in another state.

6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:

a. Completion of eight hundred forty-eight (848) hours of training at a school established pursuant to KRS 15A.070;

b. A minimum of fifteen (15) years of experience as a certified law enforcement instructor at a school established pursuant to KRS 15A.070;

c. Completion of an average of forty (40) hours of Kentucky Law Enforcement Council approved in-service training annually from January 1, 1997 through January 1, 2020;

d. Completion of all mandatory training obligations under KRS 15.334 from January 1, 1997 to January 1, 2020;

e. Three (3) years of active, full-time service as a:

i. City, county, urban-county, charter county, consolidated local, or unified local government police officer;

ii. Sheriff's deputy, excluding special deputies appointed under KRS 70.045;

iii. Department of Kentucky State Police officer; or

iv. Kentucky Department of Fish and Wildlife Resources conservation officer exercising peace officer powers under KRS 150.090; and

f. Completion of the:

i. Twenty-four (24) hour legal update Penal Code course;

ii. Sixteen (16) hour legal update constitutional procedure course; and

iii. Forty (40) hour basic officer skills course within one (1) year prior to applying for certification;

(e) Requires all police officers to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of the officer's police department, of forty (40) hours' duration, of which the number of hours shall not be changed by the council, at a school certified or recognized by the council. This requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;

(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;

(g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;

(h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to the Cabinet for Health and Family

Services, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records; and (i) Possesses by January 1, 2017, a written policy and procedures manual related to sexual assault examinations that meets the standards provided by, and has been approved by, the cabinet, and which includes:

1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;
2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the police department be transmitted to a police department with jurisdiction within ten (10) days of its receipt by the police department;
3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the police department;
4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility; and
5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched.

(2) A unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund only if the police department of the unit of government remains in compliance with the requirements of this section.

(3) Deputies employed by a sheriff's office shall be eligible to participate in the distribution of funds from the Law Enforcement Foundation Program fund regardless of participation by the sheriff.

(4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

Approved April 24, 2020.

2020 Kentucky Laws Ch. 124 (SB 111)

SENATE BILL 122 OUTPATIENT MENTAL HEALTH TREATMENT

Section 1. KRS 202A.0815 is amended to read as follows:

KRS 202A.0815

No person shall be court-ordered to assisted outpatient mental health treatment unless the person:

- (1) Has been involuntarily hospitalized pursuant to KRS 202A.051 at least two (2) times in the past **twenty-four (24)** ~~twelve (12)~~ months;
- (2) Is diagnosed with a serious mental illness;
- (3) Is unlikely to adequately adhere to outpatient treatment on a voluntary basis based on a qualified mental health professional's:
 - (a) Clinical observation;
 - (b) Review of treatment history, including the person's prior history of repeated treatment nonadherence; and
 - (c) Identification of specific characteristics of the person's clinical condition described as anosognosia, or failure to recognize his or her diagnosis of serious mental illness; and
- (4) Is in need of court-ordered assisted outpatient treatment as the least restrictive alternative mode of treatment presently available and appropriate.

Approved March 24, 2020.

2020 Kentucky Laws Ch. 29 (SB 122)

HOUSE OF REPRESENTATIVES

HOUSE BILL 2 HUMAN TRAFFICKING

Section 1. KRS 17.500 is amended to read as follows:

KRS 17.500

As used in KRS 17.500 to 17.580:

(1) "Approved provider" means a mental health professional licensed or certified in Kentucky whose scope of practice includes providing mental health treatment services and who is approved by the Sex Offender Risk Assessment Advisory Board, under administrative regulations promulgated by the board, to provide comprehensive sex offender presentence evaluations or treatment to adults and youthful offenders, as defined in KRS 600.020;

(2) "Cabinet" means the Justice and Public Safety Cabinet;

(3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:

1. Kidnapping, as set forth in KRS 509.040, except by a parent;
 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;
 3. Sex crime;
 4. Promoting a sexual performance of a minor, as set forth in KRS 531.320;
 5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;
 6. Promoting human trafficking involving commercial sexual activity, as set forth in KRS 529.110;
 7. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);
 8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
 9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
 10. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);
 11. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;
 12. Any attempt to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph;
 13. Solicitation to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph; or
 14. Any offense from another state or territory, any federal offense, or any offense subject to a court martial of the United States Armed Forces, which is similar to any of the offenses described in subparagraphs 1. to 13. of this paragraph.
- (b) Conduct which is criminal only because of the age of the victim shall not be considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense;

- (4) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, 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 federal or state laws;
- (5) "Registrant" means:
- (a) Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
 - 1. A sex crime; or
 - 2. A criminal offense against a victim who is a minor; or
 - (b) Any person required to register under KRS 17.510; or
 - (c) Any sexually violent predator; or
 - (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed;
- (6) "Registrant information" means the name, including any lawful name change together with the previous name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, palm prints, DNA sample, a photograph, aliases used, residence, motor vehicle operator's license number as well as any other government-issued identification card numbers, if any, a brief description of the crime or crimes committed, and other information the cabinet determines, by administrative regulation, may be useful in the identification of registrants;
- (7) "Residence" means any place where a person sleeps. For the purposes of this statute, a registrant may have more than one (1) residence. A registrant is required to register each residence address;
- (8) "Sex crime" means:
- (a) A felony offense defined in KRS Chapter 510, ~~or~~ **KRS 529.100 or 529.110 involving commercial sexual activity**, 530.020, 530.064(1)(a), 531.310, 531.320, or 531.335;
 - (b) A felony attempt to commit a felony offense specified in paragraph (a) of this subsection; or
 - (c) A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is similar to a felony offense specified in paragraph (a) of this subsection;
- (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in this section, as of the date the verdict is entered by the court;
- (10) "Sexually violent predator" means any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation, under a state, territory, or federal statutory scheme;
- (11) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;
- (12) "Victim" has the same meaning as in KRS 421.500;
- (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen from a person, as prescribed by administrative regulation, that is required to provide a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the Department of Kentucky State Police forensic laboratory for law enforcement identification purposes and inclusion in law enforcement identification databases; and

(14) "Authorized personnel" means an agent of state government who is properly trained in DNA sample collection pursuant to administrative regulation.

Section 2. KRS 49.370 is amended to read as follows:

KRS 49.370

(1) No award shall be made unless the commission or commission member, as the case may be, finds that:

(a) Criminally injurious conduct occurred;

(b) Such criminally injurious conduct resulted in personal physical or psychological injury to, or death of, the victim; and

(c) Police or court records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police or court records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless the commission, for good cause shown, finds the delay to have been justified.

(2) Except for claims related to sexual assault, **human trafficking**, and domestic violence, the commission upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies shall deny, reconsider, or reduce an award.

(3) Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services, including mental health counseling, necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury. Mental health counseling shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the commission stating what treatment is planned and for what period of time. The commission shall have the power to discontinue payment of mental health counseling at any time within the two (2) year period. Replacement of eyeglasses and other corrective lenses shall be included in an award, provided they were stolen, destroyed, or damaged during the crime.

(4) Any award made for loss of earnings or financial support may be considered for a claimant who has loss of support or wages due to the crime for which the claim is filed. Unless reduced pursuant to other provisions of KRS 49.270 to 49.490, the award shall be equal to net earnings at the time of the criminally injurious conduct; however, no such award shall exceed one hundred fifty dollars (\$150) for each week of lost earnings or financial support. The wage earner or source of support must have been employed or paying support at the time the crime occurred. Said employment or support shall be verified by the staff of the commission after information is provided by the claimant or victim. Should the claimant or victim fail to supply the commission with the information requested, the portion of the claim for lost wages or support shall be denied. If there are two (2) or more persons entitled to an award as a result of the injury or death of a person which is the direct result of criminally injurious conduct, the award shall be apportioned by the commission among the claimants.

- (5) The commission is authorized to set a reasonable limit for the payment of funeral and burial expenses which shall include funeral costs, a monument, and grave plot. In no event shall an award for funeral expenses exceed five thousand dollars (\$5,000).
- (6) Any award made under KRS 49.270 to 49.490 shall not exceed twenty-five thousand dollars (\$25,000) in total compensation to be received by or paid on behalf of a claimant from the fund.
- (7) No award shall be made for any type of property loss or damage, except as otherwise permitted in KRS 49.270 to 49.490.

SECTION 3. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section, "airport" has the same meaning as in KRS 183.011.***
- (2) An airport shall post in all of its publicly accessible restrooms a printed sign in English and Spanish at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be:***
- (a) Created using gender-neutral language supplied by the Office of the Attorney General; and***
- (b) Posted in a prominent place easily seen by patrons.***

SECTION 4. A NEW SECTION OF KRS CHAPTER 277 IS CREATED TO READ AS FOLLOWS:

Every passenger train station shall post in all of its restrooms a printed sign in English and Spanish at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be:

- (1) Created using gender-neutral language supplied by the Office of the Attorney General; and***
- (2) Posted in a prominent place easily seen by patrons.***

SECTION 5. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section:***
- (a) "Truck stop" means a privately owned and operated facility that provides services, including but not limited to:***
- 1. Food;***
 - 2. Fuel;***
 - 3. Showers or other sanitary facilities; and***
 - 4. Lawful overnight parking for motor carriers; and***
- (b) "Bus station" means a fixed structure where a bus delivers and receives passengers that has a restroom.***

(2) Every truck stop and bus station shall post in all of its restrooms a printed sign in English and Spanish at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be:

(a) Created using gender-neutral language supplied by the Office of the Attorney General; and

(b) Posted in a prominent place easily seen by patrons.

Section 6. KRS 529.010 is amended to read as follows:

KRS 529.010

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

(1) “Abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action;

(2) “Advancing prostitution”—A person “advances prostitution” when acting other than as a prostitute or as a patron thereof, he or she knowingly causes or aids a person to engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;

(3)(2) “Commercial sexual activity” means:

(a) Any sex act, for which anything of value is given to, promised to, or received by any person; prostitution, regardless of whether the trafficked person can be charged with prostitution;

(b) Participation in the production of obscene material as set out in KRS Chapter 531;;
or

(c) Engaging in a sexually explicit performance;

(4) “Debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for the debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(5)(3) “Forced labor or services” means labor or services that are performed or provided by another person and that are obtained through force, fraud, or coercion;

(6)(4) “Force, fraud, or coercion” includes but is not limited to:

(a) The use or threat of force against, abduction of, restraint, or serious harm of an individual;

(b) The abuse or threatened abuse of law or legal process;

(c) Facilitating, controlling, or threatening to control an individual's access to a controlled substance;

(d) Knowingly destroying, concealing, removing, confiscating, or possessing, or attempting to destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration documents or any other actual or purported governmental identification documents of the person or family member;

(e) Use of debt bondage; or

(f) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function may only be accomplished by the same means and methods as a person may be restrained under KRS 509.010;

(7)(5) "Human trafficking" refers to criminal activity whereby one (1) or more persons are subjected to engaging in:

(a) Forced labor or services; or

(b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion;

(8)(6) "Human trafficking victims fund" is the fund created in KRS 529.140;

(9)(7) "Labor" means work of economic or financial value;

(10)(8) "Minor" means a person under the age of eighteen (18) years;

(11)(9) "Profiting from prostitution"—A person "profits from prostitution" when acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she knowingly accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of prostitution activity;

(12) "Serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious to compel a reasonable person to perform or to continue performing commercial sexual activity in order to avoid incurring that harm;

(13)(10) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor;

(14)(11) "Sexual conduct" means sexual intercourse or any act of sexual gratification involving the sex organs;

(15)(12) "Sexually explicit performance" means a performance of sexual conduct involving:

(a) Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse, actual or simulated;

(b) Physical contact with, or willful or intentional exhibition of, the genitals;

(c) Flagellation or excretion for the purpose of sexual stimulation or gratification; or

(d) The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area, or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph, or other visual representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family; and

~~(16)~~(13) “Victim of human trafficking” is a person who has been subjected to human trafficking.

Section 7. KRS 529.100 is amended to read as follows:

KRS 529.100

(1) A person is guilty of human trafficking when the person intentionally subjects one (1) or more persons **to engage in:**

(a) Forced labor or services; or

(b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion human trafficking.

(2) (a) Human trafficking is a Class C felony unless it involves serious physical injury to a trafficked person, in which case it is a Class B felony.

(b) If the victim of human trafficking is under eighteen (18) years of age, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.

Section 8. KRS 529.130 is amended to read as follows:

KRS 529.130

Any person convicted of an offense in KRS 529.100 or 529.110 shall be ordered to pay, in addition to any other fines, penalties, or applicable forfeitures, a human trafficking victims service fee of **not less than** ten thousand dollars (\$10,000) to be remitted to the fund created in KRS 529.140.

Section 9. KRS 529.140 is amended to read as follows:

KRS 529.140

(1) The “human trafficking victims fund,” referred to in this section as the “fund,” is created as a separate revolving fund within the **Office of the Attorney General** ~~Justice and Public Safety Cabinet~~.

(2) The fund shall consist of proceeds from assets seized and forfeited pursuant to KRS 529.150, proceeds from the fee in KRS 529.130, grants, contributions, appropriations, and any other moneys that may be made available for purposes of the fund.

(3) Moneys in the fund shall be distributed to agencies serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies. **The Office of the Attorney General shall promulgate administrative regulations to develop procedures for distributing funds pursuant to this section** ~~in accordance with procedures developed by the Justice and Public Safety Cabinet pursuant to administrative regulation~~. The administrative **regulations** ~~regulation~~ shall require that:

(a) The Office of the Attorney General use funds received to maintain programs for the prevention of human trafficking, provide education, training, or public outreach programs about human trafficking, and conduct human trafficking investigations. The Office of the Attorney General may recoup costs for conducting any programs or trainings; and

(b) The Cabinet for Health and Family Services **use funds received** ~~receive adequate funding allocation under this subsection to meet the responsibilities imposed upon it to serve minor victims of human trafficking under KRS 620.029.~~

(4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section.

(5) Any interest earnings on moneys in the fund shall become a part of the fund and shall not lapse to the general fund.

(6) Moneys in the fund are hereby appropriated for the purposes set forth in this section.

Section 10. KRS 529.180 is amended to read as follows:

KRS 529.180

In any prosecution under KRS 529.100 or 529.110 involving commercial sexual activity ~~with a minor~~, it shall not be a defense that:

(1) The defendant was unaware of the minor's actual age;

(2) A minor consented to engage in commercial sexual activity;

(3) The intended victim of the offense is a law enforcement officer posing as a minor as part of a criminal investigation or operation;

(4) The solicitation was unsuccessful, the conduct was not engaged in, or the law enforcement officer could not engage in the solicited offense; or

(5) The victim is charged with an offense.

Section 11. All files, funds, and functions of the human trafficking victims fund shall be transferred from the Justice and Public Safety Cabinet to the Office of the Attorney General.

Approved April 2, 2020.

2020 Kentucky Laws Ch. 75 (HB 2)

HOUSE BILL 44 KEY INFRASTRUCTURE ASSETS

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

KRS 511.100

(1) As used in this section:

(a) "Key infrastructure assets" means:

1. Any critical node of a system used in the production or generation of electrical energy;
2. A petroleum refinery;
3. A rubber or hazardous chemical manufacturing facility;
4. A petroleum or hazardous chemical storage facility or terminal;
5. Natural gas processing, fractionation, stabilization, and compressor station facilities, as well as above-ground **natural gas or petroleum** pipelines and related facilities;
6. Railroad yards and railroad tunnel portals;
7. A drinking water collection, treatment, or storage facility;
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;
9. A facility used for research, development, design, production, delivery, or maintenance of military weapons systems, subsystems, and components or parts to meet military requirements of the United States; ~~or~~
10. A wireless communications facility, including the tower, antennae, support structures and all associated ground-based equipment, and a telecommunications central switching office; ~~or and~~

11. A cable television headend; and

(b) “Unmanned aircraft system” means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

(2) (a) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property on which key infrastructure assets are located.

(b) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly uses, or retains or authorizes a person to use, an unmanned aircraft system to fly above real property on which key infrastructure assets are located with the intent to cause harm or damage to or conduct surveillance of the key infrastructure asset without the prior consent of the owner, tenant, or lessee of the real property.

(3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.

(4) This section does not apply to:

(a) An unmanned aircraft system used by the federal government or by the Commonwealth, or by a person acting pursuant to a contract with the federal government or the Commonwealth;

(b) An unmanned aircraft system used by:

1. The owner of the real property or key infrastructure asset;
2. A person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right granted by the owner of the real property or key infrastructure asset; or
3. A third party who is retained or authorized by a person specified in subparagraph 1. or 2. of this paragraph;

(c) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous material response team, disaster management

agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose;

(d) Operation of an unmanned aircraft system by a person or entity for a commercial purpose in compliance with applicable Federal Aviation Administration authorization, regulations, or exemptions;

(e) A satellite orbiting the earth;

(f) An unmanned aircraft system used by an insurance company or a person acting on behalf of an insurance company for purposes of underwriting an insurance risk or investigating damage to insured property; or

(g) An unmanned aircraft system used strictly in accordance with an order of a court of competent jurisdiction.

Section 2. KRS 512.020 is amended to read as follows:

KRS 512.020

(1) A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he **or she** has such right, he **or she** intentionally or wantonly:

(a) Defaces, destroys, or damages any property causing pecuniary loss of \$1,000 or more; **or**

(b) Tamper with the operations of a key infrastructure asset, as defined in Section 1 of this Act, in a manner that renders the operations harmful or dangerous.

(2) Criminal mischief in the first degree is a Class D felony.

SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

A civil action may be maintained under this section against any person that knowingly directs or causes a person to violate subsection (1)(b) of Section 2 of this Act. Liability shall include actual damages to personal or real property caused by the offense and may include punitive damages and court costs.

Approved March 16, 2020.

2020 Kentucky Laws Ch. 12 (HB 44)

HOUSE BILL 204 SEX OFFENDER REGISTRANTS

Section 1. KRS 17.545 is amended to read as follows:

KRS 17.545

(1) No registrant, as defined in KRS 17.500, shall reside within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned **or leased** playground, or licensed day care facility. The measurement shall be taken in a straight line from the nearest property line ~~of the school~~ to the nearest property line of the registrant's place of residence.

(2) No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a high school, middle school, elementary school, preschool, publicly owned **or leased** playground, or licensed day care facility, except with the advance written permission of the school principal, the school board, the local legislative body with jurisdiction over the publicly owned **or leased** playground, or the day care director that has been given after full disclosure of the person's status as a registrant or sex offender from another state and all registrant information as required in KRS 17.500. As used in this subsection, "local legislative body" means the chief governing body of a city, county, urban-county government, consolidated local government, charter county government, or unified local government that has legislative powers.

(3) For purposes of this section:

(a) The registrant shall have the duty to ascertain whether any property listed in subsection (1) of this section is within one thousand (1,000) feet of the registrant's residence; and

(b) If a new facility opens, the registrant shall be presumed to know and, within ninety (90) days, shall comply with this section.

(4) (a) Except as provided in paragraph (b) of this subsection, no registrant who is eighteen (18) years of age or older and has committed a criminal offense against a victim who is a minor shall have the same residence as a minor.

(b) A registrant who is eighteen (18) years of age or older and has committed a criminal offense against a victim who is a minor may have the same residence as a minor if the registrant is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or court-appointed guardian of the minor, unless the spouse, child, grandchild, stepchild, sibling, stepsibling, or ward was a victim of the registrant.

(c) This subsection shall not operate retroactively and shall apply only to a registrant that committed a criminal offense against a victim who is a minor after July 14, 2018.

(5) Any person who violates subsection (1) or (4) of this section shall be guilty of:

(a) A Class A misdemeanor for a first offense; and

(b) A Class D felony for the second and each subsequent offense.

(6) Any registrant residing within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility on July 12, 2006, shall move and comply with this section within ninety (90) days of July 12, 2006, and thereafter, shall be subject to the penalties set forth under subsection (5) of this section.

(7) The prohibition against a registrant:

(a) Residing within one thousand (1,000) feet of a publicly leased playground as outlined in subsection (1) of this section; or

(b) Being on the grounds of a publicly leased playground as outlined in subsection (2) of this section; shall not operate retroactively.

(8)~~(7)~~ This section shall not apply to a youthful offender probated or paroled during his or her minority or while enrolled in an elementary or secondary education program.

Approved March 17, 2020.

2020 Kentucky Laws Ch. 23 (HB 204).

HOUSE BILL 242 TRANSPORTATION OF OVERDIMENSIONAL LOADS.

Section 1. KRS 189.270 is amended to read as follows:

KRS 189.270

(1) The department may issue permits for the operation of motor vehicles, manufactured homes, recreational vehicles, boats, or any other vehicle transporting a nondivisible load, whose gross weight including load, height, width, or length exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. Permits may be issued by the department for stated periods, special purposes, and unusual conditions, and upon terms in the interest of public safety and the preservation of the highways as the department may require.

(2) Except as provided in subsection **(8)**~~(7)~~ of this section, the department may, at the request of an applicant, issue a single-trip permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load. A single-trip permit shall cost sixty dollars (\$60) for each overweight or overdimensional permit requested.

(3) **(a)** Except as provided in subsection **(8)** ~~(7)~~ of this section, the department may, at the request of an applicant, issue an annual permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load.

(b) The vehicle ***operating under a permit issued under this subsection*** shall not exceed sixteen (16) feet in width exclusive of usual and ordinary overhang, one hundred twenty (120) feet in length including a towing vehicle and trailer combination, thirteen (13) feet six (6) inches in height, or one hundred sixty thousand (160,000) pounds.

(c) Except as provided in subsections (4), ~~and (7),~~ **and (8)** of this section, an annual permit for loads less than or equal to fourteen (14) feet in width shall cost two hundred fifty dollars (\$250). An annual permit for loads exceeding fourteen (14) feet in width shall cost five hundred dollars (\$500).

(4) An annual permit to transport farm equipment less than fourteen (14) feet in width shall cost eighty dollars (\$80). An annual permit to transport farm equipment that exceeds fourteen (14) feet in width from a dealership to a farm, from a farm to a

dealership, or from a dealership to a dealership shall cost one hundred fifty dollars (\$150).

(5) Permits issued under this section shall be for nondivisible loads and shall be valid statewide; however, the department may, as a condition of issuing an annual or single-trip permit, limit the overweight or overdimensional vehicle to specified routes, exclude certain highways, or even cancel an applicant's permit if an unreasonable risk of accident or an unreasonable impedance of the flow of traffic would result from the presence of the overweight or overdimensional vehicle. A person who applies for, and accepts, a permit issued under this section is acknowledging that the Kentucky Transportation Cabinet is not guaranteeing safe passage of vehicles by issuing the permit. A person who applies for, and accepts, a permit issued under this section agrees to measure all clearances of highway structures, both laterally and vertically, prior to passage of the person's vehicles along the routes specified in the permit. A person who applies for, and accepts, a permit issued under this section is classified as a bare licensee whose duty is to assume sole risk involved in using Kentucky's highways without warranty of accuracy.

(6) Subject to the limitations of subsection **(12)** ~~(14)~~ of this section, the department shall promulgate administrative regulations under KRS Chapter 13A to establish requirements for escort vehicles, safety markings, and other safety restrictions governing the operation of an overweight or overdimensional vehicle. The department shall provide each applicant for an annual or single-trip permit issued under this section a copy of all restrictions associated with the overweight or overdimensional permit at no charge to the applicant. The department shall be prohibited from raising the permit fee established in subsections (2) and (3) of this section by levying additional fees for an overweight or overdimensional permit through the administrative regulation process.

(7) (a) Notwithstanding KRS 189.269, the department may, at the request of an applicant who is a transporter of manufactured housing, issue an annual permit that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load.

(b) The vehicle operated shall not exceed sixteen (16) feet in width exclusive of usual and ordinary overhang, one hundred twenty (120) feet in length including a towing vehicle and trailer combination, fifteen (15) feet in height, or one hundred sixty thousand (160,000) pounds.

(c) The cost for an annual permit issued under this subsection shall be:

- 1. One thousand five hundred dollars (\$1,500) for loads greater than fourteen (14) feet in width or greater than thirteen (13) feet six (6) inches in height; and**
- 2. Five hundred dollars (\$500) for loads less than or equal to fourteen (14) feet in width and less than or equal to thirteen (13) feet six (6) inches in height.**

(d) The holder of a permit issued under this subsection shall, when transporting a manufactured home:

- 1. Abide by all escort requirements, safety markings, and other safety restrictions governing overweight and overdimensional vehicles; and**
- 2. Equip each truck operating under a permit with global positioning system technology that keeps a record of locations traveled. The travel records of trucks operating under a permit shall be open to inspection by the Transportation Cabinet.**

(e) Any person with a permit under this subsection who operates a vehicle greater than thirteen (13) feet six (6) inches in height while operating in a restricted area designated by the Transportation Cabinet shall be fined one thousand dollars (\$1,000).

(8) The cabinet shall not issue an annual permit under this section if the person applying for the permit is eligible for an annual permit issued under KRS 189.2716 or 189.2717.

(9) ~~(8)~~ The department may require the applicant to give bond, with approved surety, to indemnify the state or counties against damage to highways or bridges resulting from use by the applicant. The operation of vehicles in accordance with the terms of the permit issued under this section shall not constitute a violation of this chapter if the operator has the permit, or an authenticated copy of it, in his possession.

(10) ~~(9)~~ Any person transporting a parade float which exceeds the dimensional limits on a highway over which it is transported shall be required to obtain a permit as required in subsection (2) of this section. If the float is being used in conjunction with a parade to be held within the boundaries of the Commonwealth, a fee shall not be assessed by the department to issue the permit.

(11) ~~(10)~~ A person shall not operate any vehicle in violation of the terms of the permit issued under this section.

(12) ~~(11)~~ (a) The cabinet shall not promulgate administrative regulations pursuant to this section that restrict the time or days of the week when a permit holder may operate on the highway, except that travel may be limited from 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m. Monday through Friday. In addition to the restrictions established in this paragraph, any manufactured home being transported by permit issued under this section shall not travel on any highway after daylight hours Monday through Saturday, or at any time on Sunday.

(b) The cabinet shall allow a permit holder who has obtained a permit to transport equipment to a work site to return to the permit holder's place of business immediately after work is completed at the job site, subject to the limitations of paragraph (a) of this subsection.

(c) The cabinet shall not promulgate administrative regulations pursuant to this section setting forth escort vehicle requirements for overdimensional farm implements or vehicles towing overdimensional farm implements that are more stringent than the following:

1. For a single vehicle and load in excess of twelve (12) feet in width being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
2. For a single vehicle and load in excess of twelve (12) feet in width being operated on a four (4) lane highway, no more than one (1) trail vehicle shall be required;
3. For a single vehicle and load in excess of eighty-five (85) feet in length being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
4. For more than one (1) vehicle and load in excess of twelve (12) feet in width or eighty-five (85) feet in length being operated as a convoy on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
5. A lead escort vehicle on a two (2) lane highway under this paragraph may also serve as a tow vehicle;

6. Any distance for lead or trail escort vehicles shall contain provisions allowing for a variance from that distance due to safety or road conditions; and
7. A vehicle or its escort shall be required to bear a sign declaring that the vehicle is oversized or be required to use lights, flashers, or flags, but a vehicle or its escort shall not be required to do both.

Approved March 17, 2020.

2020 Kentucky Laws Ch. 19 (HB 242)

HOUSE BILL 298 POLICE PURSUIT POLICIES

SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "law enforcement agency" means:

(a) Any public agency that employs a police officer as defined in KRS 15.420 or a special law enforcement officer as defined in KRS 61.900;

(b) Any public agency that is composed of or employs other public peace officers; and

(c) Any elected or appointed peace officer who is authorized to exercise powers of a peace officer as defined in KRS 446.010.

(2) On or before January 1, 2021, each law enforcement agency of this state shall adopt, implement, enforce, and maintain written policies that establish standards and procedures for the vehicular pursuit of any person who has violated or is suspected of violating the laws of this state. The policy shall create guidelines for determining when the interests of public safety and effective law enforcement justify the initiation or termination of a vehicular pursuit. The policy shall address the following subjects:

(a) The definition of pursuit that will be governed under the law enforcement agency's policy;

(b) Decision-making criteria or principles that are designed to assist peace officers in determining whether to initiate a pursuit. The criteria or principles may include but shall not be limited to:

1. The potential for harm or potential danger to others if the fleeing individual evades or escapes immediate custody;

2. The seriousness of the offense committed or believed to be committed, by the fleeing individual or individuals, prior to the officer activating emergency equipment;

3. If the officer has a reasonable and articulable suspicion that the driver or an occupant of the vehicle in which they are fleeing represent a clear and present danger to the public safety;

4. Safety factors that pose a risk to peace officers, other motorists, pedestrians, or other third parties;

5. Vehicular or pedestrian traffic safety and volume;

6. Weather and vehicle conditions;

- 7. Potential speeds of the pursuit; and**
- 8. Consideration of whether the identity of an offender is known and could be apprehended at a later time;**
- (c) Responsibilities of the pursuing peace officer or officers, including pursuit tactics and when those tactics are appropriate for use by the officer or officers;**
- (d) Procedures for designating the primary pursuit vehicle and for determining the total number of vehicles that are permitted to participate at one (1) time in the pursuit;**
- (e) Coordination of communications during the pursuit, including but not limited to responsibilities of the pursuing officer to communicate with his or her communications center at the commencement of a pursuit regarding the location, direction of travel, reason for the pursuit, and ongoing status reporting during the pursuit;**
- (f) A requirement that there is supervisory control of the pursuit, including the responsibilities of command staff or other supervisors during the pursuit, if a supervisor is available;**
- (g) The circumstances and conditions where the use of pursuit intervention tactics, including but not limited to blocking, ramming, boxing, and roadblock procedures may be employed;**
- (h) Decision-making criteria or principles that are designed to assist peace officers in making an ongoing determination during the course of the pursuit of whether to continue the pursuit or to terminate or discontinue it. The criteria or principles may include but shall not be limited to:**
- 1. The potential for harm or potential danger to others if the fleeing individual evades or escapes immediate custody;**
 - 2. The seriousness of the offense committed or believed to have been committed by the individual or individuals that are fleeing;**
 - 3. Safety factors that pose a risk to peace officers, other motorists, pedestrians, or other third parties;**
 - 4. Vehicular or pedestrian traffic safety and volume;**
 - 5. Weather and vehicle conditions;**
 - 6. Speeds of the pursuit;**
 - 7. Consideration of whether the identity of an offender is known and could be apprehended at a later time; or**
 - 8. Where the officer has a reasonable and articulable suspicion that the driver or an occupant of the vehicle in which they are fleeing represent a clear and present danger to the public safety;**
- (i) Procedures for coordinating the pursuit with other law enforcement agencies, including procedures for interjurisdictional pursuits; and**
- (j) A process for reporting and evaluating each pursuit by the law enforcement agency.**
- (3) The policy adopted by a law enforcement agency may be a model policy that has been endorsed by a national or state organization if the model complies with subsection (2) of this section and other laws of this Commonwealth.**
- (4) Upon the initial adoption of the policy, a law enforcement agency shall cause a full copy of its policy to be filed with the Justice and Public Safety Cabinet, which**

shall maintain a list of law enforcement agencies that have complied with the requirements of this section.

(5) Each law enforcement agency shall receive and maintain written confirmation from each officer in its employment that he or she has received a copy of the policy, and that he or she has received instruction or training specific to the law enforcement agency's policy.

(6) Any policy adopted pursuant to this section shall be reviewed annually and may be revised at any time by the agency adopting it. The agency shall cause a full copy of any revised policy to be filed with the Justice and Public Safety Cabinet within ten (10) days of its adoption.

(7) The requirements of this section are solely intended to direct law enforcement agencies to adopt, implement, enforce, and maintain written vehicular pursuit policies and outline the subjects of these policies. This section shall not be interpreted or construed to:

(a) Mandate the actions of individual peace officers of a law enforcement agency during any particular pursuit;

(b) Restrict a law enforcement agency from adopting additional policy requirements, including policies that limit or prohibit vehicular pursuits; or

(c) Create any civil liability upon peace officers, law enforcement agencies, or any public agency for the process of creating the vehicular pursuit policies or the process of documenting compliance with the vehicular pursuit policies.

Section 2. KRS 15.440 is amended to read as follows:

KRS 15.440

(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:

(a) Employs one (1) or more police officers;

(b) Pays every police officer at least the minimum federal wage;

(c) Requires all police officers to have, at a minimum, a high school degree, or its equivalent as determined by the council, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection;

(d) 1. Requires all police officers to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the council, which may provide a different number of hours of instruction as established in this paragraph, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection.

2. As the exclusive method by which the number of hours required for basic training courses shall be modified from that which is specifically established by this paragraph, the council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, explicitly set the exact number of hours for basic

training at a number different from nine hundred twenty-eight (928) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis.

3. If the council sets an exact number of hours different from nine hundred twenty-eight (928) in an administrative regulation as provided by this paragraph, it shall not further change the number of hours required for basic training without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A.

4. Nothing in this paragraph shall be interpreted to prevent the council, pursuant to its authority under KRS 15.330, from approving training schools with a curriculum requiring attendance of a number of hours that exceeds nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation as provided by subparagraphs 2. and 3. of this paragraph. However, the training programs and schools for the basic training of law enforcement personnel conducted by the department pursuant to KRS 15A.070 shall not contain a curriculum that requires attendance of a number of hours for basic training that is different from nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation promulgated by the council pursuant to the provisions of KRS Chapter 13A as provided by subparagraphs 2. and 3. of this paragraph.

5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:

a. Years of service credit as a law enforcement officer with previous service in another state; and

b. Basic training completed in another state;

(e) Requires all police officers to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of the officer's police department, of forty (40) hours' duration, ~~of which the number of hours shall not be changed by the council,~~ at a school certified or recognized by the council, **which may include a four (4) hour course which meets the requirements of paragraph (j) of this subsection.** This **in-service training** requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;

(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;

(g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;

(h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous

reporting of adult abuse and domestic violence to the Cabinet for Health and Family Services, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records; and

(i) Possesses by January 1, 2017, a written policy and procedures manual related to sexual assault examinations that meets the standards provided by, and has been approved by, the cabinet, and which includes:

1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;
2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the police department be transmitted to a police department with jurisdiction within ten (10) days of its receipt by the police department;
3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the police department;
4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility; and
5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched; **and**

(j) Requires all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter a training course, certified by the council, of not less than four (4) hours in emergency vehicle operation.

(2) A unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund only if the police department of the unit of government remains in compliance with the requirements of this section.

(3) Deputies employed by a sheriff's office shall be eligible to participate in the distribution of funds from the Law Enforcement Foundation Program fund regardless of participation by the sheriff.

(4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

Section 3. KRS 186.560 (Effective July 1, 2020) is amended to read as follows:

KRS 186.560

(1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his or her:

(a) Conviction of any of the following offenses:

1. Murder or manslaughter resulting from the operation of a motor vehicle;
2. Driving a vehicle which is not a motor vehicle while under the influence of alcohol or any other substance which may impair one's driving ability;
3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways;
4. Any felony in the commission of which a motor vehicle is used;
5. Conviction or forfeiture of bail upon three (3) charges of reckless driving within the preceding twelve (12) months;
6. Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident;
7. Conviction of theft of a motor vehicle or any of its parts, including the conviction of any person under the age of eighteen (18) years;
8. Failure to have in full force and effect the security required by Subtitle 39 of KRS Chapter 304 upon conviction of a second and each subsequent offense within any five (5) year period;
9. Conviction for fraudulent use of a driver's license or use of a fraudulent driver's license to purchase or attempt to purchase alcoholic beverages, as defined in KRS 241.010, in violation of KRS 244.085(4); ~~and~~
10. Conviction of operating a motor vehicle, motorcycle, or moped without an operator's license as required by KRS 186.410; **and or**
- 11. Conviction of fleeing or evading police in the second degree when the offense involved the operation of a motor vehicle; or**

(b) Being found incompetent to stand trial under KRS Chapter 504.

(2) If the person convicted of any offense named in subsection (1) of this section or who is found incompetent to stand trial is not the holder of a license, the cabinet shall deny the person so convicted a license for the same period of time as though he had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the cabinet shall forthwith cancel it.

(3) The cabinet, upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied, or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation, or withdrawal for an additional like period.

(4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a period of not less than five (5) years. Revocations or denials under this section shall not be subject to any lessening of penalties authorized under any other provision of this section or any other statute.

(5) Except as provided in subsections (3), (4), (8), and (9) of this section, in all other cases, the revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six (6) months, except that if the same person has had one (1) previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial, or withdrawal shall be one (1) year. If the person has had more than one (1) previous

conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial, or withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of the written recommendation of the court in which any person has been convicted of violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's license or fraudulent driver's license was the identification used or attempted to be used in the commission of the offense, who has had no previous conviction of said offense, the person's operator's license shall not be revoked, but the person's operator's license shall be restricted to any terms and conditions the secretary in his discretion may require, provided the person has enrolled in an alcohol or substance abuse education or treatment program as the cabinet shall require. If the person fails to satisfactorily complete the education or treatment program or violates the restrictions on his operator's license, the cabinet shall immediately revoke his operator's license for a period of six (6) months.

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

(7) The cabinet shall revoke the license of any operator of a motor vehicle upon receiving notification that the person is under age eighteen (18) and has dropped out of school or is academically deficient, as defined in KRS 159.051(1).

(8) A person under the age of eighteen (18) who is convicted of the offenses of subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this section, shall have his license revoked until he reaches the age of eighteen (18) or shall have his license revoked as provided in this section, whichever penalty will result in the longer period of revocation.

(9) A revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section due to a person being found incompetent to stand trial shall extend until the person is found competent to stand trial or the criminal case is dismissed.

SECTION 4. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

Each law enforcement agency or other employing agency whose officers are required to meet the training requirements of subsection (1)(j) of Section 2 of this Act shall retain a record of each of its officers having met the biennial training. These records shall be made available upon request to the Kentucky Law Enforcement Council and to the Justice and Public Safety Cabinet.

Section 5. Section 1 of this Act may be cited as Jill's Law.

Approved April 24, 2020.

2020 Kentucky Laws Ch. 97 (HB 298)

HOUSE BILL 382 GOLF CARTS

Section 1. KRS 189.286 is amended to read as follows:

KRS 189.286

(1) As used in this section:

(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; and
- (b) "Local government" means a city, county, charter county government, urban-county government, consolidated local government, unified local government, or special district.

(2) The governing body of a local government may authorize and regulate the operation of a golf cart on any public roadway under its jurisdiction if the local government adopts an ordinance specifying each roadway that is open for golf cart use.

(3) An ordinance created under subsection (2) of this section shall require that a golf cart operated on a designated public roadway:

- (a) Be issued a permit for the golf cart by the local government;
- (b) Display a sticker or permit that identifies that the golf cart is allowed to be operated on specific roadways within the local government; and
- (c) Be inspected by a certified inspector designated by the county sheriff and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this paragraph shall not exceed five dollars (\$5) with an additional fee not to exceed ten dollars (\$10) per trip

charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to the sheriff's inspection area.

(4) A person may operate a golf cart on a public roadway pursuant to subsection (2) of this section if:

(a) The posted speed limit of the designated public roadway is thirty-five (35) miles per hour or less;

(b) The operator of the golf cart does not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour;

(c) The operator has a valid operator's license in his or her possession; **and**

~~(d) The golf cart is being operated between sunrise and sunset; and~~

~~(e) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.~~

(5) A golf cart operating on a public roadway under subsection (2) of this section shall be insured in compliance with KRS 304.39–080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.

(6) Any person operating a golf cart on a public roadway under the provisions of this section shall be subject to the traffic regulations of KRS Chapter 189.

(7) A golf cart operating on a public roadway designated by a local government under subsection (2) of this section is not considered to be motor a vehicle and is exempt from:

(a) Title requirements of KRS 186.020;

(b) Vehicle registration requirements of KRS 186.050; and

(c) Emissions compliance certificates pursuant to KRS 224.20–720.

(8) A local government may adopt more stringent local ordinances governing golf cart safety equipment and operation than specified in this section.

(9) The Transportation Cabinet may prohibit the operation of a golf cart on a public roadway designated under subsection (2) of this section that crosses a state-maintained highway under its jurisdiction if it determines that such prohibition is necessary in the interest of public safety.

(10) The provisions of this section shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

Approved March 26, 2020.

2020 Kentucky Laws Ch. 34 (HB 382)

HOUSE BILL 405 TERMS OF CONSTITUTIONAL OFFICES

AN ACT proposing to amend Sections 97, 119, and 122 of the Constitution of Kentucky relating to terms of Constitutional offices.

Section 1. Are you in favor of changing the term of Commonwealth's Attorneys from six-year terms to eight-year terms beginning in 2030, changing the terms of judges of the

district court from four-year terms to eight-year terms beginning in 2022, and requiring district judges to have been licensed attorneys for at least eight years beginning in 2022, by amending the Constitution of Kentucky to read as stated below?

Section 2. It is proposed that Section 97 of the Constitution of Kentucky be amended to read as follows:

In the year two thousand, and every six years thereafter, there shall be an election in each county for a Circuit Court Clerk, and, ***until the year two thousand thirty***, for a Commonwealth's Attorney, in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors. ***Beginning in the year two thousand thirty, and every eight years thereafter, there shall be an election for a Commonwealth's Attorney in each circuit court district, unless that office be abolished, who shall hold his or her office for eight years from the first Monday in January after his or her election, and until the election and qualification of his or her successor.***

Section 3. It is proposed that Section 119 of the Constitution of Kentucky be amended to read as follows:

Justices of the Supreme Court and judges of the Court of Appeals and circuit court shall severally hold their offices for terms of eight years, and ***until the year two thousand twenty-two***, judges of the district court for terms of four years. ***Beginning in the year two thousand twenty-two, judges of the district court shall hold their offices for terms of eight years.*** All terms commence on the first Monday in January next succeeding the regular election for the office. No justice or judge may be deprived of his term of office by redistricting, or by a reduction in the number of justices or judges.

Section 4. It is proposed that Section 122 of the Constitution of Kentucky be amended to read as follows:

To be eligible to serve as a justice of the Supreme Court or a judge of the Court of Appeals, Circuit Court or District Court a person must be a citizen of the United States, licensed to practice law in the courts of this Commonwealth, and have been a resident of this Commonwealth and of the district from which he ***or she*** is elected for two years next preceding his ***or her*** taking office. In addition, to be eligible to serve as a justice of the Supreme Court or judge of the Court of Appeals or Circuit Court a person must have been a licensed attorney for at least eight years. ***Beginning in the year two thousand twenty two***, no district judge shall serve who has not been a licensed attorney for at least ***eight*** [~~two~~] years.

Section 5. The eight-year licensure requirement for district judges set forth in the amendment to Section 122 of the Constitution shall not apply to any person serving as a district judge on the effective date of this amendment.

Section 6. This amendment shall be submitted to the voters of the commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 7 and 8 of this Act.

Section 7. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State shall cause the entirety of the proposed amendment to the Constitution of Kentucky contained in Sections 1 to 5 of this Act to be published at least one time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication required by this section and KRS 118.415 shall be made no later than the first Tuesday in August preceding the election at which the amendment is to be voted on.

Section 8. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the entirety of the proposed amendment to the Constitution of Kentucky contained in Sections 1 to 5 of this Act to the county clerk of each county, and the county clerk shall have the entirety of the amendment, as so certified, indicated on the ballots provided to the voters in paper or electronic form as applicable to the voting machines in use in each county or precinct.

Approved April 15, 2020.

2020 Kentucky Laws Ch. 95 (HB 405)

HOUSE BILL 570 INTERLOCAL AGREEMENTS

Section 1. KRS 65.220 is amended to read as follows:

KRS 65.220

It is the purpose of KRS 65.210 to 65.300 to permit **public agencies** ~~local governmental units and the sheriff upon approval of the fiscal court~~ to make the most efficient use of their powers by enabling them to cooperate with **each other** ~~other localities~~ on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Section 2. KRS 65.230 is amended to read as follows:

KRS 65.230

As used in KRS 65.210 to 65.300, unless the context otherwise requires

(1) “Interlocal agency” means a separate legal or administrative entity with a governing board that is created in an agreement entered into by public agencies pursuant to the provisions of KRS 65.210 to 65.300;

(2) “Local government” means any:

(a) City;

(b) County;

(c) Consolidated local government;

(d) Urban-county government;

(e) Charter county government; or

(f) Unified local government;;

(3) “Public agency” means: any

(a) Any local government;

(b) Any political subdivision of this state or of another state;;

(c) Any agency, board instrumentality, or commission created by a local government; any

(d) Any taxing district as defined by KRS 65.180;

(e) Any special purpose government entity as defined in KRS 65A.010(9)(a) to (c), including those entities that are exempt from the definition of special purpose governmental entity under the provisions of KRS 65A.010(9)(d)7. to 9.;

(f) Any interlocal agency;

(g) The Commonwealth or any agency or instrumentality of the state government or of the United States, including but not limited to a state-supported institution of higher education, a sheriff, any

(h) Any county school district or independent school district; and, and any political subdivision of another state. It also means a

(i) Any state-supported or private institution of higher education entering into an agreement authorized by subsection (4) of Section 4 of this Act with another public agency and a county or independent public school district for the purposes of entering into a joint agreement to establish and operate a program or facility, including a center for child learning and study, designed to help one (1) or more schools meet any of the goals set forth in KRS 158.6451, or for the investment of funds. If a private institution of higher education proposes to participate in an agreement pursuant to the Interlocal Cooperation Act, the Attorney General shall determine if the proposal is compatible with the United States Constitution, as part of the review of the agreement provided in KRS 65.260(2).

Section 3. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED TO READ AS FOLLOWS:

(1) A public agency as defined in subsection (3)(c) to (f) of Section 2 of this Act shall provide written notification to the governing body of each of its establishing local governments of its intent to enter into an interlocal agreement pursuant to the provisions of KRS 65.210 to 65.300 that includes a:

- (a) Written description and purpose of the proposed agreement;*
 - (b) Copy of the proposed agreement; and*
 - (c) Statement that the governing body of the establishing local government may either approve or disapprove the public agency's entry into the proposed agreement by sending a written response of its approval or disapproval within thirty (30) days of the receipt of the notification from the public agency. The statement shall also note that if an establishing local government does not respond within that thirty (30) day period, the establishing local government shall be deemed to have approved the proposed entry into the agreement.*
- (2) In order for a public agency as defined in subsection (3)(c) to (f) of Section 2 of this Act to enter into an agreement pursuant to the provisions of KRS 65.210 to 65.300, each governing body of the local government establishing that public agency, if more than one (1), shall:*
- (a) Notify the public agency of its approval in writing within thirty (30) days of receipt of the notification as set out in subsection (1) of this section; or*
 - (b) Make no response. If the governing body of the local government makes no response within thirty (30) days of the notification as set out in subsection (1) of this section, the nonresponse shall be deemed to be approval of the proposal.*

Section 4. KRS 65.240 is amended to read as follows:

KRS 65.240

- (1) Any ~~power or powers~~, privileges, or **authorities** ~~authority~~ exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by KRS 65.210 to 65.300 upon a public agency.
- (2) Any two (2) or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of KRS 65.210 to 65.300, **including but not limited to for the sharing of revenues and physical assets.** Appropriate action by ordinance, resolution or otherwise pursuant to law, of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.
- (3) Any public agency may enter into agreements with another public agency or agencies pursuant to KRS 65.210 to 65.300 to acquire by purchase or lease, any real or personal property, or any interest, right, easement, or privilege therein, outside of its municipal or jurisdictional boundaries, in connection with the acquisition, construction, operation, repair, or maintenance of any **water**, sewage, wastewater, or storm water facilities, notwithstanding any other provision of the Kentucky Revised Statutes restricting, qualifying, or limiting their authority to do so, except as set forth in KRS Chapter 278.
- (4) A **private** ~~state-supported~~ institution of higher education and one (1) or more county **school districts** or independent public school districts may enter into agreements

under KRS 65.210 to 65.300 for the purposes ***of establishing and operating a program or facility, including a center for child learning and study, designed to help one (1) or more schools meet the goals set out in KRS 158.6451, or for the investment of funds if the Attorney General determines that the proposal is compatible with the United States Constitution as part of the review of the agreement provided in subsection (2) of Section 9 of this Act*** specified in ~~KRS 65.230~~, notwithstanding any other provision of the statutes restricting, qualifying or limiting their authority to do so.

Section 5. KRS 65.242 is amended to read as follows:

KRS 65.242

(1) Provided that the terms of the agreement are not being substantively changed, whenever an existing agreement that complies with the requirements of KRS 65.210 to 65.300 is amended ***solely*** to join new parties or to remove existing parties, approval of the Attorney General or the Department for Local Government under KRS 65.260 and approval of the agency or officer with jurisdiction under KRS 65.300 shall not be required for the amendment to be effective.

(2) In lieu of the requirements of KRS 65.290, when an agreement is amended pursuant to subsection (1) of this section, each public agency subject to the agreement ***or the interlocal agency created by the agreement shall file a copy of the amended agreement with***, including any public agency withdrawing from the agreement, shall send the following to the county clerk of the county in which it is located, to the Secretary of State, and to either the Attorney General or the Department for Local Government, if either agency would have had the responsibility for review under ~~KRS 65.260~~:

- ~~(a) A copy of the full agreement, including any amendments;~~
- ~~(b) A statement containing the effective date and subject of the original agreement;~~
- ~~(c) A list of the parties being added to or removed from the agreement; and~~
- ~~(d) A certification signed by each party being added to the agreement that confirms that the party is:~~

- ~~1. A public agency as defined in KRS 65.230; and~~
- ~~2. Eligible under KRS 65.240 to join the interlocal agreement with the existing parties to the agreement.~~

(3) Public agencies may, by the terms of an agreement made pursuant to KRS 65.210 to 65.300, specify the manner in which parties may be added to or removed from the agreement pursuant to this section. The language may authorize the addition of new parties or the removal of existing parties with or without the requirement of action by the legislative body of each public agency that is a party to the existing agreement or with a requirement of action by a minimum percentage of the legislative bodies of the public agencies that are parties to the agreement. ~~In the absence of this language, action by the legislative body of each public agency that is a party to the existing agreement shall be required to amend the agreement to add new parties or remove existing parties.~~

Section 6. KRS 65.250 is amended to read as follows:

KRS 65.250

(1) Any such agreement **entered into under KRS 65.210 to 65.300** shall specify the following:

(a) The **purpose and** duration of the agreement;

(b) **If the agreement creates an interlocal agency:**

1. The precise organization, composition, **authority**, and nature of **the interlocal agency, including the term and qualifications of the members of the governing authority and their manner of appointment or selection**; ~~any separate legal or administrative entity created thereby together with~~

2. A statement of the powers delegated **to the interlocal agency or any restrictions, limitations, or conditions the contracting parties wish to place on those powers** thereto; ~~provided such legal entity may be legally created; and~~

3. **A general statement of any responsibilities of the interlocal agency to the parties that established it;**

~~(c) The purpose or purposes of such legal or administrative entity;~~

~~(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor; said agreement for financing the joint or cooperative undertaking shall include agreements relative to the respective responsibilities of the **public agencies** units of government involved for the payment of the employer's share involved in any pertinent pension plan or plans, if any, provided for by KRS 65.280;~~

~~(d)(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement, **including the method** and for disposing of property upon such partial or complete termination; and~~

~~(e)(f) Any other necessary and proper matters.~~

(2) In the event that the agreement does not establish **an interlocal agency** ~~a separate legal or administrative entity~~ to conduct the joint or cooperative undertaking, the agreement shall, in addition to paragraphs (a), (c), (d), **and** (e) ~~and (f)~~ enumerated in subsection (1) of this section, contain the following:

(a) Provision for an administrator ~~or joint board~~ responsible for administering the joint or cooperative undertaking. ~~In the event that a joint board is established, the public agencies party to the agreement shall be represented thereon; and~~

(b) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

Section 7. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED TO READ AS FOLLOWS:

(1) An interlocal agency created by the interlocal agreement shall constitute an agency and instrumentality of the public agencies party to the interlocal agreement for the purpose of performing the essential governmental functions and the public purposes authorized by the interlocal agreement.

(2) Unless restricted, limited, or otherwise conditioned under the terms of the interlocal agreement, an interlocal agency is authorized to exercise any powers not in conflict with local, state, or federal law or in conflict with the interlocal

agreement that are necessary and convenient to accomplish the purposes for which the interlocal agency was created.

(3) To the extent that any of the provisions of the interlocal agreement are more restrictive, or limit the powers, privileges, or authority of the interlocal agency that are otherwise allowed by KRS 65.210 to 65.300, the provisions of the interlocal agreement shall control.

(4) The status and authorities of an interlocal agency granted in this section, unless limited by the interlocal agreement, is cumulative and in addition to the powers and authority of an interlocal agency that may otherwise exist and that are granted or implied under any other laws of the Commonwealth to a specific type of public body that may also function as an interlocal agency under KRS 65.210 to 65.300.

(5) Nothing in this section shall be construed to grant an interlocal agency the ability to levy a tax.

(6) An interlocal agency created by an interlocal agreement shall be deemed to be a public agency as defined in KRS 61.805 and 61.870, and as such shall be subject to KRS 61.800 to 61.850 and 61.870 to 61.884.

Section 8. KRS 65.255 is amended to read as follows:

KRS 65.255

If an agreement entered into under the authority of KRS 65.210 to 65.300 provides for cooperative action in the utilization of peace officers, **those peace officers**, ~~police department members~~, while in the performance of their duties under ~~the such an~~ agreement outside their own city, ~~or~~ county, **or other jurisdiction**, shall have the full power of arrest and all other powers they possess in their own city, ~~or~~ county, **or other jurisdiction**, and shall have the same immunities and privileges as if the duties were performed in their own city, ~~or~~ county, **or other jurisdiction**.

Section 9. KRS 65.260 is amended to read as follows:

KRS 65.260

(1) No agreement made pursuant to KRS 65.210 to 65.300 shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by **an interlocal agency** ~~a joint board or other legal or administrative entity created by an agreement made pursuant to KRS 65.210 to 65.300~~, that performance may be offered in satisfaction of the obligation or responsibility.

(2) Except as provided in subsections (3) and (4) of this section, every agreement made pursuant to KRS 65.210 to 65.300 shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of this state, ~~except for interlocal agreements between cities, counties, charter counties, urban-county governments, and sheriffs upon approval of the fiscal court, which shall be submitted to~~

the Department for Local Government. The Attorney General or the Department for Local Government shall approve any agreement submitted to **his or her office** them under this subsection unless **he or she finds** they find that it does not meet the **requirements** conditions set forth in KRS 65.210 to 65.300. If the agreement does not meet these **requirements** conditions, the Attorney General or the Department for Local Government shall detail in writing, addressed to the governing bodies of the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of law. **The failure of the Attorney General** to disapprove an agreement submitted **under this subsection** hereunder within **thirty (30)** sixty (60) days of its submission shall constitute approval thereof.

(3) (a) In lieu of the requirements of subsection (2) of this section, agreements involving only local governments, an agency, board, instrumentality, or commission created exclusively by one (1) or more local governments, or any combination thereof, shall prior to and as a condition precedent to its entry into force, be submitted to the Department for Local Government. The department shall determine whether the agreement is in proper form and shall approve any agreement submitted to it under this subsection unless it finds that the agreement does not meet the requirements set out in KRS 65.210 to 65.300. If the agreement does not meet these requirements, the department shall detail, in writing, addressed to the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of KRS 65.210 to 65.300. The failure of the department to disapprove an agreement submitted under this subsection within thirty (30) days of its submission shall constitute approval thereof.

(b) The approval of an agreement by the Department for Local Government under paragraph (a) of this subsection shall be deemed final and conclusive that the agreement meets the requirements of KRS 65.210 to 65.300, and the agreement shall not thereafter be subject to challenge as to the validity of its formation.

(4) The submission of an interlocal cooperative agreement to the Attorney General or the Department for Local Government as provided in **subsections (2) and (3)** subsection (2) of this section shall not be required for any cooperative agreement which involves:

(a) Only the construction, reconstruction, or maintenance of a municipal road or bridge, provided a written agreement is approved by each of the affected governing bodies of the public agencies, or the administrative head of a public agency if there is no governing body; or

(b) (4) Interlocal cooperative agreements between school boards and local governments counties shall be exempt from the provisions of subsection (2) of this section.

Section 10. KRS 65.270 is amended to read as follows:

KRS 65.270

(1) Whenever any two (2) or more public agencies, as defined in KRS 65.230, enter into an agreement for joint or cooperative action pursuant to the provisions of KRS 65.210 to

65.300, any public agency acting separately or jointly with one (1) or more of any other **public** agencies, may acquire, construct, maintain, add to, and improve the necessary property, real and personal, which is required in order to perform the functions under the agreement, and for the purpose of defraying the costs incident to the performance of the agreement, may borrow money and issue negotiable revenue bonds.

(2) Any public agency or agencies may borrow money and issue bonds under this section pursuant to an order, resolution, or ordinance of its or their legislative or administrative body or bodies, which order, resolution, or ordinance shall set forth the terms of the agreement in full, the amount of the revenue bonds to be issued, and the maximum rate of interest. In every instance the order, resolution, or ordinance shall provide that the joint or cooperative action is being undertaken pursuant to the provisions of KRS 65.210 to 65.300.

(3) The bonds may be issued to bear interest at a rate or rates or method of determining rates as the public agency or agencies determines, payable at **the times** ~~least annually, and shall be executed in a manner and be payable at times not exceeding thirty (30) years from the date of issuance~~ and at a place or places as the public agency or agencies determines.

(4) The bonds may provide that they or any of them may be called for redemption prior to maturity, ~~on interest payment dates not earlier than one (1) year from the date of issuance of the bonds.~~

(5) Any public agency is empowered to accept donations or gifts to the joint or cooperative action from any source and to accept appropriations and grants to the joint or cooperative action from the federal government or its agencies and appropriations from the state or any county, city, or other political subdivision and, at the option of the public agency or agencies, to pledge any donations, gifts, or appropriations to the payment of revenue bonds issued to finance the cost of a joint or cooperative action.

(6) Bonds issued pursuant to this section shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature or countersignature shall be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in a manner and upon terms as the public agency or agencies deem best. The bonds shall be payable solely from the revenue derived from the joint or cooperative action and shall not constitute an indebtedness of the state, county, city, or political subdivision. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 65.210 to 65.300.

(7) All money received from the bonds shall be applied solely for the acquisition, construction, maintenance, improvement, or operation of the joint or cooperative action, and the necessary expense of preparing, printing, and selling the bonds, or to advance the payment of interest on the bonds during the first three (3) years following the date of the issuance of the bonds.

(8) ~~Before the issuance of the bonds the public agencies party to the agreement shall, by orders, resolutions, or ordinances of their respective legislative bodies, set aside and pledge the income and revenue of the joint or cooperative action including rents, royalties, fees, and proceeds of sales of property and from rates and charges for services derived or rendered by the joint or cooperative action into a separate and~~

~~special fund to be used and applied in payment of the cost of the maintenance, operation, and depreciation incident to the joint or cooperative action. The orders, resolutions, or ordinances shall determine and fix the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds, and the proportion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account. The remaining proportion of the balance shall be set aside for the reasonable and proper operation and maintenance of the joint or cooperative action.~~

(9) The rents, royalties, fees, rates, and charges for the service or sale of the joint or cooperative action shall be fixed and revised from time to time so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal of the bonds when due, and to provide for the operation and maintenance of the joint or cooperative action and an adequate depreciation account.

Section 11. KRS 65.290 is amended to read as follows:

KRS 65.290

(1) Before any agreement made pursuant to KRS 65.210 to 65.300 shall become operative or have force and effect, a certified copy thereof shall be filed with the ~~county clerk of the county which is party to the agreement, the county clerk of the county wherein any other political subdivision of the state is located which is party to such agreement, and with the Secretary of State.~~ **After the original filing of an agreement as provided in this section, no additional filing is required for agreements amended solely for the addition or removal of parties as provided under Section 5 of this Act.**

(2) ~~If~~ In the event that an agreement entered into pursuant to KRS 65.210 to 65.300 is between or among one **(1)** or more public agencies of this state and one **(1)** or more public agencies of another state or of the United States, ~~that said agreement~~ **may** shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. ~~An~~ **Such** action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

Section 12. KRS 65.300 is amended to read as follows:

KRS 65.300

~~If~~ In the event that an agreement made pursuant to KRS 65.210 to 65.300 **deals** shall deal in whole or in part with the provisions of services or facilities ~~over~~ **over** with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having ~~that~~ **that** such power of control and shall

be approved or disapproved by ~~the such~~ officer or agency as to all matters within the jurisdiction of ~~the such~~ officer or agency in the same manner and subject to the requirements governing the action of the Attorney General pursuant to subsection (2) of KRS 65.260. The requirement of this section shall be in addition to and not in substitution for the requirement of submission to and approval by the Attorney General under subsection (2) of KRS 65.260.

Section 13. KRS 68.200 is amended to read as follows:

KRS 68.200

(1) As used in this section, unless the context clearly indicates otherwise:

(a) Motor vehicle means "vehicle" as defined in KRS 186.010(8)(a);

(b) Retailer means "retailer" as defined in KRS 139.010; and

(c) Gross rental charge means "gross rental charge" as defined in KRS 138.462(4).

(2) A county containing a designated city, consolidated local government, or urban-county government may levy a license fee on the rental of motor vehicles which shall not exceed three percent (3%) of the gross rental charges from rental agreements for periods of thirty (30) days or less. The license fee shall apply to retailers who receive more than seventy-five percent (75%) of their gross revenues generated in the county from gross rental charges. Any license fee levied pursuant to this subsection shall be collected by the retailer from the renters of the motor vehicles.

(3) Revenues from rental of motor vehicles shall not be included in the gross rental charges on which the license fee is based if:

(a) The declared gross weight of the motor vehicle exceeds eleven thousand (11,000) pounds; or

(b) The rental is part of the services provided by a funeral director for a funeral; or

(c) The rental is exempted from the state sales and use tax pursuant to KRS 139.470.

(4) A fiscal court or the legislative body of an urban-county government shall provide for collection of the license fee in the ordinance by which the license fee is levied. The revenues shall be deposited in an account to be known as the motor vehicle license fee account. The revenues may be shared among local governments pursuant to **KRS 65.210 to 65.300** ~~KRS 65.245~~.

(5) The county shall use the proceeds of the license fee for economic development activities. It shall distribute semiannually, by June 30 and December 31, all revenues not shared pursuant to **KRS 65.210 to 65.300** ~~KRS 65.245~~, to one (1) or more of the following entities if it has established, or contracted with, the entity for the purposes of economic development and is satisfied that the entity is promoting satisfactorily the county's economic development activities:

(a) A riverport authority established by the county pursuant to KRS 65.520; or

(b) An industrial development authority established by the county pursuant to KRS 154.50–316; or

(c) A nonprofit corporation as defined in KRS 273.161(4) which has been organized for the purpose of promoting economic development.

The entity shall make a written request for funds from the motor vehicle license fee account by May 31 and November 30, respectively.

(6) (a) As used in this section, “designated city” means a city on the registry maintained by the Department for Local Government under this subsection.

(b) On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first, second, and third class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

Section 14. KRS 154.22–040 is amended to read as follows:

KRS 154.22–040

(1) Each year, the authority shall, under its Rural Economic Development Assistance Program, on the basis of the final unemployment figures calculated by the Department of Workforce Investment in the Education and Workforce Development Cabinet, determine which counties have had a countywide rate of unemployment exceeding the statewide unemployment rate of the Commonwealth in the most recent five (5) consecutive calendar years, or which have had an average countywide rate of unemployment exceeding the statewide unemployment rate of the Commonwealth by two hundred percent (200%) in the most recent calendar year, and shall certify those counties as qualified counties. A county not certified on the basis of final unemployment figures may also be certified as a qualified county if the authority determines the county is one (1) of the sixty (60) most distressed counties in the Commonwealth based on the following criteria with equal weight given to each criterion:

(a) The average countywide rate of unemployment in the most recent three (3) consecutive calendar years, on the basis of final unemployment figures calculated by the Department of Workforce Investment in the Education and Workforce Development Cabinet;

(b) In each county the percentage of adults twenty-five (25) years of age and older who have attained at least a high school education or equivalent, on the basis of the most recent data available from the United States Department of Commerce, Bureau of the Census; and

(c) Road quality, as quantified by the access within a county to roads ranked in descending order from best quality to worst quality as follows: two (2) or more interstate highways, one (1) interstate highway, a state four (4) lane parkway, four (4) lane principal arterial access to an interstate highway, state two (2) lane parkway and none of the preceding road types, as certified by the Kentucky Transportation Cabinet to the authority.

If the authority determines that a county which has previously been certified as a qualified county no longer meets the criteria of this subsection, the authority shall decertify that county. The authority shall not provide inducements for any facilities in that county and an approved company shall not be eligible for the inducements offered by KRS 154.22–010 to 154.22–070 unless the tax incentive agreements required herein are entered into by all parties prior to July 1 of the year following the calendar year in which the authority

decertified that county. In addition, the authority shall certify coal-producing counties, not otherwise certified as qualified counties in this subsection, for economic development projects involving the new construction of electric generation facilities. A coal-producing county shall mean a county in the Commonwealth of Kentucky that has produced coal upon which the tax imposed under KRS 143.020 was paid at any time. For economic development projects undertaken in a regional industrial park, as defined in KRS 42.4588, or in an industrial park created pursuant to an interlocal agreement in which revenues are shared as provided in **KRS 65.210 to 65.300** ~~KRS 65.245~~, where the physical boundaries of the industrial park lie within two (2) or more counties of which at least one (1) of the counties is a qualified county under this section, an eligible company undertaking an economic development project within the physical boundaries of the industrial park may be approved for the inducements under KRS 154.22-010 to 154.22-080.

(2) The authority shall establish the procedures and standards for the determination and approval of eligible companies and their economic development projects by the promulgation of administrative regulations in accordance with KRS Chapter 13A. The criteria for approval of eligible companies and economic development projects shall include but not be limited to the creditworthiness of eligible companies; the number of new jobs to be provided by an economic development project to residents of the Commonwealth; and the likelihood of the economic success of the economic development project.

(3) The economic development project shall involve a minimum investment of one hundred thousand dollars (\$100,000) by the eligible company and shall result in the creation by the eligible company, within two (2) years from the date of the final approval authorizing the economic development project, of a minimum of fifteen (15) new full-time jobs at the site of the economic development project for Kentucky residents to be employed by the eligible company and to be held by persons subject to the personal income tax of the Commonwealth. The authority may extend this two (2) year period upon the written application of an eligible company requesting an extension.

(4) (a) Within six (6) months after the activation date, the approved company shall compensate a minimum of ninety percent (90%) of its full-time employees whose jobs were created with base hourly wages equal to either:

1. Seventy-five percent (75%) of the average hourly wage for the Commonwealth; or
2. Seventy-five percent (75%) of the average hourly wage for the county in which the project is to be undertaken.

(b) If the base hourly wage calculated in paragraph (a)1. or 2. of this subsection is less than one hundred fifty percent (150%) of the federal minimum wage, then the base hourly wage shall be one hundred fifty percent (150%) of the federal minimum wage. However, for projects receiving preliminary approval of the authority prior to July 1, 2008, the base hourly wage shall be one hundred fifty percent (150%) of the federal minimum wage existing on January 1, 2007. In addition to the applicable base hourly wage calculated above, the eligible company shall provide employee benefits equal to at least fifteen percent (15%) of the applicable base hourly wage; however, if the eligible

company does not provide employee benefits equal to at least fifteen percent (15%) of the applicable base hourly wage, the eligible company may qualify under this section if it provides the employees hired by the eligible company as a result of the economic development project total hourly compensation equal to or greater than one hundred fifteen percent (115%) of the applicable base hourly wage through increased hourly wages combined with employee benefits.

(c) The requirements of this subsection shall not apply to eligible companies which are nonprofit corporations established under KRS 273.163 to 273.387 and whose employees are handicapped and sheltered workshop workers employed at less than the established minimum wage as authorized by KRS 337.295.

For an eligible company, within a regional industrial park which lies within two (2) or more counties, the calculation of the wage and benefit requirement shall be determined by averaging the average county hourly wage for all counties within the regional industrial park.

(5) No economic development project which will result in the replacement of agribusiness, manufacturing, or electric generation facilities existing in the state shall be approved by the authority; however, the authority may approve an economic development project that:

(a) Rehabilitates an agribusiness, manufacturing, or electric generation facility:

1. Which has not been in operation for a period of ninety (90) or more consecutive days;
2. For which the current occupant of the facility has published a notice of closure so long as the eligible company intending to acquire the facility is not an affiliate of the current occupant; or
3. The title to which is vested in other than the eligible company or an affiliate of the eligible company and that is sold or transferred pursuant to a foreclosure ordered by a court of competent jurisdiction or an order of a bankruptcy court of competent jurisdiction;

(b) Replaces an agribusiness, manufacturing, or electric generation facility existing in the Commonwealth:

1. The title to which shall have been taken under the exercise of the power of eminent domain, or the title to which shall be the subject of a nonappealable judgment granting the authority to exercise the power of eminent domain, in either event to the extent that normal operations cannot be resumed at the facility within twelve (12) months; or
2. Which has been damaged or destroyed by fire or other casualty to the extent that normal operations cannot be resumed at the facility within twelve (12) months; or

(c) Replaces an existing agribusiness, manufacturing, or electric generation facility located in the same qualified county, and the existing agribusiness, manufacturing, or electric generation facility to be replaced cannot be expanded due to the unavailability of real estate at or adjacent to the agribusiness, manufacturing, or electric generation facility to be replaced. Any economic development project satisfying the requirements of this subsection shall only be eligible for inducements to the extent of the expansion, and no inducements shall be available for the equivalent of the agribusiness, manufacturing, or electric generation facility to be replaced. No economic development project otherwise satisfying the requirements of this subsection shall be approved by the authority which results in a lease abandonment or lease termination by the approved company without the consent of the lessor.

(6) With respect to each eligible company making an application to the authority for inducements, and with respect to the economic development project described in the application, the authority shall request materials and make inquiries of the applicant as necessary or appropriate. Upon review of the application and completion of initial inquiries, the authority may, by resolution, give its preliminary approval by designating an eligible company as a preliminarily approved company and authorizing the undertaking of the economic development project. After preliminary approval, the authority may by final approval designate an eligible company to be an approved company.

Section 15. KRS 154.32–050 is amended to read as follows:

KRS 154.32–050

(1) The authority shall identify and certify or decertify enhanced incentive counties on an annual basis as provided in this section.

(2) Each fiscal year, the authority shall:

(a) Obtain from the Department of Workforce Investment in the Education and Workforce Development Cabinet, the final unemployment figures for the prior calendar year for each county and for the Commonwealth as a whole;

(b) Identify those counties which have had:

1. A countywide unemployment rate that exceeds the statewide unemployment rate in the most recent five (5) consecutive calendar years; or

2. An average countywide rate of unemployment exceeding the statewide unemployment rate by two hundred percent (200%) in the most recent calendar year; and

(c) Certify the counties identified in paragraph (b) of this subsection as enhanced incentive counties.

(3) A county not certified under subsection (2) of this section may also be certified by the authority as an enhanced incentive county if the authority determines the county is one (1) of the sixty (60) most distressed counties in the Commonwealth based on the following criteria with equal weight given to each criterion:

(a) The average countywide rate of unemployment in the most recent three (3) consecutive calendar years, using the information obtained under subsection (2)(a) of this section;

(b) The percentage of adults twenty-five (25) years of age and older who have attained at least a high school education or equivalent, on the basis of the most recent data available from the United States Department of Commerce, Bureau of the Census; and

(c) The quality of the roads in the county. Quality of roads shall be determined by the access within a county to roads, ranked in descending order from best quality to worst quality, as certified to the authority by the Kentucky Transportation Cabinet as follows:

1. Two (2) or more interstate highways;

2. One (1) interstate highway;

3. A state four (4) lane parkway;

4. A four (4) lane principal arterial access to an interstate highway;

5. A state two (2) lane parkway; and

6. None of the preceding road types.

(4) (a) If the authority determines that an enhanced incentive county no longer meets the criteria to be certified as an enhanced incentive county under this section, the authority shall decertify that county.

(b) Any economic development project located in an enhanced incentive county that was decertified by the authority after May 1, 2009, shall have until July 1 of the third year following the fiscal year in which the county was decertified to obtain final approval from the authority.

(5) (a) As used in this subsection, "industrial park" means a regional industrial park as defined in KRS 42.4588, or an industrial park created pursuant to an interlocal agreement in which revenues are shared as provided in **KRS 65.210 to 65.300** ~~KRS 65.245~~.

(b) An economic development project undertaken in an industrial park that is located in two (2) or more counties, one (1) of which is an enhanced incentive county, may be approved for the enhanced incentive county incentives set forth in this subchapter.

Section 16. KRS 65.280 is amended to read as follows:

KRS 65.280

(1) In the event that a public agency or agencies determine to transfer any of its employees to the joint or cooperative action, which employees are subject to any civil service laws or regulations, such employees shall not lose any rights or benefits which have accrued prior to such transfer. Such employees, when transferred, to the joint or cooperative action from a public agency or agencies that are subject to any civil service laws or regulations, and who have completed probationary appointments with the public agency or agencies prior to the date of transfer, shall be considered as having satisfied all of the qualifications of the joint or cooperative action and shall be given full and regular appointments as defined in such laws or regulations as of the date they are transferred to the joint or cooperative action.

(2) In the event that the joint or cooperative action is such that its employees would be afforded civil service rights or benefits if they were employees of a county or city, such employees shall be afforded the protection of civil service laws or regulations; provided, however, that such protection is available under the laws of this state.

(3) In the event the joint or cooperative action employs a person employed immediately prior thereto by a component city or county, or by a special district, such employee shall be deemed to remain an employee of such city, county or special district for the purposes of any pension plan of such city, county, or special district, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the city, county, or special district, until the joint or cooperative action has provided a pension plan to which such employee is eligible and such employee has elected, in writing, to participate therein. Until such election, the joint or cooperative action shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of the plan of such city, county, or special district and the joint or cooperative action shall pay to the city, county, or special district any amounts required to be paid under the provisions of such plan by

employer and employee, unless an agreement, not adversely affecting the employee's interest, or expectancy, has been made pursuant to KRS 65.250 (1)(c) ~~(d)~~ for the payment of the employer's pension obligation.

Section 17. Nothing in Sections 1 to 16 of this Act shall be construed to invalidate any interlocal agreement entered into pursuant to KRS 65.210 to 65.300 prior to the effective date of this Act.

Repealed: KRS 65.245

Section 18. The following KRS section is repealed:

65.245 Cooperative interlocal agreements for the sharing of revenues.

Approved April 24, 2020.

2020 Kentucky Laws Ch. 98 (HB 570)

FOR FULL TEXT OF ALL NEW STATUTES, GO TO:

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2020 Kentucky General Assembly Summary

The 2020 regular session of the Kentucky General Assembly was overshadowed in the public eye by the Covid-19 Pandemic that swept the country and the Commonwealth. Despite the problems created by the need to deal with the crisis, the General Assembly managed to complete its session. Most of the new legislation will become effective on July 15, 2020. Legislation that was designated as emergency legislation became effective upon the Governor's signature. Some legislation has specific later effective dates. The following summaries are of bills that are deemed to be of interest to law enforcement.

SENATE BILL 8 – SCHOOL SAFETY – This legislation was a follow up to the School Safety Bill enacted in 2019. It clarifies the definition of a School Resource Officer (SRO), stating that an SRO is a sworn law enforcement officer or special local enforcement officer whose primary job function is to work with youth at a school site who has received specialized training. Designated entities shall cooperate to assign one or more SROs to serve each campus where there are one or more buildings to deliver instruction to students. SROs shall be armed with a firearm, notwithstanding any local policy or memorandum of agreement. The definition of "Police Officer" at KRS 61.315 was amended to include any SRO. Also, any special law enforcement officer employed as an SRO shall be commissioned for four years. The legislation included programs to communicate to a school district about any instances of trauma-exposed students. Required training for school staff on active shooter situations will now be provided by the Kentucky Department of Criminal Justice Training. The bill also made an amendment to KRS 508.075, Terroristic Threatening in the Second Degree. It will now include making a false statement by any means, including electronic communication, indicating that an act likely to result in death or serious physical injury is occurring or will occur. This will now include doing the forbidden acts to create fear of death or serious physical injury among students, parents, or school personnel.

SENATE BILL 15 – CONSTITUTIONAL AMENDMENT/CRIME VICTIM BILL OF RIGHTS– This bill will submit a proposed amendment to the Kentucky Constitution to provide for a crime victim bill of rights.

SENATE BILL 56 – SALE OF TOBACCO, ALTERNATIVE NICOTINE AND VAPOR PRODUCTS– *EMERGENCY LEGISLATION* – Amended KRS 438.305 to provide that the definition of "tobacco product" in paragraph (8)(a) also means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product, except for raw materials other than tobacco used in manufacturing any component, part or accessory of a tobacco product, in accordance with the federal Tobacco Control Act. "Vapor product" as defined at (9)(a) to include but not be limited to any device deemed to be an electronic nicotine delivery system by the United States Food and Drug Administration. KRS 438.310 and 438.315 as amended

forbids sale of any tobacco product, alternative nicotine product, or vapor product to any person under age 21. KRS 438.311 now makes it unlawful for any person under the age of 21 to purchase or possess such products. Officers may confiscate these products from any person under 21. KRS 610.010(2) was amended to provide that tobacco offenses as provided in KRS 438.305 to 438.340 shall no longer be classified as status offenses for minors.

SENATE BILL 72 – FEMALE GENITAL MUTILATION – *EMERGENCY LEGISLATION*

– Created a new offense of Female Genital Mutilation in KRS Chapter 508. Makes it a Class B felony to mutilate the genitals of a female under the age of 18 unless it is necessary to the health of the person upon whom it performed, or the person is in labor or has just given birth and the procedure is performed for medical purposes. The basic training academies in the state will be required to include appropriate training on the risk factors associated with female genital mutilation, the criminal penalties for committing the act, and the psychological and health effects on victims. A civil action to recover damages for injury or illness suffered as a result of female genital mutilation is created in Chapter 413. KRS 600.020 is amended to include committing or allowing female genital mutilation of a minor in the definition of abused or neglected child. KRS 620.030 is amended to require any person who knows or has reasonable cause to believe that a child is a victim of female genital mutilation shall immediately cause an oral or written report to be made to a local law enforcement agency or Kentucky State Police, the Cabinet for Health and Family services, or the Commonwealth' attorney or county attorney.

SENATE BILL 80 - CRIME VICTIM BILL OF RIGHTS – Repeals, re-enacts, and amends the Crime Victims Bill of Rights, conditional upon the voters ratifying a proposed constitutional amendment. Bill will take effect, if the amendment is ratified, on November 3, 2020.

SENATE BILL 111 – PUBLIC SAFETY PERSONNEL & TRAINING – Creates a new section of KRS Chapter 72 to provide for the proper and respectful handling of the remains of a police officer, firefighter, or emergency medical services personnel killed in the line of duty. Also, amended KRS 15.440 to provide that the Kentucky Law Enforcement Council may, via promulgation of administrative regulations, approve basic training credit for completion of 848 hours of training at school established pursuant to KRS 15A.070; a minimum fifteen years of experience as a certified law enforcement instructor at a school established pursuant to KRS 15A.070; completion of an average of forty (40) hours of KLEC approved in-service training annually from January 1, 1997 to January 1, 2020; completion of all mandatory training obligations under KRS 15.334 from January 1, 1997 to January 1, 2020; three years of active full-time service as a certified law enforcement officer; and completion of the twenty-four (24) hour legal update Penal Code course, the sixteen (26) hour legal update constitutional procedure course, and the forty (40) hour basic officer skills course within one (1) year of applying for certification.

SENATE BILL 122 – OUTPATIENT MENTAL HEALTH TREATMENT – Amended KRS 202A.0815(1) to change involuntarily hospitalized pursuant to KRS 202A.051 to at least two (2) times in the past twenty-four (24) months, rather than twelve (12) months.

HOUSE BILL 2 – HUMAN TRAFFICKING – Amended KRS 17.500(8)(a) to include as a “Sex crime” a felony offense of KRS 529.100 or 529.110 involving commercial sexual activity; amended KRS 49.370 to provide that victims of human trafficking may be eligible for crime victim compensation funds; created a new section in KRS Chapters 183, 277 and 281 to provide that signage will be posted in publicly accessible restrooms in airports, train stations, and bus stations printed in English and Spanish displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity; amended KRS 529.100 to add a definition for “Abuse or threatened abuse of law or legal process”; amended the definition of “Commercial sexual activity” to state “Any sex act, for which anything of value is given to, promised to, or received by any person; added a definition for “Debt bondage”, and amended the definition of “Force, fraud, or coercion” to state “includes but is not limited to: (a) The use or threat of force against, abduction of, restraint, or serious harm of an individual; (b) The abuse or threatened abuse of law or legal process; (c) Facilitating, controlling, or threatening to control an individual’s access to a controlled substance; (d) Knowingly destroying, concealing, removing, confiscating, or possessing, or attempting to destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration documents or any other actual or purported governmental identification documents of the person or family member; (e) Use of debt bondage; (f) The use of an individual’s physical or mental impairment when the impairment has a substantial adverse effect on the individual’s cognitive or volitional function; created a definition for “Serious harm” as any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious to compel a reasonable person to perform or to continue performing commercial sexual activity in order to avoid incurring that harm; KRS 529.100 was amended to include as human trafficking subjecting one or more persons to engage in (a) Forced labor or services; or (b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion; made amendments to KRS 529.130 and 529.140 relating to the operation of the human trafficking victims fund; and amended KRS 529.180 to increase limitations on what a person could raise in defense to prosecution under KRS 529.100 or 529.110.

HOUSE BILL 44 – KEY INFRASTRUCTURE ASSETS – Amended KRS 511.100 to include above-ground natural gas or petroleum pipelines and a cable television headend; amended KRS 512.020 to include tampering with the operations of a key infrastructure asset in a manner that renders the operations harmful or dangerous as criminal mischief in the first degree.

HOUSE BILL 204 – SEX OFFENDER REGISTRANTS – Amended KRS 17.545 to include a publicly leased playground in places a registrant shall not reside within 1000 feet, and to clarify the measurement shall be from the property line of the protected area to the property line of the registrant’s residence. The prohibition against a registrant residing within 1,000 feet of the restricted area shall not operate retroactively.

HOUSE BILL 298 – POLICE PURSUIT POLICIES – Created a new section in Chapter 61 requiring a law enforcement agency to have a written pursuit policy taking into account a number of circumstances; amended KRS 15.440 to require all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter a certified training course of not less than four (4) hours in emergency vehicle operation; amended KRS 186.560 (Effective July 1, 2020) to require the revocation of the operator’s license of any person convicted of fleeing or evading police in the second degree when the offense involved the operation of a motor vehicle.

HOUSE BILL 382 – GOLF CARTS – Amended KRS 189.286 to delete the restriction in subsection (4) providing that the golf cart may only be operated be on a public roadway between sunrise and sunset.

HOUSE BILL 570 – INTERLOCAL COOPERATION AGREEMENTS – Amended KRS 65.220 to change language to public agencies instead of local government units and the Sheriff; amended KRS 65.230 to define “Interlocal agency” and “Local government”, and modify definition of “Public agency”; create a new section of KRS 65.210 to 65.300 to notify governing bodies of a public agency’s intent to enter into an interlocal agreement; and other amendments relating to interlocal agreements.