**NEW STATUTES AND AMENDMENTS TO**

**EXISTING 2021 KENTUCKY CRIMINAL LAW MANUAL**

**REFLECTING 2022 GENERAL ASSEMBLY LEGISLATION**

**CHANGES IN BOLD ITALICS TYPE**

**MATERIAL IN KRS NUMBER ORDER/\* \* \* \* \* INDICATES OMITTED MATERIAL**

|  |  |  |
| --- | --- | --- |
| PAGE IN EXISTING MANUAL | KRS # | AMENDMENT OR ADDED STATUTE TEXT |
|  |  |  |
| 5.1.14 | 186A.100 | (1) A motor vehicle dealer licensed under KRS 186.070 who sells a vehicle for use  upon the highways of this state shall equip the vehicle with a temporary tag  executed in the manner prescribed below, which shall be valid for ***sixty (60)*** days from the date the vehicle is delivered to the purchaser. The cost of the tag shall be two dollars ($2), of which the clerk shall retain one dollar ($1). A motor vehicle dealer licensed under KRS 186.070 shall apply to the county clerk of the county in which the dealer maintains his principal place of business for issuance of temporary tags. Application shall be made for such tags on forms supplied to the county clerk by the Transportation Cabinet.  \* \* \* \* \*  (4) If the owner of a motor vehicle submits to the county clerk a properly completed application for Kentucky certificate of title and registration pursuant to KRS 186A.120, any motor vehicle required to be registered and titled in Kentucky, that is not currently registered and titled in Kentucky, may be equipped with a temporary tag, which shall be valid for ***sixty (60)*** days from the date of issuance, issued by the county clerk for the purpose of operating the vehicle in Kentucky while assembling the necessary documents in order to title and register the vehicle  in Kentucky. The Transportation Cabinet may establish administrative regulations  governing this section.  \* \* \* \* \* |
|  |  |  |
| 5.3.13 | 189.390 | \*\*\*\*\*  (7) ***Except as outlined in KRS 189.940,*** a person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.  \* \* \* \* \* |
|  |  |  |
| 5.4.9 | 189.910 | (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by:  (a) The Department of Kentucky State Police;  (b) A public police department;  (c) The Department of Corrections;  (d) A sheriff's office;  (e) A rescue squad;  (f) An emergency management agency if it is a publicly owned vehicle;  (g) ***A licensed***  ambulance service, mobile integrated healthcare program, or  medical first response provider licensed by the Kentucky Board of Emergency  Medical Services, for any vehicle used to respond to emergencies or to  transport a patient with a critical medical condition;  (h) Any vehicle commandeered by a police officer;  (i) Any vehicle with the emergency lights required under KRS 189.920 used by a  paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid  or local emergency management director while responding to an emergency or  to a location where an emergency vehicle is on emergency call;  (j) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;  (k) A deputy coroner granted permission to equip a publicly or privately owned  motor vehicle with lights and siren pursuant to KRS 189.920;[ or]  (l) ***Any vehicle used by an organ procurement organization while transporting a human organ or tissue for the purpose of organ recovery or***  ***transplantation in an emergency situation involving an imminent health***  ***risk; or***  ***(m***) A conservation officer of the Kentucky Department of Fish and Wildlife  Resources.  \* \* \* \* \* |
|  |  |  |
| 5.4.12 | 189.940 | (1) Except as provided in KRS 189.920, the speed limitations set forth in the Kentucky Revised Statutes do not apply to:  (a) ***1. Emergency vehicles*** when responding to emergency calls;  ***2.***  To police vehicles when in pursuit of an actual or suspected violator of the  law;  ***3. A***mbulances when transporting a patient to medical care facilities; or  ***4. Any vehicle used by an organ procurement organization while***  ***transporting a human organ or tissue for the purpose of organ recovery or transplantation in an emergency situation involving an imminent health risk;*** and  ***(b) Emergency vehicles when the*** driver thereof is giving the warning required by subsection (5)(a) and (b) of this section.  No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.  (2) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an  ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.  (3) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an  ambulance transporting a patient to a medical care facility***, or a vehicle used by an organ procurement transporting a human organ or tissue,*** and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he ***or she*** does so with due regard for the safety of all persons using the street or highway.  (4) The driver of an emergency or public safety vehicle may stop or park his vehicle  upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.  (5) The driver of an emergency vehicle desiring the use of any option granted by  subsections (1) through (3) of this section shall give warning in the following  manner:  (a) By illuminating the vehicle's warning lights continuously during the period of  the emergency; and  (b) By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless  (c) The vehicle is an ambulance and the driver is of the opinion that sounding of  the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he ***or she*** shall not proceed past red lights or drive in the  opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.  (6) No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his ***or her*** vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.  (7) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.  ***(8)*** ***The driver of a public safety vehicle which also meets the definition of a slow-moving vehicle under KRS 189.810 and any vehicle acting as an escort for the slow-moving vehicle, may travel at a speed that may impede or block the normal and reasonable movement of traffic, if:***  ***(a) The vehicle is being operated in an official capacity;***  ***(b) Operation of the vehicle is in compliance with all state and local***  ***government policies; and***  ***(c) It is necessary for the safe operation of the vehicle.*** |
|  |  |  |
| 5.5.4 | 189A.070 – **Not New Legislation - Added to KCLM** | **189A.070 License suspensions -- Time periods -- Completion of alcohol or substance abuse treatment or education program required before reinstatement.**  (1) (a) 1. Unless the person is under eighteen (18) years of age, in addition to the penalties specified in KRS 189A.010, the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle upon conviction of KRS 189A.010(1).  2. Upon conviction of KRS 189A.010(1)(a), (b), (c), (d), or (e), the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle as follows:  a. For the first offense within a ten (10) year period:  i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;  ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is shorter; or  iii. For all others, six (6) months;  b. For the second offense within a ten (10) year period:  i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first twelve (12) months of the issuance of the ignition interlock license, twelve (12) months;  ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first twelve  (12) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or eighteen (18) months, whichever is shorter; or  iii. For all others, eighteen (18) months;  c. For a third offense within a ten (10) year period:  i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first eighteen (18) months of the issuance of the ignition interlock license, eighteen (18) months;  ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first eighteen (18) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or thirty-six (36) months, whichever is shorter; or  iii. For all others, thirty-six (36) months;  d. For a fourth or subsequent offense within a ten (10) year period:  i. For a person who is issued an ignition interlock license under  KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first thirty (30) months of the issuance of the ignition interlock license, thirty (30) months;  ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first thirty (30) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or sixty (60) months, whichever is shorter; or  iii. For all others, sixty (60) months;  e. If the conviction records transmitted to the Transportation Cabinet pursuant to subsection (3) of this section show that a person was convicted of a:  i. First offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision a. of this subparagraph;  ii. Second offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision b. of this subparagraph;  iii. Third offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision c. of this subparagraph; and  iv. Fourth or subsequent offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision d. of this subparagraph; and  f. The license suspension shall be deemed effective on the date of entry of the court's order or judgement for a conviction of KRS 189A.010.  3. Upon conviction of KRS 189A.010(1)(f), the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle as follows:  a. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;  b. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is shorter; or  c. For all others, six (6) months.  4. For purposes of this paragraph, "ninety (90) consecutive day requirement" and "one hundred twenty (120) consecutive day requirement" mean the requirements established in KRS 189A.340(4)(b)2.  (b) For a person under the age of eighteen (18), in addition to the penalties specified in KRS 189A.010, the Transportation Cabinet shall suspend the person's license to operate a motor vehicle or motorcycle upon conviction of KRS 189A.010(1). The person shall have his or her license suspended until he or she reaches the age of eighteen (18) or as provided in paragraph (a) of this subsection, whichever penalty will result in the longer period of suspension.  (2) In addition to the period of license suspension set forth in subsection (1) of this section, no person shall be eligible for reinstatement of his or her full privilege to operate a motor vehicle or motorcycle until he or she has completed the alcohol or substance abuse education or treatment program ordered pursuant to KRS 189A.040.  (3) Upon conviction of KRS 189A.010(1):  (a) A person shall surrender his or her license to operate a motor vehicle or motorcycle to the court. Should the person fail to surrender his or her license to the court, the court shall issue an order directing the sheriff or any other peace officer to seize the license forthwith and deliver it to the court. The court shall then forward the license to the Transportation Cabinet. This paragraph shall not apply to a person who has previously surrendered his or her license pursuant to KRS 189A.200; and  (b) The court shall immediately transmit the conviction records and other appropriate information to the Transportation Cabinet. A court shall not waive or stay this procedure.  (4) In determining the ten (10) year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered. |
|  |  |  |
| 5.5.5 | 189A.100 – **Not New Legislation - Added to KCLM** | **KRS 189A.100 Administration of preliminary breath tests -- Visual recording of vehicle pursuits, traffic stops, and field sobriety tests – Conditions of recording – Use and destruction of recordings**  (1) Law enforcement agencies may administer preliminary breath tests using devices or equipment which will ensure an accurate determination of blood alcohol content. Such tests may be administered in the field to a person suspected of violation of KRS 189A.010 before the person is arrested. This test may be administered in addition to any other blood alcohol level test authorized by law. A person's refusal to take a preliminary breath test shall not be used against him in a court of law or in any administrative proceeding.  (2) (a) Law enforcement agencies may record on film or videotape or by other visual and audible means:  1. The pursuit of a violator or suspected violator;  2. The traffic stop; or  3. a. Field sobriety tests administered at the scene or such tests at a  police station, jail, or other suitable facility; or  b. The refusal of a violator or suspected violator to submit to tests  under KRS 189A.103; for a suspected violation of KRS 189A.010.  (b) Recordings made under paragraph (a) of this subsection shall be subject to the following conditions:  1. The testing is recorded in its entirety (except for blood alcohol analysis testing);  2. The entire recording of the field sobriety tests or refusal and the entire recording of the pursuit and traffic stop is shown in court unless the defendant waives the showing of any portions not offered by the prosecution;  3. The entire recording is available to be shown by the defense at trial if the defendant so desires regardless of whether it was introduced by the Commonwealth;  4. The defendant or his counsel is afforded an opportunity to view the entire recording a reasonable time before the trial in order to prepare an adequate defense;  5. Recordings shall be used for official purposes only, which shall include:  a. Viewing in court;  b. Viewing by the prosecution and defense in preparation for a trial;  and  c. Viewing for purposes of administrative reviews and official administrative proceedings. Recordings shall otherwise be considered as confidential records;  6. The videotape or film taken in accordance with this section shall, upon order of the sentencing court, be destroyed after the later of the following:  a. Fourteen (14) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, or if the videotape or film does not record the actual happening of an accident involving a motor vehicle;  b. Fourteen (14) months after a decision has been made not to prosecute any case upon which an arrest has been made or a citation issued as a result of the videotape or film, if the videotape does not record the actual happening of an accident involving a motor vehicle;  c. Twenty-six (26) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, if the videotape or film records the actual happening of an accident involving a motor vehicle;  d. After all appeals have been exhausted arising from any criminal or traffic case filed as a result of the videotape;  e. At the conclusion of any civil case arising from events depicted on the videotape or film; or  f. At the conclusion of the exhaustion of all appeals arising from any law enforcement agency administrative proceedings arising from events depicted on the videotape or film; and  7. Public officials or employees utilizing or showing recordings other than as permitted in this chapter or permitting others to do so shall be guilty of official misconduct in the first degree.  (3) When a peace officer makes a videotape or film recording of any transaction covered by subsection (2) of this section and a citation is issued or an arrest is made, the peace officer shall note on the uniform citation that a videotape has been made of the transaction. |
|  |  |  |
| 5.5.5 | 189A.103 | \* \* \* \* \*  (4) A breath test shall consist of a test which is performed in accordance with the manufacturer's instructions ***or instructions adopted by the Department of Criminal Justice Training and approved by the manufacturer*** for the use of the instrument. The secretary of the Justice and Public Safety Cabinet shall keep available for public inspection ***and provide, upon request and without charge,*** copies of these manufacturer's instructions ***or instructions adopted by the Department of Criminal Justice Training and approved by the manufacturer*** for all models of breath testing devices in use by the Commonwealth of Kentucky;  \* \* \* \* \* |
|  |  |  |
| 5.5.6 | 189A.104 | (1) The only alcohol or substance testing that is subject to refusal or enhancement of penalties provided for in this chapter is: (a) Breath analysis testing by ***an instrument*** installed, tested, and maintained by the Commonwealth for that specific purpose at a police station or detention facility;  \* \* \* \* \* |
|  |  |  |
| 5.5.6 | 189A.105 | \* \* \* \* \*  (2) (a)  \* \* \* \* \*  (b) Nothing in this subsection shall be construed to prohibit a judge of a court of competent jurisdiction from issuing a search warrant or other court order requiring a blood or urine test, or a combination thereof, of a defendant charged with a violation of KRS 189A.010, or other statutory violation arising from the incident However, if the incident involves a motor vehicle accident in which there was a fatality, the investigating peace officer shall seek such a search warrant for blood testing unless the testing has already been done by consent. If testing done pursuant to a warrant reveals the  presence of alcohol or any other substance that impaired the driving ability of a person who is charged and convicted of a violation of KRS 189A.010(1), the sentencing court shall require, in addition to any other sentencing provision, that the defendant make restitution to the state for the cost of the testing.  (3) During the period immediately preceding the administration of any test, the person shall be afforded an opportunity of at least ten (10) minutes but not more than fifteen (15) minutes to attempt to contact and communicate with an attorney and shall be informed of this right. Inability to communicate with an attorney during this period shall not be deemed to relieve the person of his ***or her*** obligation to submit to the tests and the penalties specified by KRS 189A.010 and 189A.107 shall remain applicable to the person upon refusal. Nothing in this section shall be deemed to create a right to have an attorney present during the administration of the tests, but the person's attorney may be present if the attorney can physically appear at the location where the test is to be administered within the time period established in this section.  \* \* \* \* \* |
|  |  |  |
| 5.5.7 | 189A.107 | \* \* \* \* \*  (2) (a) In the event a defendant is not convicted of a violation of KRS 189A.010(1) in a case in which it is alleged that he or she refused to take an alcohol concentration or substance test, upon motion of the attorney for the Commonwealth, the court shall conduct a hearing, without a jury, to determine by clear and convincing evidence if the person actually refused the testing. However, the hearing shall not be required if the court has made a previous determination of the issue at a hearing held under KRS 189A.200 and 189A.220.  (b) If the court finds that the person did refuse to submit to ***a breath, blood, or urine test***, the court shall suspend the person's driver's license for the period of time the license would have been suspended upon conviction as set forth in KRS 189A.070(1), except that the court may authorize the person to apply to the Transportation Cabinet for issuance of an ignition interlock license under KRS 189A.340 for the period of the suspension.  \* \* \* \* \* |
|  |  |  |
| 5.5.7 | 189A.110 – ADDED TO KCLM | Any person who is arrested for a violation of KRS 189A.010 and who, upon ***breath analysis*** testing, shows ***an*** alcohol ***concentration*** reading .15 percent ***or more*** shall be detained in custody at least four (4) hours following his ***or her*** arrest. |
|  |  |  |
| 6.1.1 | 217.177 | (1) No person engaged in sales at retail shall display hypodermic syringes or needles in any portion of the place of business which is open or accessible to the public.  (2) Pharmacies offering retail sale of hypodermic syringes or needles shall make available:  (a) Written or electronic educational materials on safe and proper disposal of hypodermic needles and syringes;  (b) Written or electronic educational or referral information for syringe exchange service programs and substance use disorder treatment; and  (c) A verbal, physical, or electronic offer to ***provide a prescription for an opioid antagonist as defined in KRS 217.186***.  (3) Nothing in this section shall apply to the sale of hypodermic syringes or needles dispensed as a prescription or in conjunction with a prescription medication that requires reconstitution or administration with a syringe.  (4) Any physician, other licensed medical person, hospital, or clinic disposing of hypodermic syringes or needles shall render the instrument incapable of further use. |
|  |  |  |
| 6.2.9 | 218A.1410 | \* \* \* \* \*  (3) ***(a)*** Importing heroin is a Class C felony, and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.  ***(b) Importing carfentanil, fentanyl, or fentanyl derivatives is a Class C felony, and the defendant:***  ***1. Shall not be eligible for pretrial diversion; and***  ***2. Shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.*** |
|  |  |  |
| 6.2.11 | 218A.142 | \* \* \* \* \*  (2) Aggravated trafficking in a controlled substance in the first degree is a Class B felony, and***:***  ***(a)*** The defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed ***where the trafficked substance was heroin; or***  ***(b) The defendant shall not be eligible for pretrial diversion, and shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed where the trafficked substance was fentanyl, carfentanil, or fentanyl derivatives.*** |
|  |  |  |
| 3.12 | 403.720 | As used in KRS 403.715 to 403.785:  (1) ***"Domestic animal"*** ***means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;***  ***(2)*** "**Domestic violence and abuse**" means  ***(a)*** Physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple; or  ***(b) Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal;***  ***(3)*** "**Family member**" means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;  ***EDITOR’S NOTE: In Obergefell v. Hodges, handed down in 2015, the Supreme Court of the United States held that same sex couples had a right to marry. Presumably, the definition of family member will now also apply to current and former spouses of same sex marriages.***  ***(4)*** **"Foreign protective order"** means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was issued on the basis of domestic violence and abuse;  ***(5)*** **"Global positioning monitoring system"** means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;  ***(6)*** "**Member of an unmarried couple**" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.  ***Editor’s Note: In Ireland v. Davis, 957 S.W.2d 310 (Ky App 1997), the Kentucky Court of Appeals ruled that “KRS 403.715 - .785 affords protection to same-sex couples just as they do to the others enumerated therein.” The court also stated that “’couples’ . . . refers to two people engaged in an intimate relationship and would not include roommates.” Although this latter statement is “mere dicta”, the court thus gave indication as to how it might rule in a case involving roommates not in an intimate (i.e., sexual) relationship. The court would probably rule the same way in a case involving KRS 431.005.***  ***(7)*** **"Order of protection"** means an emergency protective order or a domestic violence order and includes a foreign protective order;  ***(8)*** **“Strangulation”** refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and  ***(9)*** **"Substantial violation"** means criminal conduct which involves actual or threatened harm to the person, family, or property, ***including a domestic animal***, of an individual protected by an order of protection. |
|  |  |  |
| 3.15 | 403.740 | (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:  (a) Restraining the adverse party from:  1. Committing further acts of domestic violence and abuse;  2. Any unauthorized contact or communication with the petitioner or other person specified by the court;  3.Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;  4.Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and  5. Disposing of or damaging any of the property of the parties;  ***(b) Authorizing, at the request of the petitioner:***  ***1. Limited contact or communication between the parties that the court finds necessary; or***  ***2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.***  ***Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;***  ***(c)*** Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;  ***(d)*** Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and  ***(e)*** Additionally, if applicable:  1. Directing the adverse party to vacate a residence shared by the parties to the action;  2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody;  3. Utilizing the criteria set forth in KRS 403.211, 403.212, and 403.213, award temporary child support***; and***  ***4. Awarding possession of any shared domestic animal to the petitioner***.  (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:  (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;  (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;  (c) Specifically describe in the order the locations or areas prohibited to the respondent; and  (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.  (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.  (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order. |
|  |  |  |
| 3.13 | 403.730 | (1) (a) The court shall review a petition for an order of protection immediately upon its filing. If the review indicates that domestic violence and abuse exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future. If the review indicates that such a basis does not exist, the court may consider an amended petition or dismiss the petition without prejudice.  (b) Service of the summons and hearing order under this subsection shall be made upon the adverse party personally and may be made in the manner and by the persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil Procedure. A summons may be reissued if service has not been made on the adverse party by the fixed court date and time.  (2) (a) If the review under this section also indicates the presence of an immediate and present danger of domestic violence and abuse, the court shall, ***upon the filing of the petition***, issue ex parte an emergency protective order that:  1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 403.740, other than awarding temporary support or counseling;  ***2. Sets forth which communications, if any, as requested by the petitioner, are authorized and which communications are unauthorized;***  ***3. Allows either party to retrieve his or her personal belongings from the parties' shared residence and directs law enforcement to assist, if requested;***  4. Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court; and  ***5.*** Does not order or refer the parties to mediation unless requested by the petitioner, and the court finds that:  a. The petitioner's request is voluntary and not the result of coercion; and  b. Mediation is a realistic and viable alternative to or adjunct to the issuance of an order sought by the petitioner.  ***Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner.***  (b) If an order is not issued under this subsection, the court shall note on the petition, for the record, any action taken or denied and the reason for it. |
|  |  |  |
| 7.2.2 | 434.700 – **Not New Legislation - Added to KCLM** | In any prosecution for violation of KRS 434.550 to 434.730, the Commonwealth is not required to establish and it is no defense that:  (1) A person other than the defendant who violated KRS 434.550 to 434.730 has not been convicted, apprehended, or identified; or  (2) Some of the acts constituting the crime did not occur in Kentucky or were not a crime or elements of a crime where they did occur. |
|  |  |  |
| 3.20 | 456.010 | As used in this chapter:  (1) **"Dating relationship"** means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:  (a) Declarations of romantic interest;  (b) The relationship was characterized by the expectation of affection;  (c) Attendance at social outings together as a couple;  (d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;  (e) The length and recency of the relationship; and  (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed;  (2) **"Dating violence and abuse"** means:  ***(a)*** Physical injury, serious physical injury, stalking, sexual assault, strangulation, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault occurring between persons who are or have been in a dating relationship***; or***  ***(b) Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the perpetrator is or has been in a dating relationship, when that person has a close bond of affection to the domestic animal;***  ***(3) "Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;***  ***(4)*** **"Foreign protective order"** means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was not issued on the basis of domestic violence and abuse;  ***(5)*** **"Global positioning monitoring system"** means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;  ***(6)*** **"Order of protection"** means any interpersonal protective order, including those issued on a temporary basis, and includes a foreign protective order;  ***(7)*** **"Sexual assault"** refers to conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse, or incest under KRS 530.020;  ***(8)*** **"Stalking"** refers to conduct prohibited as stalking under KRS 508.140 or 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of stalking; and  ***(9)*** **“Strangulation”** refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and  ***(10)*** **"Substantial violation"** means criminal conduct which involves actual or threatened harm to the person, family, or property, including a domestic animal of an individual protected by an order of protection. |
|  |  |  |
| 3.21 | 456.040 | (1) (a) The court shall review a petition for an interpersonal protective order immediately upon its filing. If the review indicates that dating violence and abuse, stalking, or sexual assault exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future. If the review indicates that such a basis does not exist, the court may consider an amended petition or dismiss the petition without prejudice.  (b) Service of the summons and hearing order under this subsection shall be made upon the adverse party personally and may be made in the manner and by the persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil Procedure. A summons may be reissued if service has not been made on the adverse party by the fixed court date and time.  (2) (a) If the review under this section also indicates the presence of an immediate and present danger of dating violence and abuse, sexual assault, or stalking, the court shall, ***upon the filing of the petition***, issue ex parte a temporary interpersonal protective order that:  1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 456.060;  2. ***Sets forth which communications, if any, as requested by the petitioner, are authorized and which communications are unauthorized;***  ***3.*** Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court; and  ***4.*** Does not order or refer the parties to mediation unless requested by the petitioner, and the court finds that:  a. The petitioner's request is voluntary and not the result of coercion; and  b. Mediation is a realistic and viable alternative to or adjunct to the issuance of an order sought by the petitioner.  ***Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner.***  (b) If an order is not issued under this subsection, the court shall note on the petition, for the record, any action taken or denied and the reason for it. |
|  |  |  |
| 3.22 | 456.060 | (1) Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:  (a) Restraining the adverse party from:  1. Committing further acts of dating violence and abuse, stalking, or sexual assault;  2. Any unauthorized contact or communication with the petitioner or other person specified by the court;  3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;  4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and  5. Disposing of or damaging any of the property of the parties;  ***(b) Authorizing, at the request of the petitioner:***  ***1. Limited contact or communication between the parties that the court finds necessary; or***  ***2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.***  ***Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;***  ***(c)*** Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of dating violence and abuse, stalking, or sexual assault, except that the court shall not order the petitioner to take any affirmative action; and  ***(d)*** Directing that either or both of the parties receive counseling services available in the community in dating violence and abuse cases; ***and***  ***(e) Awarding possession of any shared domestic animal to the petitioner.***  (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:  (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;  (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;  (c) Specifically describe in the order the locations or areas prohibited to the respondent; and  (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.  (3) An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order. |
|  |  |  |
| 8.1.1 | 500.080 | \* \* \* \* \*  (8) ***"Impacted by the disaster" means the location or in reasonable proximity to the location where a natural or man-made disaster has caused physical injury, serious physical injury, death, or substantial damage to property or infrastructure;***  ***(9)*** "Law" includes statutes, ordinances, and properly adopted regulatory provisions. Unless the context otherwise clearly requires, "law" also includes the common law;  ***(10)*** "Minor" means any person who has not reached the age of majority as defined in KRS 2.015;  ***(11)*** "Misdemeanor" means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment of not more than twelve (12) months can be imposed;  ***(12)*** ***"Natural or man-made disaster" means a tornado, storm, or other severe weather, earthquake, flood, or fire that poses a significant threat to human health and safety, property, or critical infrastructure;***  ***(13)*** "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state or by any law, order, rule, or regulation of any governmental instrumentality authorized by law to adopt the same;  ***(14)*** "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority;  ***(15)*** "Physical injury" means substantial physical pain or any impairment of physical condition;  ***(16)*** "Possession" means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object;  ***(17)*** "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 organ. For a child twelve (12) years of age or less at the time of the injury, a serious physical injury includes but is not limited to the following:  (a) Bruising near the eyes, or on the head, neck, or lower back overlying the kidneys;  (b) Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;  (c) Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;  (d) Any testicular injury sufficient to put fertility at risk;  (e) Any burn near the eyes or involving the mouth, airway, or esophagus;  (f) Any burn deep enough to leave scarring or dysfunction of the body;  (g) Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital's intensive care unit;  (h) Rib fracture;  (i) Scapula or sternum fractures;  (j) Any broken bone that requires surgery;  (k) Head injuries that result in intracranial bleeding, skull fracture, or brain injury;  (l) A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;  (m) Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;  (n) Any injury requiring surgery;  (o) Any injury that requires a blood transfusion; and  (p) Any injury requiring admission to a hospital's critical care unit;  ***(18)*** "Unlawful" means contrary to law or, where the context so requires, not permitted by law. It does not mean wrongful or immoral;  ***(19)*** "Violation" means an offense, other than a traffic infraction, for which a sentence to a fine only can be imposed; and  ***(20)*** "Weapon of mass destruction" means:  (a) Any destructive device as defined in KRS 237.030, but not fireworks as defined in KRS 227.700;  (b) Any weapon that is designed or intended to cause death or serious physical injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;  (c) Any weapon involving a disease organism; or  (d) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life. |
|  |  |  |
| 8.2.3 | 508.025 | \* \* \* \* \*  (2) (a) For ***a violation*** of subsection (1)(a) of this section, assault in the third degree is a Class D felony***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.***  ***(b) For a violation of subsection (1)(b) of this section, assault in the third degree is a Class D felony.***  ***(c)*** For violations of subsection (1)(c) of this section, assault in the third degree is a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood, seminal fluid, urine, or feces from an adult who knows that he or she has a serious communicable disease and competent medical or epidemiological evidence demonstrates that the specific type of contact caused by the actor is likely to cause transmission of the disease or condition, in which case it is a Class A misdemeanor.  ***(d)*** As used in paragraph (c)[(b)] of this subsection, "serious communicable disease" means a non-airborne disease that is transmitted from person to person and determined to have significant, long-term consequences on the physical health or life activities of the person infected. |
|  |  |  |
| 8.2.5 | 508.075 | (1) A person is guilty of terroristic threatening in the first degree when he or she:  (a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on:  1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;  2. A school bus or other vehicle owned, operated, or leased by a school;  3. The real property or any building public or private that is the site of an official school-sanctioned function;[ or]  4. The real property or any building owned or leased by a government agency; or  ***5. The real property or any building owned or leased by a domestic violence shelter as defined in KRS 511.085; or***  (b) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection.  (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed 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, ***domestic violence shelter 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) Terroristic threatening in the first degree is a Class C felony. |
|  |  |  |
| 8.2.7 | 508.100 | \* \* \* \* \*  (2) Criminal abuse in the first degree is a Class C felony ***unless the victim is under twelve (12) years old in which case it is a Class B felony.*** |
|  |  |  |
| 8.3.1 | 511.020 | (1) A person is guilty of burglary in the first degree when, with the intent to commit a crime, he ***or she*** knowingly enters or remains unlawfully in a building, and when in effecting entry or while in the building or in the immediate flight therefrom, he ***or she*** or another participant in the crime:  (a) Is armed with explosives or a deadly weapon;  (b) Causes physical injury to any person who is not a participant in the crime; or  (c) Uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.  (2) Burglary in the first degree is a Class B felony***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man- made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A felony***. |
|  |  |  |
| 8.3.1 | 511.030 | (1) A person is guilty of burglary in the second degree when, with the intent to commit a crime, he ***or she*** knowingly enters or remains unlawfully in a dwelling.  (2) Burglary in the second degree is a Class C felony***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B felony***. |
|  |  |  |
| 8.3.1 | 511.040 | (1) A person is guilty of burglary in the third degree when, with the intent to commit a crime, he ***or she*** knowingly enters or remains unlawfully in a building.  (2) Burglary in the third degree is a Class D felony***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man- made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony***. |
|  |  |  |
| 8.3.1 | 511.060 | (1) A person is guilty of criminal trespass in the first degree when he ***or she*** knowingly enters or remains unlawfully in a dwelling.  (2) Criminal trespass in the first degree is a Class A misdemeanor***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class D felony***. |
|  |  |  |
| 8.3.2 | 511.070 | (1) A person is guilty of criminal trespass in the second degree when he ***or she*** knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.  (2) Criminal trespass in the second degree is a Class B misdemeanor***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A misdemeanor***. |
|  |  |  |
| 8.3.2 | 511.080 | (1) A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.  (2) Criminal trespass in the third degree is a violation***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B misdemeanor***. |
|  |  |  |
| 8.3.6 | 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 one thousand dollars $1,000 or more;  (b) Tampers with the operations of a key infrastructure asset, as defined in KRS 511.100, in a manner that renders the operations harmful or dangerous; or  (c) As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of one thousand dollars ($1,000) or more.  (2) Criminal mischief in the first degree is a Class D felony, ***unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.*** |
|  |  |  |
| 8.3.6 | 512.030 | 1. A person is guilty of criminal mischief in the second degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she: 2. Intentionally or wantonly defaces, destroys or dam­ages any property causing pecuniary loss of five hundred dollars $500 or more but less than one thousand dollars ($1,000); or 3. As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of five hundred dollars ($500) or more but less than one thousand dollars ($1,000).   (2) Criminal mischief in the second degree is a Class A misdemeanor***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class D felony***. |
|  |  |  |
| 8.3.6 | 512.040 | (1) A person is guilty of criminal mischief in the third degree when:  (a) 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 defaces, destroys or damages any property causing pecuniary loss of less than five hundred dollars ($500);  (b) He or she tampers with property so as knowingly to endanger the per­son or property of another; or  (c) He or she as a tenant, and having no right to do so or any reasonable grounds to believe that he or she has such right, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of less than five hundred dollars ($500).  (2) Criminal mischief in the third degree is a Class B misdemeanor***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A misdemeanor***. |
|  |  |  |
| 8.3.11 | 514.030 | (1) Except as otherwise provided in KRS 217.181 or 218A.1418, a person is guilty of theft by unlawful taking or disposition when he ***or she*** unlawfully:(a) Takes or exercises control over movable property of another with intent to deprive him *or her* thereof; or(b) Obtains immovable property of another or any interest therein with intent to benefit himself *or herself* or another not entitled thereto. ***Editor’s Notes:***  ***Most shoplifters are charged under this section, but other sections of this chapter may also be appropriate, See KRS 433.234 and 433.236 (above at page 7.2.1) for special provisions relating to “shoplifting”.***  ***The General Assembly authorized suspending operator’s licenses for second or subsequent convictions under this section for theft of gasoline or special fuels from a “retail establishment” (see KRS 532.356(2) at page 8.8.4).***  ***KRS 532.356 designates this section (not Theft of Services) as the proper charge.***  ***By using shoplifting language (“retail establishment”) the Legislature apparently approved treating “gas drive-offs” as a form of shoplifting, thus empowering officers to make warrantless arrests for a misdemeanor not committed in the officers’ presence.***  ***Officers should consult their prosecuting attorneys for local policy on whether or not to seize as vehicles used to transport stolen property (i.e., gasoline) the vehicles of persons who drive off without paying for gasoline – see KRS 514.130(1) herein at page 8.3.14.*** (2) Theft by unlawful taking or disposition is a Class B misdemeanor unless:(a) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony;(b) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense;(c) The property is one (1) or more controlled substances valued collectively at less than ten thousand dollars ($10,000), in which case it is a Class D felony; (d) The value of the property is five hundred dollars ($500) or more but less than one thousand dollars ($1,000), in which case it is a Class A misdemeanor;  (e) The value of the property is one thousand dollars ($1,000) or more but less than ten thousand dollars ($10,000), in which case it is a Class D felony;  (f) The person has three (3) or more convictions under paragraph (d) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered; (g) The value of the property is ten thousand dollars ($10,000) or more, in which case it is a Class C felony; (h) The value of the property is one million dollars ($1,000,000) or more but less than ten million dollars ($10,000,000), in which case it is a Class B felony;  (i) The value of the property is ten million dollars ($10,000,000) or more, in which case it is a Class B felony***: or***  ***(j) The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.***  (3) Any person convicted under subsection (2)(g) of this section shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed, any statute to the contrary notwithstanding.  (4) If any person commits two (2) or more separate offenses of theft by unlawful taking or disposition within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge. |
|  |  |  |
| 8.3.17 | 514.110 | 1. A person is guilty of receiving stolen property when he receives, retains, or disposes of movable property of another knowing that it has been stolen, or having reason to believe that it has been stolen, unless the property is received, retained, or disposed of with intent to restore it to the owner.  (2) The possession by any person of any recently stolen movable property shall be prima facie evidence that such person knew such property was stolen.(3) Receiving stolen property is a Class B misdemeanor unless:(a) The value of the property is five hundred dollars ($500) or more but less than one thousand dollars ($1,000), in which case it is a Class A misdemeanor;(b) The value of the property is one thousand dollars ($1,000) or more but less than ten thousand dollars ($10,000), in which case it is a Class D felony;(c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered;(d) The value of the property is ten thousand dollars ($10,000) or more, in which case it is a Class C felony;(e) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony;(f) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432 in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense; ***or******(g) The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection***.(4) If any person commits two (2) or more separate offenses of receiving stolen property within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge. |
|  |  |  |
| 8.3.18 | 514.140 | (1) A person is guilty of theft of mail matter when with intent to deprive the owner thereof he ***or she***:  (a) Steals;  (b) By fraud or deception obtains;  (c) Embezzles;  (d) Conceals;  (e) Damages; or  (f) Destroys;  any mail matter of another (including but not limited to any letter, postal card, package, bag, or other item) from any letterbox, mail receptacle, or other authorized depository for mail matter, or from a letter carrier, postal vehicle, or private mail box or which has been left for collection or delivery adjacent thereto by the United States Postal Service***, common carrier, or delivery service***.  (2) Theft of mail matter is a Class D felony. |
|  |  |  |
| 8.3.20 | 515.020 | (1) A person is guilty of robbery in the first degree when, in the course of committing theft, he or she uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft and when he or she:  (a) Causes physical injury to any person who is not a participant in the crime; or   1. Is armed with a deadly weapon; or 2. Uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.   (2) Robbery in the first degree is a Class B felony***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man- made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A felony***. |
|  |  |  |
| 8.3.20 | 515.030 | 1. A person is guilty of robbery in the second degree when, in the course of committing theft, he ***or she*** uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft. 2. Robbery in the second degree is a Class C felony***, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B felony***. |
|  |  |  |
| 8.5.1 | 519.010 | The following definitions apply in this chapter unless the context otherwise requires:  (1) ***"Benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary;***  ***(2) "Emergency response" means a response by two (2) or more first responders to a reported incident that:***  ***(a) Is of such an emergent nature that the exemptions provided under KRS 189.940 would apply; and***  ***(b) Jeopardizes or could jeopardize public safety;***  ***(3) "First responder" means:***  ***(a) Peace officer;***  ***(b) Fire personnel;***  ***(c) Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A; or***  ***(d) Private not-for-profit organization personnel providing fire, rescue, or emergency medical services;***  ***(4)*** "**Governmental function**" means any activity which a public servant is legally authorized to undertake on behalf of the governmental unit which he serves;  (5) "**Public record**" includes all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, magnetic or electronic images, optical images or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, received or retained by a public agency. "Public record" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs, or operations funded by state or local authority;  (6) "**Public servant**" means:  (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state;  (b) Any person exercising the functions of any public officer or employee;  (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or  (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position. |
|  |  |  |
| 8.5.1 | 519.040 | (1) A person is guilty of falsely reporting an incident when ***the person***:  (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property, ***and the false report results in an emergency response***; or  (b) Reports to law enforcement authorities an offense or incident within their official concern knowing that it did not occur; or  (c) Furnishes law enforcement authorities with information allegedly relating to an offense or incident within their official concern when ***the person*** knows he ***or she*** has no information relating to such offense or incident; or  (d) Knowingly gives false information to any law enforcement officer with intent to implicate another; or  (e) Initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire or other emergency under cir­cumstances likely to cause public inconvenience or alarm when the ***person*** knows the information reported, conveyed or circulated is false or baseless, and the false report results in an emergency response.  (2) ***(a)*** Falsely reporting an incident ***under subsection (1)(b), (c), or (d) of this*** section is a Class A misdemeanor.  ***(b) Falsely reporting an incident under subsection (1)(a) or (e) of this section is a Class D felony.***  ***(3) Any violation under this section may be prosecuted in any county where:***  ***(a) The defendant resides;***  ***(b) The false report was communicated; or***  ***(c) There was an emergency response to the false report.***  ***(4) (a) The court, in imposing a sentence on a defendant who has been convicted of any offense under this section, shall order restitution to:***  ***1. Any agency or organization for the reasonable costs of the emergency response incurred by that agency or organization resulting from the false report; and***  ***2. Any person who suffered damages caused by the agency or organization that provided an emergency response.***  ***(b) An order of restitution under this subsection shall, for the purpose of enforcement, be treated as a civil judgment.*** |
|  |  |  |
| 8.5.12 | 524.130 | (1) Except as provided in KRS 341.470 and subsection (2) of this section, a person is guilty of unlawful practice of law when, without a license issued by the Supreme Court, he ***or she*** engages in the practice of law, as defined by rule of the Supreme Court.  (2) A licensed nonresident attorney in good standing, although not licensed in Kentucky, is not guilty of unlawful practice if, in accordance with rules adopted by the Supreme Court, he ***or she*** practices law under spe­cific authorization of a court.   1. Unlawful practice of law is    1. A Class ***A*** misdemeanor ***for the first offense; and***    2. ***A Class D felony for a second or subsequent offense.*** |
|  |  |  |
| 4.1 | 600.020(1)(A)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 ***when financially able to do so or offered financial or other means to do so***. 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; |
|  |  |  |
| 4.2 | 600.020(28) | (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***, or an emotionally significant relationship with a biological parent, siblings, or half siblings of the child in the case of a child from birth to twelve (12) months of age, prior to placement;*** |
|  |  |  |
|  |  |  |