2013 KENTUCKY GENERAL ASSEMBLY

EFFECTIVE DATE OF MOST NEW LEGISLATION IS JUNE 25, 2013

****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).

STATUTES ARE NOT CONSIDERED OFFICIAL UNTIL PUBLISHED BY THE LEGISLATIVE RESEARCH COMMISSION ON THE KENTUCKY STATE WEBSITE. THIS DOCUMENT WILL BE UPDATED WITH NEW STATUTE NUMBERS WHEN THEY BECOME AVAILABLE

SENATE

SB 8	School Safety
SB 13	Alcoholic Beverages
SB 15	Homicide Sentencing
SB 32	Donations
SB 50	Industrial Hemp
SB 52	Electronic Death Certificates
SB 56	Schools
SB 66	Peace Officer Hiring
SB 67	Operator's License
SB 78	Crime Victim's Compensation / Expungement
SB 84	Jail Transportation
SB 97	Compulsory Attendance
SB 114	Commercial Vehicles
SB 120	Death Benefits
SB 122	Reorganization
SB 150	Concealed Deadly Weapons
SCR 35	Juvenile Code
SCR 123	Probation and Parole

HOUSE

HB 1	Special Governmental Taxing Districts
HB 3	Human Trafficking
HB 8	Synthetic Drugs
HB 39	Child Pornography
HB 41	DNA
HB 60	Coyote Hunting
HB 150	Fish & Wildlife
HB 161	Theft
HB 164	Vehicle Insurance Cards
HB 167	Fusion Center / CCDW
HB 172	Anaphylaxis Medication
HB 173	Motor Vehicle Leasing
HB 174	Transit Tags
HB 177	Misrepresent. Military Status
HB 192	Judgment Lien Service
HB 217	Controlled Substances
HB 222	Victim Address Protection
HB 261	Taken Wildlife
HB 273	Mini-Trucks
HB 279	Freedom of Religion
HB 290	External Child Fatality / Near/ Fatality Review
HB 354	School Safety (see SB 8).
HB 441	Toll Administration

SENATE

SENATE BILL 8 SCHOOL SAFETY

SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:
KRS 158.162 Mandatory adoption of emergency management response plan in each public school
(1) As used in this section:
(a) "Emergency management response plan" or "emergency plan" means a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies; and
(b) "First responders" means local fire, police, and emergency medical personnel.
(2) (a) Each local board of education shall require the school council or, if none exists, the principal in each public school building in its jurisdiction to adopt an emergency plan to include procedures to be followed in case of fire, severe weather, or earthquake, or if a building lockdown as defined in KRS 158.164 is required.
(b) Following adoption, the emergency plan, along with a diagram of the facility, shall be provided to appropriate first responders.
(c) The emergency plan shall be reviewed following the end of each school year by the school council, the principal, and first responders and shall be revised as needed.
(d) The principal shall discuss the emergency plan with all school staff prior to the first instructional day of each school year and shall document the time and date of any discussion.
(e) The emergency plan and diagram of the facility shall be excluded from the application of KRS 61.870 to 61.884.
(3) Each local board of education shall require the school council or, if none exists, the principal in each public school building to:
(a) Establish primary and secondary evacuation routes for all rooms located within the school and shall post the routes in each room by any doorway used for evacuation;
(b) Identify severe weather safe zones to be reviewed by the local fire marshal or fire chief 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 may include but not be limited to:
1. Controlling outside access to exterior doors during the school day;
2. Controlling the front entrance of the school electronically or with a greeter;
3. Controlling access to individual classrooms. If a classroom is equipped with hardware that allows the door to be locked from the outside but opened from the inside, the door should remain locked during instructional time;
4. Requiring all visitors to report to the front office of the building, provide valid

identification, and state the purpose of the visit; and
5. Providing a visitor's badge to be visibly displayed on a visitor's outer garment.
(4) 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.
(5) 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.

Section 2. KRS 158.163 is amended to read as follows:
The board of each local school district, and the governing body of each private and parochial school or school district, shall establish an earthquake and tornado emergency procedure system in every public or private school building in its jurisdiction having a capacity of fifty (50) or more students, or having more than one (1) classroom. The earthquake and tornado emergency procedure system shall include, but not be limited to, all of the following:
(1) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staffs. A drop procedure and safe area evacuation practice shall be held at least twice during each school year***, with the first practice for a drop procedure and a safe area evacuation being held within the first thirty (30) instructional days of each school year and one (1) practice being held during the month of January***;
(2) A drop procedure. As used in this section, "drop procedure" means an activity by which each student and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows;
(3) A safe area. As used in this section, "safe area" means a designated space including an enclosed area with no windows, a basement or the lowest floor using the interior hallway or rooms, or taking shelter under sturdy furniture;
(4) Protective measures to be taken before, during, and following an earthquake or tornado; and
(5) A program to ensure that the students and the certificated and classified staff are aware of, and properly trained in, the earthquake and tornado emergency procedure system.

Section 3. KRS 158.164 is amended to read as follows:
(1) As used in this section, "building lockdown" means to restrict the mobility of building occupants to maintain their safety and care.
(2) Each local board of education shall require the school council or, if none exists, the principal in each public school building in its jurisdiction to establish procedures to perform a building lockdown, including protective measures to be taken during and

immediately following the lockdown. ***Local law enforcement agencies shall be invited to assist in establishing lockdown procedures.***
(3) Students[~~, parents, guardians~~], certified staff, and classified staff shall be informed annually of building lockdown procedures.
(4) A building lockdown practice shall be held at least ***twice***[~~once~~] during each school year***, with at least one (1) practice being held within the first thirty (30) instructional days of the school year and one (1) practice being held during the month of January***.

SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:
KRS 158.447 Required review of CPTED principles prior to school construction or renovation.
The Kentucky Department of Education shall require a local board of education to review Crime Prevention Through Environment Design principles, or CPTED principles, when constructing a new school building or when renovating an existing school building.

SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:
KRS 158.448 Protocols for student records within student information system.
The Kentucky Department of Education shall develop protocols for student records within the student information system which:
(1) Provide notice to schools receiving the records of prior offenses described in KRS 610.345 committed by a student transferring to a new school or district; and
(2) Protect the privacy rights of students and parents guaranteed under the federal Family Educational Rights and Privacy Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:
KRS 95.970 School and student safety issues training encouraged.
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.

SECTION 7. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:
KRS 70.062 School and student safety issues training encouraged.
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.

Section 8. KRS 160.345 is amended to read as follows:

* * * * *

(i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:

* * * * *

9. ***Adoption of an emergency plan as required in KRS 158.162;***

* * * * *

NOTE: Senate Bill 8 and House Bill 354 are essentially identical. As such, HB 354 is not included in this document.

SENATE BILL 13 ALCOHOLIC BEVERAGES

NOTE: This section is heavily edited to include only the provisions of interest to general law enforcement officers. See full bill for details.

Section 1. KRS 241.010 is amended to read as follows:

As used in this chapter and in KRS Chapters 242 and 243, unless the context requires otherwise:

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced;

(2) "Alcoholic beverage" means every liquid or solid, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:

(a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy;

(b) Patented, patent, and proprietary medicines;

(c) Toilet, medicinal, and antiseptic preparations and solutions;

(d) Flavoring extracts and syrups;

(e) Denatured alcohol or denatured rum;

(f) Vinegar and preserved sweet cider;

(g) Wine for sacramental purposes; *and*

(h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use;~~[and~~

~~(i) Malt beverages, containing not more than three and two-tenths percent (3.2%) of alcohol by weight, in territory that has voted to allow the sale thereof;]~~

* * * * *

(4) "Automobile race track" means a facility primarily used for vehicle racing that has a seating capacity of at least thirty thousand (30,000) people;

* * * * *

(7)[(6)] "Brewer" means any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either *alone*[by himself] or ***through an***[by his] agent;

* * * * *

(19) "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;

* * * * *

(24)[(22)] "Dry[territory]" means a ***territory***[county, city, district, or precinct] in which a majority of ***the electorate***[voters have] voted ***to prohibit all forms of retail alcohol sales by a KRS 242.050, Section 15 of this Act, or other local option election***[in favor of prohibition];

* * * * *

(27) "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;
(28) "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
(29)[(25)] "License" means any license issued pursuant to KRS ***Chapters 241 to 244***[243.020 to 243.670];
(30)[(26)] "Licensee" means any person to whom a license has been issued, pursuant to KRS ***Chapters 241 to 244***[243.020 to 243.670];
(31)[(27)] "Limited restaurant" means:
(a) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross income from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons for dining, and which is located in a ***wet or moist*** territory[where prohibition is no longer in effect] under ***subsection (2) of Section 14 of this Act***[KRS 242.185(6)]; or
(b) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross income from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a ***wet or moist*** territory[where prohibition is no longer in effect] under KRS 242.1244;
(32)[(28)] "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt[, and having an alcoholic content greater than that permitted under subsection (2)(i) of this section];

* * * * *

(36) "Moist" means a territory in which a majority of the electorate voted to permit limited alcohol sales by any one (1) or a combination of special limited local option elections authorized by Section 4, 5, 11, 13, 14, or 17 of this Act;

* * * * *

(38) "Private club" means a nonprofit social, fraternal, military, or political organization, club, or entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;

(39) "Public nuisance" means a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons;

* * * * *

(48) "Riverboat" means any boat or vessel with a regular place of mooring in this state that is licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to this state;

* * * * *

(56) "Territory" means a county, city, district, or precinct;

* * * * *

(59) "Wet" means a territory in which a majority of the electorate voted to permit all forms of retail alcohol sales by a local option election under KRS 242.050, Section 15 of this Act, or Section 17 of this Act on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?";

* * * * *

Section 23. KRS 242.230 is amended to read as follows:

(1) No person in dry territory shall sell, barter, loan, give, procure for, or furnish another, or keep or transport for sale, barter, or loan, directly or indirectly, any alcoholic beverage.

(2) ***No person in moist territory shall sell, barter, loan, give, procure for, or furnish another, or keep or transport for sale, barter, or loan, directly or indirectly, any alcoholic beverage unless the sale of that alcoholic beverage has been specifically authorized in that moist territory under a limited local option election.***

(3) No person shall possess any alcoholic beverage unless it has been lawfully acquired and is intended to be used lawfully, and in any action the defendant shall have the burden of proving that the alcoholic beverages found in his ***or her*** possession were

lawfully acquired and were intended for lawful use.

* * * * *

Section 25. KRS 242.260 is amended to read as follows:
(1) It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver, or distribute in any ***dry or moist***[~~local option~~] territory***, except as provided in subsection (2) of this section,*** any alcoholic beverage, regardless of *its*[~~the~~] name[~~ by which it may be called~~]. Each package of such beverage so brought, transferred, or delivered in such territory shall constitute a separate offense.[~~ Provided, however, that~~] Nothing ***in this section***[~~herein~~] shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer, or wholesale dealer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries, or warehouses where the sale of such beverage may be lawful, either in or out of the state.
(2) Subsection (1) of this section shall also apply to any moist territory unless the sale of the alcoholic beverage in question has been specifically authorized in that moist territory under a limited local option election.

Section 9. KRS 242.270 is amended to read as follows:
(1) No person shall sell or deliver any alcoholic beverages that are to be paid for on delivery, in dry territory.
(2) Such transactions shall be deemed sales at the place where the money is paid or the goods delivered.
(3) This section shall also apply to the sale or delivery of any alcoholic beverages that are to be paid for on delivery in moist territory unless the sale of the alcoholic beverage in question has been specifically authorized in that moist territory under a limited local option election.

* * * * *

Section 10. KRS 242.290 is amended to read as follows:
KRS 242.260 and 242.280 shall not apply to the transportation of alcoholic beverages through dry ***or moist*** territory to a point in some other state, or to a point in this state where alcoholic beverages may be lawfully sold; or to the receipt or acceptance by a common carrier from a manufacturer for transportation to a point in another state or to a point in this state where alcoholic beverages may lawfully be sold.

Section 29. KRS 242.300 is amended to read as follows:
The normal restrictions applicable in dry territory[~~KRS 242.220 to 242.430~~] shall not apply to any manufacturer who in good faith and in the usual course of trade sells alcoholic beverages of ***the manufacturer's***[~~his~~] own make, at his ***or her*** manufactory, in quantities of not less than three (3) gallons delivered at one time for immediate transportation, to a point in some other state, or to a point in this state where alcoholic beverages may be lawfully sold.

Section 30. KRS 242.430 is amended to read as follows:
The indictment charging the commission of an offense under this chapter need not allege that a vote was taken or an election held in the territory where the offense is alleged to have been committed, but it may simply allege that the act charged was committed in dry ***or moist*** territory and was a violation of ***this chapter***[~~the prohibition statutes~~].

* * * * *

SECTION 81. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:
KRS 244.992 Medical amnesty for persons reporting an alcohol overdose.
(1) A person shall be immune from prosecution for the criminal offenses identified in subsection (2) of this section if:
(a) A law enforcement officer has contact with the person because the person:
1. Requests emergency medical assistance for himself or herself or another person;
2. Acts in concert with another person who requests emergency medical assistance; or
3. Appears to be in need of emergency medical assistance and is the individual for whom the request is made;
(b) The request is made for an individual who reasonably appears to be in need of medical assistance due to alcohol consumption; and
(c) The person described in paragraph (a) of this subsection, if physically capable:
1. Provides his or her own full name if requested by emergency medical assistance personnel or law enforcement officers;
2. Provides any other relevant information requested by the law enforcement officer that is known to such person;
3. Remains with, or is, the individual who reasonably appears to be in need of medical assistance due to alcohol consumption until professional emergency medical assistance is provided; and
4. Cooperates with emergency medical assistance personnel and law enforcement officers.
(2) A person who meets the qualifications set forth in subsection (1) of this section shall be immune from criminal prosecution for the following offenses:
(a) Alcohol intoxication under KRS 222.202(1);
(b) Drinking alcoholic beverages in a public place under KRS 222.202(2);
(c) Offenses related to possession of alcoholic beverages by a minor under twenty-one (21) years of age under KRS 244.085; and
(d) Providing alcohol to minors under twenty-one (21) years of age or assisting minors under twenty-one (21) years of age to purchase alcohol under KRS 244.085 or 530.070.

* * * * *

Section 85. KRS 244.120 is amended to read as follows:
(1) ***A retail licensee, a patron, or the licensee's agents, servants, or***

employees[~~No person licensed to sell alcoholic beverages at retail~~] shall ***not*** cause, suffer, or permit the licensed premises to be disorderly.
(2) Acts which constitute disorderly premises consist of ***causing, suffering, or*** permitting patrons***, the licensee, or the licensee's servants, agents, or employees*** to cause public inconvenience, annoyance***,*** or alarm, or ***create***[~~wantonly creating~~] a risk through:
(a) Engaging in fighting or in violent, tumultuous***,*** or threatening behavior;[~~ or~~]
(b) Making unreasonable noise;[~~ or~~]
(c) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard***,*** or other emergency;[~~ or~~]
(d) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose***;***
(e) Creating a public nuisance;
(f) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or
(g) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or a local government, or by state administrative regulations, for the licensed premises.

* * * * *

Section 96. KRS 244.480 is amended to read as follows:
(1) Except as provided in subsection ***(4)***[~~(3)~~] of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m. on any other day.
(2) Except as provided in subsection ***(4)***[~~(3)~~] of this section, no retailer shall sell, give away, or deliver any malt beverages between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday[~~ or during the hours the polls are open on a primary or regular election day~~].
(3) ***(a) A retailer may sell malt beverages during the hours the polls are open on a primary, or regular, local option, or special election day unless the retailer is located where the legislative body of an urban-county government, consolidated local government, charter county government, unified local government, or a city of the first, second, third, or fourth class, or the fiscal court of a county containing an urban-county government or a city of the first, second, third, or fourth class, in which traffic in malt beverages is permitted by KRS Chapter 242 has adopted an ordinance that prohibits the sale of alcoholic beverages or limits the hours and times in which alcoholic beverages may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day.***
(b) This subsection shall only apply in a territory where prohibition is no longer in effect in whole or in part.
(c) Notwithstanding any other provisions of the Kentucky Revised Statutes to the contrary, the fiscal court of a county containing a city of the first, second, third, or fourth class shall not by ordinance or any other means:
1. Supersede, reverse, or modify any decision made pursuant to this

subsection by the legislative body of a city of the first, second, third, or fourth class within that county; or
2. Impose an action upon a city of the first, second, third, or fourth class within that county when that city has taken no formal action pursuant to this subsection.
(4) The legislative body of an urban-county government***, consolidated local government, charter county government, unified local government,*** or a city of the first, second, third, or fourth class or of a county containing an urban-county government***, consolidated local government, charter county government, unified local government,*** or a city of the first, second, third, or fourth class in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power to establish the times in which malt beverages may be sold within its jurisdictional boundaries, including Sunday ***and any primary, or regular, local option, or special election day*** **sales if the hours so fixed[~~:~~**
~~**(a)**~~ shall not prohibit the sale, gift, or delivery of any malt beverages between 6 a.m. and midnight during any day, except Sunday~~[; and~~
~~(b) Prohibit the sale of malt beverages on any primary or regular election day during the hours the polls are open~~].

Section 99. KRS 119.215 is amended to read as follows:
Any person who sells, loans, gives**,** or furnishes intoxicating liquor to any person in this state on the day of any regular or primary election, under circumstances not constituting a violation of KRS~~[242.100,]~~ 244.290 or 244.480, shall be fined not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each offense.

*** * * * ***

SENATE BILL 15 HOMICIDE SENTENCING

Section 11. KRS 439.3401 is amended to read as follows:
(1) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to the commission of:
(a) A capital offense;
(b) A Class A felony;
(c) A Class B felony involving the death of the victim or serious physical injury to a victim;
(d) ***An offense described in KRS 507.040 or 507.050 where the offense involves the killing of a peace officer or firefighter while the officer or firefighter was acting in the line of duty;***
(e) The commission or attempted commission of a felony sexual offense described in KRS Chapter 510;
(f)~~[(e)]~~ Use of a minor in a sexual performance as described in KRS 531.310;
(g)~~[(f)]~~ Promoting a sexual performance by a minor as described in KRS 531.320;
(h)~~[(g)]~~ Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a);
(i)~~[(h)]~~ Human trafficking under KRS 529.100 involving commercial sexual activity where the victim is a minor;

(j)[~~(i)~~] Criminal abuse in the first degree as described in KRS 508.100;
(k)[~~(j)~~] Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;
(l)[~~(k)~~] Burglary in the first degree accompanied by commission or attempted commission of kidnapping as prohibited by KRS 509.040; or
(m)[~~(l)~~] Robbery in the first degree.
The court shall designate in its judgment if the victim suffered death or serious physical injury.
(2) A violent offender who has been convicted of a capital offense and who has received a life sentence (and has not been sentenced to twenty-five (25) years without parole or imprisonment for life without benefit of probation or parole), or a Class A felony and receives a life sentence, or to death and his *or her* sentence is commuted to a life sentence shall not be released on probation or parole until he *or she* has served at least twenty (20) years in the penitentiary. Violent offenders may have a greater minimum parole eligibility date than other offenders who receive longer sentences, including a sentence of life imprisonment.
(3) ***(a)*** A violent offender who has been convicted of a capital offense or Class A felony with a sentence of a term of years or Class B felony[~~ who is a violent offender~~] shall not be released on probation or parole until he has served at least eighty-five percent (85%) of the sentence imposed***.***
(b) A violent offender who has been convicted of a violation of KRS 507.040 where the victim of the offense was clearly identifiable as a peace officer or a firefighter and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.
(c) A violent offender who has been convicted of a violation of KRS 507.040 or 507.050 where the victim of the offense was a peace officer or a firefighter and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed.

* * * * *

Section 2. This Act shall be known as the Bryan Durman Act.

SENATE BILL 32 DONATIONS

SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:
KRS 150.4112 Administrative regulations to allow resident nonprofit 502(c)(3) institution to sell donated mounted wildlife specimen.
(1) As used in this section, "mounted wildlife specimen" means:
(a) A legally taken animal, including the skin of the head, cape, or the entire skin, mounted in a lifelike representation of the animal or any part thereof; or
(b) A European mount in which the horns or antlers and the skull or a portion of the skull are mounted for display.
(2) Notwithstanding KRS 150.180 and no later than January 1, 2014, the department shall promulgate administrative regulations to allow a resident

nonprofit charitable, religious, or educational institution which has qualified for exemption from income taxation under Section 501(c)(3) of the Internal Revenue Code to sell mounted wildlife specimens, except as prohibited by federal law, that have been donated to that institution.

(3) The administrative regulations promulgated under this section shall establish a means by which each transaction for the sale of donated mounted wildlife specimens for white-tailed deer, elk, bears, turkeys, and bobcats allowed under subsection (2) of this section shall be recorded by the department. The department shall make the recording of each transaction as reasonably convenient for all parties to the transaction as possible, which may include but not be limited to allowing telephone and Internet recording of sales.

(4) Licensed taxidermists subject to the reporting requirements under KRS 150.4111 shall be exempt from the requirements of subsection (3) of this section.

Section 2. KRS 367.668 is amended to read as follows:

(1) Prior to orally requesting a contribution or when requesting a contribution in writing, a professional solicitor shall clearly disclose:

(a) ***The professional solicitor's***[~~His~~] name***,*** as set out in the registration statement filed with the Attorney General pursuant to KRS 367.652***, phone number or e-mail address,*** and the fact that ***the professional solicitor***[~~he~~] is being paid for ***providing***[~~his~~] services***;***[~~.~~]

(b) The name of the charitable organization ***the professional solicitor***[~~he~~] represents and a description of how the contributions raised by the solicitation will be used for a charitable or civic purpose***; and***[~~.~~]

(c) If the professional solicitor places or maintains a receptacle in public view for the purpose of collecting contributions in the form of clothing, household items, and other items, the receptacle shall contain a sign or label that:

1. Includes the information contained in paragraphs (a) and (b) of this subsection;

2. Includes a statement that reads as follows: "Items donated here support, in part, a for-profit professional solicitor.";

3. Is in lettering not less than three (3) inches in height and one-half (1/2) inch in width; and

4. Is placed immediately below the opening in the receptacle used to deposit donations.

(2) Any individual who acts on behalf of the professional solicitor and identifies himself by name shall give his legal name.

(3) Any responses given by or on behalf of a professional solicitor to an oral or written request for information shall be truthful.

(4) The written confirmation, receipt, or reminder sent to a contributor or one who has pledged to contribute, following an oral solicitation, shall clearly include the information required by subsections (1) and (2) of this section.

(5) If the person being solicited requests information regarding the amount or percentage of funds going to the charitable organization or for a charitable or civic purpose, the professional solicitor shall inform the person solicited of the percentage of the gross revenue or the reasonable estimate of the gross revenue that the charitable

organization will receive from the solicitation campaign. The Attorney General shall promulgate administrative regulations necessary to effectuate this disclosure.

Section 3. The following KRS section is repealed:
367.178 Collection of donated clothing, household items, or other items for resale.

SENATE BILL 50 INDUSTRIAL HEMP

Entered into law without the Governor's signature

Section 1. KRS 260.850 is amended to read as follows:
As used in KRS 260.850 to 260.869[~~, unless the context requires otherwise~~]:
(1) ***"Agribusiness" has the same meaning as in Section 16 of this Act;***
(2) "Certified seed" means industrial hemp seed, including but not limited to Kentucky heritage hemp seed, that has been certified as having no more tetrahydrocannabinol concentration than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.;
(3) "Commission" means the Industrial Hemp Commission created by KRS 260.857;
(4)[~~(2)~~]***"Grower" means any person licensed to grow industrial hemp by the commission pursuant to Section 11 of this Act***[~~"Commissioner" means the Commissioner of the Department of Agriculture, or the Commissioner's designee~~]**;**
(5)[~~(3) "Department" means the Kentucky Department of Agriculture;~~
~~(4)~~]"Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and certified seed for cultivation if the seeds originate from industrial hemp varieties;
(6) (a)[~~(5)~~] "Industrial hemp" means ***all parts and varieties of the plant cannabis sativa, cultivated or possessed by a licensed grower, whether growing or not, that contain a tetrahydrocannabinol concentration of no more than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.***
(b) "Industrial hemp" as defined and applied in Sections 1 to 14 of this Act is excluded from the definition of marijuana in KRS 218A.010[~~all parts and varieties of the plant cannabis sativa, cultivated or possessed by a licensed grower, whether growing or not, that contain a tetrahydrocannabinol concentration of one percent (1%) or less by weight, except that the THC concentration limit of one percent (1%) may be exceeded for licensed industrial hemp seed research. Industrial hemp, as defined and applied for the purposes of KRS 260.850 to 260.869, shall be excluded from the definition of marijuana, as defined in KRS 218A.010~~];
(7) "Kentucky heritage hemp seed" means industrial hemp seed that possesses characteristics of the unique and specialized industrial hemp seed variety that originated in the Commonwealth and has been recognized historically as a signature export of this state;
(8)[~~(6)~~] "Seed research" means research conducted to develop or recreate better strains of industrial hemp, particularly for the purposes of seed production. In conducting this research, higher THC concentration varieties of industrial hemp may be grown to provide breeding strains to revitalize the production of a Kentucky strain of

industrial hemp. However, in no case shall the THC levels exceed ***three-tenths of one percent (0.3%)***[~~three percent (3%)~~]; and

SECTION 2. A NEW SECTION OF KRS 260.850 TO 260.869 IS CREATED TO READ AS FOLLOWS:

KRS 260.8505 Purpose of KRS 260.850 to 260.869 declared to be the support of industrial hemp production, development, and commercialization – Accomplish of purpose achieved through auspices of Industrial Hemp Commission, research, and pursuit of federal permits or waivers – General Assembly finds that development of industrial hemp is proper governmental purpose and important to Commonwealth's well-being.

(1) The purpose of Sections 1 to 14 of this Act is to assist the Commonwealth in moving to the forefront of industrial hemp production, development, and commercialization of hemp products in agribusiness, alternative fuel production, and other business sectors, both nationally and globally and to the greatest extent possible. These purposes shall be accomplished, in part, through:

(a) The auspices of the Industrial Hemp Commission created by Section 5 of this Act;

(b) The industrial hemp research program overseen by the commission, working in conjunction with the staff of the University of Kentucky Agricultural Experiment Station, along with the University of Louisville, the various comprehensive universities as defined in KRS 164.001, and other research partners. This research program shall include the planting, cultivation, and analysis of industrial hemp demonstration plots by selected growers that are licensed by the commission pursuant to Section 11 of this Act; and

(c) The pursuit of any federal permits or waivers necessary to allow industrial hemp to be grown in the Commonwealth.

(2) The General Assembly hereby finds and declares that the authority granted in Sections 1 to 14 of this Act and the purposes accomplished hereby are proper governmental and public purposes, and that the development of industrial hemp production and commercial markets for hemp products within the Commonwealth is important to its economic well-being.

Section 3. KRS 260.851 is amended to read as follows:

KRS 260.851 Administrative regulations to license research on industrial hemp and hemp products and establish testing criteria and protocols. (Modified catchline).

The ***commission***[~~department~~] shall promulgate administrative regulations, in accordance with[~~ the provisions of~~] KRS Chapter 13A, ***as necessary to administer the industrial hemp research program, and*** to license ***persons to grow industrial hemp, pursuant to Sections 1 to 14 of this Act***[~~research on industrial hemp and hemp products~~]. ***The commission shall include as part of its administrative regulations, at a minimum, the establishment of industrial hemp testing criteria and protocols.***

Section 4. KRS 260.853 is amended to read as follows:

(1) The ***commission***[~~Department of Agriculture~~] shall promote the research and development of ***industrial hemp, and commercial*** markets for Kentucky industrial hemp and hemp products***,***[~~ after the selection and establishment of the industrial hemp research program and the Industrial Hemp Commission, and~~] ***as provided in this section, to the extent*** [~~provided~~] that adequate funds are available ***and are approved by the commission*** for these purposes from the industrial hemp program fund. The ***commission***[~~department~~] shall work cooperatively with selected Kentucky university or universities' agricultural research programs utilizing the expertise of the university or universities in the area of agricultural research.

(2) [~~The Council on Postsecondary Education shall select a university or universities where the industrial hemp research program is to be established, after proposals are considered from all interested universities with agriculture departments in Kentucky.~~

~~**(3)**~~] ***In addition to its other pursuits,*** the ***commission***[~~selected institutions' industrial hemp research program~~] shall undertake research of industrial hemp production ***through the establishment and oversight of a five (5) year industrial hemp research program, to be directly managed by the University of Kentucky Agricultural Experiment Station, to the extent that adequate funds are available for the program from the industrial hemp program fund. This research program shall consist primarily of demonstration plots planted and cultivated*** **in** ***this***[~~**the**~~] **state** ***by selected growers, which shall be required to be licensed by the commission pursuant to Section 11 of this Act prior to planting any industrial hemp*****.**

(3) The ***commission***[~~department~~] shall ***pursue any***[~~assist the industrial hemp research program in obtaining the necessary federal~~] permits ***or waivers*** from the United States Drug Enforcement Agency or appropriate federal agency ***that are necessary for the advancement of the industrial hemp research program***.

(4) As part of[~~In undertaking~~] the industrial hemp research program[~~,~~] the ***commission shall, through the University of Kentucky Agricultural Experiment Station and in collaboration with the University of Louisville, the various comprehensive universities as defined in KRS 164.001, to the greatest extent possible according to the particular area of research expertise of each university, and other research partners***[~~ university or universities are authorized to~~]:

(a) ***Oversee and analyze the growth of***[~~grow~~] industrial hemp ***by selected and licensed growers, for***[~~to conduct~~] agronomy research and analysis of required soils, growing conditions, and harvest methods relating to the production of ***various varieties of*** industrial hemp ***that may be suitable*** for ***various*** commercial ***hemp*** products[~~, including but not limited to hemp seed, paper, clothing, and oils~~];

(b) Conduct seed research on various types of industrial hemp that are best suited to be grown in Kentucky, including but not limited to seed availability, creation of Kentucky hybrid types, in-the-ground variety trials and seed production***, and establish a program to recognize certain industrial hemp seed as being Kentucky heritage hemp seed***;

(c) Study the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in the Commonwealth;

(d) Report on the estimated value-added benefits, including environmental benefits, that Kentucky businesses would reap by having an industrial hemp market of Kentucky-

grown industrial hemp varieties in the Commonwealth;
(e) Study the agronomy research being conducted worldwide relating to industrial hemp varieties, production, and utilization;
(f) Research and promote Kentucky industrial hemp and hemp seed on the world market that can be grown on farms in the Commonwealth; and
(g) Study the feasibility of attracting ***federal and*** private funding for the Kentucky industrial hemp research program.
(5) In addition to the research and analysis outlined in subsection (4) of this section, the commission shall:
(a) Coordinate with the University of Kentucky Center for Applied Energy Research to study the use of industrial hemp in new energy technologies. This research shall include but not be limited to:
1. Evaluation of the use of industrial hemp to generate electricity, and to produce biofuels and other forms of energy resources;
2. Growth of industrial hemp on reclaimed mine sites;
3. Use of hemp seed oil in the production of fuels; and
4. An assessment of the production costs, environmental issues, and costs and benefits involved with the use of industrial hemp for energy; and
(b) Coordinate with the Cabinet for Economic Development to promote awareness of the financial incentives that may be available to agribusiness and manufacturing companies that manufacture industrial hemp into hemp products, as provided through the Kentucky Business Investment program pursuant to Subchapter 32 of KRS Chapter 154, in order to diversify the agricultural economy of the Commonwealth, attract new businesses to the state, create new job opportunities for Kentucky residents, and create a commercial market for industrial hemp.
(6)[(4)] The ***research activities outlined***[authorization granted] in ***subsections***[subsection] ***(4) and (5)***[(3)] of this section shall not***:***
(a) Subject the industrial hemp research program[or the selected university or universities where it is located] to any criminal liability under the controlled substances laws of the Commonwealth. This exemption from criminal liability is a limited exemption that shall be strictly construed and that shall not apply to any activities of the industrial hemp research program[or the selected university or universities] that are not expressly permitted in the authorization***; or***[.]
(b) [(5) The authorization granted in subsection (3) of this section shall not]Alter, amend, or repeal by implication any provision of the Kentucky Revised Statutes relating to controlled substances.
(7)[(6)] The ***commission***[selected university or universities of the industrial hemp research program] shall notify the ***Department of Kentucky State Police***[headquarters of the Department of Kentucky State Police, the local barracks of the Department of Kentucky State Police,] and all[other] local law enforcement agencies of the duration, size, and location of all industrial hemp ***demonstration*** plots.
(8)[(7)] The ***commission***[Commissioner and the university or universities] may cooperatively seek funds from both public and private sources to implement ***the industrial hemp research program***[this section]. The funds shall be deposited into the industrial hemp program fund.***(9)***[(8)] By ***December 31, 2013,***[October 1, 2001,] and

annually thereafter, the ***commission***[~~university or universities~~] shall report on the status and progress of the industrial hemp research program[~~ authorized by this section~~] to the ***Governor and to the Legislative Research Commission***[~~Commissioner, the Industrial Hemp Commission, and the Interim Joint Committee on Agriculture, and the Interim Joint Committee on Natural Resources and Environment~~].

Section 5. KRS 260.857 is amended to read as follows:

(1) The Kentucky Industrial Hemp Commission is created and is attached to the ***University of Kentucky Agricultural Experiment Station***[~~Department of Agriculture~~] for administrative purposes.

(2) The membership of the commission shall consist of at least ***the following***[~~seventeen (17)~~] members[~~ as follows~~]:

(a)[~~(1)~~] The Speaker of the House of Representatives or the Speaker's designee;

(b)[~~(2)~~] The President of the Senate or the President's designee;

(c)[~~(3)~~] The chair of the Senate Agriculture Committee;

(d)[~~(4)~~] The chair of the House Agriculture and Small Business Committee;

(e)[~~(5)~~] The Commissioner of the Department of Agriculture or the Commissioner's designee;

(f)[~~(6)~~] The commissioner of the Department of Kentucky State Police or the commissioner's designee;

(g)[~~(7)~~] The executive director of the Governor's Office of Agricultural Policy or the executive director's designee;

(h)[~~(8)~~] ***The dean of the University of Kentucky College of Agriculture or the dean's designee***[~~The chairs of the agriculture departments at the Kentucky university or universities where the industrial hemp research program is to be established~~];

(i)[~~(9)~~] ***One (1) member representing each of the following institutions choosing to participate in the commission:***

1. Eastern Kentucky University;

2. Kentucky State University;

3. Morehead State University;

4. Murray State University;

5. Northern Kentucky University;

6. University of Louisville; and

7. Western Kentucky University;

(j) The president of the Kentucky Hemp Growers Cooperative Association;

(k)[~~(10)~~] The president of the Kentucky Sheriffs' Association ***or the association president's designee***;

(l)[~~(11)~~] The president of the Kentucky Association of Chiefs of Police ***or the association president's designee***;[~~ and~~]

(m)[~~(12)~~] Six (6) members, three (3) appointed by the Speaker of the House and three (3) by the President of the Senate, representing the following interests:

1.[~~(a)~~] Kentucky farmers with an interest in growing industrial hemp;

2.[~~(b)~~] Retailers of industrial hemp products;

3.*[*~~(c)~~] Wholesalers of industrial hemp products; and
4.~~[(d)]~~ Manufacturers of industrial hemp products**; and**
***(n) Two (2) at-large members on a recommendation of the chair and approved by a majority of the members of the commission*.**
(3) (a) Except as provided in paragraph (b) of this subsection, members appointed pursuant to subsections (2)(m) and (2)(n) of this section shall serve a term of four (4) years, and may be reappointed.
(b) The term of office of each member appointed pursuant to subsections (2)(m) and (2)(n) of this section, whom is serving on the commission on the effective date of this Act, shall expire on December 31, 2013. Upon the expiration of a member's term of office pursuant to this paragraph, that position shall be filled by appointment as provided in this section.

Section 6. KRS 260.859 is amended to read as follows:
(1) A majority of the members of the commission shall constitute a quorum.
(2) The Commissioner of the Department of Agriculture shall serve as vice chair, and the commission~~[The members]~~ shall elect ***annually*** one (1) member ***from among the remaining members*** to serve as chair.

Section 7. KRS 260.861 is amended to read as follows:
(1) The commission shall meet quarterly and may meet more often upon the call of the chair or by a majority of the members.
(2) The commission shall be appointed and conduct the first meeting by July 1, 2001.
(3) Except as provided in KRS 18A.200, members of the commission shall receive actual traveling expenses while attending meetings of the commission.
(4) ***Research and development related***~~[Staff]~~ services for the commission shall be provided by the ***University of Kentucky Agricultural Experiment Station. Administrative support services shall be provided to the commission by the*** Department of Agriculture ***at the request of the commission, including but not limited to services relating to:***
(a) Testing of industrial hemp;
(b) The processing of documents relating to the program of licensure;
(c) Financial accounting and recordkeeping, and other budgetary functions; and
(d) Meeting coordination and staffing.
(5) Administrative expenses of the commission, including but not limited to expenses for the services outlined in subsection (4) of this section, shall be paid from the industrial hemp program fund established in Section 10 of this Act as approved by the commission.

Section 8. KRS 260.863 is amended to read as follows:
~~[(1)~~]***In addition to the report required in Section 4 of this Act,*** the commission shall~~[develop recommendations on industrial hemp legislation by December 15, 2001, and annually thereafter shall]~~ report~~[on the recommendations]~~ to the Governor~~[, the Interim Joint Committee on Agriculture, the Interim Joint Committee on Natural Resources and Environment,]~~ and to the Legislative Research Commission with respect to industrial hemp policies and practices that will result in the proper legal growing,

management, use, and marketing of the state's potential industrial hemp industry. These policies and practices shall, at a minimum, address the following:
(1 ~~[(a)]~~ Federal laws and regulatory constraints;
(2)~~[(b)]~~ The economic and financial feasibility of an industrial hemp market in Kentucky;
(3)~~[(c)]~~ Kentucky businesses that utilize industrial hemp;
(4)~~[(d)]~~ Examination of research on industrial hemp production and utilization;
(5)~~[(e)]~~ The potential for globally marketing Kentucky industrial hemp;
(6)~~[(f)]~~ Feasibility study of private funding for the Kentucky industrial hemp research program;
(7)~~[(g)]~~ Law enforcement concerns;
(8)~~[(h)]~~ Statutory and regulatory schemes for growing of industrial hemp by private producers; and
(9)~~[(i)]~~ Technical support and education about industrial hemp.
~~[(2) The commission shall also continue to monitor the research and development of industrial hemp in the United States and the Kentucky industrial hemp research program.]~~

Section 912. KRS 260.865 is amended to read as follows:
(1) Kentucky shall adopt the federal rules and regulations that are currently enacted regarding industrial hemp and any subsequent changes thereto.
(2) Nothing in Sections 1 to 14 of this Act shall be construed to authorize any person to violate any federal rules or regulations.
(3) If any part of Sections 1 to 14 of this Act conflicts with a provision of federal law relating to industrial hemp that has been adopted in Kentucky under this section, the federal provision shall control to the extent of the conflict.

Section 10. KRS 260.869 is amended to read as follows:
(1) There is established~~[and created]~~ in the State Treasury a ***trust and agency*** fund entitled the ***industrial hemp program fund,***~~["Industrial Hemp Program Fund"]~~ to ***be administered by the commission for the purpose of covering***~~[provide funds to offset]~~ the costs of the ***commission and the*** industrial hemp ***research*** program***, as approved by the***~~[and the Kentucky Industrial Hemp]~~ commission.
(2) The fund may receive state appropriations, gifts, grants, federal funds, and any other funds both public and private***, and shall receive all license application fees and license renewal fees collected by the commission***. Money deposited in the fund ***is hereby appropriated for purposes set out in this section***~~[shall be disbursed by the State Treasurer upon the warrant of the Commissioner of Agriculture or the Commissioner's representative]~~.
(3) Notwithstanding KRS 45.229, any unallocated or unencumbered balances in the fund shall be invested as provided in KRS 42.500(9), and any ***interest or other*** income earned from the investments***,*** along with the unallotted or unencumbered balances in the fund***,*** shall not lapse ***but shall be carried forward for purposes of the fund***~~[, and shall be deemed a trust and agency account and made available solely for the purposes and benefits of the industrial hemp program]~~.

SECTION 11. A NEW SECTION OF KRS 260.850 TO 260.869 IS CREATED TO READ AS FOLLOWS:

KRS 260.854 Conditions and procedures for issuing industrial hemp research program grower license and industrial hemp grower licenses – Content and processing of applications for licenses – Criminal background checks – Commissioner's discretion in approving licenses – License fees set by administrative regulations – Monitoring requirements.

(1) The commission shall establish a program of licensure to allow persons to grow industrial hemp in the Commonwealth, as provided in this section. The program shall include the following two (2) separate forms of license:

(a) An industrial hemp research program grower license, to allow a person to grow industrial hemp in this state in a controlled fashion solely and exclusively as part of the industrial hemp research program overseen by the commission. This form of licensure shall only be allowed subject to a grant of necessary permissions, waivers, or other form of valid legal status by the United States Drug Enforcement Agency or other appropriate federal agency pursuant to applicable federal laws relating to industrial hemp; and

(b) An industrial hemp grower license, to allow a person to grow industrial hemp in this state for any purpose. This form of licensure shall only be allowed subject to the authorization of legal industrial hemp growth and production in the United States under applicable federal laws relating to industrial hemp.

(2) Any person seeking to grow industrial hemp, whether as part of the industrial hemp research program or otherwise, shall apply to the commission for the appropriate license on a form provided by the commission. At a minimum, the application shall include:

(a) The name and mailing address of the applicant;

(b) The legal description and global positioning coordinates sufficient for locating the production fields to be used to grow industrial hemp. A license shall authorize industrial hemp propagation only on the land areas specified in the license;

(c) A signed statement indicating whether the applicant has ever been convicted of a felony or misdemeanor. A person with a prior felony drug conviction within ten (10) years of applying for a license under this section shall not be eligible for the license;

(d) Written consent allowing the Department of Kentucky State Police, if a license is ultimately issued to the applicant, to enter onto the premises on which the industrial hemp is grown to conduct physical inspections of industrial hemp planted and grown by the applicant, and to ensure compliance with the requirements of Sections 1 to 14 of this Act. No more than two (2) physical inspections shall be conducted under this paragraph per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction. All testing for THC levels shall be performed as provided in subsection (11) of this section;

(e) Any other information required by the commission; and

(f) The payment of a nonrefundable application fee, in an amount set by the commission and used to offset the cost of administering the licensure program.

(3) The commission shall require a state or national criminal history background check by the Department of Kentucky State Police on all persons applying for licensure. The Department of Kentucky State Police may charge a fee, as established by the commission, to be paid by the applicant for the actual cost of processing the background check. A copy of the results of the background check shall be sent to the commission.

(4) All license applications shall be processed as follows:

(a) Upon receipt of a license application, the commission shall forward a copy of the application to the Department of Kentucky State Police which shall initiate its review thereof;

(b) The Department of Kentucky State Police shall:

1. Perform the required state or national criminal history background check of the applicant;

2. Approve the application, if it is determined that the requirements relating to prior criminal convictions have been met; and

3. Return all applications to the commission together with its findings and a copy of the state or national criminal history background check; and

(c) The commission shall review all license applications returned from the Department of Kentucky State Police. If the commission determines that all requirements have been met and that a license should be granted to the applicant, taking into consideration any prior convictions of the applicant, the commission shall approve the application for issuance of a license.

(5) In the case of industrial hemp research program grower licenses, the provisions of subsection (4) of this section shall apply, except that the commission may approve licenses for only those selected growers whose demonstration plots will, in the discretion of the commission, advance the goals of the industrial hemp research program to the furthest extent possible based on location, soil type, growing conditions, various varieties of industrial hemp that may be suitable for various hemp products, and other relevant factors. The location, and the total number and acreage, of all demonstration plots to be grown by license holders shall be determined at the discretion of the commission.

(6) The number of acres to be planted under each license shall be established by the commission.

(7) Each license shall be valid for a period of one (1) year from the date of issuance, and may be renewed in successive years. Each annual renewal shall require the payment of a license renewal fee.

(8) The commission shall, by administrative regulation, establish the fee amounts required for license applications and license renewals allowed under this section. All application and license renewal fees collected by the commission shall be deposited in the industrial hemp program fund established in Section 10 of this Act.

(9) A copy of, or appropriate electronic record of, each license issued by the commission under this section shall be forwarded immediately to the sheriff of each county where the industrial hemp is licensed to be planted, grown, and harvested.

(10) All records, data, and information filed in support of a license application shall be considered proprietary and subject to inspection only upon the order of a court of competent jurisdiction.
(11) The commission shall be responsible for monitoring the industrial hemp grown by any license holder, and shall provide for random testing of the industrial hemp for compliance with THC levels and for other appropriate purposes at the cost of the license holder. The commission shall establish necessary testing criteria and protocols through promulgation of administrative regulations pursuant to Section 3 of this Act and in accordance with KRS Chapter 13A.

SECTION 12. A NEW SECTION OF KRS 260.850 TO 260.869 IS CREATED TO READ AS FOLLOWS:
KRS 260.855 Rights and duties of industrial hemp grower licensee – Operational procedures for licensed growers – Standards for transporting industrial hemp off premises of licensed grower – Seizure and disposal of hemp deemed contraband.
(1) A person shall obtain an industrial hemp grower license pursuant to Section 11 of this Act prior to planting or growing any industrial hemp in this state. An industrial hemp grower license holder who has planted and grown industrial hemp pursuant to a valid grower license may sell industrial hemp produced by the grower to any person engaged in agribusiness or other manufacturing for the purpose of processing or manufacturing that industrial hemp into hemp products.
(2) A person granted an industrial hemp grower license shall:
(a) Maintain records that reflect compliance with Sections 1 to 14 of this Act, and with all other state laws regulating the planting and cultivation of industrial hemp;
(b) Retain all industrial hemp production records for at least three (3) years;
(c) Allow industrial hemp crops, throughout sowing, growing, and harvesting, to be inspected by and at the discretion of the commission or its designees, and the Department of Kentucky State Police and other law enforcement officers;
(d) File with the commission documentation indicating that the industrial hemp seeds planted were of a type and variety certified to have no more THC concentration than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.;
(e) Notify the commission of the sale of any industrial hemp grown under the license and the names and addresses of the persons to whom the industrial hemp was sold; and
(f) Provide the commission with copies of any contracts between the licensee and any person to whom industrial hemp was sold.
(3) The commission shall assist the grower with his or her compliance with the requirements of this section.
(4) Any person licensed to grow industrial hemp under Sections 1 to 14 of this Act may import and resell industrial hemp seed that has been certified as having no more THC concentration than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.

(5) (a) Only industrial hemp grower licensees or their designees or agents shall be permitted to transport industrial hemp off the premises of the licensee.
(b) When transporting industrial hemp off the premises of an industrial hemp grower licensee, the licensee or their designee or agent shall carry with them the licensing documents from the commission, evidencing that the industrial hemp was grown by a licensee and is from certified seed.
(c) Any industrial hemp that is found in this state at any location off the premises of an industrial hemp grower licensee is deemed to be contraband and subject to seizure by the commission, the Department of Kentucky State Police, or any law enforcement officer, if the person in possession of the industrial hemp does not have in his or her possession either:
1. The proper licensing documents, as required by paragraph (b) of this subsection; or
2. A bill of lading, or other proper documentation, demonstrating that the industrial hemp was legally imported or is otherwise legally present in this state under applicable state and federal laws relating to industrial hemp.
(d) Any industrial hemp seized pursuant to paragraph (c) of this subsection shall be disposed of in accordance with KRS 500.090.

SECTION 13. A NEW SECTION OF KRS 260.850 TO 260.869 IS CREATED TO READ AS FOLLOWS:
KRS 260.856 Forfeiture of right to grow hemp following revocation of industrial hemp grower license – Failure to comply with administrative regulations – Plea to or conviction of felony – Administrative hearings and appeals.
(1) An industrial hemp grower licensee who does not comply with the requirements of Sections 1 to 14 of this Act, or the administrative regulations promulgated thereunder, shall have his or her license revoked and shall forfeit the right to grow industrial hemp in this state for a period of up to five (5) years as provided in this section.
(2) A license revocation or forfeiture shall occur pursuant to this section only after the licensee has had an opportunity, upon due notice, for an informal hearing before the chair of the commission, to show cause why the license should not be revoked and the licensee's right to grow forfeited.
(3) The chair of the commission may revoke any license of a person who has pled guilty to, or been convicted of, a felony.
(4) If a license is revoked and a licensee's right to grow is forfeited as the result of an informal hearing, the decision may be appealed, and upon appeal an administrative hearing shall be conducted before the commission in accordance with KRS Chapter 13B.
(5) The licensee may appeal the final order of the commission by filing a petition in the Fayette Circuit Court, or the Circuit Court in which the licensee resides, in accordance with KRS Chapter 13B.

SECTION 13. A NEW SECTION OF KRS 260.850 TO 260.869 IS CREATED TO READ AS FOLLOWS:
KRS 260.868 Eligibility of industrial hemp growers to receive tobacco settlement funds under Master Settlement Agreement.
Industrial hemp growers licensed under Sections 1 to 14 of this Act may be eligible to receive funds received by the state under the Master Settlement Agreement and placed in the rural development fund established in KRS 248.655.

Section 15. KRS 218A.010 is amended to read as follows:
As used in this chapter:

*** * * * ***

(21) "Marijuana" means all parts of the plant Cannabis sp., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin or any compound, mixture, or preparation which contains any quantity of these substances***. The term "marijuana" does not include industrial hemp as defined in Section 1 of this Act***;(

Section 16. KRS 154.32-010 is amended to read as follows:
As used in this subchapter:

* * * * *

(4) "Agribusiness" means the processing of raw agricultural products, including ***but not limited to*** timber ***and industrial hemp***, or the performance of value-added functions with regard to raw agricultural products;

Section 17. The Cabinet for Economic Development shall work in conjunction with the Industrial Hemp Commission to promote the development of industrial hemp production in the Commonwealth, and the commercialization of hemp products in agribusiness, alternative fuel production, and other business sectors, to the greatest extent possible. The Cabinet shall promote the availability of financial incentives offered by state government for the processing and manufacture of industrial hemp into hemp products in the Commonwealth, including but not limited to incentives offered through the Kentucky Business Investment program, to any interested parties both within and without this state.

SENATE BILL 52 ELECTRONIC DEATH CERTIFICATES

Section 1. KRS 213.076 is amended to read as follows:
KRS 213.076 Certificate of death or provisional certificate of death required to be filed – *Method of filing* – Notice of military burial rights – Medical certification of cause of death – *Contents of certificate – Supplemental report – Verification of death statements – Interment or other disposition of body prohibited unless*

accompanied by copy of certificate.
(1) (a) A certificate of death or a provisional certificate of death for each death which occurs in the Commonwealth shall be filed with the cabinet or as otherwise directed by the state registrar prior to final disposition, and it shall be registered if it has been completed and filed in accordance with this section. The funeral director, or person acting as such, who first takes custody of a dead body shall be responsible for filing the certificate of death. The funeral director, or person acting as such, shall obtain the required personal and statistical particulars from the person best qualified to supply them over the signature and address of the informant. ***Effective January 1, 2015, all certificates of death shall be filed with the cabinet using the Kentucky Electronic Death Registration System in a manner directed by the state registrar.***

* * * * *

SENATE BILL 56 SCHOOLS

Section 1. KRS 160.705 is amended to read as follows:
KRS 160.705 Confidentiality of students' education records – *Procedures for* protection and preservation of education records *and recordings of school activities*.
(1) Education records of students in the public educational institutions in this state are deemed confidential and shall not be disclosed, or the contents released, except under the circumstances described in KRS 160.720.
(2) School officials shall take precautions to protect and preserve all education records including records generated and stored in the education technology system. ***School officials shall:***
(a) Retain for a minimum period of one (1) week a master copy of any digital, video, or audio recordings of school activities without editing, altering, or destroying any portion of the recordings, although secondary copies of the master copy may be edited; and
(b) Retain for a minimum of one (1) month in an appropriate format, a master copy of any digital, video, or audio recordings of activities that include, or allegedly include, injury to students or school employees without editing, altering, or destroying any portion of the recordings.
(3) Recordings of school activities shall be subject to privacy and confidentiality requirements as provided in this chapter.

SENATE BILL 66 PEACE OFFICER HIRING

Section 1. KRS 95.440 is amended to read as follows:
(1) The legislative body in cities of the second and third classes and urban-county governments shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.
(2) Each member of the police or fire department in cities of the second and third classes and urban-county governments shall be able to read, write and understand the

English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen.~~[In a city of the second class or urban-county government no person shall be appointed a member of either of such departments if he is over fifty (50) years of age.]~~

(3) Members of the police and fire departments in cities of the second and third classes or urban-county governments qualified under this section shall hold their positions during good behavior, except that the legislative body may decrease the number of policemen or firefighters as it may deem proper.

(4) If the legislative body of a city of the second or third class or urban-county government decreases the number of policemen or firefighters, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.

(5) The legislative body in an urban-county government may by ordinance provide that any person who has successfully completed his probationary period and subsequently ceased working for the police or fire department for reasons other than dismissal may be restored to the position, rank and pay he formerly held or to an equivalent or lower position, rank or pay than that which he formerly held if he so requests in writing to the appointing authority. Such person shall be eligible for reinstatement for a period of one (1) year following his separation from the police or fire department and shall be reinstated only with the approval of the appointing authority.

SENATE BILL 67 OPERATOR'S LICENSE

Section 1. KRS 186.560 is amended to read as follows:

(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.~~[(a)]~~ Murder or manslaughter resulting from the operation of a motor vehicle;

2.~~[(b)]~~ 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.~~[(c)]~~ 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.~~[(d)]~~ Any felony in the commission of which a motor vehicle is used;

5.~~[(e)]~~ Conviction or forfeiture of bail upon three (3) charges of reckless driving within the preceding twelve (12) months;

6.~~[(f)]~~ 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.~~[(g)]~~ 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.~~[(h)]~~ 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.~~[(i)]~~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(5); and

10.[(i)] Conviction of operating a motor vehicle, motorcycle, or moped without an operator's license as required by KRS 186.410***; 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),[and] (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(5) 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.

* * * * *

(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.

SENATE BILL 78 CRIME VICTIM'S COMPENSATION / EXPUNGEMENT

Section 1. KRS 216B.400 is amended to read as follows:

(1) Where a person has been determined to be in need of emergency care by any person with admitting authority, no such person shall be denied admission by reason only of his or her inability to pay for services to be rendered by the hospital.

(2) Every hospital of this state which offers emergency services shall provide that a physician, a sexual assault nurse examiner, who shall be a registered nurse licensed in the Commonwealth and credentialed by the Kentucky Board of Nursing as provided under KRS 314.142, or another qualified medical professional, as defined by administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, is available on call twenty-four (24) hours each day for the examinations of persons seeking treatment as victims of sexual offenses as defined by KRS 510.010 to 510.140, 530.020, 530.064(1)(a), and 531.310.

(3) An examination provided in accordance with this section of a victim of a sexual offense may be performed in a sexual assault examination facility as defined in KRS 216B.015. An examination under this section shall apply only to an examination of a victim.

(4) The physician, sexual assault nurse examiner, or other qualified medical professional, acting under a statewide medical forensic protocol which shall be developed by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, and promulgated by the secretary of justice and public safety pursuant to KRS Chapter 13A shall, upon the request of any peace officer or prosecuting attorney, and with the consent of the victim, or upon the request of the victim, examine such person for the purposes of providing basic medical care relating to the incident and gathering samples that may be used as physical evidence. This examination shall include but not be limited to:

(a) Basic treatment and sample gathering services; and

(b) Laboratory tests, as appropriate.

(5) Each victim shall be informed of available services for treatment of sexually transmitted infections, pregnancy, and other medical and psychiatric problems. Pregnancy counseling shall not include abortion counseling or referral information.

(6) Each victim shall be informed of available crisis intervention or other mental health services provided by regional rape crisis centers providing services to victims of sexual assault.

(7) Notwithstanding any other provision of law, a minor may consent to examination under this section. This consent is not subject to disaffirmance because of minority, and consent of the parents or guardians of the minor is not required for the examination.

(8) (a) The examinations provided in accordance with this section shall be paid for by the Crime Victims' Compensation Board at a rate to be determined by the administrative regulation promulgated by the board after consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.

(b) Upon receipt of a completed claim form supplied by the board and ***an*** itemized billing for a forensic sexual assault examination or related services ***that are*** within the scope of practice of the respective provider ***and were performed no more than twelve (12) months prior to submission of the form***, the board shall reimburse the hospital or sexual assault examination facility, pharmacist, health department, physician, sexual assault nurse examiner, or other qualified medical professional as provided in administrative regulations promulgated by the board pursuant to KRS Chapter 13A. Reimbursement shall be made to an out-of-state nurse who is credentialed in the other state to provide sexual assault examinations, an out-of-state hospital, or an out-of-state physician if the sexual assault occurred in Kentucky.
(c) Independent investigation by the Crime Victims' Compensation Board shall not be required for payment of claims under this section; however, the board may require additional documentation or proof that the forensic medical examination was performed.
(9) No charge shall be made to the victim for sexual assault examinations by the hospital, the sexual assault examination facility, the physician, the pharmacist, the health department, the sexual assault nurse examiner, other qualified medical professional, the victim's insurance carrier, or the Commonwealth.
(10) (a) Each victim shall have the right to determine whether a report or other notification shall be made to law enforcement, except where reporting of abuse and neglect of a child, spouse, and other vulnerable adult is required, as set forth in KRS 209.030, 209A.030, and 620.030. No victim shall be denied an examination because the victim chooses not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.
(b) 1. All samples collected during an exam where the victim has chosen not to immediately report to law enforcement shall be stored, released, and destroyed, if appropriate, in accordance with an administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.
2. Facilities collecting samples pursuant to this section may provide the required secure storage, sample destruction, and related activities, or may enter into agreements with other agencies qualified to do so, pursuant to administrative regulation.
3. All samples collected pursuant to this section shall be stored for at least ninety (90) days from the date of collection in accordance with the administrative regulation promulgated pursuant to this subsection.
4. Notwithstanding KRS 524.140, samples collected during exams where the victim chose not to report immediately or file a report within ninety (90) days after collection may be destroyed as set forth in accordance with the administrative regulation promulgated pursuant to this subsection. No hospital, sexual assault examination facility, or designated storage facility shall be liable for destruction of samples after the required storage period has expired.

Section 2. KRS 346.040 is amended to read as follows:
The board shall have the following powers and duties:
(1) To establish and maintain necessary offices within this state, appoint employees and agents as necessary, and prescribe their duties and compensation;~~[.]~~
(2) To promulgate, amend, and repeal suitable administrative regulations to carry out

the provisions and purposes of this chapter, including administrative regulations for the approval of attorney's fees for representation before the board or upon judicial review as provided for in KRS 346.110;[.]
(3) To hear and determine all matters relating to claims for compensation, and the power to reinvestigate or reopen claims without regard to statutes of limitations;[.]
(4) To request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to determine whether, and the extent to which, a claimant qualifies for compensation. The statute providing confidentiality for juvenile session of District Court records does not apply to proceedings under this chapter;[.]
(5) To hold hearings in accordance with the provisions of KRS Chapter 13B. The powers provided in this subsection may be delegated by the board to any member or employee thereof. If necessary to carry out any of its powers and duties, the board may petition any Circuit Court for an order;[.]
(6) To take or cause to be taken affidavits or depositions within or without the state;[.]
(7) ***Upon the filing of an application by a claimant, to negotiate binding fee settlements with the providers of services to claimants that may be eligible for an award under subsection (3) of Section 4 of this Act;***
(8) To make available for public inspection all board decisions and opinions, administrative regulations, written statements of policy, and interpretations formulated, promulgated, or used by it in discharging its functions;[.]
(9)[(8)] To publicize widely the availability of reparations and information regarding the claims therefor***; and***[.]
(10)[(9)] To make an annual report, by January 1 of each year, of its activities for the preceding fiscal year to the Office of the State Budget Director and to the Interim Joint Committee on Appropriations and Revenue. Each such report shall set forth a complete operating and financial statement covering its operations during the year.

SECTION 3. A NEW SECTION OF KRS CHAPTER 346 IS CREATED TO READ AS FOLLOWS:
KRS 346.135 Collection actions against crime victim for debt related to expense covered under KRS 346.130(3) to cease pending resolution of claim submitted to board.
(1) Upon the filing of an application for a claim with the board, all debt collection actions by a creditor or the creditor's agent, against the claimant for a debt or expense covered under subsection (3) of Section 4 of this Act and related to the substance of the claim shall cease pending a resolution of the claim by the board, if the claimant:
(a) Provides written notice to the creditor or creditor's agent that a claim has been submitted to the board; and
(b) Authorizes the creditor or creditor's agent to confirm with the board the claimant's application with the board and that the debt or expense upon which the collection action is based may be covered under subsection (3) of Section 4 of this Act.
(2) The board shall, upon the written request of a creditor or creditor's agent, notify the creditor or creditor's agent when a claim has been resolved.

Section 4. KRS 346.130 is amended to read as follows:

(1) No award shall be made unless the board or board 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 board, for good cause shown, finds the delay to have been justified.

(2) ***Except for claims related to sexual assault and domestic violence,*** the board 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 this chapter 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 board stating what treatment is planned and for what period of time. The board 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,***~~[broken]~~ 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.***~~[shall,]~~ Unless reduced pursuant to other provisions of this chapter***, the award shall be equal to net earnings at the time of the criminally injurious conduct***~~[be in an amount equal to the actual loss sustained; provided,]~~ however,~~[that]~~ 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***~~[claimant or victim]~~ 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 board after information is provided by the claimant or victim. Should the claimant or victim fail to supply the board 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 board among the claimants.

(5) The board 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 this chapter 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 this chapter***.

Section 5. KRS 346.140 is amended to read as follows:

(1) Any award made pursuant to this chapter shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from the following sources:

(a) From or on behalf of the person who committed the crime;

(b) Under insurance programs mandated by law;

(c) From public funds;

(d) Under any contract of insurance wherein the claimant is the insured or beneficiary;[~~ and~~]

(e) As an emergency award pursuant to KRS 346.120***; and***

(f) From donations made on behalf of the victim or claimant toward expenses incurred as a result of the crime.

(2) In determining the amount of an award, the board or board member[~~, as the case may be~~] shall determine whether, because of his ***or her*** conduct, ***the claimant or*** the victim of such crime contributed to the infliction of ***the victim's***[~~his~~] injury, and [~~the board or board member ~~]shall reduce the amount of the award or reject the claim altogether, in accordance with such determination;[~~ provided,~~] however,[~~ that~~] the board or board member[~~, as the case may be,~~] may disregard for this purpose the responsibility of the ***claimant or the*** victim for ***the victim's***[~~his own~~] injury where the record shows that such responsibility was attributable to efforts by the ***claimant or*** victim to prevent a crime or an attempted crime from occurrence in his ***or her*** presence or to apprehend a person who had committed a crime in his ***or her*** presence or had in fact committed a felony. The board or board members may request that either the county attorney or Commonwealth's attorney or both state whether in their opinion, the victim suffered injuries as the result of a crime and has cooperated with the prosecution and law enforcement authorities. The board or board member shall not be bound by such opinions and recommendations and if needed may order a further investigation of the claim.

(3) The board or board member may consider whether the ***victim's***[~~claimant's~~] injuries were the ordinary and foreseeable result of unlawful and criminal activities in determining the claimant's eligibility for an award. If the board or board member[~~, as the case may be,~~] finds that the claimant will not suffer serious financial ***hardship***[~~hardships, as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury,~~] if not granted financial assistance pursuant to this chapter[~~ to meet such loss of earnings, support or out-of-pocket expenses~~], the board or board member shall deny an award. In determining such serious financial hardship, the board or board member shall consider all of the financial resources of the claimant. The board shall establish specific standards by rule for determining such serious financial hardships.

Section 6. KRS 532.162 is amended to read as follows:

(1) If the criminal garnishment is made upon the convicted person's earnings, the order of garnishment shall be a lien upon the earnings from the date of service on the garnishee until an order discontinuing the lien is entered. A convicted person may challenge the garnishment by filing a challenge to the garnishment with the sentencing

court. The challenge shall be heard within ten (10) days of its filing or the nearest court date thereafter. Before the hearing, garnishment shall continue. Any moneys which the court determines were improperly garnished shall be repaid to the garnishee not later than thirty (30) days after the determination.

(2) The circuit clerk's office shall disburse all collected reimbursement, restitution, and fees to the victim***, the Crime Victims Compensation Board,*** or the local government, whichever is appropriate. The clerk shall be entitled to collect a fee of two dollars and fifty cents ($2.50) from each account for which a disbursement is made at the time of disbursement. In the event of challenge to a garnishment, the appropriate clerk's office shall not disburse those sums associated with the challenged garnishment until determination by the sentencing court regarding the propriety of the garnishment.

* * * * *

SECTION 15. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO READ AS FOLLOWS:

KRS 431.079 Petition seeking expungement to include certification of eligibility for expungment from Department of Kentucky State Police and Administrative Office of the Courts – Administrative regulations.

(1) Beginning January 1, 2014, every petition filed seeking expungement shall include a certification of eligibility for expungement. The Department of Kentucky State Police and the Administrative Office of the Courts shall certify that the agencies have conducted a criminal background check on the petitioner and whether or not the petitioner is eligible to have the requested record expunged. The Department of Kentucky State Police shall promulgate administrative regulations to implement this section, in consultation with the Administrative Office of the Courts.

(2) For the purposes of this section and Sections 2 and 3 of this Act, "expungement" means the removal or deletion of records by the court and other agencies which prevents the matter from appearing on official state performed background checks.

Section 16. KRS 431.076 is amended to read as follows:

(1) A person who has been charged with a criminal offense and who has been found not guilty of the offense, or against whom charges have been dismissed with prejudice, and not in exchange for a guilty plea to another offense, may make a motion, in the District or Circuit Court in which the charges were filed, to expunge all records[~~ including, but not limited to, arrest records, fingerprints, photographs, index references, or other data, whether in documentary or electronic form, relating to the arrest, charge, or other matters arising out of the arrest or charge~~].

(2) The expungement motion shall be filed no sooner than sixty (60) days following the order of acquittal or dismissal by the court.

(3) Following the filing of the motion, the court may set a date for a hearing. If the court does so, it shall notify the county or Commonwealth's attorney, as appropriate, of an opportunity for a response to the expungement motion. In addition, if the criminal charge relates to the abuse or neglect of a child, the court shall also notify the Office of General Counsel of the Cabinet for Health and Family Services of an opportunity for a

response to the expungement motion. The counsel for the Cabinet for Health and Family Services shall respond to the expungement motion, within twenty (20) days of receipt of the notice, which period of time shall not be extended by the court, if the Cabinet for Health and Family Services has custody of records reflecting that the person charged with the criminal offense has been determined by the cabinet or by a court under KRS Chapter 620 to be a substantiated perpetrator of child abuse or neglect. If the cabinet fails to respond to the expungement motion or if the cabinet fails to prevail, the order of expungement shall extend to the cabinet's records. If the cabinet prevails, the order of expungement shall not extend to the cabinet's records.

(4) If the court finds that there are no current charges or proceedings pending relating to the matter for which the expungement is sought, the court may grant the motion and order the ***expunging***~~[sealing]~~ of all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records. The court shall order the ***expunging***~~[sealing]~~ on a form provided by the Administrative Office of the Courts. Every agency, with records relating to the arrest, charge, or other matters arising out of the arrest or charge, that is ordered to ***expunge***~~[seal]~~ records, shall certify to the court within sixty (60) days of the entry of the expungement order, that the required ***expunging***~~[sealing]~~ action has been completed. All orders enforcing the expungement procedure shall also be ***expunged***~~[sealed]~~.

(5) After the expungement, the proceedings in the matter shall be deemed never to have occurred. ***The court and other agencies shall delete or remove the records from their computer systems so that any official state performed background check will indicate that the records do not exist.*** The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application.

(6) ~~[Inspection of the expunged records may thereafter be permitted by the court only upon a motion by the person who is the subject of the records and only to those persons named in the motion.~~

~~(7)~~]This section shall be retroactive.

Section 17. KRS 431.078 is amended to read as follows:

KRS 431.078 Expungement of misdemeanor, violation, *and traffic infraction* records of convictions and dismissed or amended charges.

(1) Any person who has been convicted of a misdemeanor,~~[or]~~ a violation, ***or a traffic infraction not otherwise classified as a misdemeanor or violation,*** or a series of misdemeanors,~~[or]~~ violations***, or traffic infractions*** arising from a single incident, may petition the court in which he was convicted for expungement of his misdemeanor or violation record, including a record of any charges for misdemeanors or violations that were dismissed or amended in the criminal action. The person shall be informed of the right at the time of adjudication.

(2) Except as provided in KRS 218A.275(8) and 218A.276(8), the petition shall be filed no sooner than five (5) years after the completion of the person's sentence or five (5) years after the successful completion of the person's probation, whichever occurs later.

(3) Upon the filing of a petition, the court shall set a date for a hearing and shall notify the county attorney; the victim of the crime, if there was an identified victim; and any

other person whom the person filing the petition has reason to believe may have relevant information related to the expungement of the record. Inability to locate the victim shall not delay the proceedings in the case or preclude the holding of a hearing or the issuance of an order of expungement.

(4) The court shall order ***expunged***[~~sealed~~] all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records, if at the hearing the court finds that:

(a) The offense was not a sex offense or an offense committed against a child;

(b) The person had no previous felony conviction;

(c) The person had not been convicted of any other misdemeanor or violation offense in the five (5) years prior to the conviction sought to be expunged;

(d) The person had not since the time of the conviction sought to be expunged been convicted of a felony, a misdemeanor, or a violation;

(e) No proceeding concerning a felony, misdemeanor, or violation is pending or being instituted against him; and

(f) The offense was an offense against the Commonwealth of Kentucky.

(5) Upon the entry of an order to ***expunge***[~~seal~~] the records, and payment to the circuit clerk of one hundred dollars ($100), the proceedings in the case shall be deemed never to have occurred; ***the court and other agencies shall cause records to be deleted or removed from their computer systems so that the matter shall not appear on official state performed background checks***[~~all index references shall be deleted~~]; the persons and the court may properly reply that no record exists with respect to the persons upon any inquiry in the matter; and the person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application. The first fifty dollars ($50) of each fee collected pursuant to this subsection shall be deposited into the general fund, and the remainder shall be deposited into a trust and agency account for deputy clerks.

(6) Copies of the order shall be sent to each agency or official named therein.

(7) Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person who is the subject of the records and only to those persons named in the petition.

(8) This section shall be deemed to be retroactive, and any person who has been convicted of a misdemeanor prior to July 14, 1992, may petition the court in which he was convicted, or if he was convicted prior to the inception of the District Court to the District Court in the county where he now resides, for expungement of the record of one (1) misdemeanor offense or violation or a series of misdemeanor offenses or violations arising from a single incident, provided that the offense was not one specified in subsection (4) and that the offense was not the precursor offense of a felony offense for which he was subsequently convicted. This section shall apply only to offenses against the Commonwealth of Kentucky.

(9) As used in this section, "violation" has the same meaning as in KRS 500.080.

(10) Any person denied an expungement prior to the effective date of this Act due to the presence of a traffic infraction on his or her record may file a new petition for expungement of the previously petitioned offenses, which the court shall hear and decide under the terms of this section. No court costs or other fees, from the

court or any other agency, shall be required of a person filing a new petition under this subsection.

Section 18. The following KRS section is repealed:
346.190 Reciprocal agreements with other states -- Provisions -- Effect.

SENATE BILL 84 JAIL TRANSPORTATION

Section 1. KRS 71.065 is amended to read as follows:
KRS 71.065 Appointement of jail personnel and transportation officers in county without jail. **(Totally changed catchline)**
(1) If in any county there is no jail ***and the jailer does not serve as a transportation officer under KRS 441.510*****,** KRS 71.060 shall not be applicable and the jailer shall not be entitled to nor shall he appoint any jail personnel**.**
(2) If in any county there is no jail and the jailer serves as a transportation officer under KRS 441.510, the county judge/executive, with the approval of the fiscal court, may employ one (1) or more persons to act as additional transportation officers to assist the jailer in his or her duties. These additional transportation officers shall perform their duties under the supervision of the jailer, and the jailer shall be liable on his or her official bond for the conduct of these officers. Persons other than the jailer employed as transportation officers under this section or KRS 441.510 shall have all the authority and power of peace officers only while transporting prisoners and acting in capacities entailing the maintenance of custody of prisoners.

SENATE BILL 97 COMPULSORY ATTENDANCE

Section 1. KRS 159.010 is amended to read as follows:
KRS 159.010 Parent or custodian to send child to school – Age limits for compulsory attendance – ***Local board of education may adopt policy extending compulsory attendance requirements to age 18 – All local boards to extend age limit upon adoption of policy by 55 percent of school districts*** **– Notification and counseling prior to withdrawal – Encouragement to reenroll after withdrawal.**
(1) ***(a)*** Except as provided in KRS 159.030 ***and paragraph (b) and (c) of this subsection***, each parent, guardian, or other person residing in the state and having in custody or charge any child who has entered the primary school program or any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between six (6) and sixteen (16) when the child has reached his ***or her*** sixth birthday and has not passed his ***or her*** sixteenth birthday.
(b) 1. Effective with the 2015-2016 school year, a local board of education may, upon the recommendation of the superintendent, adopt a district-wide policy to require, except as provided in KRS 159.030, each parent, guardian, or other person residing in the district and having in custody or charge any child

who has entered the primary school program or any child between the ages six (6) and eighteen (18) to send the child to a regular public school for the full term of the district in which the child resides or to the public school that the district makes provisions for the child to attend.

2. All children residing in the district, except as provided in KRS 159.030, shall be subject to the local board's compulsory age policy.

3. A district shall impose the same compulsory age requirement for all students residing in the district, even if the district has entered a contract to permit some students to attend school in another public school district that has not adopted a policy under this paragraph.

4. A local board of education adopting a policy under this paragraph shall certify to the Kentucky Department of Education that the district has, or will have, programs in place to meet the needs of potential dropouts. Implementation of the policy shall be contingent on notice of approval by the department.

(c) When fifty-five percent (55%) of all local school districts have adopted a policy in accordance with paragraph (b) of this subsection, all local school districts shall be required to adopt the compulsory attendance requirements under paragraph (b) of this subsection. This requirement shall be effective with the school year that occurs four (4) years after the fifty-five percent (55%) threshold is met.

(2) An unmarried child between the ages of sixteen (16) and eighteen (18) ***who resides in a district that has not adopted a policy under subsection (1)(b) of this section*** who wishes to terminate his ***or her*** public or nonpublic education prior to graduating from high school shall do so only after a conference with the principal or his ***or her*** designee, and the principal shall request a conference with the parent, guardian, or other custodian. Written notification of withdrawal must be received from his parent, guardian, or other person residing in the state and having custody or charge of him. The~~[parent(s) and]~~ child ***and the parent, guardian, or other custodian*** shall be required to attend a one (1) hour counseling session with a school counselor on potential problems of nongraduates.

(3) A child's age is between sixteen (16) and eighteen (18) when the child has reached his sixteenth birthday and has not passed his eighteenth birthday. Written permission for withdrawal shall not be required after the child's eighteenth birthday. Every child ***who is a***~~[actually]~~ resident in this state is subject to the laws relating to compulsory attendance, ***including the compulsory attendance requirements of a school district under subsection (1)(b)) of this section.***~~[and]~~ Neither ***the child***~~[he]~~ nor the person in charge of ***the child***~~[him]~~ shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonable or that his ***or her*** parent is a resident of another state.

(4) Each school district shall contact each student between the ages of sixteen (16) and eighteen (18) who has voluntarily withdrawn from school ***under subsection (2) of this section*** within three (3) months of the date of withdrawal to encourage the student to reenroll in a regular program, alternative program, or GED preparation program. In the event the student does not reenroll at that time, the school district shall make at least one (1) more attempt to reenroll the student before the beginning of the school year following the school year in which the student terminated his or her enrollment.

Section 2. KRS 159.020 is amended to read as follows:
Any parent, guardian, or other person having in custody or charge any child who has entered the primary school program ***and is subject to compulsory attendance under Section 1 of this Act***[~~or any child between the ages of six (6) and sixteen (16)~~] who removes the child from a school district during the school term shall enroll the child in a regular public day school in the district to which the child is moved, and the child shall attend school in the district to which ***the child***[~~he~~] is moved for the full term provided by that district.

SENATE BILL 114 COMMERCIAL VEHICLES

Section 1. KRS 281A.010 is amended to read as follows:
KRS 281A.010 Definitions *for chapter.*

* * * * *

(20) "Hazardous materials" ***has the same meaning as in 49 C.F.R. sec. 383.***5[~~means the definition found in Section 103 of the Hazardous Materials Transportation Law, 49 U.S.C. sec. 5101 et seq~~].

Section 2. KRS 189.560 is amended to read as follows:
KRS 189.560 Railroad crossings -- *Duties of motor vehicle operators and commercial drivers -- Railroad's liability for death or injury*.
(1) The operator of a vehicle shall stop and remain standing at a railroad grade crossing when any of the following conditions exist:
(a) A visible electric or mechanical signal device warns of the immediate approach of a railroad train;
(b) A crossing gate is lowered warning of the immediate approach or passage of a railroad train;
(c) An approaching train is visible and in hazardous proximity; or
(d) A human flagman signals the approach or passage of a train.
(2) ***In addition to subsection (1) of this section, a person who holds or is required to hold a CDL as defined in KRS 281A.010 and is driving a commercial motor vehicle shall:***
(a) Slow down and check that the railroad tracks are clear of an approaching train;
(b) Stop and remain standing at a railroad grade crossing if the railroad tracks are not clear;
(c) Maintain sufficient space to drive completely through the railroad grade crossing without stopping; and
(d) Negotiate a railroad grade crossing only with sufficient undercarriage clearance.
(3) Whenever the tracks of any railroad or interurban railway over which trains or cars are regularly operated cross a state maintained highway at grade, the cabinet may designate that crossing as "unsafe," and no operator of any vehicle shall cross the crossing without first bringing his vehicle to a full stop no closer than a marked stop line

or fifteen (15) feet, nor more than thirty (30) feet, from the nearest rail of the tracks.
(4)[~~**(3)**~~] At crossings designated "unsafe," the cabinet shall place and maintain on each side of the tracks on the right side of the highway, at the marked stopping position, or, if the stopping position is not marked, on the pavement not more than twenty-five (25) feet in advance of the track, an octagonal shape sign of a type and size currently approved for use by the cabinet bearing the word "Stop" in white letters not less than ten (10) inches in height.
(5)[~~(4)~~] The cabinet shall install the signs described in subsection (3), within sixty (60) days after the crossing is designated unsafe.
(6)[~~**(5)**~~] Subsections *(3)*[~~(2)~~] to *(5)*[~~(4)~~] shall not apply to grade crossings at which have been constructed and maintained gates, electric warning signals, or other automatic audible signals, or which are protected by watchmen.
(7)[~~**(6)**~~] The failure to observe subsections *(3)*[~~(2)~~] to *(6)*[~~(5)~~] shall not change the liability of any railroad or interurban railway in the trial of any civil case against the railroad or interurban railway for death or injuries, to person or property.
(8)[~~(7)~~] If subsection *(7)*[~~(6)~~] is declared unconstitutional, then subsections *(3)*[~~(2)~~] to *(8)*[~~(7)~~] shall be ineffective.

Section 3. KRS 281A.170 is amended to read as follows:
KRS 281A.170 Form of licenses – Limitations on licenses – *Administrative regulations* – Expiration.

* * * * *

(2) A commercial driver's license shall be issued with classifications, endorsements, and restrictions. Vehicles that require an endorsement shall not be driven unless the proper endorsement appears on the license and the applicant has passed the knowledge and skills test required by the State Police.
(a) Classifications:
1. Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, if the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds. Licensees with an "A" classification may with the proper endorsement drive Class B and C vehicles.
2. Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, and any vehicle towing a vehicle not in excess of ten thousand (10,000) pounds. Licensees with a "B" classification may with the proper endorsements drive Class C vehicles.
3. Class C - Any single vehicle with a gross weight rating of less than twenty-six thousand and one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds which includes:
a. Vehicles designed to transport sixteen (16) or more passengers, including the driver; or
b. Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under Title 49, Code of Federal Regulations, Part 172, sub-part F, as adopted by administrative regulations of the cabinet, pursuant to KRS Chapter 13A.
4. Class D - All other vehicles not listed in any other class.

5. Class E - Moped only.
6. Class M - Motorcycles. Licensees with a "M" classification may also drive Class E vehicles.
(b) Endorsements:
1. "H" - Authorizes the driver to operate a vehicle transporting hazardous materials.
2. "T" - Authorizes operation of double trailers and triple trailers in those jurisdictions allowing the operation of triple trailers.
3. "P" - Authorizes operation of vehicles carrying passengers.
4. "N" - Authorizes operation of tank vehicles.
5. "X" - Authorizes operation of combination of hazardous materials and tank vehicle endorsements.
6. "R" - Authorizes operation of all other endorsements not otherwise specified.
7. "S" - Authorizes operation of school buses.
(c) ***The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to outline restrictions on the operation of commercial vehicles and the associated codes to identify such restrictions, which shall appear on the face of the commercial driver's license***[~~Restrictions:~~
~~1. "K" - Restricts the driver to operation of vehicles not equipped with airbrakes.~~
~~2. "I" - Restricts the driver to Kentucky intrastate commerce driving.~~
~~3. "L" - Shall not include a Class "A" bus.~~
~~4. "J" - Shall not include a Class "A" or "B" bus.~~
~~5. "O" - Shall not include tractor, semitrailer style vehicles.~~
~~6. "Z" - Exempt intracity zones for commercial vehicles.~~
~~7. "0-9" - Other restrictions.~~
~~8. "A" - Restricts the driver to operation of vehicles equipped with an automatic transmission because the person conducted the required skills test in a commercial vehicle equipped with an automatic transmission. A person wanting to remove this restriction in order to operate a vehicle with a manual transmission shall be required to successfully complete a skills test while operating a commercial vehicle equipped with a manual transmission~~].
(3) Within ten (10) days after issuing a commercial driver's license, the cabinet shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.
(4) A commercial driver's license issued to a resident pursuant to this chapter shall expire in four (4) years unless the license was issued to a resident under the age of twenty-one (21). A commercial driver's license issued to a person who is not a resident shall be issued for one (1) year and shall not be renewable. The fee for a commercial driver's license issued to a nonresident shall be the same as the fee charged to a resident.
(5) A person under the age of twenty-one (21) shall not be licensed to operate a Class A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I" restriction shall not drive a commercial motor vehicle in interstate commerce, unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age of twenty-one (21) shall not be allowed to operate a school bus or a vehicle transporting hazardous material in intrastate commerce.
(6) The holder of a commercial driver's license shall be considered to hold a valid

Kentucky driver's license issued under the provisions of KRS 186.412.

Section 4. KRS 189.990 is amended to read as follows:

* * * * *

(11) Any person who violates subsection *(3)*[~~(2)~~] of KRS 189.560 shall be fined not less than thirty dollars ($30) nor more than one hundred dollars ($100) for each offense.

.

Section 5. KRS 281A.175 is amended to read as follows:

(1) An applicant for a school bus endorsement shall satisfy the following requirements:

(a) Qualify for a passenger vehicle endorsement by passing the knowledge and skills test for obtaining a passenger vehicle endorsement;

(b) Demonstrate knowledge of loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and safety devices required for school buses by state or federal law or regulation;

(c) Demonstrate knowledge of emergency exits and procedures for safely evacuating passengers in an emergency; [~~and~~]

(d) Demonstrate knowledge of state and federal laws and regulations related to safely traversing highway rail grade crossings*; and*

***(e) Submit to an annual physical examination in accordance with 49 C.F.R. pt. 391, completed by a medical examiner as defined by 49 C.F.R. pt. 390*.**

(2) An applicant for a school bus endorsement shall take a driving skills test in a school bus of the same vehicle group as the school bus the applicant will drive.

[~~(3) Prior to October 1, 2005, the driving skills test required for an applicant for a school bus endorsement may be waived by the cabinet for an applicant who:~~

~~(a) Is currently licensed;~~

~~(b) Has experience driving a school bus;~~

~~(c) Has a good driving record;~~

~~(d) Certifies and has state verification that, during the two (2) year period immediately prior to applying for a school bus endorsement, the applicant:~~

~~1. Held a valid commercial driver's license with a passenger vehicle endorsement to operate a school bus representative of the group of bus the applicant will be driving;~~

~~2. Has not had his or her operator's license or commercial driver's license suspended, revoked, or canceled, or been disqualified from operating a commercial motor vehicle;~~

~~3. Has not been convicted of any of the disqualifying offenses in 49 C.F.R. sec. 383.51(b) while operating a commercial motor vehicle, or of any offense in a noncommercial vehicle that would be disqualifying under 49 C.F.R. sec. 383.51(b) if committed in a commercial motor vehicle;~~

~~4. Has not had more than one (1) conviction of any of the serious traffic violations defined in 49 C.F.R. sec. 383.5 while operating any type of motor vehicle;~~

~~5. Has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a traffic accident;~~

~~6. Has not been convicted of any motor vehicle traffic violation that resulted in an~~

~~accident; and~~
~~7. Has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive, and provides evidence of such employment.~~
~~(4) On and after October 1, 2005, all applicants for a school bus endorsement shall be required to take a driving skills test.]~~

SENATE BILL 120 DEATH BENEFITS

Section 1. KRS 61.315 is amended to read as follows:
(1) As used in this section, "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 Section 2 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, or by the state; "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.
(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 Section 2 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 expenditure 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, 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 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.
(7) 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, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.
(8) 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.

Section 2. KRS 164.950 is amended to read as follows:
KRS 164.950 *Police* departments and officers authorized.
The governing board of each public institution of ***postsecondary***[~~higher~~] education is authorized to establish a ***police***[~~safety and security~~] department and appoint ***police***[~~safety and security~~] officers and other employees for the university, college, or other institution of public ***postsecondary***[~~higher~~] education for which it is responsible, to prescribe distinctive uniforms for the ***police***[~~safety and security~~] officers of said institution, and to designate and operate emergency vehicles. ***Police***[~~Safety and security~~] officers so appointed shall take an appropriate oath of office, in the form and

manner consistent with the Constitution of Kentucky, and shall serve at the pleasure of the governing board.

Section 3. KRS 164.955 is amended to read as follows:
KRS 164.955 *Police* officers – Powers and duties.
(1) ***Police***[~~Safety and security~~] officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective ***public postsecondary education*** institution employing them. Without limiting the generality of the foregoing, such ***police***[~~safety and security~~] officers are hereby specifically authorized and empowered, and it shall be their duty:
(a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm and damage; and
(b) To enforce, and to assist the officials of their respective institutions in the enforcement of, the lawful rules and regulations of said institution, and to assist and cooperate with other law enforcement agencies and officers. Provided, however, that such ***police***[~~safety and security~~] officers shall exercise the powers herein granted upon any real property owned or occupied by their respective institutions, including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.
(2) ***Police***[~~Safety and security~~] officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:
(a) When in ***immediate***[~~hot~~] pursuit of an actual or suspected violator of the law;[~~ or~~]
(b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;[~~ or~~]
(c) When requested to act by the chief of police of the city or county in which the institution's property is located;[~~ or~~]
(d) When requested to act by the sheriff of the county in which the institution's property is located;[~~ or~~]
(e) When requested to act by the commissioner of the Department of Kentucky State Police;[~~ or~~]
(f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d) or (e) above;[~~ or~~]
(g) When requested to assist a state, county or municipal police officer, sheriff, or other peace officer in the performance of his lawful duties; or
(h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.
(3) ***Police***[~~Safety and security~~] officers appointed pursuant to KRS 164.950 to 164.980 shall have, in addition to the other powers enumerated herein, the power to

conduct investigations anywhere in this Commonwealth, provided ***the***[such] investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the ***public postsecondary education institution***[university]. Where desirable and at the discretion of the ***public postsecondary education institution's***[institution of higher education's] police officials, the ***institution's police***[university safety and security] department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.

(4) ***Police***[Safety and security] departments created and operated by the governing boards of public ***postsecondary education*** institutions[of higher education] shall, for all purposes, be deemed public police departments and the sworn ***police***[safety and security] officers thereof are, for all purposes, deemed public police officers.

(5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable, or other peace officer either on the property of an institution of ***postsecondary***[higher] education or otherwise.

Section 4. KRS 164.960 is amended to read as follows:

KRS 164.960 *Police* officers – Qualifications.

All persons appointed as ***police***[safety and security] officers pursuant to KRS 164.950 to 164.980 shall, at the time of their employment[, be]:

(1)[Not less than eighteen (18) years of age; and

(2)] Comply with the requirements of KRS 61.300[, other than the age requirement]; and

(2)[(3)] ***Possess***[Shall possess] whatever other requirements as may be set by the governing board of the institution of public ***postsecondary***[higher] education which employs them.

Section 5. KRS 164.965 is amended to read as follows:

KRS 164.965 *Appointment of police* officers *and civilians* – Promotion and compensation.

The governing board of each institution of public ***postsecondary***[higher] education may provide for the appointment or promotion to the ranks and grades and positions of the department such officers and civilians as are considered by the board to be necessary for the efficient administration of the department. Such officers and civilians shall receive such compensation as shall be fixed and paid by the board.

Section 6. KRS 164.970 is amended to read as follows:

KRS 164.970 *Police* officers – Use of vehicles.

(1) Vehicles used for emergency purposes by the ***police***[safety and security] department of a public institution of ***postsecondary***[higher] education shall be considered as emergency vehicles and shall be equipped with blue lights and sirens and shall be operated in conformance with the requirements of KRS Chapter 189.

(2) ***Police***[Safety and security] officers directly employed by the governing board of public institutions of ***postsecondary***[higher] education pursuant to KRS 164.950 to 164.980 shall have the rights accorded to peace officers in cities of the first four (4) classes provided under KRS 527.020, provided the governing board of the public

institution of ***postsecondary***[~~higher~~] education so ***authorizes***[~~authorized~~] in writing.
(3) ***Police***[~~Safety and security~~] departments of public institutions of ***postsecondary***[~~higher~~] education may install, maintain, and operate radio systems on police or other radio frequencies under licenses issued by the Federal Communications Commission, or its successor; KRS 432.570 to the contrary notwithstanding.
(4) ***Police***[~~Safety and security~~] departments of public institutions of ***postsecondary***[~~higher~~] education shall comply with the requirements of the Kentucky Revised Statutes and the Justice and Public Safety Cabinet with regard to reporting of criminal and other statistics.

Section 7. KRS 164.975 is amended to read as follows:
(1) The governing boards of public institutions of ***postsecondary***[~~higher~~] education, each having the power and authority to govern and control the method and purpose of use of property owned or occupied by their respective institution, including travel over such property, is each hereby confirmed in its authority to regulate the traffic and parking of motor vehicles, bicycles or other vehicles as well as the traffic of pedestrians on, over and across the streets, roads, paths and grounds of real property owned, used or occupied by such institution. Such regulations applicable to traffic and parking may include, but not be limited to, the following provisions:
(a) Provisions governing the registration, speed, operation, parking and times, places and manner of use of motor vehicles, bicycles and other vehicles.
(b) Provisions prescribing penalties for the violation of such regulations, which penalties may include the imposition of reasonable charges, the removing and impounding (at the expense of the violator) of vehicles which are operated or parked in violation of such regulations, and the denial of permission to operate vehicles on the property of such institution.
(c) Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by such institution. Provided, however, that nothing herein contained shall be deemed to limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys or ways.
(2) Motor vehicle moving violations of regulations issued under this section shall be deemed violations of the appropriate equivalent sections of the motor vehicle laws of the Commonwealth and may be prosecuted in the courts having territorial jurisdiction over the physical location of the offense.

Section 8. KRS 164.980 is amended to read as follows:
KRS 164.980 Impersonation of *police* officer prohibited.
No person shall falsely represent himself to be a ***police***[~~safety and security~~] officer, agent or employee of a ***police***[~~safety and security~~] department of a public institution of ***postsecondary***[~~higher~~] education and in such assumed character, arrest, or detain, or search, or question, in any manner the person or property of any person, nor shall any person without the authority of the governing board of the public institution of ***postsecondary***[~~higher~~] education wear its official uniform, insignia, badge, or identification of the department.

Section 9. KRS 15.310 is amended to read as follows:
(8) "Law enforcement officer" means a member of a lawfully organized police unit or police force of county, city or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as sheriffs, sworn deputy sheriffs, campus ***police***[~~security~~] officers, law enforcement support personnel, public airport authority security officers, other public and federal peace officers responsible for law enforcement, and special local peace officers licensed pursuant to KRS 61.360;

Section 10. KRS 15.380 is amended to read as follows:
(1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified:
(a) Department of Kentucky State Police officers, but for the commissioner of the Department of Kentucky State Police;
(b) City, county, and urban-county police officers;
(c) Court security officers and deputy sheriffs, except those identified in KRS 70.045 and 70.263(3);
(d) State or public university ***police***[~~safety and security~~] officers appointed pursuant to KRS 164.950;
(e) School security officers employed by local boards of education who are special law enforcement officers appointed under KRS 61.902;
(f) Airport safety and security officers appointed under KRS 183.880;
(g) Department of Alcoholic Beverage Control field representatives and investigators appointed under KRS 241.090;
(h) Division of Insurance Fraud Investigation investigators appointed under KRS 304.47-040; and
(i) County detectives appointed in a county containing a consolidated local government with the power of arrest in the county and the right to execute process statewide in accordance with KRS 69.360.

SENATE BILL 122 REORGANIZATION

* * * * *

Section 8. KRS 15.315 is amended to read as follows:
The Kentucky Law Enforcement Council is hereby established as an independent administrative body of state government to be made up as follows:
(1) The Attorney General of Kentucky, the commissioner of the Department of Kentucky State Police, ***the commissioner of the Department of Criminal Justice Training, the Chief of Police of the Louisville Metro Police Department, the Chief of Police of the Lexington-Fayette Urban County Division of Police, the director***[~~directors~~] of the Southern Police Institute of the University of Louisville, the dean of the College of Justice and Safety of Eastern Kentucky University, the president of the Kentucky Peace Officers Association, the president of the Kentucky Association of Chiefs of Police, the Kentucky president of the Fraternal Order of Police, and the president of the Kentucky Sheriffs' Association shall be ex officio members of the council, as full voting members of the council by reason of their office. The United

States attorneys for the Eastern and Western Districts of Kentucky may confer and designate a local law enforcement liaison who shall serve on the council in an advisory capacity only without voting privileges. Each ex officio member may designate in writing a person to represent him or her and to vote on his or her behalf. ***Designees of the Department of Kentucky State Police, Department of Criminal Justice Training, Louisville Metro Police Department, and the Lexington-Fayette Urban County Division of Police shall be the head of the agency's training division or the agency's deputy chief or deputy commissioner.***

(2) Twelve (12) members shall be appointed by the Governor for terms of four (4) years from the following classifications: a city manager or mayor, a county judge/executive, three (3) Kentucky sheriffs, a member of the Kentucky State Bar Association, five (5) chiefs of police, and a citizen of Kentucky not coming within the foregoing classifications. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.

(3) No member may serve on the council with the dual membership as the representative of more than one (1) of the aforementioned groups or the holder of more than one (1) of the aforementioned positions. In the event that an existing member of the council assumes a position entitling him to serve on the council in another capacity, the Governor shall appoint an additional member from the group concerned to prevent dual membership.

(4) Membership on the council does not constitute a public office, and no member shall be disqualified from holding public office by reason of his membership.

SENATE BILL 150 CONCEALED DEADLY WEAPONS

Section 1. KRS 237.110 is amended to read as follows:

* * * * *

(4) The Department of Kentucky State Police shall issue an original or renewal license if the applicant:

(a) Is not prohibited from the purchase, receipt, or possession of firearms, ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or applicable federal or state law;

(b) 1. Is a citizen of the United States who is a resident of this Commonwealth~~[and has been a resident for six (6) months or longer immediately preceding the filing of the application]~~;

2. Is a citizen of the United States who is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky~~[, and who has been assigned to a posting in the Commonwealth for six (6) months or longer immediately preceding the filing of the application]~~;

3. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm~~[, and has been a~~

~~resident of this Commonwealth for six (6) months or longer immediately preceding the filing of the application~~]; or

4. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, is, at the time of the application, assigned to a military posting in Kentucky, and has been assigned to a posting in the Commonwealth[~~ for six (6) months or longer immediately preceding the filing of the application~~];

*** * * * ***

(9) The Department of Kentucky State Police shall, within ***sixty (60)***[~~ninety (90)~~] days after the date of receipt of the items listed in subsection (8) of this section ***from the sheriff***, either:

(a) Issue the license; or

(b) Deny the application based solely on the grounds that the applicant fails to qualify under the criteria listed in subsection (3) or (4) of this section. If the Department of Kentucky State Police denies the application, it shall notify the applicant in writing, stating the grounds for denial and informing the applicant of a right to submit, within thirty (30) days, any additional documentation relating to the grounds of denial. Upon receiving any additional documentation, the Department of Kentucky State Police shall reconsider its decision and inform the applicant within twenty (20) days of the result of the reconsideration. The applicant shall further be informed of the right to seek de novo review of the denial in the District Court of his or her place of residence within ninety (90) days from the date of the letter advising the applicant of the denial.

*** * * * ***

SENATE CONCURRENT RESOLUTION 35

A CONCURRENT RESOLUTION relating to the study of the Unified Juvenile Code and related statutes.

WHEREAS, the Unified Juvenile Code was enacted in 1986 after a thorough review of its predecessor statutes enacted in 1948 and upon review of statutes dating back to 1896; and

WHEREAS, significant amendments to the Unified Juvenile Code were enacted by the General Assembly in 1994 and nearly every session thereafter; and

WHEREAS, practitioners and participants in the juvenile justice system realize that the current Unified Juvenile Code, along with other statutes impacting the juvenile justice system, have been extensively added to and modified, resulting in ambiguity and inconsistency; and

WHEREAS, the General Assembly believes that the Unified Juvenile Code is in urgent need of review to remove these ambiguities and inconsistencies in order to provide the Commonwealth's children with the care and treatment needed;

NOW, THEREFORE,
Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:
Section 1. The Unified Juvenile Code Task Force is hereby created.
Section 2. The Unified Juvenile Code Task Force shall consist of:
(1) The chair of the Senate Judiciary Committee, who shall be co-chair of the task force; however, if he or she declines to serve, the President of the Senate shall designate a member of the Senate to serve as co-chair of the task force;
(2) The chair of the House of Representatives Judiciary Committee, who shall be co-chair of the task force; however, if he or she declines to serve, the Speaker of the House of Representatives shall designate a member of the House of Representatives to serve as co-chair of the task force;
(3) A District Court or Family Court Judge recommended by the Chief Justice;
(4) The director of the Administrative Office of the Courts or his or her designee;
(5) A current or former county attorney or assistant county attorney with juvenile court experience recommended by the co-chairs;
(6) A current or former attorney from the Department of Public Advocacy with juvenile practice experience recommended by the public advocate;
(7) The commissioner of the Department of Juvenile Justice;
(8) The commissioner of the Department for Community Based Services;
(9) A superintendent from a local board of education recommended by the co-chairs;
(10) A current county judge/executive recommended by the co-chairs; and
(11) A provider of community based treatment services for children recommended by the co-chairs; and
(12) A provider of mental health services to children recommended by the co-chairs.
Section 3. (1) The Unified Juvenile Code Task Force may, based on prior research and recommendations and its own new research and recommendations, provide to the Interim Joint Committee on Judiciary and the Legislative Research Commission draft changes to the Unified Juvenile Code and other necessary statutes.
(2) The draft may, insofar as possible, provide for:
(a) The use of validated risk and needs assessments;
(b) Alternatives to incarceration;
(c) The use of community resources, education, and rehabilitation programs for both victims and defendants;
(d) Reinvestment of savings from reduction of the use of facilities for the detention and out-of-home placement of public offenders and status offenders into community-based treatment programs for public offenders and status offenders;
(e) Establishing means of protection and treatment for special needs children;
(f) The feasibility of establishing an age of criminal responsibility;
(g) Whether or not to eliminate status offenses or modify how status offenses are handled and status offenders are treated;
(h) An understanding of the issue and an improved system of identification of

children exposed to domestic violence;
(i) A plan for an improved system of information sharing, coordination and provision of services, and response to children exposed to and affected by domestic violence and the impact of domestic violence on a child's behavior; and
(j) Such other recommendations for the modernization and improvement of the Unified Juvenile Code as may be needed and desirable.
Section 414. The Unified Juvenile Code Task Force may produce a draft of proposed changes to the Unified Juvenile Code and other necessary statutes for submission to the Interim Joint Committee on Judiciary and to the Legislative Research Commission no later than January 6, 2014.
Section 5. Final membership of the Unified Juvenile Code Task Force shall be subject to the consideration and approval of the Legislative Research Commission.
Section 6. Provisions of Sections 1 to 5 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

SENATE CONCURRENT RESOLUTION 123

A CONCURRENT RESOLUTION directing the staff of the Legislative Research Commission to study the technology, resources, and procedures necessary to notify the Division of Probation and Parole when a probationer or parolee has been arrested.

WHEREAS, currently in Kentucky, over 42,000 persons are on active supervision with the Division of Probation and Parole; and

WHEREAS, when a person serving probation or parole in this state is arrested, there is no automatic notification of the person's probation and parole officer; and

WHEREAS, under the division's current procedure, it is the responsibility of the person being supervised to report the arrest to his or her probation and parole officer; and

WHEREAS, other than self-reporting of arrests by probationers and parolees, the only official method for discovering a new arrest is through a records check performed by a probation and parole officer every 30 days on each person supervised; and

WHEREAS, it is in the public interest to ensure that probationers and parolees comply with the conditions of their probation and parole; and

WHEREAS, the immediate notification to the probation and parole officer of a supervisee's new arrest will further enhance public safety;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The staff of the Legislative Research Commission shall study:

(1) The current statutory, regulatory, and procedural barriers to immediate notification of the Division of Probation and Parole when supervisees are

arrested;

(2) Alternative methods for notification and the associated costs of each method, including start-up and recurring costs;

(3) The necessary participation and cooperation of other appropriate agencies, jails, and the Administrative Office of the Courts in developing and implementing the notification system; and

(4) Any potential limitations to interagency cooperation in the implementation of immediate notification of an arrest to the Division of Probation and Parole.

Section 2. Staff shall transmit the results of the study to the Legislative Research Commission for distribution to the appropriate interim joint committee or committees by November 1, 2013.

Section 3. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof and to designate a study completion date.

HOUSE

HOUSE BILL 1 SPECIAL PURPOSE GOVERNMENTAL ENTITIES EMERGENCY

This bill concerns special taxing districts and creates a new entity as well, special purpose governmental entities. It is possible, under the new definition, that 911 boards and other public safety entities, although not government-established law enforcement agencies, will be regulated by this new law. For that reason, a heavily edited version of the bill is below. Although classified as emergency legislation, the provisions of this bill will go into effect over a period of time. For the full bill, see http://www.lrc.ky.gov/record/13RS/HB1.htm. Agencies that might be covered should seek legal counsel to determine their new responsibilities under this law.

SECTION 1. KRS CHAPTER 65A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:
KRS 65A.010 Definitions for chapter.
As used in this chapter:
(1) "County" means any county, consolidated local government, urban-county government, unified local government, or charter county;
(2) "DLG" means the Department for Local Government established by KRS 147A.002;
(3) "Establishing entity" means the city or county, or any combination of cities and counties that established a special purpose governmental entity and that has not subsequently withdrawn its affiliation with the special purpose governmental entity by ordinance or other official action;

(4) "Fee" means any user charge, rental fee, assessment, fee, schedule of rates, or tax, other than an ad valorem tax, imposed by a special purpose governmental entity;
(5) (a) "Private entity" means any entity whose sole source of public funds is from payments pursuant to a contract with a city, county, or special purpose governmental entity, including funds received as a grant or as a result of a competitively bid procurement process.
(b) "Private entity" does not include any entity:
1. Created by a city, county, or combination of cities and counties to perform one (1) or more of the types of public services listed in subsection (7)(c) of this section; or
2. Governed by a board, council, commission, committee, authority, or corporation whose members are appointed by the chief executive or governing body of a city, county, or combination of cities and counties;
(6) "Public funds" means any funds derived from the levy of a tax, fee, assessment, or charge, or the issuance of bonds by the state or a city, county, or special purpose governmental entity;
(7) "Registry" means the online central registry and reporting portal established pursuant to Section 2 of this Act; and
(8) (a) "Special purpose governmental entity" or "entity" means any agency, authority, or entity created or authorized by statute which:
1. Exercises less than statewide jurisdiction;
2. Exists for the purpose of providing one (1) or a limited number of services or functions;
3. Is governed by a board, council, commission, committee, authority, or corporation with policy-making authority that is separate from the state and the governing body of the city, county, or cities and counties in which it operates; and
4. a. Has the independent authority to generate public funds; or
b. May receive and expend public funds, grants, awards, or appropriations from the state, from any agency, or authority of the state, from a city or county, or from any other special purpose governmental entity.
(b) "Special purpose governmental entity" shall include entities meeting the requirements established by paragraph (a) of this subsection, whether the entity is formed as a nonprofit corporation under KRS Chapter 273, pursuant to an interlocal cooperation agreement under KRS 65.210 to 65.300, or pursuant to any other provision of the Kentucky Revised Statutes.
(c) Examples of the types of public services that may be provided by special purpose governmental entities include but are not limited to the following:
1. Ambulance, emergency, and fire protection services;
2. Flood control, drainage, levee, water, water conservation, watershed, and soil conservation services;
3. Area planning, management, community improvement, and community development services;
4. Library services;
5. Public health, public mental health, and public hospital services;

6. Riverport and airport services;
7. Sanitation, sewer, waste management, and solid waste services;
8. Industrial and economic development;
9. Parks and recreation services;
10. Construction, maintenance, or operation of roads and bridges;
11. Mass transit services;
12. Pollution control;
13. Construction or provision of public housing;
14. Tourism and convention services; and
15. Agricultural extension services.
(d) "Special purpose governmental entity" shall not include:
1. Cities;
2. Counties;
3. School districts;
4. Private entities;
5. Any incorporated entity that:
a. Provides utility services;
b. Is member-owned; and
c. Has a governing body whose voting members are all elected by the membership of the entity; or
6. Any entity whose budget and financial information are integrated with and included as a part of the budget and financial reporting of the city, county, or cities and counties in which it operates.

SECTION 2. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 65A.020 Duties of Department for Local Government relating to forms, reporting, and online access – Information to be submitted by special purpose governmental entities – Failure to submit information – Administrative regulations – Registry – Registration fee – Annual report.
(1) The DLG shall:
(a) On or before March 1, 2014, make the necessary reporting and certification forms, online reporting portal, and online central registry available for reporting by special purpose governmental entities. The portal and registry shall serve as a unified location for the reporting of and access to administrative and financial information by special purpose governmental entities; and
(b) On or before October 1, 2014, make available online public access to administrative and financial information reported by special purpose governmental entities.
(2) (a) For each fiscal period beginning on or after July 1, 2014, all special purpose governmental entities shall annually submit to the DLG the information required by this section. The information shall be submitted in accordance with this section, at the time, and in the form and format required by the DLG. The information submitted shall include at a minimum the following:
1. Administrative information:
a. The name, address, and, if applicable, the term and appointing authority for

each board member of the governing body of the entity;
b. The fiscal year of the entity;
c. The Kentucky Revised Statute under which the entity was established, the date of establishment, the establishing entity, and the statute or statutes under which the entity operates, if different from the statute or statutes under which it was established;
d. The mailing address and telephone number and, if applicable, the Web site uniform resource locator (URL) of the entity;
e. The operational boundaries and service area of the entity and the services provided by the entity;
f. A listing of all taxes, fees, or charges imposed and collected by the entity, including the rates or amounts charged for the reporting period and the statutory authority for the levy of the tax, fee, or charge;
g. The primary contact for the entity for purposes of communication from the DLG;
h. The code of ethics that applies to the entity, and whether the entity has adopted additional ethics provisions;
i. A listing of all federal, state, and local governmental entities that have oversight authority over the special purpose governmental entity or to which the special purpose governmental entity submits reports, data, or information; and
j. Any other related administrative information required by the DLG; and
2. Financial information:
a. The most recent adopted budget of the entity;
b. After the close of each fiscal year, a comparison of the budget to actual revenues and expenditures for each fiscal year;
c. Completed audits or attestation engagements as provided in Section 3 of this Act; and
d. Other financial oversight reports or information required by the DLG.
(b) The provisions of Section 4 of this Act shall apply when a special purpose governmental entity fails to submit the information required by this section in a timely manner, or submits information that does not comply with the requirements and standards established by this section and the DLG. To facilitate the enforcement of these provisions, the DLG shall establish and maintain an online list of due dates for the filing of reports, audit certifications, and information for each special purpose governmental entity.
(c) The provisions of this subsection shall be in addition to, and shall not supplant or replace any reporting or filing requirements established by other provisions of the Kentucky Revised Statutes.
(3) (a) The DLG shall, by administrative regulation adopted pursuant to KRS Chapter 13A, develop standard forms, protocols, timeframes, and due dates for the submission of information by special purpose governmental entities. All information shall be submitted electronically; however, the DLG may allow submission by alternative means, with the understanding that the DLG shall be responsible for converting the information to a format that will make it accessible through the registry.
(b) In an effort to reduce duplicative submissions to different governmental

entities and agencies, during the development of the forms, protocols, timeframes, and due dates, the DLG shall consult with other governmental entities and agencies that may use the information submitted by special purpose governmental entities, and may include the information those agencies and entities need to the extent possible.

(4) (a) Beginning October 1, 2014, all information submitted by special purpose governmental entities under this section shall be publicly available through the registry. The registry shall be updated at least monthly, but may be updated more frequently at the discretion of the DLG. The registry shall include a notation indicating the date of the most recent update.

(b) The registry shall be in a searchable format and shall, at a minimum, allow a search by county, by special purpose governmental entity name, and by type of entity.

(c) To the extent possible, the registry shall be linked to or accessed through the Web site established pursuant to KRS 42.032 to provide public access to expenditure records of the executive branch of state government.

(5) (a) To offset the costs incurred by the DLG in maintaining and administering the registry, the costs incurred in providing education for the governing bodies and employees of special purpose governmental entities as required by Section 6 of this Act, and the costs incurred by the DLG and the Auditor of Public Accounts in responding to and acting upon noncompliant special purpose governmental entities under Section 4 of this Act, excluding costs associated with conducting audits or special examinations, each special purpose governmental entity shall pay a registration fee to the DLG on an annual basis at the time of registration under this section.

(b) The initial annual fee shall be as follows:

1. For special purpose governmental entities with annual revenue from all sources of less than one hundred thousand dollars ($100,000), twenty-five dollars ($25);

2. For special purpose governmental entities with annual revenues from all sources of at least one hundred thousand dollars ($100,000) but less than five hundred thousand dollars ($500,000), two hundred fifty dollars ($250); and

3. For special purpose governmental entities with annual revenues of five hundred thousand dollars ($500,000) or greater, five hundred dollars ($500).

(c) If the costs of administering and maintaining the registry, providing education, and enforcing compliance change over time, the fee and tiered structure established by paragraph (b) of this subsection may be adjusted one (1) time by the DLG through the promulgation of an administrative regulation under KRS Chapter 13A. The rate, if adjusted, shall be set at a level no greater than a level that is expected to generate sufficient revenue to offset the actual cost of maintaining and administering the registry, providing education for the governing bodies and employees of special purpose governmental entities, and enforcing compliance.

(d) The portion of the registration fee attributable to expenses incurred by the Auditor of Public Accounts for duties and services other than conducting audits or special examinations shall be collected by the DLG and transferred to the

Auditor of Public Accounts on a quarterly basis. Prior to the transfer of funds, the Auditor of Public Accounts shall submit an invoice detailing the actual costs incurred, which shall be the amount transferred; however, the amount transferred to the Auditor of Public Accounts under the initial fee established by paragraph (b) of this section shall not exceed the annual amount agreed to between the DLG and the Auditor of Public Accounts.

(6) By October 1, 2014, and on or before each October 1 thereafter, the DLG shall file an annual report with the Legislative Research Commission detailing the compliance of special purpose governmental entities with the provisions of Sections 1 to 9 of this Act. The Legislative Research Commission shall refer the report to the Interim Joint Committee on Local Government for review.

SECTION 3. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:

KRS 65A.030 Audits, financial statements, and attestation engagements for fiscal periods beginning on or after July 1, 2014.

(1) For fiscal periods beginning on or after July 1, 2014, requirements relating to audits and financial statements of special purpose governmental entities are as follows:

(a) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars ($100,000) shall:

1. Annually prepare a financial statement; and

2. Once every four (4) years, contract for the application of an attestation engagement as determined by the DLG, as provided in subsection (2) of this section;

(b) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures equal to or greater than one hundred thousand dollars ($100,000) but less than five hundred thousand dollars ($500,000) shall:

1. Annually prepare a financial statement; and

2. Once every four (4) years, contract for the provision of an independent audit as provided in subsection (2) of this section; and

(c) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures equal to or greater than five hundred thousand dollars ($500,000) shall:

1. Annually prepare a financial statement; and

2. Be audited annually as provided in subsection (2) of this section.

(2) (a) To provide for the performance of an audit or attestation engagement as provided in subsection (1)(a) to (c) of this section, the governing body of a special purpose governmental entity shall employ an independent certified public accountant or contract with the Auditor of Public Accounts to conduct the audit or attestation engagement.

(b) The audit or attestation engagement shall be completed no later than twelve (12) months following the close of the fiscal year subject to the audit or the attestation engagement.

(c) The special purpose governmental entity shall submit for publication on the registry the audit or attestation engagement, in the form and format required by the DLG.
(d) The audit or attestation engagement shall conform to:
1. Generally accepted governmental auditing or attestation standards, which means those standards for audits or attestations of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States;
2. Generally accepted auditing or attestation standards, which means those standards for all audits or attestations promulgated by the American Institute of Certified Public Accountants; and
3. Additional procedures and reporting requirements as may be required by the Auditor of Public Accounts.
(e) Upon request, the Auditor of Public Accounts may review the final report and all related work papers and documents of the independent certified public accountant relating to the audit or attestation engagement.
(f) If a special purpose governmental entity is required by another provision of law to audit its funds more frequently or more stringently than is required by this section, the special purpose governmental entity shall comply with the provisions of that law, and shall comply with the requirements of paragraph (c) of this subsection.
(g) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a unit of government furnishing funds directly to a special purpose governmental entity may require additional audits at the expense of the unit of government furnishing the funds.
(h) All audit reports, attestation engagement reports, and financial statements of special purpose governmental entities shall be public records.
(3) The DLG shall determine which procedures conducted under attestation standards will apply to special purpose governmental entities meeting the conditions established by subsection (1)(a) of this section. The DLG may determine that additional procedures be conducted under attestation standards for specific categories of special purpose governmental entities or for specific special purpose governmental entities, as needed, to obtain the oversight and information deemed necessary by the DLG.
(4) Based on the information submitted by special purpose governmental entities under Sections 2 and 9 of this Act, the DLG shall determine when each special purpose governmental entity was last audited, and shall notify the special purpose governmental entity of when each audit or attestation engagement is due under the new standards and requirements of this section.
(5) The DLG may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.

SECTION 15. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 65A.040 Failure to submit information or submitting noncompliant information – Notice – Withholding of funds – Audit or special examination –

Distribution of funds upon compliance – Action to enforce reporting requirements.

(1) The provisions of this section shall apply when any special purpose governmental entity fails to submit information or submits noncompliant information under Section 2 of this Act.

(2) If a special purpose governmental entity fails to submit information in a timely manner or submits noncompliant information, the DLG shall, within thirty (30) days after the due date of the information, notify the special purpose governmental entity and the establishing entity in writing that:

(a) Either:

1. The required information was not submitted in a timely manner; or

2. The information submitted was noncompliant and the reason for noncompliance;

(b) The special purpose governmental entity shall have thirty (30) days from the date of the notice to submit the information; and

(c) Failure to submit compliant information:

1. Will result in:

a. Any funds due the entity and in the possession of any agency, entity, or branch of state government being withheld by the state government entity until the report or information is submitted; and

b. Publication of a notice of noncompliance in a newspaper having general circulation in the area where the special purpose governmental entity operates; and

2. May result in the Auditor of Public Accounts or the auditor's designee performing an audit or special examination of the special purpose governmental entity at the expense of the entity.

(3) Upon the failure of a special purpose governmental entity to submit information in response to the notice sent under subsection (2) of this section, the DLG shall, within fifteen (15) days after the passage of the thirty (30) day period:

(a) Notify in writing the Auditor of Public Accounts, the establishing entity, and any entity having oversight or responsibility of the special purpose governmental entity at the state level. The notice shall include at a minimum the name, mailing address, and primary contact name for the special purpose governmental entity, as well as details about the information that is past due;

(b) Notify the Finance and Administration Cabinet that the special purpose governmental entity has failed to comply with the reporting requirements of Sections 1 to 9 of this Act, and that any funds in the possession of any agency, entity, or branch of state government shall be withheld until further notice; and

(c) 1. Cause to be published in the newspaper having general circulation in the area where the special purpose governmental entity operates a notice of noncompliance. The notice shall meet the requirements of KRS Chapter 424 and shall include:

a. Identification of the special purpose governmental entity;

b. A statement that the special purpose governmental entity failed to comply with the reporting requirements established by Section 2 of this Act;

c. The names of the board members of the special purpose governmental entity;
d. The name and contact information of the individual provided as the contact for the special purpose governmental entity; and
e. Any other information the DLG may require.
2. The cost of publication of the notice shall be borne by the special purpose governmental entity. If the notice includes more than one (1) special purpose governmental entity, the cost shall be divided equally among the entities included in the notice.
(4) Upon receipt of notification under subsection (3)(b) of this section, the secretary of the Finance and Administration Cabinet shall, within ten (10) days after receipt of the notice, notify all state agencies, entities, and branches of state government to withhold any funds due the noncompliant special purpose governmental entity.
(5) (a) The Auditor of Public Accounts shall, within thirty (30) days after the receipt of information from the DLG under subsection (3)(a) of this subsection, notify in writing the special purpose governmental entity that the entity may be subject to an audit or special examination at the expense of the special purpose governmental entity.
(b) The Auditor of Public Accounts may initiate an audit or special examination of any special purpose governmental entity any time after sending the notice required by paragraph (a) of this subsection. Any audit or special examination initiated pursuant to this subsection shall be at the expense of the special purpose governmental entity.
(c) Once commenced, an audit or special examination may be completed regardless of whether the special purpose governmental entity subsequently submits the required information.
(d) The audit or special examination shall be prepared and submitted as required by Sections 2 and 3 of this Act.
(6) Upon receipt of all required information from a noncompliant special purpose governmental entity, the DLG shall notify in writing the Auditor of Public Accounts, the establishing entity, and the Finance and Administration Cabinet, and the secretary of the Finance and Administration Cabinet shall notify all state agencies, entities, and branches of state government that funds withheld may once again be distributed to the special purpose governmental entity.
(7) Any resident or property owner of the service area of a special purpose governmental entity may bring an action in the Circuit Court to enforce the provisions of Section 2 of this Act. The Circuit Court, in its discretion, may allow the prevailing party, other than the special purpose governmental entity, a reasonable attorney's fee and court costs, to be paid from the special purpose governmental entity's treasury.

SECTION 5. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 65A.050 Administrative dissolution of special purpose governmental entity – Dissolution by governing body.

(1) (a) As used in this subsection, "entity seeking dissolution" shall mean:
1. The DLG;
2. If the special purpose governmental entity was established by one (1) county, or by one (1) city, the governing body of the county or city that established the special purpose governmental entity;
3. If the special purpose governmental entity was established by multiple counties and cities, the governing bodies of all establishing entities; or
4. If the special purpose governmental entity was established other than by an establishing entity, the governing body or bodies of the county or counties in which the special purpose governmental entity provides or provided services, or operates or operated.
(b) Any special purpose governmental entity that meets at least one (1) of the following criteria may be administratively dissolved:
1. The special purpose governmental entity has taken no action for two (2) or more consecutive years;
2. Following a written inquiry from the entity seeking dissolution, the chair of the special purpose governmental entity either:
a. Notifies the entity seeking dissolution in writing that the special purpose governmental entity has not had a governing board, or has not had a sufficient number of governing board members to constitute a quorum for two (2) or more consecutive years; or
b. Fails to respond to the inquiry within thirty (30) days;
3. The special purpose governmental entity fails to register with the DLG as required by Section 9 of this Act;
4. The special purpose governmental entity fails to file the information required by Section 2 of this Act for two (2) or more consecutive years; or
5. The governing body of the special purpose governmental entity provides documentation to the DLG or the governing body or bodies of the establishing entity that it has unanimously adopted a resolution declaring the special purpose governmental entity inactive.
(c) To begin the process of administrative dissolution, the entity seeking dissolution shall provide notification of the proposed administrative dissolution as provided in this paragraph:
1. The entity seeking dissolution shall:
a. Post a notice of proposed administrative dissolution on the registry established by Section 2 of this Act;
b. For administrative dissolutions under subparagraphs 3., 4., and 5. of paragraph (b) of this subsection, publish, in accordance with the provisions of KRS Chapter 424, a notice of proposed administrative dissolution, with the cost of the publication billed to the special purpose governmental entity for which administrative dissolution is sought;
c. Mail a copy of the notice to the registered contact for the special purpose governmental entity, if any; and
d. Mail a copy of the notice as follows:
i. If the dissolution is sought by the DLG, to the governing body of the establishing entity or county, and to all entities at the state level having oversight

of or responsibility for special purpose governmental entity; and

ii. If the dissolution is sought by an establishing entity or county, to the DLG and any other establishing entities or counties, and to all entities at the state level having oversight of or responsibility for the special purpose governmental entity; and

2. The notice shall include:

a. The name of the entity seeking dissolution, and contact information for the entity;

b. The name of the special purpose governmental entity for which dissolution is sought;

c. The statutes under which the special purpose governmental entity was organized and operating;

d. A description of the services provided and the territory of the special purpose governmental entity;

e. If there is a plan of dissolution as required by paragraph (e) of this subsection, identification of the place where the plan of dissolution may be reviewed;

f. A statement that any objections to the administrative dissolution shall be filed in writing with the entity seeking to dissolve the special purpose governmental entity within thirty (30) days after the publication date, and the address and process for submitting such objections; and

g. A statement that if no written objections are received within thirty (30) days of publication of the notice, the special purpose governmental entity shall be administratively dissolved.

(d) 1. Any resident living in or owning property in the area served by the special purpose governmental entity for which dissolution is sought, who is not a member of the governing body of the special purpose governmental entity or an immediate family member of a member of the governing body of the special purpose governmental entity, may file a written objection to the dissolution with the entity seeking dissolution. The written objection shall state the specific reasons why the special purpose governmental entity shall not be dissolved, and shall be filed within thirty (30) days after the posting of the notice on the registry as required by paragraph (c) of this subsection.

2. a. Upon the passage of thirty (30) days with no objections filed, and satisfaction of all outstanding obligations of the special purpose governmental entity, the special purpose governmental entity shall be deemed dissolved and, if a dissolution plan was required, the entity seeking dissolution shall proceed to implement the dissolution plan.

b. Notification of dissolution shall be provided by the entity seeking dissolution to all other entities listed under paragraph (a) of this subsection. The DLG shall maintain a list of all dissolved special purpose governmental entities and the date of dissolution on the registry established by Section 2 of this Act.

3. If written objections are received within thirty (30) days of the publication on the registry required by paragraph (c) of this subsection, the dissolution process shall be aborted, and the process established by subsection (2) of this section shall be utilized if it is determined that dissolution should still be sought,

notwithstanding any other dissolution process that may exist in the Kentucky Revised Statutes for the type of special purpose governmental entity for which dissolution is sought.

(e) If the special purpose governmental entity for which administrative dissolution is sought:

1. Is providing services;

2. Has outstanding liabilities; or

3. Has assets;

the entity seeking dissolution shall, as part of the dissolution process, develop a dissolution plan that includes, as relevant, provisions addressing the continuation of services, the satisfaction of all liabilities, and the distribution of assets of the special purpose governmental entity.

(2) Any special purpose governmental entity not meeting the requirements for dissolution under subsection (1) of this section, and for which no specific dissolution provisions apply in the Kentucky Revised Statutes, may be dissolved as provided in this subsection:

(a) The dissolution of a special purpose governmental entity may be initiated upon:

1. The affirmative vote of two-thirds (2/3) of the governing body of the special purpose governmental entity and the adoption of an ordinance by the affirmative vote or two-thirds (2/3) of the governing body of each establishing entity;

2. The adoption of an ordinance by an affirmative vote of two-thirds (2/3) of the governing body of each establishing entity; or

3. If there is no establishing entity, by the adoption of an ordinance by an affirmative vote of two-thirds (2/3) of the governing body of each county in which the special purpose governmental entity provides services or operates;

(b) Upon initiation of a dissolution after an affirmative vote as provided in paragraph (a) of this subsection, the special purpose governmental entity for which dissolution is sought shall not assume any new obligations or duties, contract for any new debt, or levy any additional fees or taxes unless the new obligations, duties, debt, fees, or taxes are included in the dissolution plan required by paragraph (c) of this subsection. Any contract or agreement or plan for new obligations, duties, debt, fees, or taxes entered into or devised in violation of this paragraph shall be void;

(c) After voting to commence dissolution of a special purpose governmental entity, the governing body or bodies initiating the dissolution shall:

1. Develop a dissolution plan which, if adopted by an establishing entity shall be by ordinance, which shall include but not be limited to:

a. A description of how the necessary governmental services provided by the special purpose governmental entity will be provided upon dissolution of the entity or a statement that the services are no longer needed;

b. A plan for the satisfaction of any outstanding obligations of the special purpose governmental entity, including the continuation of any tax levies or fee payments necessary to meet the outstanding obligations;

c. Assurances from any organization or entity that will be assuming responsibility for services provided by the special purpose governmental entity,

or that will assume the obligations of the special purpose governmental entity, that the organization or entity will, in fact, provide the services or assume the obligations;

d. A plan for the orderly transfer of all assets of the special purpose governmental entity in a manner that will continue to benefit those to whom services were provided by the special purpose governmental entity;

e. A date upon which final dissolution of the special purpose governmental entity shall occur; and

f. Any other information the governing body wishes to include.

The dissolution plan shall be available for public review at least thirty (30) days prior to the public hearing required by subparagraph 2. of this paragraph;

2. Hold a public hearing in each county and city that is participating in the dissolution to present the proposed dissolution plan and receive feedback from the public. The time and location of the hearing, as well as the location where a copy of the dissolution plan may be reviewed by the public prior to the hearing, shall be advertised as provided in KRS 424.130, and shall be posted on the registry established by Section 2 of this Act. The hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days after the publication of the notice in the newspaper;

3. Send a copy of the notice required by subparagraph 2. of this paragraph to the DLG and to any state entity with oversight authority of the special purpose governmental entity;

4. If the dissolution plan is amended after the public hearing, make the amended dissolution plan available for public inspection for at least fifteen (15) days prior to the final vote of the governing body under subparagraph 5. of this paragraph;

5. If the special purpose governmental entity is utility as defined in KRS 278.010(3), obtain approval from the public service commission pursuant to KRS 278.020(5); and

6. Within sixty (60) days after the date of the public hearing, finally approve or disapprove the dissolution of the special purpose governmental entity and the dissolution plan. Approval shall require:

a. If initiated by the governing board of the special purpose governmental entity, the affirmative vote of two-thirds (2/3) of the members of the governing body of the special purpose governmental entity and the adoption of an ordinance by two-thirds (2/3) of the members of the governing body of each establishing entity;

b. The adoption of an ordinance by two-thirds (2/3) of the members of the governing body of each establishing entity; or

c. If there is no establishing entity, by the adoption of an ordinance by two-thirds (2/3) of the members of the governing body of each county in which the special purpose governmental entity provided services or operated.

(d) The governing body or bodies shall notify the DLG of the outcome the vote or votes taken pursuant to subparagraph 6. of paragraph (c) of this subsection; and

(e) Notwithstanding any other provision of this section, the dissolution of a

special purpose governmental entity shall not be final until all obligations of the special purpose governmental entity have been satisfied or have been assumed by another entity.

SECTION 6. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 65A.060 Education al materials and programs for governing bodies and employees.
The DLG shall provide, or shall arrange for the provision of, educational materials and programs for the governing bodies and employees of special purpose governmental entities to inform them of their duties and responsibilities under the provisions of this chapter and issues related thereto. In developing the materials and programs, the DLG shall consult with public entities as defined in KRS 65.310. The DLG may promulgate administrative regulations under KRS Chapter 13A to implement this section.

SECTION 7. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 65A.070 Code of ethics.
(1) (a) The board, officers, and employees of each special purpose governmental entity shall be subject to the code of ethics of the establishing entity in which the special purpose governmental entity's principal business office is located.
(b) If the principal business office is located in more than one (1) establishing entity, the board of the special purpose governmental entity shall select one (1) of the applicable codes of ethics that will apply.
(c) If there is no establishing entity, the board, officers, and employees of the special purpose governmental entity shall be subject to the code of ethics of the county in which the special purpose governmental entity's principal business office is located.
(2) The governing body of a special purpose governmental entity may adopt ethics provisions that are more stringent than those of the establishing entity in which its principal business office is located. If more stringent provisions are adopted, the governing body of the special purpose governmental entity shall, within twenty-one (21) days of the adoption of the provisions, deliver a copy of the provisions to the DLG and the establishing entity. Any subsequent amendments shall also be delivered to the DLG and the establishing entity within twenty-one (21) days of adoption. The DLG shall include any documents provided under this section as part of the public records and lists maintained under subsection (5)(a) of Section 10 of this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 65A.080 Annual budget – Publication of information.
(1) The governing body of each special purpose governmental entity shall annually adopt a budget conforming with the requirements established under

Section 2 of this Act prior to the start of the fiscal year to which the budget applies. No moneys shall be expended from any source except as provided in the adopted budget.
(2) In lieu of the publication requirements of KRS 424.220, but in compliance with other applicable provisions of KRS Chapter 424, each special purpose governmental entity shall, within sixty (60) days after the close of each fiscal year, publish the location where the adopted budget, financial statements, and most recent audit or attestation engagement reports may be examined by the public.

SECTION 9. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 61A.090 Registration with Department for Local Government – Notification – Failure to register – Action to enforce prohibition against taxes and fees.
(1) (a) To establish a complete list of all special purpose governmental entities operating in Kentucky on the effective date of this Act so that the registry established pursuant to Section 2 of this Act will be comprehensive, every existing special purpose governmental entity shall register with the DLG as provided in this subsection.
(b) Registration shall occur prior to December 31, 2013, and shall be in the form and format required by the DLG, provided that in addition to the information required by the DLG, all special purpose governmental entities shall report to the DLG the date the last independent audit of the entity was conducted.
(c) Between the effective date of this Act and December 31, 2013, the DLG, with assistance from the area development districts created under KRS 147A.050, public entities as defined in KRS 65.310, and the Auditor of Public Accounts, shall notify all special purpose governmental entities of which it is aware of the registration requirement established by this subsection, and of the consequences of failing to register in a timely manner.
(2) The governing body of any special purpose governmental entity established on or after January 1, 2014 shall, within fifteen (15) days of the establishment of the entity, file with the DLG the information required by subsection (2)(a)1. of Section 2 of this Act and any other information required by the DLG.
(3) Notwithstanding any other provision of the Kentucky Revised Statutes, any special purpose governmental entity that fails to provide information to the DLG as required under this section shall be:
(a) Subject to administrative dissolution as provided in Section 5 of this Act; and
(b) Prohibited from levying or collecting any tax, fee, assessment, or charge beginning January 1, 2014, through the date the entity registers with the DLG.
To enforce paragraph (b) of this subsection, any resident or property owner of the service area of a special purpose governmental entity may bring an action in the Circuit Court. The Circuit Court, in its discretion, may allow the prevailing party, other than the special purpose governmental entity, a reasonable attorney's fee and court costs, to be paid from the special purpose governmental entity's treasury.

Section 10. KRS 65.003 is amended to read as follows:

KRS 65.003 Codes of ethics for city, county, charter county, urban-county government, and consolidated local government officials and employees – *Codes of ethics for boards, officers and employees of special purpose governmental entities* – Interlocal agreements.

(1) ***(a)*** The governing body of each city, county, urban-county, consolidated local government, and charter county, shall adopt, by ordinance, a code of ethics which shall apply to all elected officials of the city, county, urban-county, consolidated local government, or charter county, and to appointed officials and employees of the city, county, urban-county, consolidated local government, or charter county government, or agencies created jointly, as specified in the code of ethics. The elected officials of a city, county, or consolidated local government to which a code of ethics shall apply include the mayor, county judge/executive, members of the governing body, county clerk, county attorney, sheriff, jailer, coroner, surveyor, and constable but do not include members of any school board. Agencies created jointly may include planning or administrative commissions or boards. Candidates for the local government elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

(b) The boards, officers, and employees of special purpose governmental entities shall be subject to a code of ethics as provided in Section 7 of this Act. As used in this section, special purpose governmental entity have the same meaning as in Section 1 of this Act.

(2) Any city, county, or consolidated local government may enter into a memorandum of agreement or an interlocal agreement with one (1) or more other cities, counties, or consolidated local governments for joint adoption of a code of ethics which shall apply to all elected officials of the cities, counties, or consolidated local governments, and to appointed officials and employees as specified by each of the cities, counties, or consolidated local governments which enters into the agreement. Interlocal agreements shall be executed pursuant to the Interlocal Cooperation Act in KRS 65.210 to 65.300. The interlocal agreement or memorandum of agreement may provide for but shall not be limited to:

(a) The provision of administrative services relating to the implementation of a code of ethics;

(b) The creation of a regional ethics board which serves independently to provide advice to member governments and their officials and provides for the enforcement of locally adopted codes of ethics; and

(c) Contracting by a memorandum of agreement with an area development district for the provision of administrative services relating to the implementation of a code of ethics. Candidates for the city, county, or consolidated local government elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

(3) Each code of ethics adopted as provided by subsection (1) or (2) of this section, or amended as provided by subsection (4) of this section, shall include but not be limited to provisions which set forth:

(a) Standards of conduct for elected and appointed officials and employees;

(b) Requirements for creation of financial disclosure statements, which shall be filed

annually by all candidates for the city, county, or consolidated local government elective offices specified in subsection (1) of this section, elected officials of each city, county, or consolidated local government, and other officials or employees of the city, county, or consolidated local government, as specified in the code of ethics, and which shall be filed with the person or group responsible for enforcement of the code of ethics, provided that***:***

1. Nonpaid members of jointly created agencies may be exempted from filing financial disclosure statements; ***and***

2. Board members, officers, and employees of special purpose governmental entities shall not be required to file financial disclosure statements for their service or employment with the special purpose governmental entity, unless the special purpose governmental entity adopts more stringent requirements under Section 7 of this Act that require the filing of financial disclosure statements.

(c) A policy on the employment of members of the families of officials or employees of the city, county, or consolidated local government, as specified in the code of ethics;

(d) The designation of a person or group who shall be responsible for enforcement of the code of ethics, including maintenance of financial disclosure statements, all of which shall be available for public inspection, receipt of complaints alleging possible violations of the code of ethics, issuance of opinions in response to inquiries relating to the code of ethics, investigation of possible violations of the code of ethics, and imposition of penalties provided in the code of ethics.

(4) The code of ethics ordinance adopted by a city, county, or consolidated local government may be amended but shall not be repealed.

(5) (a) Within twenty-one (21) days of the adoption of the code of ethics required by this section, each city, county, or consolidated local government shall deliver a copy of the ordinance by which the code was adopted and proof of publication in accordance with KRS Chapter 424 to the Department for Local Government. The Department for Local Government shall maintain the ordinances as public records and shall maintain a list of city, county, or consolidated local governments which have adopted a code of ethics and a list of those which have not adopted a code of ethics.

(b) Within twenty-one (21) days of the amendment of a code of ethics required by this section, each city, county, or consolidated local government shall***:***

1. Deliver a copy of the ordinance by which the code was amended and proof of publication in accordance with KRS Chapter 424 to the Department for Local Government, which shall maintain the amendment with the ordinance by which the code was adopted***; and***

2. Deliver a copy of the ordinance by which the code was amended to the governing body of each special purpose governmental entity that follows that establishing entity's code of ethics pursuant to Section 7 of this Act.

(c) For ordinances adopting or amending a code of ethics under this section, cities of the first class and consolidated local governments shall comply with the publication requirements of KRS 83A.060(9), notwithstanding the exception contained in that statute.

(6) If a city, county, or consolidated local government fails to comply with the requirements of this section, the Department for Local Government shall notify all state agencies, including area development districts, which deliver services or payments of

money from the Commonwealth to the city, county, or consolidated local government. Those agencies shall suspend delivery of all services or payments to the city, county, or consolidated local government which fails to comply with the requirements of this section. The Department for Local Government shall immediately notify those same agencies when the city, county, or consolidated local government is in compliance with the requirements of this section, and those agencies shall reinstate the delivery of services or payments to the city, county, or consolidated local government.

Section 11. KRS 65.005 is amended to read as follows:

KRS 65.005 Notice to county clerk of establishment of political subdivision – *Application of provisions only before July 1, 2014 – Transition to reporting requirements of KRS 65A.010 to 65A.090* – Duties of clerk – Fee – Notice by existing districts.

(1) ***The provisions of this section shall apply prior to July 1, 2014. On and after July 1, 2014, the provisions of this section shall no longer apply; instead the provisions of Sections 1 to 9 of this Act shall apply. Special districts shall cooperate with the Department for Local Government and the Auditor of Public Accounts to ensure an orderly transition from the reporting requirements of this section to the reporting requirements of Sections 1 to 9 of this Act. Notwithstanding the dates established by this subsection, the provisions of this section and Sections 1 to 9 of this Act shall be administered such that the registration required by subsection (1) of Section 9 of this Act occurs as required by that subsection, and there is no gap in reporting by entities subject to this section and Sections 1 to 9 of this Act as the transition occurs.***

(2) (a) "Special district" means any agency, authority, or political subdivision of the state which exercises less than statewide jurisdiction and which is organized for the purpose of performing governmental or other prescribed functions within limited boundaries. It includes all political subdivisions of the state except a city, a county, or a school district.

(b) "Governing body" means the body possessing legislative authority in a city, county, or special district.

(3)[~~(2)~~] No special district shall be legally created without sending notification of its existence in writing to the clerk of the county within the jurisdiction of which its principal office shall be located. This requirement for notification is in addition to all other provisions of existing law providing for the creation of special districts. The notification shall contain the names and addresses of the members of the governing body of the district, the name and address of its chief executive officer, a specific reference to the statute or statutes under which it was created, and a brief description of its service area and activities. The clerk shall record the original and forward a copy of the notification to the state local finance officer and the state local debt officer, Department for Local Government. The clerk shall be paid a fee of two dollars ($2) by the district for recording and mailing the notification.

(4)[~~(3)~~] The governing body of any existing special district shall submit notification as required in subsection ***(3)***[~~(2)~~] of this section within thirty (30) days after June 16, 1966, and the governing body of a newly created special district shall submit the required notification at or before its first meeting.

Section 12. KRS 65.065 is amended to read as follows:

KRS 65.065 Budgets -- Application only to fiscal periods ending before July 1, 2014 – Transition to requirements of KRS 65A.010 to 65A.090 – Filing – Financial statements – Audits – Enforcement.

(1) ***The provisions of this section shall apply for fiscal periods ending prior to July 1, 2014. For fiscal periods beginning on or after July 1, 2014, the provisions of this section shall no longer apply; instead, the provisions of Sections 1 to 9 of this Act shall apply. Districts shall cooperate with the Department for Local Government and the Auditor of Public Accounts to ensure an orderly transition from the reporting requirements of this section to the reporting requirements of Sections 1 to 9 of this Act. Notwithstanding the dates established by this subsection, the provisions of this section and Sections 1 to 9 of this Act shall be administered such that the registration required by subsection (1) of Section 9 of this Act occurs as required by that subsection, and there is no gap in reporting by entities subject to this section and Sections 1 to 9 of this Act as the transition occurs.***

(2) The governing body of each district shall annually prepare a budget and, as appropriate, shall classify budget units in the same fashion as county budgets are classified in accordance with KRS 68.240(2) to (5). The state local finance officer shall prepare standard budget forms for district use and shall furnish them to county clerks for distribution to district officers. No moneys shall be expended from any funds or any sources, except in accordance with the budget which has been filed with the fiscal court to be available for public inspection. No budget of a district shall become effective until filed with the fiscal court of the county in which the district is located for submission to the Department for Local Government. For those districts with multicounty jurisdictions, the district shall file a copy with each of the fiscal courts within the jurisdiction of the district for their review. If the budget is not filed with the fiscal court at least thirty (30) days prior to the start of the district fiscal year, the fiscal court shall immediately notify the county attorney. The county attorney shall then notify the governing board of the special district of the noncompliance and then proceed with any steps necessary to prevent the expenditure of funds by the special district until the district is in compliance.

(3)[~~(2)~~] The governing body of each district which for the year in question receives from all sources or expends for all purposes less than seven hundred fifty thousand dollars ($750,000) shall annually prepare a financial statement, except that once every four (4) years the district's governing body shall provide for the performance of an audit as provided in subsection ***(5)***[~~(4)~~] of this section.

(4)[~~(3)~~] The governing body of each district which for the year in question receives from all sources or expends for all purposes seven hundred fifty thousand dollars ($750,000) or more shall provide for the performance of an annual audit as provided in subsection ***(5)***[~~(4)~~] of this section.

(5)[~~(4)~~] To provide for the performance of an audit, the governing body of a district shall employ an independent certified public accountant or contract with the Auditor of Public Accounts to perform an audit of the funds in the district budget. The audit shall conform to:

(a) Generally accepted governmental auditing standards, which means those

standards for audits of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States; and

(b) Additional procedures and reporting requirements as may be required by the Auditor of Public Accounts. A unit of government furnishing funds directly to a district may require additional audits at its own expense. Upon request, the State Auditor of Public Accounts may review the final report and all related work papers and documents of the independent certified public accountant relating to the audit. If a district is required by law to audit its funds more often than is required by this section, it shall perform those audits and may submit them in lieu of the requirements of this section, if the audits meet the requirements of this subsection.

(6)[~~(5)~~] The provisions of subsection ***(3)***[~~(2)~~] of this section shall not apply to any district that is required by law to annually submit a financial report to an agency of state government. The districts shall annually submit a copy of their financial report to the county judge/executive and to the state local finance officer and once every four (4) years provide for the performance of an audit as provided in subsection ***(5)***[~~(4)~~] of this section.

(7)[~~(6)~~] Any resident of the district may bring an action in the Circuit Court to enforce the provisions of this section. The Circuit Court shall hear the action and, on a finding that the governing body of the district has violated the provisions of this section, shall order the district to comply with the provisions. The Circuit Court, in its discretion, may allow the prevailing party, other than the district, a reasonable attorney's fee and court costs, to be paid from the district's treasury.

Section 16. KRS 65.070 is amended to read as follows:

KRS 65.070 Filing with county clerk and fiscal court – *Application of provisions only to fiscal periods ending before July 1, 2014 – Transition to requirements of KRS 65A.010 to 65A.090* – Publication of descriptive information on the district – Submission of audit to fiscal court – Department for Local Government to furnish standard reporting forms to county clerks – Enforcement.

(1) ***The provisions of this section shall apply for fiscal periods ending prior to July 1, 2014. For fiscal periods beginning on and after July 1, 2014, the provisions of this section shall no longer apply; instead, the provisions of Sections 1 to 9 of this Act shall apply. Districts shall cooperate with the Department for Local Government and the Auditor of Public Accounts to ensure an orderly transition from the reporting requirements of this section to the reporting requirements of Sections 1 to 9 of this Act. Notwithstanding the dates established by this subsection, the provisions of this section and Sections 1 to 9 of this Act shall be administered such that the registration required by subsection (1) of Section 9 of this Act occurs as required by that subsection, and there is no gap in reporting by entities subject to this section and Sections 1 to 9 of this Act as the transition occurs.***

(2) Within sixty (60) days following the close of the fiscal year, the district shall:

(a) File with the county clerk of each county with territory in the district a certification showing any of the following information that has changed since the last filing by the district:

1. The name of the district;

2. A map or general description of its service area;
3. The statutory authority under which it was created; and
4. The names, addresses, and the date of expiration of the terms of office of the members of its governing body and chief executive officer;
(b) Submit for review a copy of the summary financial statement with the fiscal court of each county with territory in the district; and
(c) Publish, in lieu of the provisions of KRS 424.220, but in compliance with other applicable provisions of KRS Chapter 424, the names and addresses of the members of its governing body and chief executive officer, and either a summary financial statement, which includes the location of supporting documents, or the location of district financial records which may be examined by the public.
(3)[~~(2)~~] The district shall submit for review a copy of the audit with the fiscal court of each county with territory in the district. The submission shall be made within thirty (30) days of the district's receipt of the completed audit.
(4)[~~(3)~~] The Department for Local Government shall prepare and furnish to county clerks standard reporting forms which districts may use to comply with the provisions of this section.
(5)[~~(4)~~] Any resident of the district may bring an action in the Circuit Court to enforce the provisions of this section. The Circuit Court shall hear the action and, on a finding that the governing body of the district has violated the provisions of this section, shall order the district to comply with its provisions. The Circuit Court, in its discretion, may allow the prevailing party, other than the district, a reasonable attorney's fee and court costs, to be paid from the district's treasury.

Section 14. KRS 65.117 is amended to read as follows:
(1) No city, county, urban-county, consolidated local government, charter county, ***or*** special ***purpose governmental entity as defined in Section 1 of this Act***[~~district, or taxing district~~] shall enter into any financing obligation of any nature, whether evidenced by note pursuant to KRS 65.7701 to 65.7721 or otherwise, by lease pursuant to KRS 65.940 to 65.956, under which the lease price exceeds two hundred thousand dollars ($200,000), by bond issuance pursuant to KRS Chapter 66, or any long-term debt obligation of any sort without first notifying the state local debt officer in writing. The Department for Local Government may promulgate administrative regulations to develop the forms for the notification that shall contain the relevant financial terms of the obligation, including the interest rates or method of determining rates, the date of issue, the maturity dates, term of obligation, renewal periods, and the trustee or paying agent, if any. No approval of the state local debt officer shall be required, unless otherwise required by law.
(2) Any financing obligation entered into prior to July 15, 2008, shall be considered in compliance if that notification is provided to the state local debt officer no later than one (1) year after July 15, 2008.

Section 15. KRS 65.900 is amended to read as follows:
As used in KRS 65.905 to 65.925, unless the context requires otherwise:
(1) "City" means every city organized and governed under the mayor-alderman form of government pursuant to KRS Chapter 83, every city organized and governed under

the mayor-council form of government pursuant to KRS Chapter 83A, every city organized and governed under the commission form of government pursuant to KRS Chapter 83A, every city organized and governed under the city manager form of government pursuant to KRS Chapter 83A, every consolidated local government organized and governed under the consolidated local government form of government pursuant to KRS Chapter 67C, and every urban-county government organized and governed under the urban-county form of government pursuant to KRS Chapter 67A.

(2) "County" means any of Kentucky's one hundred twenty (120) counties.

(3) "Special district" means any district with ad valorem taxing powers including, but not limited to, those specified in the following KRS statutes: KRS 75.010 to 75.260, KRS 76.274 to 76.279, KRS 104.450 to 104.680, KRS 107.310 to 107.500, KRS 108.080 to 108.180, KRS 109.115 to 109.190, KRS 147.610 to 147.710, KRS 164.605 to 164.675, KRS 173.450 to 173.650, KRS 173.710 to 173.800, KRS 179.700 to 179.990, KRS 210.370 to 210.480, KRS 212.720 to 212.760, KRS 216.310 to 216.360, KRS 220.010 to 220.613, KRS 262.010 to 262.660, KRS 262.700 to 262.990, KRS 266.010 to 266.990, KRS 268.010 to 268.990, and KRS 269.100 to 269.270.

(4) "Local government" includes***:***

(a) For fiscal periods ending prior to July 1, 2014, cities, counties, consolidated local governments, urban-county governments, and special districts; and

(b) For fiscal periods beginning on and after July 1, 2014, cities, counties, consolidated local governments, and urban-county governments[~~the terms city, county, consolidated local government, urban-county government, and special district as defined in this section~~].

(5) "Lease-purchase agreement" means an agreement to lease or to lease and purchase major items of property, equipment, or services estimated to cost fifty thousand dollars ($50,000) or more, and two hundred thousand dollars ($200,000) or more for the construction or installation of a building or a utility.

Section 16. KRS 65.905 is amended to read as follows:

KRS 65.905 Local governments required to file uniform financial information report – *Application of provisions only to fiscal periods ending before July 1, 2014 – Transition to requirements of KRS 65A.010 to 65A.090* – Use of report by Department for Local Government.

(1) Except as otherwise provided in subsection (2) of this section, each local government[~~ as defined in KRS 65.900~~] shall annually, after the close of the fiscal year, complete a uniform financial information report. The report shall be submitted to the Department for Local Government by May 1 immediately following the close of the fiscal year. The Department for Local Government shall immediately send one (1) copy of the uniform financial information report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.

(2) The final quarterly report filed by a county within fifteen (15) days after the end of the last quarter of the fiscal year, in accordance with KRS 68.360(2), shall be deemed the uniform financial information report for that county for purposes of compliance with KRS 65.900 to 65.925.

(3) ***(a) 1.*** Each city may have the uniform financial information report completed by its selected auditor as part of the terms and conditions of the written agreement

between the city and the auditor in accordance with KRS 91A.040.
2. Each county may have the uniform financial information report completed by its auditor selected in accordance with KRS 43.070 or 64.810.
3. For fiscal periods ending prior to July 1, 2014, each special district may have the uniform financial information report completed by its auditor selected in accordance with KRS 65.065. ***For fiscal periods beginning on and after July 1, 2014, the provisions of this section shall no longer apply to special districts. Instead, the provisions of Sections 1 to 9 of this Act shall apply. Notwithstanding the dates established by this subparagraph, the provisions of this section and Sections 1 to 9 of this Act shall be administered such that the registration required by subsection (1) of Section 9 of this Act occurs as required by that subsection, and there is no gap in reporting by entities subject to this section and Sections 1 to 9 of this Act as the transition occurs.***
(b) If a city does not use the auditor to complete the uniform financial information report, it shall by order designate an elected or nonelected official to be responsible for annually completing the report and submitting it to the Department for Local Government.
(c) If a local government has any agency, board, or commission that receives any funding from the local government, but conducts its operations on an autonomous or semi-autonomous basis, the local government shall note on the uniform financial information report the name of the agency, board, or commission; the mailing address of the agency, board, or commission; and the dollar amount annually appropriated by the local government to the agency, board, or commission.
(4) The Department for Local Government shall by administrative regulation prescribe the format of the uniform financial information report, and shall attempt to coordinate and combine efforts with the United States Bureau of the Census in the development of the format of the uniform financial information report so that a single report will meet the needs of both agencies and fulfill the requirements of KRS 65.900 to 65.925. Regardless of any agreement between the Department for Local Government and the United States Bureau of the Census, the Department for Local Government shall maintain responsibility for assuring that a uniform financial information report is distributed to each local government as soon as practicable after the close of each fiscal year, but in no event later than one hundred twenty (120) days prior to the required submission date of May 1.
(5) The Department for Local Government shall use the uniform financial information report to replace as many financial information forms as possible that local governments are currently required to complete and submit to that office for use by either the state or federal governments, by consolidating the required information into the uniform report.

Section 17. KRS 39F.160 is amended to read as follows:
(1) A rescue squad taxing district may be created by the fiscal court pursuant to KRS 65.182 or 65.188.
(2) The ad valorem tax that may be imposed for the maintenance and operation of the district shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of all property in the district.
(3) Upon the creation of a district, the district so established shall be a taxing district

within the meaning of Section 157 of the Constitution of Kentucky.
(4) The district ad valorem taxes shall be collected by the sheriff in the same manner as county ad valorem taxes. The sheriff shall be entitled to a fee of four percent (4%) of the amount of the tax collected for the district.
(5) The affairs of the district shall be controlled by a board of directors appointed by the county judge/executive, the mayor of an urban-county, or the chief executive of another local government with the approval of the legislative body of that jurisdiction.
(a) If the district consists of one (1) county, three (3) directors shall be appointed;
(b) If the district consists of two (2) counties, the county judge/executive of the county having the greater portion of the population of the district shall appoint two (2) directors and the county judge/executive of the other county shall appoint the third director;
(c) If the district consists of more than two (2) counties, the county judge/executive of the county having the greatest portion of the population of the district shall appoint two (2) directors and the county judge/executive of the remaining counties comprising the district shall each appoint one (1) director;
(d) The legislative body of each city of the first three (3) classes, or if there is no such class of city, the city of the highest class located within the district shall appoint one (1) additional director.
(6) The board of directors shall be appointed within thirty (30) days after the establishment of the district. Each board member shall reside within the county or city for which appointed. Directors shall be appointed for terms of two (2) years each, except that initially the appointing authority shall appoint a minority of the board members for one (1) year terms. Subsequent terms shall all be for two (2) years. Any vacancies shall be filled by the appointing authority for the unexpired term.
(7) A majority of the membership of the board shall constitute a quorum.
(8) A member of the board of directors may be removed from office as provided by KRS 65.007.
(9) The board of directors shall provide rescue service to inhabitants of the district and may:
(a) Purchase vehicles and all other necessary equipment and employ trained personnel who meet all federal and state requirements;
(b) Adopt rules and regulations necessary to effectively and efficiently provide rescue service for the district. Rules and regulations shall be consistent with the provisions of this chapter;
(c) Employ persons to administer the daily operations of the rescue service;
(d) Compensate employees of the district at a rate determined by the board;
(e) Apply for and receive available funds from the state and federal government for the purpose of maintaining or improving the rescue service of the district; and
(f) Acquire by bequest, gift, grant, or purchase any real or personal property necessary to provide rescue service.
(10) A district shall be eligible for grants pursuant to KRS 39F.130 and workers' compensation coverage pursuant to KRS 39F.170.
(11) Tax revenues of a rescue squad taxing district shall be used only for rescue services as described in this chapter. Tax revenues of a rescue squad taxing district shall be distributed among all rescue squads in the district in proportion to the percentage of the district's population served by each squad.

(12) The board of directors shall comply with the provisions of Sections 1 to 9 of this Act.

Section 18. KRS 43.070 is amended to read as follows:

KRS 43.070 Audit of accounts of county officers *and special purpose governmental entities*.

(1) ***(a)*** To determine whether any unauthorized, illegal, irregular, or unsafe handling or expenditure of revenue or other improper practice of financial administration has occurred and to assure that all proper items have been duly charged, taxed, and reported, the Auditor shall audit annually:

1.~~[(a)]~~ The funds contained in each county's budget; and

2.~~[(b)]~~ The books, accounts, and papers of all county clerks and sheriffs.

(b) The Auditor shall not conduct an audit pursuant to this subsection if the fiscal court or the elected official notifies the Auditor that a certified public accountant has been employed to audit the books, accounts, and papers of the county or the fee office, in accordance with KRS 64.810.

(2) ~~[(a)~~ The Auditor may audit***:***

(a) The books, accounts and papers of all county judges/executive, county attorneys, coroners and constables; and

(b) The books, accounts, papers, and performance of all special purpose governmental entities as defined in Section 1 of this Act. The expense of any audit or examination performed pursuant to this paragraph shall be borne by the entity audited or examined.

~~[(b) The Auditor shall not conduct an audit pursuant to subsection (1)(a) or (b) of this section if the fiscal court or the elected official notifies the Auditor that a certified public accountant has been employed to audit the books, accounts and papers of the county or the fee office, in accordance with KRS 64.810.]~~

(3) The county shall bear one-half (1/2) of the actual expense of the audit conducted pursuant to subsection (1)(a)***1.*** of this section and shall bear the total actual expense of the audit conducted pursuant to subsections (1)***(a)2.***~~[(b)]~~ and (2)***(a)*** of this section. No county shall be required to bear the expense for more than one (1) audit of the same fund or office annually pursuant to subsection (1)(a)***1.*** or ***2.***~~[(b)]~~ of this section except as provided ~~[for]~~in KRS 64.810(4).

(4) Within a reasonable time after the completion and distribution of the audit reports authorized by subsection (1) of this section, the Auditor of Public Accounts shall bill the county for the expenses incurred pursuant to subsection (3) of this section. A copy of this bill shall be forwarded to the secretary of the Finance and Administration Cabinet. Should the fiscal court within sixty (60) days following receipt of said bill determine the charge to be excessive or otherwise improper it shall submit its objection to the secretary of the Finance and Administration Cabinet and to the State Treasurer for resolution of the controversy in accordance with subsection (5) of this section. If the amount billed has not been paid within sixty (60) days from date of billing, and no objection has been filed, the Auditor shall notify the secretary of the Finance and Administration Cabinet and the secretary of revenue who shall cause said amount to be deducted from the next payment or return of moneys provided by KRS 47.110 by the state to the county or counties. Deductions shall continue until the total amount due the

Auditor's office has been paid. All moneys received pursuant to this section shall be credited to the trust and agency account of the Auditor of Public Accounts. When an objection to the bill has been filed with the secretary of the Finance and Administration Cabinet and the State Treasurer in accordance with subsection (5) of this section the amount found to be equitable and just shall become payable immediately upon the entry of the final decision.

(5) Any controversy over the amount of the bill for the actual expenses incurred shall be submitted by the fiscal court to the secretary of the Finance and Administration Cabinet and the State Treasurer for a decision as to the proper amount. In the event that these two (2) arbitrators fail to agree, then the controversy shall be submitted to the Attorney General, whose decision shall be final.

Section 19. KRS 43.075 is amended to read as follows:

(1) The Auditor shall develop uniform standards and procedures for conducting, and uniform formats for reporting, all audits of county budgets and the accounts, books and papers of elected county or district officials performed under KRS 43.070(1)(a)***1.*** and ***2.***~~[(b)]~~ or ***(1)***~~[(2)]~~(b) or 64.810. The Auditor shall promulgate the uniform standards and procedures by administrative regulation according to KRS Chapter 13A.

(2) Upon and after July 15, 1986, no person shall conduct an audit under KRS 43.070(1)(a)***1.*** and ***2.***~~[(b)]~~ or ***(1)***~~[(2)]~~(b) or 64.810 which does not comply with the standards and procedures promulgated by the state Auditor of Public Accounts under subsection (1) of this section.

(3) The uniform audit standards and procedures promulgated by the Auditor shall include but need not be limited to the requirement that each person performing an audit shall determine whether the fiscal court or county official is complying with the requirements of the uniform system of accounts adopted under KRS 68.210, whether there is accurate recording of receipts by source and expenditures by payee, and whether or not each official is complying with all other legal requirements relating to the management of public funds by his office, including all publication requirements. The requirements for uniform formats for audit reports shall require that the format of reports for each category of county or district office shall be uniform.

(4) The Auditor shall make informational copies of the regulations containing the audit standards and procedures available to interested persons at their request, and may charge a reasonable fee for such copies.

SECTION 2020. A NEW SECTION OF KRS 65.180 TO 65.192 (Taxing Districts) IS CREATED TO READ AS FOLLOWS:

KRS 65.181 Compliance with KRS 65A.010 to 65A.090

The board of any taxing district established pursuant to KRS 65.180 to 65.192 shall comply with the provisions of Sections 1 to 9 of this Act.

* * * * *

SECTION 21. A NEW SECTION OF KRS 65.660 TO 65.679 (Emergency Services Boards) IS CREATED TO READ AS FOLLOWS:
KRS 65.352 Compliance with KRS 65A.010 to 65A.090.
Any emergency services board established pursuant to KRS 65.660 to 65.679 shall comply with the provisions of Sections 1 to 9 of this Act.

* * * * *

Section 21. KRS 75.430 (Fire Protection Districts) is amended to read as follows:
KRS 75.430 *Compliance with KRS 65A.010 to 65A.090* – Financial statement – Audit.
(1) Each recognized and certified fire department created pursuant to KRS Chapter 273 shall ***comply with the provisions of Sections 1 to 9 of this Act***[~~send a copy of its annual report as required by KRS 14A.6-010 to the commission at the time the report is filed with the Secretary of State~~].
(2) The governing body of each recognized and certified volunteer fire department created pursuant to KRS Chapter 273 which, for the year in question, receives from all sources or expends for all purposes less than one hundred thousand dollars ($100,000) shall prepare a financial statement and submit it to the commission by July 31 of each year.
(3) The governing body of each recognized and certified volunteer fire department created pursuant to KRS Chapter 273 which, for the year in question, receives from all sources or expends for all purposes one hundred thousand dollars ($100,000) or more shall prepare a financial statement and shall employ an independent certified public accountant or contract with the Auditor of Public Accounts to perform a review of the financial statement, and shall submit the reviewed statement to the commission by July 31 of each year.

* * * * *

SECTION 52. A NEW SECTION OF KRS 108.080 TO 108.180 (Ambulance Service Districts) IS CREATED TO READ AS FOLLOWS:
KRS 108.115 Compliance with KRS 65A.010 to 65A.090.
The board of each district shall comply with the provisions of Sections 1 to 9 of this Act.

* * * * *

Section 54. KRS 147.635 (Area Planning Commission) is amended to read as follows:
KRS 147.635 Budget – Annual audit – *Compliance with KRS 65A.010 to 65A.090.*
(1) An area planning commission created under the provisions of KRS 147.610 to 147.705 shall, not later than two (2) months prior to the first day of its fiscal year, submit a proposed budget detailing anticipated revenues and expenditures, and a proposed tax rate, to the area council for its approval on or before the first day of each such fiscal year.

(2) The area council shall contract with an independent, reputable certified public accountant to perform an audit of the records, books, and accounts of the area planning commission for each fiscal year.
(3) The area planning commission and area council shall comply with the provisions of Sections 1 to 9 of this Act.

* * * * *

SECTION 85. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:
KRS 65A.100 Fees and ad valorem taxes levied by special purpose governmental entities – Reporting to governing body of city or county.
(1) The provisions of this section shall apply to any fee or ad valorem tax levied by a special purpose governmental entity.
(2) Any special purpose governmental entity that:
(a) 1. Adopts a new fee or ad valorem tax;
2. Increases the rate at which an existing fee or tax, other than an ad valorem tax, is imposed; or
3. Adopts an ad valorem tax rate;
shall report the fee or tax to the governing body of the city or county in which the largest number of citizens served by the special purpose governmental entity reside. If the special purpose governmental entity serves only the residents of a city, the notice shall be provided to the governing body of that city.
(b) The report required by paragraph (a) of this subsection shall be for informational purposes only, and the governing body shall not have the authority to adjust, amend, or veto the fee or tax, provided that any other provision of the Kentucky Revised Statutes that provides greater authority for the governing body of a city or county over taxes, fees, or rates imposed by a special purpose governmental entity shall continue to apply to those taxes, fees, or rates.
(3) The report required by subsection (2) of this section shall be made by:
(a) Submission of written notification of the ad valorem tax or fee to the governing body at least thirty (30) days before the date the ad valorem tax or fee will be effective; and
(b) Presentation of testimony relating to the ad valorem tax or fee at an open, regularly scheduled meeting of the governing body at least ten (10) days prior to the date the ad valorem tax or fee will be effective.
(4) The governing body shall include notification that the ad valorem tax or fee will be presented in all public notices provided for the meeting.

Section 22. KRS 132.010 is amended to read as follows:
As used in this chapter, unless the context otherwise requires:

(23) (a) "County" ***means any county, consolidated local government, urban-county government, unified local government, or charter county government***[~~shall also mean a charter county government~~];

(b) "Fiscal court" ***means the legislative body of any county, consolidated local government, urban-county government, unified local government, or charter county government***[~~shall also mean the legislative body of a charter county government~~]; and
(c) "County judge/executive" ***means the chief executive officer of any county, consolidated local government, urban-county government, unified local government, or charter county government;***[~~shall also mean the chief executive officer of a charter county government~~]
(24) "Taxing district" means any entity with the authority to levy a local ad valorem tax, including special purpose governmental entities; and
(25) "Special purpose governmental entity" shall have the same meaning as in Section 1 of this Act, and as used in this chapter shall include only those special purpose governmental entities with the authority to levy ad valorem taxes, and that are not specifically exempted from the provisions of this chapter by another provision of the Kentucky Revised Statutes.

Section 87. KRS 132.023 is amended to read as follows:
KRS 132.023 Limits for *special purpose governmental entities* – Procedure for exceeding limits.
(1) No ***special purpose governmental entity***[~~taxing district, other than the state, counties, school districts, cities, consolidated local governments, and urban-county governments,~~] shall levy a tax rate which exceeds the compensating tax rate [~~defined in KRS 132.010,~~] until the taxing district has complied with the provisions of subsection (2) of this section.
(2) (a) A ***special purpose governmental entity***[~~taxing district, other than the state, counties, school districts, cities, consolidated local governments, and urban-county governments,~~] proposing to levy a tax rate which exceeds the compensating tax rate [~~defined in KRS 132.010,~~] shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held ***in the same location where the governing body of the city or county where the largest number of citizens served by the special purpose governmental entity reside meets, and shall be held immediately before a regularly scheduled meeting of that governing body***[~~in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district~~].
(b) The ***special purpose governmental entity***[~~taxing district~~] shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following:
1. The tax rate levied in the preceding year, and the revenue produced by that rate;
2. The tax rate proposed for the current year and the revenue expected to be produced by that rate;
3. The compensating tax rate and the revenue expected from it;
4. The revenue expected from new property and personal property;
5. The general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated;

6. A time and place for the public hearing which shall be held not less than seven (7) days, nor more than ten (10) days, after the day that the second advertisement is published;
7. The purpose of the hearing; and
8. A statement to the effect that the General Assembly has required publication of the advertisement and the information contained therein.
(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first-class mail to each person owning real property in the ***special purpose governmental entity***[~~taxing district~~], addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.
(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The ***special purpose governmental entity***[~~taxing district~~] may set reasonable time limits for testimony.
(3) (a) That portion of a tax rate levied by an action of a ***special purpose governmental entity***[~~tax district, other than the state, counties, school districts, cities, consolidated local governments, and urban-county governments~~] which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced by the compensating tax rate [~~defined in KRS 132.010 ~~]shall be subject to a recall vote or reconsideration by the ***special purpose governmental entity***[~~taxing district~~], as provided for in KRS 132.017, and shall be advertised as provided [~~for~~] in paragraph (b) of this subsection.
(b) The ***special purpose governmental entity***[~~taxing district, other than the state, counties, school districts, cities, consolidated local governments, and urban-county governments~~] shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property [~~as defined in KRS 132.010, ~~]more than four percent (4%) over the amount of revenue produced by the compensating tax rate[~~ defined in KRS 132.010~~], cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following:
1. The fact that the taxing district has adopted a rate;
2. The fact that the part of the rate which will produce revenue from real property, exclusive of new property[~~ as defined in KRS 132.010,~~] in excess of four percent (4%) over the amount of revenue produced by the compensating tax rate [~~defined in KRS 132.010 ~~]is subject to recall; and
3. The name, address, and telephone number of the county clerk of the county in which the ***special purpose governmental entity***[~~taxing district~~] is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 88. KRS 132.024 is amended to read as follows:
KRS 132.024 Limits for *special purpose governmental entities* on personal property tax rate.
(1) ***If***[~~In the event that~~] the tax rate applicable to real property levied by a ***special purpose governmental entity***[~~taxing district, other than the state, counties, school~~

~~districts, cities, and urban-county governments,]~~ will produce a percentage increase in revenue from personal property less than the percentage increase in revenue from real property, the ***special purpose governmental entity***~~[taxing district, other than the state, counties, school districts, cities, and urban-county governments,]~~ may levy a tax rate applicable to personal property which will produce the same percentage increase in revenue from personal property as the percentage increase in revenue from real property.

(2) The tax rate applicable to personal property levied by a ***special purpose governmental entity***~~[taxing district, other than the state, counties, school districts, cities, and urban-county governments,]~~ under the provisions of subsection (1) of this section shall not be subject to the public hearing provisions of KRS 132.023(2) and to the recall provisions of KRS 132.023(3).

* * * * *

Section 89. Because it is necessary to establish an accountable and transparent reporting system for special purpose governmental entities as soon as possible, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

HOUSE BILL 3 HUMAN TRAFFICKING

SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

KRS 620.029 Duties of cabinet relating to children who are victims of human trafficking.

(1) In order to provide the most effective treatment for children who are victims of human trafficking, as defined in Section 7 of this Act, the cabinet shall:

(a) Investigate a report alleging a child is a victim of human trafficking pursuant to subsection (3) of Section 2 of this Act;

(b) Provide or ensure the provision of appropriate treatment, housing, and services consistent with the status of the child as a victim of human trafficking; and

(c) Proceed in the case in accordance with applicable statutes governing cases involving dependency, neglect, or abuse regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision.

(2) In order to effectuate the requirements of this section, the cabinet shall:

(a) Consult with agencies serving victims of human trafficking to promulgate administrative regulations for the treatment of children who are reported to be victims of human trafficking as dependent, neglected, or abused children, including providing for appropriate screening, assessment, treatment, services, temporary and long-term placement of these children, training of staff, the designation of specific staff, and collaboration with service providers and law enforcement; and

(b) By November 1 of each year, beginning in 2013, submit to the Legislative Research Commission a comprehensive report detailing the number of reports

the cabinet has received regarding child victims of human trafficking, the number of reports in which the cabinet has investigated and determined that a child is the victim of human trafficking, and the number of cases in which services were provided.

Section 2. KRS 620.030 is amended to read as follows:

KRS 620.030 Duty to report dependency, neglect, abuse, *or human trafficking* – Husband-wife and professional-client/patient privileges not grounds for refusal to report – Exceptions – Penalties.

(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 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, 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, 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 or the Commonwealth's or county attorney, the cabinet or its designated representative within forty-eight (48) hours of the original report a written report containing:

(a) The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision;

(b) The child's age;

(c) The nature and extent of the child's alleged dependency, neglect, or abuse, including any previous charges of dependency, neglect, or abuse, to this child or his or her siblings;

(d) The name and address of the person allegedly responsible for the abuse or neglect; and

(e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.

(3) ***Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking as defined in Section 7 of this Act 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, or person exercising custodial control or supervision.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.

(5)[~~(4)~~] The cabinet upon request shall receive from any agency of the state or any other agency, institution, or facility providing services to the child or his or her family, such cooperation, assistance, and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.

(6)[~~(5)~~] 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 3. KRS 620.040 is amended to read as follows:

(1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, or person exercising custodial control or supervision, pursuant to KRS 620.030(1) or (2), ***or a report alleging a child is a victim of human trafficking pursuant to subsection (3) of Section 2 of this Act,*** the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report unless they are the reporting source.

(b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk determined, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse ***or human trafficking of a child*** shall be considered high risk and shall not be referred to any other community agency.

(c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and holidays, make a written report to the Commonwealth's or county attorney and the local enforcement agency or the Department of Kentucky State Police concerning the action that has been taken on the investigation.

(d) If the report alleges abuse or neglect by someone other than a parent, guardian, or person exercising custodial control or supervision, ***or the human trafficking of a child,*** the cabinet shall immediately notify the Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police.

(2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1)

and (2), the recipient shall immediately notify the cabinet or its designated representative.

(b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse ***or human trafficking of a child*** shall be considered high risk and shall not be referred to any other community agency.

(c) The cabinet need not notify the local law enforcement agency or the Department of Kentucky State Police or county attorney or Commonwealth's attorney of reports made under this subsection ***unless the report involves the human trafficking of a child, in which case the notification shall be required***.

(3) If the cabinet or its designated representative receives a report of abuse by a person other than a parent, guardian, or other person exercising custodial control or supervision of a child, it shall immediately notify the local law enforcement agency or the Department of Kentucky State Police and the Commonwealth's or county attorney of the receipt of the report and its contents, and they shall investigate the matter. The cabinet or its designated representative shall participate in an investigation of noncustodial physical abuse or neglect at the request of the local law enforcement agency or the Department of Kentucky State Police. The cabinet shall participate in all investigations of reported or suspected sexual abuse ***or human trafficking*** of a child.

(4) School personnel or other persons listed in KRS 620.030(2) do not have the authority to conduct internal investigations in lieu of the official investigations outlined in this section.

(5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its designated representative cannot gain admission to the location of the child, a search warrant shall be requested from, and may be issued by, the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected, or abused. If, pursuant to a search under a warrant, a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer.

(b) If a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he or she is returned to the persons having custody of him or her, the physician or hospital administrator may hold the child without court order, provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours.

(c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury**,**~~[or]~~ is being sexually abused***, or is a victim of human trafficking*** and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order.

(d) When a law enforcement officer, hospital administrator, or physician takes a child

into custody without the consent of the parent or other person exercising custodial control or supervision, he or she shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.

(6) To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center.

(7) (a) One (1) or more multidisciplinary teams may be established in every county or group of contiguous counties.

(b) Membership of the multidisciplinary team shall include but shall not be limited to social service workers employed by the Cabinet for Health and Family Services and law enforcement officers. Additional team members may include Commonwealth's and county attorneys, children's advocacy center staff, mental health professionals, medical professionals, victim advocates ***including advocates for victims of human trafficking***, educators, and other related professionals, as deemed appropriate.

(c) The multidisciplinary team ***shall***[~~may~~] review child sexual abuse cases ***and child human trafficking cases involving commercial sexual activity*** referred by participating professionals, including those in which the alleged perpetrator does not have custodial control or supervision of the child or is not responsible for the child's welfare. The purpose of the multidisciplinary team shall be to review investigations, assess service delivery, and to facilitate efficient and appropriate disposition of cases through the criminal justice system.

(d) The team shall hold regularly scheduled meetings if new reports of sexual abuse ***or child human trafficking cases involving commercial sexual activity*** are received or if active cases exist. At each meeting, each active case shall be presented and the agencies' responses assessed.

(e) The multidisciplinary team shall provide an annual report to the public of nonidentifying case information to allow assessment of the processing and disposition of child sexual abuse cases ***and child human trafficking cases involving commercial sexual activity***.

(f) Multidisciplinary team members and anyone invited by the multidisciplinary team to participate in a meeting shall not divulge case information, including information regarding the identity of the victim or source of the report. Team members and others attending meetings shall sign a confidentiality statement that is consistent with statutory prohibitions on disclosure of this information.

(g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660, develop a local protocol consistent with the model protocol issued by the Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local team shall submit the protocol to the commission for review and approval.

(h) The multidisciplinary team review of a case may include information from reports generated by agencies, organizations, or individuals that are responsible for investigation, prosecution, or treatment in the case, KRS 610.320 to KRS 610.340 notwithstanding.

(i) To the extent practicable, multidisciplinary teams shall be staffed by the local children's advocacy center.

SECTION 4. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:
KRS 15A.068 Duties of department if child may be victim of human trafficking – Administrative regulations.
(1) If, during the course of screening, assessing, or providing services to a child committed to or in the custody of the department, there is reasonable cause to believe that the child is a victim of human trafficking as defined in Section 7 of this Act, the department shall:
(a) File a report with the Cabinet for Health and Family Services pursuant to Section 2 of this Act;
(b) Notify the child's attorney that the child may be a victim of human trafficking; and
(c) If the child does not pose a threat to public safety, petition the court to transfer custody from the department to the Cabinet for Health and Family Services.
(2) After consultation with agencies serving victims of human trafficking, the department shall promulgate administrative regulations for the treatment of child victims of human trafficking who are committed to or in the custody of the department and pose a threat to public safety but do not qualify to be in the custody of the Cabinet for Health and Family Services under paragraph (c) of subsection (1) of this section. The administrative regulations shall include provisions for appropriate screening, assessment, placement, treatment, and services for these children, the training of staff, and collaboration with service providers.

Section 5. KRS 605.030 is amended to read as follows:
(1) A court-designated worker may:
(a) Receive complaints;
(b) Review complaints taken by peace officers;
(c) Investigate complaints except neglect, abuse, and dependency;
(d) ***Perform an initial screening for human trafficking as defined in Section 7 of this Act for referral to the cabinet for investigation as a case of dependency, neglect, or abuse;***
(e) Dispose of complaints limited to a total of three (3) status or nonfelony complaints per child;
(f)~~[(e)]~~ Administer oaths;
(g)~~[(f)]~~ Issue summonses;
(h)~~[(g)]~~ Issue subpoenas;
(i)~~[(h)]~~ Make advisory dispositional recommendations and provide, within forty-eight (48) hours, exclusive of weekends and holidays, information concerning a child who has chosen to waive the investigation pursuant to KRS 610.100 for the use of the cabinet in placing the child;
(j)~~[(i)]~~ Perform such duties as required by KRS Chapter 645; and
(k)~~[(j)]~~ Perform such other functions related to activities of children as may be authorized or directed by the court.
(2) Upon the filing of a petition which initiates a formal court action in the interest of

the child, the court-designated worker's involvement, with the exception of the activities defined in subsection (1)***(i)***[~~(h)~~] of this section, shall cease.
(3) When a child is to be tried as an adult, the court-designated worker need not make dispositional recommendations.

SECTION 6. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:
KRS 630.125 Child not be be charged with or found guilty of status offense related to human trafficking.
If reasonable cause exists to believe the child is a victim of human trafficking, as defined in Section 7 of this Act, the child shall not be charged with or adjudicated guilty of a status offense related to conduct arising from the human trafficking of the child unless it is determined at a later time that the child was not a victim of human trafficking at the time of the offense.

Section 7. KRS 529.010 is amended to read as follows:
The following definitions apply in this chapter unless the context otherwise requires:
(1) "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;
(2) "Commercial sexual activity" means prostitution, ***regardless of whether the trafficked person can be charged with prostitution,*** participation in the production of obscene material as set out in KRS Chapter 531, or engaging in a sexually explicit performance;
(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;
(4) "Force, fraud, or coercion" may only be accomplished by the same means and methods as a person may be restrained under KRS 509.010;
(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;
(6) ***"Human trafficking victims fund" is the fund created in Section 9 of this Act;***
(7) "Labor" means work of economic or financial value;
(8) "Minor" means a person under the age of eighteen (18) years;
(9) [~~(7)~~] "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;
(10)[~~(8)~~] "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;

(11)[~~(9)~~] "Sexual conduct" means sexual intercourse or any act of sexual gratification involving the sex organs;[~~ and~~]

(12)[~~(10)~~] "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***

(13) "Victim of human trafficking" is a person who has been subjected to human trafficking.

SECTION 8. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO READ AS FOLLOWS:

KRS 529.130 Human trafficking victims service fee.

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 ten thousand dollars ($10,000) to be remitted to the fund created in Section 9 of this Act.

SECTION 9. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO READ AS FOLLOWS:

KRS 529.140 Human trafficking victims fund.

(1) The "human trafficking victims fund," referred to in this section as the "fund," is created as a separate revolving fund within the Justice and Public Safety Cabinet.

(2) The fund shall consist of proceeds from assets seized and forfeited pursuant to Section 10 of this Act, proceeds from the fee in Section 8 of this Act, 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 in accordance with procedures developed by the Justice and Public Safety Cabinet pursuant to administrative regulation. The administrative regulation shall require that the Cabinet for Health and Family Services receive adequate funding allocation under this subsection to meet the responsibilities imposed upon it to serve minor victims of human trafficking under Section 1 of this Act.

(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. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO READ AS FOLLOWS:
KRS 529.150 Forfeiture of property used in connection with human trafficking – Distribution of proceeds.
(1) All property used in connection with or acquired as a result of a violation of KRS 529.100 or 529.110 shall be subject to forfeiture under the same terms, conditions, and defenses and using the same process as set out in KRS 218A.405 to 218A.460, with the exception of the distribution of proceeds, which shall be distributed as required in this section.
(2) Proceeds from the assets seized and forfeited shall be distributed as follows:
(a) Fifty percent (50%) shall be paid to the human trafficking victims fund;
(b) Forty-two and one-half percent (42.5%) shall be paid to the law enforcement agency or agencies that seized the property, to be used for direct law enforcement purposes; and
(c) Seven and one-half percent (7.5%) shall be paid to the Office of the Attorney General or, in the alternative, to the Prosecutors Advisory Council for deposit on behalf of the Commonwealth's attorney or county attorney who has participated in the forfeiture proceeding, as determined by the court pursuant to subsection (9) of KRS 218A.420. Notwithstanding KRS Chapter 48, these funds shall be exempt from any state budget reduction acts.
The moneys identified in this subsection are intended to supplement any funds otherwise appropriated to the recipient and shall not supplant other funding of any recipient.

SECTION 11. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO READ AS FOLLOWS:
KRS 529.120 Treatment of minor suspected of prostitution offense.
(1) Notwithstanding Section 12 or 13 of this Act, if it is determined after a reasonable period of custody for investigative purposes, that the person suspected of prostitution or loitering for prostitution is under the age of eighteen (18), then the minor shall not be prosecuted for an offense under Section 12 or 13 of this Act.
(2) A law enforcement officer who takes a minor into custody under subsection (1) of this section shall immediately make a report to the Cabinet for Health and Family Services pursuant to Section 2 of this Act. Pursuant to Section 3 of this Act, the officer may take the minor into protective custody.
(3) The Cabinet for Health and Family Services shall commence an investigation into child dependency, neglect, or abuse pursuant to Section 1 of this Act.

Section 12. KRS 529.020 is amended to read as follows:
(1) ***Except as provided in Section 11 of this Act,*** a person is guilty of prostitution when he engages or agrees or offers to engage in sexual conduct with another person in return for a fee.
(2) Prostitution is a Class B misdemeanor.

Section 13. KRS 529.080 is amended to read as follows:
(1) ***Except as provided in Section 11 of this Act,*** a person is guilty of loitering for prostitution purposes when he loiters or remains in a public place for the purpose of engaging or agreeing or offering to engage in prostitution.
(2) Loitering for prostitution purposes is a:
(a) Violation for the first offense;
(b) Class B misdemeanor for the second offense and for each subsequent offense.

Section 14. KRS 15.334 is amended to read as follows:
(1) The Kentucky Law Enforcement Council shall approve mandatory training subjects to be taught to all students attending a law enforcement basic training course that include but are not limited to:
(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;~~[and]~~
(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***; and***
(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.
(2) (a) The council shall develop and approve mandatory professional development training courses to be presented to all certified peace officers. A mandatory professional

development training course shall be first taken by a certified peace officer in the training year following its approval by the council and biennially thereafter. A certified peace officer shall be required to take these courses no more than two (2) times in eight (8) years.
(b) Beginning January 1, 2011, the council shall require that one and one-half (1.5) hours of professional development covering the recognition and prevention of pediatric abusive head trauma be included in the curriculum of all mandatory professional development training courses such that all officers shall receive this training at least once by December 31, 2013. The one and one-half (1.5) hours required under this section shall be included in the current number of required continuing education hours.
(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 professional development training courses.
(5) The council shall make an annual report by December 31 each year to the Legislative Research Commission that details the subjects and content of mandatory professional development training courses established during the past year and the subjects under consideration for future mandatory training.

Section 15. KRS 15.706 is amended to read as follows:
(1) The Prosecutors Advisory Council shall collect statistical data regarding the investigation, prosecution, dismissal, conviction, or acquittal of any person charged with committing, attempting to commit, or complicity to a sexual offense defined by KRS Chapter 510 involving a minor, ***human trafficking offenses involving a minor engaged in commercial sexual activity,*** incest involving a minor, use of a minor in a sexual performance, or unlawful transaction with a minor.
(2) Each Commonwealth's attorney, each county attorney, the secretary of the Cabinet for Health and Family Services, the commissioner of the Department of Kentucky State Police, each Circuit Court clerk, and the Administrative Office of the Courts shall provide any data requested by the council for this purpose, on a form prescribed by the council, at intervals as the council may direct.
(3) The council may contract with any other public agency to collect the data in lieu of collecting the data itself.
(4) The Prosecutors Advisory Council may promulgate administrative regulations to specify information to be reported.
(5) The information required to be reported by this section shall be provided by each Commonwealth's attorney and county attorney at the end of each quarter of the calendar year or as otherwise directed by the Prosecutors Advisory Council.
(6) The Prosecutors Advisory Council and the Office of the Attorney General shall compile the information by county and issue a public report at least annually.
(7) The public report shall not contain the name or identifying information of a victim or person not formally charged with the commission of child sexual abuse ***or human trafficking of a child***. Information collected by the Commonwealth's attorney or county

attorney or by the Prosecutors Advisory Council containing data which cannot be published shall be excluded from inspection, unless by court order, from the Open Records Law.
(8) Any Commonwealth's attorney or any county attorney who fails to report information as defined by this section or administrative regulation shall be subject to salary reduction as authorized by KRS 61.120.

Section 16. KRS 15.718 is amended to read as follows:
(1) The Attorney General shall provide initial training courses and, at least once every two (2) years, continuing education courses for Commonwealth's attorneys and county attorneys and their staffs concerning***:***
(a) The dynamics of domestic violence, child physical and sexual abuse, rape, effects of crime on adult and child victims, legal remedies for protection, lethality and risk issues, profiles of offenders, model protocols for addressing domestic violence, child abuse, rape, available community resources and victims services, and reporting requirements***; and***
(b) The appropriate response to victims of human trafficking, including but not limited to screening for victims of human trafficking, federal and state legislation on human trafficking, appropriate services and referrals for victims of human trafficking, working with interpreters, and agency protocol for handling child trafficking cases.
(2) The training shall be developed in consultation with prosecutors, victims services, victim advocacy, and mental health professionals with an expertise in domestic violence, child abuse, ***human trafficking,*** and rape.
(3)[~~(2)~~] Each Commonwealth's Attorney, assistant Commonwealth's Attorney, county attorney, and assistant county attorney shall successfully complete the training.

SECTION 17. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:
KRS 16.173 Unit of department to receive and investigate complaints of human trafficking.
The Department of Kentucky State Police shall designate a unit within the department to receive and investigate complaints of human trafficking. The unit shall cooperate with and assist prosecutorial agencies and local and federal law enforcement, as well as law enforcement from other states, in the receipt and investigation of complaints of human trafficking.

Section 18. KRS 421.500 is amended to read as follows:
(1) As used in KRS 421.500 to 421.575, "victim" means 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. of this paragraph 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; and

(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.

Section 19. KRS 421.570 is amended to read as follows:

(1) For the purposes of this section and KRS 421.575, "victim advocate" means an individual at least eighteen (18) years of age and of good moral character, who is employed by, or serves as a volunteer for, a public or private agency, organization, or official to counsel and assist crime victims as defined in KRS 421.500, and includes a

victim advocate employed by a Commonwealth's attorney pursuant to KRS 15.760 and a victim advocate employed by a county attorney pursuant to KRS 69.350.
(2) Each victim advocate shall complete training which shall include information concerning the difference between advocacy and the practice of law, and the appropriate intervention with crime victims, including victims of domestic violence, child physical and sexual abuse, ***human trafficking,*** and rape.
(3) A victim advocate shall not engage in the practice of law as defined in KRS 524.130.

Section 20. KRS 413.249 is amended to read as follows:
(1) As used in this section:
(a) "Childhood sexual assault" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a felony in KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 529.100 where the offense involves commercial sexual activity, ***529.110 where the offense involves commercial sexual activity,*** 530.020, 530.064, 531.310, or 531.320. No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual assault;
(b) "Childhood sexual abuse" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a misdemeanor in KRS 510.120, KRS 510.130, KRS 510.140, or KRS 510.150. No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual abuse;
(c) "Child" means a person less than eighteen (18) years old; and
(d) "Injury or illness" means either a physical or psychological injury or illness.
(2) A civil action for recovery of damages for injury or illness suffered as a result of childhood sexual abuse or childhood sexual assault shall be brought before whichever of the following periods last expires:
(a) Within five (5) years of the commission of the act or the last of a series of acts by the same perpetrator;
(b) Within five (5) years of the date the victim knew, or should have known, of the act; or
(c) Within five (5) years after the victim attains the age of eighteen (18) years.
(3) If a complaint is filed alleging that an act of childhood sexual assault or childhood sexual abuse occurred more than five (5) years prior to the date that the action is commenced, the complaint shall be accompanied by a motion to seal the record and the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until:
(a) The court rules upon the motion to seal;
(b) Any motion to dismiss under CR 12.02 is ruled upon, and if the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed unless opened by a higher court; or
(c) The defendant files an answer and a motion to seal the record upon grounds that a valid factual defense exists, to be raised in a motion for summary judgment pursuant to CR 56. The record shall remain sealed by the clerk until the court rules upon the defendant's motion to close the record. If the court grants the motion to close, the record

shall remain sealed until the defendant's motion for summary judgment is granted. The complaint, motions, and other related papers or pleadings shall remain sealed unless opened by a higher court.

Section 21. KRS 421.350 is amended to read as follows:

(1) This section applies only to a proceeding in the prosecution of an offense, including but not limited to an offense under KRS 510.040 to 510.155, 529.030 to 529.050, 529.070, ***529.100, 529.110,*** 530.020, 530.060, 530.064(1)(a), 531.310, 531.320, 531.370, or any specified in KRS 439.3401 and all dependency proceedings pursuant to KRS Chapter 620, when the act is alleged to have been committed against a child twelve (12) years of age or younger, and applies to the statements or testimony of that child or another child who is twelve (12) years of age or younger who witnesses one of the offenses included in this subsection.

(2) The court may, on the motion of the attorney for any party and upon a finding of compelling need, order that the testimony of the child be taken in a room other than the courtroom and be televised by closed circuit equipment in the courtroom to be viewed by the court and the finder of fact in the proceeding. Only the attorneys for the defendant and for the state, persons necessary to operate the equipment, and any person whose presence the court finds would contribute to the welfare and well-being of the child may be present in the room with the child during his testimony. Only the attorneys may question the child. The persons operating the equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see and hear the child during his testimony, but does not permit the child to see or hear them. The court shall permit the defendant to observe and hear the testimony of the child in person, but shall ensure that the child cannot hear or see the defendant.

(3) The court may, on the motion of the attorney for any party and upon a finding of compelling need, order that the testimony of the child be taken outside the courtroom and be recorded for showing in the courtroom before the court and the finder of fact in the proceeding. Only those persons permitted to be present at the taking of testimony under subsection (3) of this section may be present during the taking of the child's testimony, and the persons operating the equipment shall be confined from the child's sight and hearing as provided by subsection (3) of this section. The court shall permit the defendant to observe and hear the testimony of the child in person, but shall ensure that the child cannot hear or see the defendant. The court shall also ensure that:

(a) The recording is both visual and oral and is recorded on film or videotape or by other electronic means;

(b) The recording equipment was capable of making an accurate recording, the operator was competent, and the recording is accurate and is not altered;

(c) Each voice on the recording is identified; and

(d) Each party is afforded an opportunity to view the recording before it is shown in the courtroom.

(4) If the court orders the testimony of a child to be taken under subsection (2) or (3) of this section, the child may not be required to testify in court at the proceeding for which the testimony was taken, but shall be subject to being recalled during the course of the trial to give additional testimony under the same circumstances as with any other recalled witness, provided that the additional testimony is given utilizing the provisions

of subsection (2) or (3) of this section.
(5) For the purpose of subsections (2) and (3) of this section, "compelling need" is defined as the substantial probability that the child would be unable to reasonably communicate because of serious emotional distress produced by the defendant's presence.

Section 2223. KRS 431.082 is amended to read as follows:
(1) In the event of the conviction of a defendant for the violation of any offense proscribed by KRS Chapter 510 or 531 ***or any human trafficking offense proscribed by KRS Chapter 529***, the person who was the victim of the offense may bring an action in damages against the defendant in the criminal case.
(2) If the plaintiff prevails, he ***or she*** shall be entitled to attorney's fees and all other costs incurred in the bringing of the action, including but not limited to the services of expert witnesses, testing and counseling, medical and psychological treatment, and other expenses reasonably incurred as a result of the criminal act.
(3) Any award of nominal damages shall support an award of attorneys fees and costs to the prevailing party.
(4) Punitive damages as well as compensatory damages shall be awardable in cases brought under this section.
(5) The provisions of this section shall not be construed as repealing any provision of KRS 431.080 or any other applicable statute or of any statutory or common law right of action but shall be construed as ancillary and supplemental thereto.

Section 23. KRS 431.600 is amended to read as follows:
(1) Each investigation of reported or suspected sexual abuse of a child shall be conducted by a specialized multidisciplinary team composed, at a minimum, of law enforcement officers and social workers from the Cabinet for Health and Family Services. Cabinet for Health and Family Services social workers shall be available to assist in all investigations under this section but shall be lead investigators only in those cases of reported or suspected sexual abuse of a child in which a person exercising custodial control or supervision, as defined in KRS 600.020, is the alleged or suspected perpetrator of the abuse. Additional team members may include Commonwealth's and county attorneys, children's advocacy center staff, mental health professionals, medical professionals, victim advocates, ***including those for victims of human trafficking,*** educators, and other related professionals, as necessary, operating under protocols governing roles, responsibilities, and procedures developed by the Kentucky Multidisciplinary Commission on Child Sexual Abuse and promulgated by the Attorney General as administrative regulations pursuant to KRS Chapter 13A.
(2) Local protocols shall be developed in each county or group of contiguous counties by the agencies and persons specified in subsection (1) of this section specifying how the state protocols shall be followed within the county or group of contiguous counties. These protocols shall be approved by the Kentucky Multidisciplinary Commission on Child Sexual Abuse.
(3) If adequate personnel are available, each Commonwealth's attorney's office and each county attorney's office shall have a child sexual abuse specialist.
(4) Commonwealth's attorneys and county attorneys, or their assistants, shall take an

active part in interviewing and familiarizing the child alleged to have been abused, or who is testifying as a witness, with the proceedings throughout the case, beginning as early as practicable in the case.
(5) If adequate personnel are available, Commonwealth's attorneys and county attorneys shall provide for an arrangement which allows one (1) lead prosecutor to handle the case from inception to completion to reduce the number of persons involved with the child victim.
(6) Commonwealth's attorneys and county attorneys and the Cabinet for Health and Family Services and other team members shall minimize the involvement of the child in legal proceedings, avoiding appearances at preliminary hearings, grand jury hearings, and other proceedings when possible.
(7) Commonwealth's attorneys and county attorneys shall make appropriate referrals for counseling, private legal services, and other appropriate services to ensure the future protection of the child when a decision is made not to prosecute the case. The Commonwealth's attorney or county attorney shall explain the decision not to prosecute to the family or guardian, as appropriate, and to the child victim.
(8) To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with a child shall be conducted at a children's advocacy center.

SECTION 24. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:
KRS 336.075 Reports of human trafficking – Immunity.
(1) The cabinet shall report all incidents of human trafficking as defined in Section 7 of this Act about which the cabinet knows or has reasonable cause to believe within twenty-four (24) hours to a local law enforcement agency or the Department of Kentucky State Police, and the appropriate Commonwealth's attorney or county attorney.
(2) Anyone acting upon reasonable cause in the making of a report under subsection (1) of this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

Section 25. KRS 337.385 is amended to read as follows:
KRS 337.385 Employer's liability – Unpaid wages and liquidated damages – *Punitive damages for forced labor or services.*
(1) ***Except as provided in subsection (3) of this section,*** any employer who pays any employee less than wages and overtime compensation to which such employee is entitled under or by virtue of KRS 337.020 to 337.285 shall be liable to such employee affected for the full amount of such wages and overtime compensation, less any amount actually paid to such employee by the employer, for an additional equal amount as liquidated damages, and for costs and such reasonable attorney's fees as may be allowed by the court.
(2) ~~[Provided, that]~~If, in any action commenced to recover such unpaid wages or liquidated damages, the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he or she had reasonable grounds for believing that his or her act or omission was not a violation of KRS 337.020 to 337.285, the court may, in its sound discretion, award no liquidated damages, or

award any amount thereof not to exceed the amount specified in this section. Any agreement between such employee and the employer to work for less than the applicable wage rate shall be no defense to such action. Such action may be maintained in any court of competent jurisdiction by any one (1) or more employees for and in behalf of himself, herself, or themselves.

(3) If the court finds that the employer has subjected the employee to forced labor or services as defined in Section 7 of this Act, the court shall award the employee punitive damages not less than three (3) times the full amount of the wages and overtime compensation due, less any amount actually paid to such employee by the employer, and for costs and such reasonable attorney's fees as may be allowed by the court, including interest thereon.

(4)[~~(2)~~] At the written request of any employee paid less than the amount to which he or she is entitled under the provisions of KRS 337.020 to 337.285, the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner in case of suit shall have power to join various claimants against the same employer in one (1) action.

Section 26. KRS 516.030 is amended to read as follows:

(1) A person is guilty of forgery in the second degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument***, or in the commission of a human trafficking offense as described in KRS 529.100 or 529.110, coerces another person to falsely make, complete, or alter a written instrument,*** which is or purports to be or which is calculated to become or to represent when completed:

(a) A deed, will, codicil, contract, assignment, commercial instrument, credit card or other instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or

(b) A public record or an instrument filed or required or authorized by law to be filed in or with a public office or public employee; or

(c) A written instrument officially issued or created by a public office, public employee or governmental agency.

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

Section 27. By November 1, 2013, the Cabinet for Health and Family Services shall submit to the Legislative Research Commission a comprehensive report on its plan to implement treatment and services for children who are suspected to be victims of human trafficking as well as recommended statutory changes that will improve the cabinet's ability to investigate these cases and provide treatment and services specific to the needs of these children.

Section 28. Sections 1 to 28 of this Act may be cited as the "Human Trafficking Victims Rights Act."

HOUSE BILL 8 SYNTHETIC DRUGS
EMERGENCY

Section 1. KRS 218A.010 is amended to read as follows:
As used in this chapter:

* * * * *

(44) "Synthetic cannabinoids or piperazines" means any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law, that contains Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-naphthoyl)indole; 1-Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any compound in the following structural classes:

*** * * * ***

(h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-tetramethylcyclopropoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not further substituted in the tetramethylcyclopropyl ring to any extent. Examples of this structural class include but are not limited to UR-144 and XLR-11;
(i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent. Examples of this structural class include but are not limited to AB-001 and AM-1248; or

(j)[~~(h)~~] Any other synthetic cannabinoid or piperazine which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law;

*** * * * ***

Section 2. KRS 218A.050 is amended to read as follows:
Unless otherwise rescheduled by administrative regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule I:

*** * * * ***

(5) Any material, compound, mixture, or preparation which contains any quantity of the following substances:
(a) 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5H-

NBOMe);
(b) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5I-NBOMe);
(c) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5B-NBOMe); or
(d) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5C-NBOMe).

Section 3. KRS 530.065 is amended to read as follows:

(1) A person is guilty of unlawful transaction with a minor in the second degree when he knowingly induces, assists, or causes a minor to engage in illegal controlled substances activity involving marijuana, ***synthetic drugs,*** illegal gambling activity, or any other criminal activity constituting a felony.

(2) Unlawful transaction with a minor in the second degree is a Class D felony.

* * * * *

Section 7. Whereas the substances identified in this Act pose a clear and present danger to the health, safety, and welfare of the citizens of the Commonwealth and no just reason exists for delay, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

HOUSE BILL 39 CHILD PORNOGRAPHY

Section 1. KRS 17.546 is amended to read as follows:
KRS 17.546 Registrant prohibited from using social networking Web site or instant messaging or chat room program accessible by minors – *Registrant prohibited from photographing, filming, or making a video of a minor without consent of minor's parent or guardian.*
(1) As used in this section:
(a) "Instant messaging or chat room program" means a software program that allows two (2) or more persons to communicate over the Internet in real time using typed text; and
(b) "Social networking Web site" means an Internet Web site that:
1. Facilitates the social introduction between two (2) or more persons;
2. Allows a person to create a Web page or a personal profile; and
3. Provides a person who visits the Web site the opportunity to communicate with another person.
(2) No registrant~~[, as defined in KRS 17.500,]~~ shall knowingly or intentionally use a social networking Web site or an instant messaging or chat room program if that Web site or program allows a person who is less than eighteen (18) years of age to access or use the Web site or program.
(3) ***No registrant shall intentionally photograph, film, or video a minor through traditional or electronic means without the written consent of the minor's parent,***

legal custodian, or guardian unless the registrant is the minor's parent, legal custodian, or guardian. The written consent required under this subsection shall state that the person seeking the consent is required to register as a sex offender under Kentucky law.

(4) Any person who violates subsection (2) ***or (3)*** of this section shall be guilty of a Class A misdemeanor.

Section 2. KRS 500.092 is amended to read as follows:

KRS 500.092 Forfeiture of personal property not used as a residence *triggered by violation or attempted violation of certain offenses – Forfeiture of real and personal property associated with violation or attempted violation of KRS 531.310 or 531.320.*

(1) ***(a)*** Notwithstanding KRS 500.090, all personal property which is not used as a permanent residence in this state which is used in connection with or acquired as a result of a violation or attempted violation of any of the statutes set out in subsection (3) of this section shall be subject to forfeiture under the same terms, conditions, and defenses and using the same process as set out in KRS 218A.405 to 218A.460 for property subject to forfeiture under that chapter.

(b) Notwithstanding KRS 500.090, all real and personal property in this state which is used in connection with or acquired as a result of a violation or attempted violation of KRS 531.310 or 531.320 shall be subject to forfeiture under the same terms, conditions, and defenses and using the same process as set out in KRS 218A.405 to 218A.460 for property subject to forfeiture under that chapter.

(2) Administrative regulations promulgated under KRS 218A.420 shall govern expenditures derived from forfeitures under this section to the same extent that they govern expenditures from forfeitures under KRS 218A.405 to 218A.460.

(3) The following offenses may trigger forfeiture of personal property under subsection (1)***(a)*** of this section:

(a) KRS 17.546;

(b) KRS 508.140 and 508.150 involving the use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including computers, the Internet or other electronic network, cameras or other recording devices, telephones or other personal communications devices, scanners or other copying devices, and any device that enables the use of a transmitting device;

(c) KRS 510.155;

(d) KRS 530.064(1)(a);

(e) KRS 531.030;

(f) KRS 531.040

(g) KRS 531.310;

(h) KRS 531.320;

(i) KRS 531.335;

(j) KRS 531.340;

(k) KRS 531.350;

(l) KRS 531.360; and

(m) KRS 531.370.

Section 3. KRS 500.120 is amended to read as follows:

KRS 500.120 Subpoena power of Attorney General *and commissioner of Department of Kentucky State Police* in cases involving use of an Internet service account in the exploitation of children and other cases.

(1) ***(a)*** In any investigation relating to an offense involving KRS 510.155, 530.064(1)(a), 531.030, 531.040, 531.310, 531.320, 531.335, 531.340, 531.350, 531.360, or 531.370, and upon reasonable cause to believe that an Internet service account has been used in the exploitation or attempted exploitation of children, or in any investigation of a violation of KRS 17.546, 508.140, 508.150, 525.070, or 525.080 where there is reasonable cause to believe that an Internet service account has been used in the commission of the offense, the Attorney General may issue in writing and cause to be served a subpoena requiring the production and testimony described in subsection (2) of this section.

(b) In any investigation relating to an offense involving KRS 510.155, 530.064(1)(a), 531.030, 531.040, 531.310, 531.320, 531.335, 531.340, 531.350, 531.360, or 531.370, and upon reasonable cause to believe that an Internet service account has been used in the exploitation or attempted exploitation of children, the commissioner of the Department of Kentucky State Police may issue in writing and cause to be served a subpoena requiring the production and testimony described in subsection (2) of this section.

* * * * *

Section 4. KRS 510.155 is amended to read as follows:

(1) It shall be unlawful for any person to knowingly use a communications system, including computers, computer networks, computer bulletin boards, cellular telephones, or any other electronic means, for the purpose of procuring or promoting the use of a minor, or a peace officer posing as a minor if the person believes that the peace officer is a minor or is wanton or reckless in that belief, for any activity in violation of KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 529.100 where that offense involves commercial sexual activity, or 530.064(1)(a), or KRS Chapter 531.

(2) No person shall be convicted of this offense and an offense specified in KRS 506.010, 506.030, 506.040, or 506.080 for a single course of conduct intended to consummate in the commission of the same offense with the same minor or peace officer.

(3) The solicitation of a minor through electronic communication under subsection (1) of this section shall be prima facie evidence of the person's intent to commit the offense ***and the offense is complete at that point without regard to whether the person met or attempted to meet the minor***[~~even if the meeting did not occur~~].

(4) This section shall apply to electronic communications originating within or received within the Commonwealth.

(5) A violation of this section is punishable as a Class D felony.

Section 5. KRS 531.335 is amended to read as follows:

KRS 531.335 Possession *or viewing* of matter portraying a sexual performance by a minor – Applicability.

(1) A person is guilty of possession ***or viewing*** of matter portraying a sexual performance by a minor when, having knowledge of its content, character, and that the sexual performance is by a minor, he or she***:***

(a) Knowingly has in his or her possession or control any matter which visually depicts an actual sexual performance by a minor person***; or***

(b) Intentionally views any matter which visually depicts an actual sexual performance by a minor person.

(2) ***The provisions of subsection (1)(b) of this section:***

(a) Shall only apply to the deliberate, purposeful, and voluntary viewing of matter depicting sexual conduct by a minor person and not to the accidental or inadvertent viewing of such matter;

(b) Shall not apply to persons viewing the matter in the course of a law enforcement investigation or criminal or civil litigation involving the matter; and

(c) Shall not apply to viewing the matter by a minor, the minor's parents or guardians, and to school administrators investigating violations of subsection (1)(b) of this section.

(3) Possession ***or viewing*** of matter portraying a sexual performance by a minor is a Class D felony.

HOUSE BILL 41 DNA TESTING

Section 1. KRS 422.285 is amended to read as follows:

KRS 422.285 Person *convicted of certain offenses* may request DNA testing – *Right to counsel -- Deposit* -- Court orders – Cost -- Access to reports – Preservation of evidence – Dismissal – Hearing when results favorable to petitioner.

(1) ***(a) Except as provided in paragraph (b) of this subsection***[~~At any time~~], a person who was convicted of ***a capital offense, a Class A felony, a Class B felony, or any offense designated a violent offense under KRS 439.3401***[~~and sentenced to death for a capital offense~~] and who meets the requirements of this section may ***at any time*** request the forensic deoxyribonucleic acid (DNA) testing and analysis of any evidence that is in the possession or control of the court or Commonwealth, that is related to the investigation or prosecution that resulted in the judgment of conviction and that may contain biological evidence.

(b) This subsection shall not apply to offenses under KRS Chapter 218A, unless the offense was accompanied by another offense outside of that chapter for which testing is authorized by paragraph (a) of this subsection.

(2) Upon receipt of a request under this section accompanied by a supporting affidavit containing sufficient factual averments to support the request from a person who meets the requirements of subsection (5)(f) of this section at the time the request is made for an offense to which the DNA relates, the court shall:

(a) If the petitioner is not represented by counsel, appoint the Department for Public Advocacy to represent the petitioner for purposes of the request, pursuant

to KRS 31.110(2)(c); or

(b) If the petitioner is represented by counsel or waives appointment of counsel in writing or if the Department for Public Advocacy has previously withdrawn from representation of the petitioner for purposes of the request, require the petitioner to deposit an amount certain with the court sufficient to cover the reasonable costs of the testing being requested.

(3) Counsel representing the petitioner shall be provided a reasonable opportunity to investigate the petitioner's request and shall be permitted to supplement the request. Pursuant to KRS 31.110(2)(c), the petitioner shall have no further right to counsel provided by the Department for Public Advocacy on the matter if counsel determines that it is not a proceeding that a reasonable person with adequate means would be willing to bring at his or her own expense. If the Department for Public Advocacy moves to withdraw as counsel for petitioner and the court grants the motion, the court shall proceed as directed under subsection (2)(b) of this section.

(4) Upon receipt of the deposit required under subsection (2)(b) of this section or a motion from counsel provided by the Department for Public Advocacy to proceed, the court shall provide notice to the prosecutor and an opportunity to respond to the petitioner's request.

(5)[~~(2)~~] After ***due consideration of the request and any supplements and responses thereto***[~~notice to the prosecutor and an opportunity to respond~~], the court shall order DNA testing and analysis if the court finds that all of the following apply:

(a) A reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through DNA testing and analysis;

(b) The evidence is still in existence and is in a condition that allows DNA testing and analysis to be conducted;[~~ and~~]

(c) The evidence was not previously subjected to DNA testing and analysis or was not subjected to the testing and analysis that is now requested and may resolve an issue not previously resolved by the previous testing and analysis***;***

(d) Except for a petitioner sentenced to death, the petitioner was convicted of the offense after a trial or after entering an Alford plea;

(e) Except for a petitioner sentenced to death, the testing is not sought for touch DNA, meaning casual or limited contact DNA; and

(f) The petitioner is still incarcerated or on probation, parole, or other form of correctional supervision, monitoring, or registration for the offense to which the DNA relates.

(6)[~~(3)~~] After ***due consideration of the request and any supplements and responses thereto***[~~notice to the prosecutor and an opportunity to respond~~], the court may order DNA testing and analysis if the court finds that all of the following apply:

(a) A reasonable probability exists that either:

1. The petitioner's verdict or sentence would have been more favorable if the results of DNA testing and analysis had been available at the trial leading to the judgment of conviction; or

2. DNA testing and analysis will produce exculpatory evidence;

(b) The evidence is still in existence and is in a condition that allows DNA testing and analysis to be conducted;[~~ and~~]

(c) The evidence was not previously subject to DNA testing and analysis or was not subjected to the testing and analysis that is now requested and that may resolve an issue not previously resolved by the previous testing and analysis***;***

(d) Except for a petitioner sentenced to death, the petitioner was convicted of the offense after a trial or after entering an Alford plea;

(e) Except for a petitioner sentenced to death, the testing is not sought for touch DNA, meaning casual or limited contact DNA; and

(f) The petitioner is still incarcerated or on probation, parole, or other form of correctional supervision, monitoring, or registration for the offense to which the DNA relates.

(7)[~~(4)~~] ***The provisions of KRS 17.176 to the contrary notwithstanding, the petitioner shall pay the costs of all testing and analysis ordered under this section. If the court determines that the petitioner is a needy person using the standards set out in KRS 31.120 and the Department for Public Advocacy so moves, the court shall treat the costs of testing and analysis as a direct expense of the defense for the purposes of authorizing payment under KRS 31.185***[~~If the court orders testing and analysis pursuant to subsection (2) of this section, the court shall order the responsibility for payment, if necessary. If the court orders testing and analysis of this section pursuant to subsection (3) of this section, the court shall require the petitioner to pay the costs of testing and analysis, if required by KRS 17.176. If the court orders testing and analysis under subsection (2) or (3) of this section the court shall appoint counsel to those petitioners who qualify for appointment under KRS Chapter 31~~].

(8)[~~(5)~~] If the prosecutor or defense counsel has previously subjected evidence to DNA testing and analysis, the court shall order the prosecutor or defense counsel to provide all the parties and the court with access to the laboratory reports that were prepared in connection with the testing and analysis, including underlying data and laboratory notes. If the court orders DNA testing and analysis pursuant to this section, the court shall order the production of any laboratory reports that are prepared in connection with the testing and analysis and may order the production of any underlying data and laboratory notes.

(9)[~~(6)~~] If a petition is filed pursuant to this section, the court shall order the state to preserve during the pendency of the proceeding all evidence in the state's possession or control that could be subjected to DNA testing and analysis. The state shall prepare an inventory of the evidence and shall submit a copy of the inventory to the defense and the court. If the evidence is intentionally destroyed after the court orders its preservation, the court may impose appropriate sanctions, including criminal contempt.

(10)[~~(7)~~] The court may make any other orders that the court deems appropriate, including designating any of the following:

(a) The preservation of some of the sample for replicating the testing and analysis; and

(b) Elimination samples from third parties.

(11)[~~(8)~~] If the results of the DNA testing and analysis are not favorable to the petitioner, the court shall dismiss the petition. The court may make further orders as it deems appropriate, including any of the following:

(a) Notifying the Department of Corrections and the Parole Board;

(b) Requesting that the petitioner's sample be added to the Department of Kentucky State Police database; and
(c) Providing notification to the victim or family of the victim.
(12)[(9)] ~~[In a capital case in which the death penalty has been imposed,~~]Notwithstanding any other provision of law that would bar a hearing as untimely, if the results of the DNA testing and analysis are favorable to the petitioner, the court shall order a hearing and make any further orders that are required pursuant to this section or the Kentucky Rules of Criminal Procedure.

Section 2. KRS 17.176 is amended to read as follows:
KRS 17.176 Probative value of DNA test – Submission of evidence by parties in case -- Fees *and costs*.
(1) In addition to the requirements specified in KRS 422.285, any evidence submitted for testing and analysis pursuant to KRS 422.285 or 422.287 shall be of probative value. When the motion is filed with the court requesting testing and analysis of evidence pursuant to this section, the applicant shall include sufficient information about the evidence, the necessity for its testing and analysis, and its applicability to the proceeding for a court to make a determination of the probative value of the evidence proposed to be tested and analyzed.
(2) The prosecution, with a court order issued pursuant to this section, may submit not more than five (5) items of evidence for testing and analysis by the Department of Kentucky State Police forensic laboratory or another laboratory selected by the Department of Kentucky State Police forensic laboratory~~[without charge]~~. ***In capital cases, the tests shall be performed without charge to the prosecution.*** The cost of testing and analysis of any items of evidence in excess of the five (5) initial items to be tested and analyzed shall be borne by the agency or person requesting the testing and analysis. Any additional item of evidence submitted for testing and analysis shall be accompanied by the court order specified in subsection (1) of this section.
(3) The defense, with a court order issued pursuant to this section, may submit not more than five (5) items of evidence for testing and analysis by the Department of Kentucky State Police forensic laboratory or another laboratory selected by the Department of Kentucky State Police forensic laboratory~~[without charge]~~. ***In capital cases, the tests shall be performed without charge to the defense.*** The cost of testing and analysis of any item of evidence in excess of the five (5) initial items to be tested and analyzed shall be borne by the agency or person requesting the testing and analysis. Any additional item of evidence submitted for testing and analysis shall be accompanied by the court order specified in subsection (1) of this section.
(4) Any other party in a criminal case, with permission of the court after a specific showing of necessity for testing and analysis, together with the items specified in subsection (1) of this section, may submit an item of evidence for testing and analysis by the Department of Kentucky State Police forensic laboratory or another laboratory selected by the Department of Kentucky State Police forensic laboratory for testing and analysis. The cost of testing and analysis of any item of evidence permitted to be submitted by the court shall be borne by the person or organization requesting the testing and analysis.
(5) The Department of Kentucky State Police shall promulgate by administrative

regulation a uniform schedule of fees to be charged for testing and analysis conducted pursuant to KRS 422.285 or 422.287.

Section 3. KRS 524.140 is amended to read as follows:

*** * * * ***

(7) Subject to KRS 422.285***(9)***[~~(6)~~], the appropriate governmental entity shall retain any biological material secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case. The governmental entity shall have the discretion to determine how the evidence is retained pursuant to this section, provided that the evidence is retained in a condition suitable for DNA testing and analysis.

HOUSE BILL 60 COYOTE HUNTING

Section 1. KRS 150.360 is amended to read as follows:
(1) No person shall take any wildlife, whether protected by this chapter or not, except by trapping, snaring, gig, crossbow, bow and arrow, hook and line, nets, gun, gun and dog, dog, falconry, or as expressly prescribed by regulation.
(2) Shotguns used in the taking of wildlife, protected or unprotected, shall not be larger than 10-gauge and shall be fired from the shoulder. No wildlife, except deer, protected or unprotected, shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three (3) shells, the magazine of which has not been cut off or plugged with a one (1) piece filler incapable of removal through the loading end, in such manner as to reduce the capacity of the gun to not more than three (3) shells at one (1) time in the magazine and chamber combined.
(3) No person shall take or attempt to take any wildlife, protected or unprotected, from an automobile, or other vehicle, unless prescribed by regulation. Boats may be used except as prohibited by state or federal regulation.
(4) No person shall discharge any firearm, bow and arrow, crossbow or other similar device, upon, over, or across any public roadway.
(5) No person shall take wildlife, except opossum, raccoon, fishes and frogs, with lights or other means designed to[~~ blind wildlife or~~] make wildlife visible at night.
(6) Coyotes may be taken at night with or without the use of lights or other means designed to make wildlife visible at night, as established by administrative regulation.

HOUSE BILL 150 FISH & WILDLIFE

Section 1. KRS 150.175 is amended to read as follows:
KRS 150.175 Kinds of licenses and tags – ***Multiyear licenses or permits.***
The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under the licenses and tags, subject to the other provisions of this chapter and subject to administrative regulations promulgated under this chapter, shall be as follows:

* * * * *

(10) ***A*** taxidermist ***license***[~~licenses, commercial and noncommercial~~], which ***authorizes***[~~authorize~~] the holder to engage in the act of preparing, stuffing, and mounting the skins of wildlife;

* * * * *

(23) A Kentucky ***migratory bird***[~~waterfowl~~] permit, which in combination with a valid statewide hunting license and compliance with applicable federal law, authorizes the holder to take or pursue waterfowl and migratory shore or upland game birds;
(24) A pay lake license which authorizes the holder to operate privately owned impounded waters for fishing purposes for which a fee is charged;
(25) ~~[A migratory game bird permit, which, in combination with a statewide hunting license and compliance with applicable federal law, allows the holder to take migratory shore or upland game birds;~~
~~(26)]~~A ***senior***[~~senior/disabled~~] combination hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, or a state permit to take deer, turkey, trout, waterfowl, or migratory shore or upland game birds, and which shall be available to a Kentucky resident who is ***sixty-five (65) years of age or older***[~~:~~
~~(a) Sixty-five (65) years of age or older; or~~
~~(b) An American veteran at least fifty percent (50%) disabled as a result of a service-connected disability; or~~
~~(c) Declared permanently and totally disabled by the Federal Social Security Administration, the United States Office of Personnel Management, the Teachers' Retirement System of the State of Kentucky, the Department of Workers' Claims, or its equivalent from another state, or the United States Railroad Retirement Board~~]. The ***senior***[~~senior/disabled~~] combination license shall not be valid unless the holder carries proof of residency and proof of age[~~ or disability~~], as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;
(26) A senior lifetime combination hunting and fishing license, which remains valid until the death of the holder and authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older;
(27) ***A disabled combination hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is:***
(a) An American veteran at least fifty percent (50%) disabled as a result of a service-connected disability; or
(b) Declared permanently and totally disabled by the Federal Social Security Administration, the United States Office of Personnel Management, the Kentucky

Teachers' Retirement System, the Department of Workers' Claims, or its equivalent from another state, or the United States Railroad Retirement Board. The disabled combination license shall not be valid unless the holder carries proof of residency and proof of disability, as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;

(28) A sportsman's license for residents that includes an annual hunting and fishing license and such permits as allowed by administrative regulations promulgated by the department; and

(29)[~~(28)~~] A special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. This license shall be valid only for the shooting areas for which it was issued and shall remain in effect for one (1) year. If the hunter holds either a nonresident or resident statewide hunting license for the current year, the special license shall not be required.

The department may offer multi-year licenses or permits for any of the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28) of this section. A multi-year license or permit shall authorize the holder to perform all acts authorized by the same license or permit if purchased annually and shall be issued in accordance with the provisions of this chapter and the administrative regulations promulgated hereunder. Any multi-year licenses or permits offered by the department relating to the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28) of this section shall be implemented by administrative regulation and may be discontinued at any time.

Section 2. KRS 150.603 is amended to read as follows:

KRS 150.603 Kentucky migratory bird permit required – Exceptions – Use of revenue generated by sale of *migratory bird* permit.

(1) Any person required to possess a hunting license under the provisions of KRS 150.170, except children under sixteen (16) years of age, taking or attempting to take waterfowl within the state shall, in addition to the appropriate hunting license, possess a Kentucky ***migratory bird***[~~waterfowl~~] permit. The permit shall be carried while hunting waterfowl.

(2) Any person required to possess a hunting license under the provisions of KRS 150.170, except children under sixteen (16) years of age, taking or attempting to take migratory shore or upland game birds within the state shall, in addition to the appropriate hunting license, possess[~~ either a Kentucky waterfowl permit or~~] a Kentucky migratory[~~ game~~] bird permit. The permit shall be carried while hunting migratory shore or upland game birds.

(3) The Fish and Wildlife Commission shall administer all revenues generated by the sale of the permits. The revenue from the sale of Kentucky ***migratory bird***[~~waterfowl~~] permits shall be expended for waterfowl projects for the purpose of protecting and propagating migratory waterfowl and for the development, restoration, maintenance, and preservation of wetlands within the state. The intent of this section is to expand waterfowl research and management and increase waterfowl populations in the state without detracting from other programs. The expenditures of funds generated under the

provisions of this section shall be included in the annual report provided for in KRS 150.061.

Section 3. The following KRS section is repealed:
150.605 Contract for commissioning painting to be used as state waterfowl stamp -- Use of revenue from sale of painting.

HOUSE BILL 161 THEFT

Section 1. KRS 514.030 is amended to read as follows:
(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 unlawfully:
(a) Takes or exercises control over movable property of another with intent to deprive him thereof; or
(b) Obtains immovable property of another or any interest therein with intent to benefit himself or another not entitled thereto.
(2) Theft by unlawful taking or disposition is a Class A misdemeanor ~~[unless the value of the property is five hundred dollars ($500) or more, in which case it is a Class D felony; or]~~ 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;~~[or]~~
(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 ten thousand dollars ($10,000), in which case it is a Class D felony;
(e) The value of the property is ten thousand dollars ($10,000) or more ***but less than one million dollars ($1,000,000)***, in which case it is a Class C felony***;***
(f) 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; or
(g) The value of the property is ten million dollars ($10,000,000) or more, in which case it is a Class B felony.
(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.

Section 2. The following KRS Section is repealed:
218A.1418 Theft of a controlled substance -- Not considered theft under KRS Chapter 514.

HOUSE BILL 164 MOTOR VEHICLE INSURANCE CARDS

Section 1. KRS 304.39-117 is amended to read as follows:

KRS 304.39-117 Motor vehicle insurance card *to be in paper or electronic format – Presentation of electronic insurance card to peace officer*.

(1) Each insurer issuing an insurance contract which provides security covering a motor vehicle shall provide to the insured, in compliance with administrative regulations promulgated by the department, written proof in the form of an insurance card that the insured has in effect an insurance contract providing security in conformity with this subtitle. ***An insurer may provide an insurance card in either a paper or an electronic format.***

(2) The owner shall keep the ***paper insurance*** card ***or a portable electronic device to download the insurance card*** in his or her motor vehicle as prima facie evidence, except as provided in subsection (3) of this section, that the required security is currently in full force and effect, and shall show the card to a peace officer upon request.

(3) On and after January 1, 2006, as to personal motor vehicles as defined in KRS 304.39-087, the ***paper or electronic insurance*** card and the database created by KRS 304.39-087 shall be evidence to a peace officer who requests the card if the peace officer has access to the database through AVIS. If AVIS does not list the vehicle identification number of the personal motor vehicle as an insured vehicle, the peace officer may accept ***a paper or electronic***[~~an~~] insurance card as evidence that the required security is currently in full force and effect on the personal motor vehicle if the card was effective no more than forty-five (45) days before the date on which the peace officer requests the card.

(4) For purposes of this section:

(a) An insurance card in an electronic format means the display of an image on any portable electronic device, including a cellular phone or any other type of portable electronic device, depicting a current valid representation of the card;

(b) Whenever a person presents a mobile electronic device pursuant to this section, that person assumes all liability for any damage to the mobile electronic device; and

(c) When a person provides evidence of financial responsibility using a mobile electronic device to a peace officer, the peace officer shall only view the electronic image of the insurance card and is prohibited from viewing any other content on the mobile electronic device.

Section 2. KRS 186A.042 is amended to read as follows:

KRS 186A.042 Prohibition against licensing of personal motor vehicles without listing of vehicle identification numbers – Exceptions – *Submission of paper or electronic proof of insurance card to county clerk*.

(1) On and after January 1, 2006, a county clerk shall not process an application for, nor issue, a:

(a) Kentucky title and registration or renewal of registration;

(b) Replacement plate, decal, or registration certificate;

(c) Duplicate registration;

(d) Transfer of registration; or
(e) Temporary tag;
for any personal motor vehicle as defined in KRS 304.39-087(1) if AVIS does not list the vehicle identification number of the personal motor vehicle as an insured vehicle, except as provided in subsection (2) of this section.
(2) If AVIS does not list the vehicle identification number of the personal motor vehicle as an insured vehicle, the county clerk may process the application if:
(a) The applicant has an insurance card ***in paper or electronic format*** that indicates the required security is currently in full force on the personal motor vehicle if the ***paper or electronic proof of insurance*** card was effective no more than forty-five (45) days before the application is submitted to the county clerk; or
(b) The owner of the motor vehicle is serving in the Armed Forces outside of Kentucky, and the owner provides an affidavit by the provost marshal of the base where the owner is stationed stating that the motor vehicle is covered by security as required by Subtitle 39 of KRS Chapter 304.
(3) This section shall not apply to any transactions involving Kentucky motor vehicle dealers who are licensed as required by KRS 190.030.
(4) For purposes of this section:
(a) An insurance card in an electronic format means the display of an image subject to immediate download or transmission from the applicant's insurer or agent to the applicant on any portable electronic device, including a cellular phone or any other type of portable electronic device, but shall not include a photographic copy of a paper insurance card on a portable electronic device; and
(b) The county clerk may require the applicant to e-mail the electronic insurance card to the clerk, and the clerk may print a copy of the card for the clerk's records.

HOUSE BILL 167 FUSION CENTER

SECTION 1. A NEW SECTION OF KRS CHAPTER 39G IS CREATED TO READ AS FOLLOWS:
KRS 39G.050 Kentucky Intelligence Fusion Center.
(1) The Kentucky Intelligence Fusion Center is created within the Kentucky Office of Homeland Security to improve intelligence sharing among public safety and public service agencies at the federal, state, and local levels, as well as the private sector.
(2) The Kentucky Intelligence Fusion Center shall be a collaboration between the Kentucky Office of Homeland Security and federal, state, and local agencies, as well as the private sector, including but not limited to those with the primary purpose of law enforcement, public safety, public protection, infrastructure protection, public transit, and corrections.

Section 2. KRS 39G.010 is amended to read as follows:
(1) The Kentucky Office of Homeland Security shall be attached to the Office of the Governor and shall be headed by an executive director appointed by the Governor.

* * * * *

(4) The Kentucky Office of Homeland Security shall:
(e) Administer the Kentucky Intelligence Fusion Center and coordinate its operations with other federal, state, and local agencies; and
(f)[~~(e)~~] Promulgate any administrative regulations necessary to carry out the provisions of this chapter.

Section 3. KRS 61.878 is amended to read as follows:
(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

* * * * *

(m) 1. Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:
a. Criticality lists resulting from consequence assessments;
b. Vulnerability assessments;
c. Antiterrorism protective measures and plans;
d. Counterterrorism measures and plans;
e. Security and response needs assessments;
f. Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;
g. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and
h. Records when their disclosure will expose a vulnerability referred to in this subparagraph and that describe the exact physical location of hazardous chemical, radiological, or biological materials.
2. As used in this paragraph, "terrorist act" means a criminal act intended to:
a. Intimidate or coerce a public agency or all or part of the civilian population;
b. Disrupt a system identified in subparagraph 1.f. of this paragraph; or
c. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.
3. On the same day that a public agency denies a request to inspect a public record for a reason identified in this paragraph, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the ***Kentucky*** Office ***of Homeland***[~~for~~] Security [~~Coordination~~] and the Attorney

General.

Section 4. The General Assembly hereby confirms Executive Order 2012-418, dated June 18, 2012, relating to the creation of the Kentucky Intelligence Fusion Center, to the extent it is not otherwise confirmed by this Act, this executive order having been made by the Governor under the powers and authorities granted to the Governor by Sections 69 and 81 of the Constitution of Kentucky and KRS 12.028.

Section 5. KRS 237.110 is amended to read as follows:
(1) The Department of Kentucky State Police is authorized to issue and renew licenses to carry concealed firearms or other deadly weapons, or a combination thereof, to persons qualified as provided in this section.

* * * * * .

(5) ***(a)*** A legible photocopy of the certificate of completion issued by the Department of Criminal Justice Training shall constitute evidence of qualification under subsection (4)(i) of this section.
(b) Persons qualifying under subsection (6)(c) of this section may submit with their application at least one (1) of the following forms or their successor forms showing evidence of handgun training or handgun qualifications:
1. Department of Defense Form DD 2586;
2. Department of Defense Form DD 214;
3. Coast Guard Form CG 3029;
4. Department of the Army Form DA 88-R;
5. Department of the Army Form DA 5704-R;
6. Department of the Navy Form OPNAV 3591-1; or
7. Department of the Air Force Form AF 522.
(6) (a) Peace officers who are currently certified as peace officers by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace officers who are retired and are members of the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be deemed to have met the training requirement.
(b) Current and retired peace officers of the following federal agencies shall be deemed to have met the training requirement:
1. Any peace officer employed by a federal agency specified in KRS 61.365;
2. Any peace officer employed by a federal civilian law enforcement agency not specified above who has successfully completed the basic law enforcement training course required by that agency;
3. Any military peace officer of the United States Army, Navy, Marine Corps, or Air Force, or a reserve component thereof, or of the Army ***National Guard***~~[Reserve]~~ or Air ~~[Force]~~***National Guard***~~[Reserve]~~who has successfully completed the military law enforcement training course required by that branch of the military; and
4. Any member of the United States Coast Guard serving in a peace officer role who has successfully completed the law enforcement training course specified by the United States Coast Guard.

(c) Active or discharged service members in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or of the Army National Guard or Air National Guard shall be deemed to have met the training requirement if these persons:

1. Successfully completed handgun training of not less than four (4) hours, which was conducted by the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or of the Army National Guard or Air National Guard; or

2. Successfully completed handgun qualification within the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or of the Army Guard or Air Force National Guard.

(7) The application for a license, or renewal of a license, to carry a concealed deadly weapon shall be obtained from the office of the sheriff in the county in which the person resides. ***Persons qualifying under subsection (6)(c) of this section shall be supplied the information in subsection (4)(i)(4) of this section upon obtaining an application.*** The completed application and all accompanying material plus an application fee or renewal fee, as appropriate, of sixty dollars ($60) shall be presented to the office of the sheriff of the county in which the applicant resides. A full-time or part-time peace officer who is currently certified as a peace officer by the Kentucky Law Enforcement Council who is authorized by his or her employer or government authority to carry a concealed deadly weapon at all times and all locations within the Commonwealth pursuant to KRS 527.020 or a retired peace officer who is a member of the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be exempt from paying the application or renewal fees. The sheriff shall transmit the application and accompanying material to the Department of Kentucky State Police within five (5) working days. Twenty dollars ($20) of the application fee shall be retained by the office of the sheriff for official expenses of the office. Twenty dollars ($20) shall be sent to the Department of Kentucky State Police with the application. Ten dollars ($10) shall be transmitted by the sheriff to the Administrative Office of the Courts to fund background checks for youth leaders, and ten dollars ($10) shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapons. The application shall be completed, under oath, on a form promulgated by the Department of Kentucky State Police by administrative regulation which shall only include:

(a) 1. The name, address, place and date of birth, citizenship, gender, Social Security number of the applicant; and

2. If not a citizen of the United States, alien registration number if applicable, passport number, visa number, mother's maiden name, and other information necessary to determine the immigration status and eligibility to purchase a firearm under federal law of a person who is not a citizen of the United States;

(b) A statement that, to the best of his or her knowledge, the applicant is in compliance with criteria contained within subsections (3) and (4) of this section;

(c) A statement that the applicant has been furnished a copy of this section and is knowledgeable about its provisions;

(d) A statement that the applicant has been furnished a copy of, has read, and

understands KRS Chapter 503 as it pertains to the use of deadly force for self-defense in Kentucky; and
(e) A conspicuous warning that the application is executed under oath and that a materially false answer to any question, or the submission of any materially false document by the applicant, subjects the applicant to criminal prosecution under KRS 523.030.

The intervening sections of this bill are an extensive reworking of KRS 35, relating to the Kentucky National Guard. Officers who serve in the National Guard are advised to review these sections with their respective branch of the military.

SECTION 153. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO READ AS FOLLOWS:
KRS 95A.090 Acceptance of military training and service toward certification as firefighter – Administrative regulations.
(1) The commission shall develop a policy for reviewing and accepting the training and service of any member of the United States military who served as a firefighter towards certification as a firefighter in the Commonwealth of Kentucky.
(2) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A as necessary to implement the provisions of this section.

SECTION 154. A NEW SECTION OF KRS CHAPTER 311A IS CREATED TO READ AS FOLLOWS:
KRS 311A.142 Reciprocity for certification of member of military as emergency medical technician – Administrative regulations.
(1) Any member of the United States military who is registered by the National Registry of Emergency Medical Technicians as an Emergency Medical Technician-Basic, Emergency Medical Technician-Intermediate, or Emergency Medical Technician-Paramedic shall be eligible for direct reciprocity for initial Kentucky certification as an emergency medical technician.
(2) The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations in accordance with KRS Chapter 13A as necessary to implement the provisions of this section.

Section 155. Any board or commission in the Commonwealth of Kentucky that has at least one (1) member appointed by the Governor is highly encouraged to:
(1) Identify military occupational specialties that are the same as or similar to occupations that the board or commission is responsible for the licensure or certification of;
(2) Develop a process for reviewing the training and service of members of the United States military whose occupational specialties have been identified as being similar or the same as occupations that the board or commission is responsible for the licensure and certification of; and
(3) When possible, accept relevant military training and service towards licensure or certification in the occupation which the board or commission is responsible for.

SECTION 156. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:
The Kentucky Long Rifle is named and designated the official gun of the Commonwealth of Kentucky.

* * * * *

HOUSE BILL 172 EMERGENCY ANAPHYLAXIS MEDICATION

Section 1. KRS 158.836 is amended to read as follows:
KRS 158.836 Possession and use of asthma or anaphylaxis medications – *Students with documented life-threatening allergies – Schools electing to keep epinephrine on premises – Limitation of liability.*
(1) Upon fulfilling the requirements of KRS 158.834, a student with asthma or a student who is at risk of having anaphylaxis may possess and use medications to treat the asthma or anaphylaxis when at school, at a school-sponsored activity, under the supervision of school personnel, or before and after normal school activities while on school properties including school-sponsored child care or after-school programs.
(2) A student who has a documented life-threatening allergy shall have:
(a) An epinephrine auto-injector provided by his or her parent or guardian in his or her possession or in the possession of the school nurse, school administrator, or his or her designee in all school environments that the student may be in, including the classroom, the cafeteria, the school bus, and on field trips; and
(b) A written individual health care plan in place for the prevention and proactive management for the student in all school environments that the student may be in, including the classroom, the cafeteria, the school bus, and on field trips. The individual health care plan required under this paragraph may be incorporated in the student's individualized education program required under Pub. L. 94-142 or the student's 504 plan required under Pub. L. 93-112.
(3) (a) Each school is encouraged to keep an epinephrine auto-injector in a minimum of two (2) locations in the school, including but not limited to the school office and the school cafeteria, so that epinephrine may be administered to any student believed to be having a life-threatening allergic or anaphylactic reaction. Schools electing to keep epinephrine auto-injectors shall maintain them in a secure, accessible, but unlocked location. The provisions of this paragraph shall apply to the extent that the epinephrine auto-injectors are donated to a school or a school has sufficient funding to purchase the epinephrine auto-injectors.
(b) Each school electing to keep epinephrine auto-injectors shall implement policies and procedures for managing a student's life-threatening allergic reaction or anaphylactic reaction developed and approved by the local school board.
(c) The Kentucky Department for Public Health shall develop clinical protocols in the school health section of the Core Clinical Service Guide manual that is maintained in the county or district public health department to address epinephrine auto-injectors kept by schools under this subsection and to advise

on clinical administration of the epinephrine auto-injectors. The protocols shall be developed in collaboration with local health departments or local clinical providers and local schools and local school districts.
(4) Any school employee authorized under KRS 156.502 to administer medication shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the administration or the assistance in the administration of epinephrine to any student believed in good faith to be having a life-threatening allergic or anaphylactic reaction.

HOUSE BILL 173 MOTOR VEHICLES LEASING

Section 1. KRS 186.060 is amended to read as follows:
KRS 186.060 Motor vehicles leased or owned by governmental units or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government -- *Use of official plates on motor vehicles leased by governmental entity.*
(1) Applications for registration of motor vehicles leased or owned by a county, city, urban-county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state or by the state or federal government shall be accompanied by a statement from the head of the department of the governmental unit that leases or owns the motor vehicle, certifying that the motor vehicle is leased or owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the cabinet, which shall give special authority to the clerk to register it. Upon receiving that authority, the clerk shall issue a registration receipt and the official number plate described in KRS 186.240(1)(c), and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of three dollars ($3) in each instance, to be paid by the department upon whose authorization such license was issued.
(2) After such registration of any vehicle leased or owned by a county, city, urban-county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or by the state or federal government and after issuance of such number plate for such vehicle so leased or owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of the vehicle shall be necessary so long as the vehicle is leased or owned by the governmental unit except in the case of loss or destruction of the license plate. In the event of loss or destruction, the number plate shall be replaced in the same manner as if no plate had ever been issued.
(3) When a motor vehicle leased or owned by a county, city, urban-county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or by the state or federal government is transferred or sold to another governmental unit, a new license plate shall be issued for the vehicle in the same manner as provided for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.

(4) No person shall use on a motor vehicle, not leased or owned by a county, city, urban-county, board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle leased or owned by the governmental unit.

(5) Notwithstanding the provisions of KRS 186.020 and 186.050, a governmental entity which leases a motor vehicle may have that vehicle equipped with an official plate under this section. Upon termination of the lease agreement, if ownership of the motor vehicle does not revert to an entity allowed to use an official plate under this section, the owner of the motor vehicle shall surrender the official plates and apply for registration under the provisions of KRS 186.050.

HOUSE BILL 174 TRANSIT TAGS

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

KRS 186.068 Transit tag for transporting motor vehicle out of state – Administrative regulations – Exclusion of motor vehicle dealers and distributors. (Effective January 1, 2014).

(1) Individual sellers or owners of motor vehicles that would ordinarily be registered under KRS 186.050(3) may obtain a transit tag from the Transportation Cabinet in order to transport the motor vehicle out of state. The fee for each transit tag issued shall be five dollars ($5).

(2) A transit tag issued under this section shall be issued only for a motor vehicle which is ineligible for:

(a) Registration under KRS 186.050; or

(b) Temporary registration under KRS 186A.100.

(3) The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish application forms and procedures for the issuance of transit tags. The application for a transit tag under this section shall be accompanied by proof of vehicle ownership and proof of insurance coverage in compliance with KRS 304.39-080.

(4) A transit tag issued under this section shall be placed on a motor vehicle in the same manner as a regular license plate.

(5) Transit tags issued under this section shall expire fifteen (15) days from the date of issuance, and shall be designed in a manner that clearly identifies the expiration date on the face of the tag in a tamper-resistant manner.

(6) This section shall not apply to motor vehicle dealers or distributors licensed under KRS Chapter 190.

Section 2. This Act takes effect January 1, 2014.

HOUSE BILL 177 MISREPRESENTING MILITARY STATUS.

Section 1. KRS 434.444 is amended to read as follows:

(1) A person is guilty of misrepresenting current or former military status when he or

she, ***for the purpose of direct or indirect monetary gain, and*** with intent to defraud, obtain employment, or be elected or appointed to public office, intentionally makes:
(a) A claim, orally, in writing, or by any fraudulent display, that he or she is entitled to wear military awards, military decorations, or military rank;
(b) A claim that he or she served in the United States Armed Forces, a Reserve Component thereof, or the National Guard; or
(c) A claim that he or she served in the military during a wartime era, whether or not there was a declared war, or served in a combat zone, or makes any misrepresentation of actual military service.
(2) This section shall not apply to a person who or an organization which:
(a) Is reenacting military history or a military event;
(b) Is playing the part of a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard in a play, motion picture television production, or other dramatic production, or at a patriotic or civic event;
(c) Is a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard and, as part of a military assignment, is representing a member of the Armed Forces in a previous war or time period for ceremonial, recruiting, or training purposes;
(d) Is an employee of or volunteer for a museum and, as a part of their duties, is representing a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard for ceremonial, historical, or training purposes;
(e) Owns, displays, purchases, sells, or trades militaria, including but not limited to medals, ribbons, and rank insignia, and does not claim to have personally earned them unless he or she is legally entitled to do so;
(f) Is a natural person using his or her given name that includes a military rank, so long as he or she does not use the name to defraud another in a manner prohibited by this section;
(g) Uses a name or honorary military or military-like rank which has been bestowed upon him or her by a public officer, public employee, or public agency, in the name of a public officer or public agency;
(h) Uses a corporate, partnership, sole proprietorship, or other name for a business or product which includes a military rank, so long as the name is not used to defraud another in a manner prohibited by this section; or
(i) Holds a registered trademark which includes a military rank or honorary rank, so long as the trademark is not used to defraud another in a manner prohibited by this section.
(3) Misrepresenting current or former military status is:
(a) A violation of KRS 514.040 if the defendant, by the misrepresentation, obtains money or property; and
(b) If the defendant, by the misrepresentation, obtains a public benefit, a violation of the applicable statute that prohibits obtaining that public benefit and provides a specific penalty.
(4) If a violation of subsection (3) of this section is not involved, the defendant shall be fined an amount not to exceed five thousand dollars ($5,000) or be imprisoned in the county jail for not more than twelve (12) months, or both.

(5) KRS 431.100 to the contrary notwithstanding, any fine assessed as a penalty for conviction under this section shall be transferred by the circuit clerk and deposited with the veterans program trust fund established by KRS 40.460(2)(b).
(6) This section shall be cited as the Kentucky Stolen Valor Act.

HOUSE BILL 192 JUDGMENT LIEN SERVICE.

Section 1. KRS 426.720 is amended to read as follows:
KRS 426.720 Final judgment to act as lien on realty – Judgment creditor's notice requirements – *Methods of service*.
A final judgment for the recovery of money or costs in the courts of record in this Commonwealth, whether state or federal, shall act as a lien upon all real estate in which the judgment debtor has any ownership interest, in any county in which the following first shall be done:
(1) The judgment creditor or his counsel shall file with the county clerk of any county a notice of judgment lien containing the court of record entering the judgment, the civil action number of the suit in which the judgment was entered, and the amount of the judgment, including principal, interest rate, court costs, and any attorney fees;
(2) The county clerk shall enter the notice in the lis pendens records in that office, and shall so note the entry upon the original of the notice;
(3) The judgment creditor or his counsel shall send to the last known address of the judgment debtor ***or the judgment debtor's attorney of record***, by regular first class mail, postage prepaid, or shall deliver to the debtor personally, a copy of the notice of judgment lien, which notice shall include the text of KRS 427.060 and also the following notice, or language substantially similar:
"Notice to Judgment Debtor. You may be entitled to an exemption under KRS 427.060, reprinted below. If you believe you are entitled to assert an exemption, seek legal advice."; and
(4) The judgment creditor or his counsel shall certify on the notice of judgment lien that a copy thereof has been mailed to the judgment debtor in compliance with subsection (3) of this section.
(5) In any action involving real property which is subject to a judgment lien, service may be had upon the judgment creditor by serving the judgment creditor or the judgment creditor's attorney as shown in the notice of judgment lien.

HOUSE BILL 217 CONTROLLED SUBSTANCES
EMERGENCY LEGISLATION Signed into law and effective as of March 4, 2013

Section 1. KRS 218A.172 is amended to read as follows:
KRS 218A.172 *Administrative regulations on* prescribing or dispensing of Schedule II controlled substance or Schedule III controlled substance containing hydrocodone – Continuing course of treatment – Recordkeeping – Exemptions.
(1) ***Administrative regulations promulgated under subsection (3) of Section 4 of this Act shall require that,*** prior to the initial prescribing or dispensing of any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone

to a human patient, a practitioner shall:
(a) Obtain a[~~ complete~~] medical history and conduct a physical ***or mental health*** examination of the patient***, as appropriate to the patient's medical complaint,*** and document the information in the patient's medical record;
(b) Query the electronic monitoring system established in KRS 218A.202 for all available data on the patient ***for the twelve (12) month period immediately preceding the patient encounter and appropriately utilize that data in the evaluation and treatment of the patient***;
(c) Make a written[~~ treatment~~] plan stating the objectives of the treatment and further diagnostic examinations required;
(d) Discuss the risks and benefits of the use of controlled substances with the patient, the patient's parent if the patient is an unemancipated minor child, or the patient's legal guardian or health care surrogate, including the risk of tolerance and drug dependence; and
(e) Obtain written consent for the treatment.
(2) ***(a) Administrative regulations promulgated under subsection (3) of Section 4 of this Act shall require that a***[~~the~~] practitioner ***prescribing or dispensing additional amounts of Schedule II controlled substances or Schedule III controlled substances containing hydrocodone for the same medical complaint and related symptoms*** shall***:***
1. Review[~~conduct~~], at reasonable intervals based on the patient's individual circumstances ***and***[~~, the~~] course of treatment***, the plan of care;***[~~ and~~]
2. Provide to the patient any new information about the treatment***; and***
3. Modify or terminate the treatment as appropriate.
(b) If the course of treatment ***extends beyond three (3) months, the administrative regulations shall also require that the practitioner:***[~~ shall include the practitioner querying~~]
1. Query the electronic monitoring system established in KRS 218A.202 no less than once every three (3) months for all available data on the patient ***for the twelve (12) month period immediately preceding the query;*** and
2. Review[~~reviewing~~] that data before issuing any new prescription or refills for the patient for any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone.
(3) ***Administrative regulations promulgated under subsection (3) of Section 4 of this Act shall require that,*** for each patient for whom a practitioner prescribes any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone, the practitioner shall keep accurate, readily accessible, and complete medical records which include***, as appropriate***:
(a) Medical history and physical ***or mental health*** examination;
(b) Diagnostic, therapeutic, and laboratory results;
(c) Evaluations and consultations;
(d) Treatment objectives;
(e) Discussion of risk, benefits, and limitations of treatments;
(f) Treatments;
(g) Medications, including date, type, dosage, and quantity prescribed or dispensed;
(h) Instructions and agreements; and

(i) Periodic reviews of the patient's file.

(4) ***Administrative regulations promulgated under subsection (3) of Section 4 of this Act may exempt, in whole or in part, compliance with the mandatory diagnostic, treatment, review, and other protocols and standards established in this section for***[~~This section shall not apply to~~]:

(a) A licensee ***prescribing or*** administering a controlled substance[~~ or anesthesia~~] immediately prior to***,***[~~ or~~] during***, or within the fourteen (14) days following an operative or invasive procedure or a delivery if the prescribing or administering is medically related to the operative or invasive procedure or the delivery and the medication usage does not extend beyond the fourteen (14) days***[~~ surgery~~];

(b) A licensee ***prescribing or*** administering a controlled substance necessary to treat a patient in an emergency situation[~~:~~

~~1. At the scene of an emergency;~~

~~2. In a licensed ground or air ambulance; or~~

~~3. In the emergency department or intensive care unit of a licensed hospital~~];

(c) A licensed pharmacist or other person licensed by the Kentucky Board of Pharmacy to dispense drugs or[~~ to~~] a licensed pharmacy;

(d) A licensee prescribing or dispensing a controlled substance***:***

1. For administration in a hospital or long-term-care facility if the hospital or long-term-care facility with an institutional account, or a practitioner in those hospitals or facilities where no institutional account exists, queries the electronic monitoring system established in Section 3 of this Act for all available data on the patient or resident for the twelve (12) month period immediately preceding the query within twelve (12) hours of the patient's or resident's admission and places a copy of the query in the patient's or resident's medical records during the duration of the patient's stay at the facility;

2. As part of the patient's hospice or end-of-life treatment;

3. For the treatment of pain associated with cancer or with the treatment of cancer;

4. In a single dose to relieve the anxiety, pain, or discomfort experienced by a patient submitting to a diagnostic test or procedure;

5. Within seven (7) days of an initial prescribing or dispensing under subsection (1) of this section if the prescribing or dispensing;

a. Is done as a substitute for the initial prescribing or dispensing;

b. Cancels any refills for the initial prescription; and

c. Requires the patient to dispose of any remaining unconsumed medication;

6. Within ninety (90) days of an initial prescribing or dispensing under subsection (1) of this section if the prescribing or dispensing is done by another practitioner in the same practice or in an existing coverage arrangement, if done for the same patient for the same medical condition; or

7. To a research subject enrolled in a research protocol approved by an institutional review board that has an active federalwide assurance number from the United States Department of Health and Human Services, Office for Human Research Protections where the research involves single, double, or triple blind drug administration or is additionally covered by a certificate of confidentiality from the National Institutes of Health[~~for a hospice patient when functioning within~~

~~the scope of a hospice program or hospice inpatient unit licensed under KRS Chapter 216B. The hospice program shall maintain a plan of care in accordance with federal regulations~~];
(e) The prescribing of a Schedule III, IV, or V controlled substance by a licensed optometrist to a patient in accordance with the provisions of KRS 320.240; or
(f) The prescribing of a three (3) day supply of a Schedule III controlled substance following the performance of oral surgery by a dentist licensed pursuant to KRS Chapter 313.
(5) (a) A state licensing board promulgating administrative regulations under subsection (3) of Section 4 of this Act may promulgate an administrative regulation authorizing exemptions supplemental or in addition to those specified in subsection (4) of this section. Prior to exercising this authority, the board shall:
1. Notify the Kentucky Office of Drug Control Policy that it is considering a proposal to promulgate an administrative regulation authorizing exemptions supplemental or in addition to those specified in subsection (4) of this section and invite the office to participate in the board meeting at which the proposal will be considered;
2. Make a factual finding based on expert testimony as well as evidence or research submitted to the board that the exemption demonstrates a low risk of diversion or abuse and is supported by the dictates of good medical practice; and
3. Submit a report to the Governor and the Legislative Research Commission of its actions, including a detailed explanation of the factual and policy basis underlying the board's action. A copy of this report shall be provided to the regulations compiler.
(b) Within one (1) working day of promulgating an administrative regulation authorizing an exemption under this section, the promulgating board shall e-mail to the Kentucky Office of Drug Control Policy:
1. A copy of the administrative regulation as filed, and all attachments required by KRS 13A.230(1); and
2. A request from the board that the office review the administrative regulation in the same manner as would the Commission on Small Business Advocacy under KRS 11.202(1)(e), and submit its report or comments in accordance with the deadline established in KRS 13A.270(1)(c). A copy of the report or comments shall be filed with the regulations compiler.

Section 2. KRS 218A.175 is amended to read as follows:
(1) (a) As used in this section, "pain management facility" means a facility where the majority of patients of the practitioners at the facility are provided treatment for pain that includes the use of controlled substances and:
1. The facility's primary practice component is the treatment of pain; or
2. The facility advertises in any medium for any type of pain management services.
(b) "Pain management facility" does not include the following:
1. A hospital, including a critical access hospital, as defined in KRS Chapter 216, a facility owned by the hospital, or the office of a hospital-employed physician;
2. A school, college, university, or other educational institution or program to the extent that it provides instruction to individuals preparing to practice as physicians,

podiatrists, dentists, nurses, physician assistants, optometrists, or veterinarians;
3. A hospice program or residential hospice facility licensed under KRS Chapter 216B;
4. An ambulatory surgical center licensed under KRS Chapter 216B; or
5. A long-term-care facility as defined in KRS 216.510.
(2) Only a physician having a full and active license to practice medicine issued under KRS Chapter 311 shall have an ownership or investment interest in a pain management facility. Credit extended by a financial institution as defined in KRS 136.500 to the facility shall not be deemed an investment interest under this subsection. This ownership or investment requirement shall not be enforced against any pain management facility existing and operating on April 24, 2012, unless there is an administrative sanction or criminal conviction relating to controlled substances imposed on the facility***,***~~[or]~~ any person employed by the facility***, or any person working at the facility as an independent contractor*** for an act or omission done within the scope of the facility's licensure or the person's employment.
(3) Regardless of the form of facility ownership, beginning on July 20, 2012, at least one (1) of the owners or an owner's designee who is a physician employed by and under the supervision of the owner shall be physically present practicing medicine in the facility for at least fifty percent (50%) of the time that patients are present in the facility, and that physician owner or designee shall:
(a) Hold a current subspecialty certification in pain management by a member board of the American Board of Medical Specialties, or hold a current certificate of added qualification in pain management by the American Osteopathic Association Bureau of Osteopathic Specialists;
(b) Hold a current subspecialty certification in hospice and palliative medicine by a member board of the American Board of Medical Specialties, or hold a current certificate of added qualification in hospice and palliative medicine by the American Osteopathic Association Bureau of Osteopathic Specialists;
(c) Hold a current board certification by the American Board of Pain Medicine;
(d) Hold a current board certification by the American Board of Interventional Pain Physicians;~~[or]~~
(e) Have completed ***a***~~[an accredited residency or]~~ fellowship in pain management ***or an accredited residency program that included a rotation of at least five (5) months in pain management; or***
(f) If the facility is operating under a registration filed with the Kentucky Board of Medical Licensure, have completed or hold, or be making reasonable progress toward completing or holding, a certification or training substantially equivalent to the certifications or training specified in this subsection, as authorized by the Kentucky Board of Medical Licensure by administrative regulation.
(4) A pain management facility shall accept private health insurance as one (1) of the facility's allowable forms of payment for goods or services provided and shall accept payment for services rendered or goods provided to a patient only from the patient or the patient's insurer, guarantor, spouse, parent, guardian, or legal custodian.
(5) If the pain management facility is operating under a license issued by the cabinet, the cabinet shall include and enforce the provisions of this section as additional conditions of that licensure. If the pain management facility is operating as the private

office or clinic of a physician under KRS 216B.020(2), the Kentucky Board of Medical Licensure shall enforce the provisions of this section. The provisions of this subsection shall not apply to the investigation or enforcement of criminal liability.
(6) Any person who violates the provisions of this section shall be guilty of a Class A misdemeanor.

Section 3. KRS 218A.202 is amended to read as follows:
(1) The Cabinet for Health and Family Services shall establish an electronic system for monitoring Schedules II, III, IV, and V controlled substances that are dispensed within the Commonwealth by a practitioner or pharmacist or dispensed to an address within the Commonwealth by a pharmacy that has obtained a license, permit, or other authorization to operate from the Kentucky Board of Pharmacy. The cabinet may contract for the design, upgrade, or operation of this system if the contract preserves all of the rights, privileges, and protections guaranteed to Kentucky citizens under this chapter and the contract requires that all other aspects of the system be operated in conformity with the requirements of this or any other applicable state or federal law.
(2) A practitioner or a pharmacist authorized to prescribe or dispense controlled substances to humans shall register with the cabinet to use the system provided for in this section and shall maintain such registration continuously during the practitioner's or pharmacist's term of licensure and shall not have to pay a fee or tax specifically dedicated to the operation of the system.
(3) Every dispenser within the Commonwealth who is licensed***, permitted, or otherwise authorized*** to prescribe or dispense a controlled substance ***to a person in Kentucky***[~~other than by the Board of Pharmacy, or any other dispenser who has obtained a license, permit, or other authorization to operate from the Kentucky Board of Pharmacy,~~] shall report to the Cabinet for Health and Family Services the data required by this section[~~ as prescribed by the cabinet by administrative regulation until July 1, 2013, at which time the report shall be filed with the cabinet within one (1) day of the dispensing~~], except that reporting shall not be required for:
(a) A drug[~~, other than any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone,~~] administered directly to a patient ***in a hospital, a resident of a health care facility licensed under KRS Chapter 216B, a resident of a child-caring facility as defined by KRS 199.011, or an individual in a jail, correctional facility, or juvenile detention facility***;[~~ or~~]
(b) A drug, other than any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone, dispensed by a practitioner at a facility licensed by the cabinet***,*** provided that the quantity dispensed is limited to an amount adequate to treat the patient for a maximum of forty-eight (48) hours***; or***
(c) A drug administered or dispensed to a research subject enrolled in a research protocol approved by an institutional review board that has an active federalwide assurance number from the United States Department of Health and Human Services, Office for Human Research Protections where the research involves single, double, or triple blind drug administration or is additionally covered by a certificate of confidentiality from the National Institutes of Health.
(4) Data for each controlled substance that is dispensed shall include but not be limited to the following:

(a) Patient identifier;
(b) National drug code of the drug dispensed;
(c) Date of dispensing;
(d) Quantity dispensed;
(e) Prescriber; and
(f) Dispenser.
(5) The data shall be provided in the electronic format specified by the Cabinet for Health and Family Services unless a waiver has been granted by the cabinet to an individual dispenser. The cabinet shall establish acceptable error tolerance rates for data. Dispensers shall ensure that reports fall within these tolerances. Incomplete or inaccurate data shall be corrected upon notification by the cabinet if the dispenser exceeds these error tolerance rates.
(6) The Cabinet for Health and Family Services shall only disclose data to persons and entities authorized to receive that data under this section. Disclosure to any other person or entity, including disclosure in the context of a civil action where the disclosure is sought either for the purpose of discovery or for evidence, is prohibited unless specifically authorized by this section. The Cabinet for Health and Family Services shall be authorized to provide data to:
(a) A designated representative of a board responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other person who is authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;
(b) Employees of the Office of the Inspector General of the Cabinet for Health and Family Services who have successfully completed training for the electronic system and who have been approved to use the system, Kentucky Commonwealth's attorneys and assistant Commonwealth's attorneys, county attorneys and assistant county attorneys, a peace officer certified pursuant to KRS 15.380 to 15.404, a certified or full-time peace officer of another state, or a federal peace officer whose duty is to enforce the laws of this Commonwealth, of another state, or of the United States relating to drugs and who is engaged in a bona fide specific investigation involving a designated person;
(c) A state-operated Medicaid program in conformity with subsection (7) of this section;
(d) A properly convened grand jury pursuant to a subpoena properly issued for the records;
(e) A practitioner or pharmacist, or employee of the practitioner's or pharmacist's practice acting under the specific direction of the practitioner or pharmacist, who requests information and certifies that the requested information is for the purpose of:
1. Providing medical or pharmaceutical treatment to a bona fide current or prospective patient; or
2. Reviewing and assessing the individual prescribing or dispensing patterns of the practitioner or pharmacist or to determine the accuracy and completeness of information contained in the monitoring system;
(f) ***The chief medical officer of a hospital or long-term-care facility, an employee of the hospital or long-term-care facility as designated by the chief medical officer and who is working under his or her specific direction, or a physician designee if the hospital or facility has no chief medical officer, if the officer, employee, or***

designee certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current or prospective patient or resident in the hospital or facility;

(g) In addition to the purposes authorized under paragraph (a) of this subsection, the Kentucky Board of Medical Licensure, for any physician who is:

1. Associated in a partnership or other business entity with a physician who is already under investigation by the Board of Medical Licensure for improper prescribing or dispensing practices;

2. In a designated geographic area for which a trend report indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring; or

3. In a designated geographic area for which a report on another physician in that area indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring in that area;

(h)[~~(g)~~] In addition to the purposes authorized under paragraph (a) of this subsection, the Kentucky Board of Nursing, for any advanced practice registered nurse who is:

1. Associated in a partnership or other business entity with a physician who is already under investigation by the Kentucky Board of Medical Licensure for improper prescribing or dispensing practices;

2. Associated in a partnership or other business entity with an advanced practice registered nurse who is already under investigation by the Board of Nursing for improper prescribing practices;

3. In a designated geographic area for which a trend report indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring; or

4. In a designated geographic area for which a report on a physician or another advanced practice registered nurse in that area indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring in that area;[~~ or~~]

(i)[~~(h)~~] A judge or a probation or parole officer administering a diversion or probation program of a criminal defendant arising out of a violation of this chapter or of a criminal defendant who is documented by the court as a substance abuser who is eligible to participate in a court-ordered drug diversion or probation program***; or***

(j) A medical examiner engaged in a death investigation pursuant to KRS 72.026.

(7) The Department for Medicaid Services shall use any data or reports from the system for the purpose of identifying Medicaid providers or recipients whose prescribing, dispensing, or usage of controlled substances may be:

(a) Appropriately managed by a single outpatient pharmacy or primary care physician; or

(b) Indicative of improper, inappropriate, or illegal prescribing or dispensing practices by a practitioner or drug seeking by a Medicaid recipient.

(8) A person who receives data or any report of the system from the cabinet shall not provide it to any other person or entity except as provided in this section, in another statute, or by order of a court of competent jurisdiction and only to a person or entity authorized to receive the data or the report under this section, except that:

(a) A person specified in subsection (6)(b) of this section who is authorized to receive data or a report may share that information with any other persons specified in subsection (6)(b) of this section authorized to receive data or a report if the persons

specified in subsection (6)(b) of this section are working on a bona fide specific investigation involving a designated person. Both the person providing and the person receiving the data or report under this paragraph shall document in writing each person to whom the data or report has been given or received and the day, month, and year that the data or report has been given or received. This document shall be maintained in a file by each agency engaged in the investigation;

(b) A representative of the Department for Medicaid Services may share data or reports regarding overutilization by Medicaid recipients with a board designated in subsection (6)(a) of this section, or with a law enforcement officer designated in subsection (6)(b) of this section;

(c) The Department for Medicaid Services may submit the data as evidence in an administrative hearing held in accordance with KRS Chapter 13B;~~[and]~~

(d) ***If a state licensing board as defined in Section 4 of this Act initiates formal disciplinary proceedings against a licensee, and data obtained by the board is relevant to the charges, the board may provide the data to the licensee and his or her counsel, as part of the notice process required by KRS 13B.050, and admit the data as evidence in an administrative hearing conducted pursuant to KRS Chapter 13B, with the board and licensee taking all necessary steps to prevent further disclosure of the data; and***

(e) A practitioner, pharmacist, or employee who obtains data under subsection (6)(e) of this section may share the report with the patient or person authorized to act on the patient's behalf and place the report in the patient's medical record, with that individual report then being deemed a medical record subject to disclosure on the same terms and conditions as an ordinary medical record in lieu of the disclosure restrictions otherwise imposed by this section.

(9) The Cabinet for Health and Family Services, all peace officers specified in subsection (6)(b) of this section, all officers of the court, and all regulatory agencies and officers, in using the data for investigative or prosecution purposes, shall consider the nature of the prescriber's and dispenser's practice and the condition for which the patient is being treated.

(10) The data and any report obtained therefrom shall not be a public record, except that the Department for Medicaid Services may submit the data as evidence in an administrative hearing held in accordance with KRS Chapter 13B.

(11) Intentional failure by a dispenser to transmit data to the cabinet as required by subsection (3), (4), or (5) of this section shall be a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense.

(12) Intentional disclosure of transmitted data to a person not authorized by subsection (6) to subsection (8) of this section or authorized by KRS 315.121, or obtaining information under this section not relating to a bona fide specific investigation, shall be a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense.

(13) (a) The Commonwealth Office of Technology, in consultation with the Cabinet for Health and Family Services, may submit an application to the United States Department of Justice for a drug diversion grant to fund a pilot or continuing project to study, create, or maintain a real-time electronic monitoring system for Schedules II, III, IV, and V controlled substances.

(b) The pilot project shall:
1. Be conducted in two (2) rural counties that have an interactive real-time electronic information system in place for monitoring patient utilization of health and social services through a federally funded community access program; and
2. Study the use of an interactive system that includes a relational data base with query capability.
(c) Funding to create or maintain a real-time electronic monitoring system for Schedules II, III, IV, and V controlled substances may be sought for a statewide system or for a system covering any geographic portion or portions of the state.
(14) Provisions in this section that relate to data collection, disclosure, access, and penalties shall apply to the pilot project authorized under subsection (13) of this section.
(15) The Cabinet for Health and Family Services may, by promulgating an administrative regulation, limit the length of time that data remain in the electronic system. Any data removed from the system shall be archived and subject to retrieval within a reasonable time after a request from a person authorized to review data under this section.
(16) (a) The Cabinet for Health and Family Services shall work with each board responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons who are authorized to prescribe, administer, or dispense controlled substances for the development of a continuing education program about the purposes and uses of the electronic system for monitoring established in this section.
(b) The cabinet shall work with the Kentucky Bar Association for the development of a continuing education program for attorneys about the purposes and uses of the electronic system for monitoring established in this section.
(c) The cabinet shall work with the Justice and Public Safety Cabinet for the development of a continuing education program for law enforcement officers about the purposes and uses of the electronic system for monitoring established in this section.
(17) If the cabinet becomes aware of a prescriber's or dispenser's failure to comply with this section, the cabinet shall notify the licensing board or agency responsible for licensing the prescriber or dispenser. The licensing board shall treat the notification as a complaint against the licensee.
(18) The cabinet shall promulgate administrative regulations to implement the provisions of this section. Included in these administrative regulations shall be***:***
(a) An error resolution process allowing a patient to whom a report had been disclosed under subsection (8) of this section to request the correction of inaccurate information contained in the system relating to that patient***; and***
(b) Beginning July 1, 2013, a requirement that data be reported to the system under subsection (3) of this section within one (1) day of dispensing.

Section 4. KRS 218A.205 is amended to read as follows:
KRS 218A.205 Reports of improper, inappropriate, or illegal prescribing or dispensing of controlled substances – Administrative regulations for prescribing and dispensing protocols and licensure actions and requirements – Complaint procedure – *Criminal record check*.
(1) As used in this section:
(a) "Reporting agency" includes:

1. The Department of Kentucky State Police;
2. The Office of the Attorney General;
3. The Cabinet for Health and Family Services; and
4. The applicable state licensing board; and
(b) "State licensing board" means:
1. The Kentucky Board of Medical Licensure;
2. The Kentucky Board of Nursing;
3. The Kentucky Board of Dentistry;
4. The Kentucky Board of Optometric Examiners;
5. The State Board of Podiatry; and
6. Any other board that licenses or regulates a person who is entitled to prescribe or dispense controlled substances to humans.
(2) (a) When a reporting agency or a law enforcement agency receives a report of improper, inappropriate, or illegal prescribing or dispensing of a controlled substance it may, to the extent otherwise allowed by law, send a copy of the report within three (3) business days to every other reporting agency.
(b) A county attorney or Commonwealth's attorney shall notify the Office of the Attorney General and the appropriate state licensing board within three (3) business days of an indictment or a waiver of indictment becoming public in his or her jurisdiction charging a licensed person with a felony offense relating to the manufacture of, trafficking in, prescribing, dispensing, or possession of a controlled substance.
(3) Each state licensing board shall~~[by September 1, 2012,]~~ establish the following by administrative regulation for those licensees authorized to prescribe or dispense controlled substances:
(a) Mandatory prescribing and dispensing standards related to controlled substances***, the requirements of which shall include the diagnostic, treatment, review, and other protocols and standards established for Schedule II controlled substances and Schedule III controlled substances containing hydrocodone under Section 1 of this Act and which may include the exemptions authorized by subsection (4) of Section 1 of this Act***;
(b) A prohibition on a practitioner dispensing greater than a forty-eight (48) hour supply of any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone unless the dispensing is done as part of a narcotic treatment program licensed by the Cabinet for Health and Family Services;
(c) A procedure for temporarily suspending, limiting, or restricting a license held by a named licensee where a substantial likelihood exists to believe that the continued unrestricted practice by the named licensee would constitute a danger to the health, welfare, or safety of the licensee's patients or of the general public;
(d) A procedure for the expedited review of complaints filed against their licensees pertaining to the improper, inappropriate, or illegal prescribing or dispensing of controlled substances that is designed to commence an investigation within seven (7) days of a complaint being filed and produce a charging decision by the board on the complaint within one hundred twenty (120) days of the receipt of the complaint, unless an extension for a definite period of time is requested by a law enforcement agency due to an ongoing criminal investigation;
(e) The establishment and enforcement of licensure standards that conform to the

following:
1. A permanent ban on licensees and applicants convicted after July 20, 2012, in this state or any other state of any felony offense relating to controlled substances from prescribing or dispensing a controlled substance;
2. Restrictions short of a permanent ban on licensees and applicants convicted in this state or any other state of any misdemeanor offense relating to prescribing or dispensing a controlled substance;
3. Restrictions mirroring in time and scope any disciplinary limitation placed on a licensee or applicant by a licensing board of another state if the disciplinary action results from improper, inappropriate, or illegal prescribing or dispensing of controlled substances; and
4. A requirement that licensees and applicants report to the board any conviction or disciplinary action covered by this subsection with appropriate sanctions for any failure to make this required report;
(f) A procedure for the continuous submission of all disciplinary and other reportable information to the National Practitioner Data Bank of the United States Department of Health and Human Services;
(g) If not otherwise required by other law***, a process for*** ~~[:~~
~~1. A process for obtaining a national and state fingerprint-supported criminal record check conducted by the Federal Bureau of Investigation or by the Department of Kentucky State Police on an applicant for initial licensing; and~~
~~2.]~~submitting a query on each applicant for licensure to the National Practitioner Data Bank of the United States Department of Health and Human Services to retrieve any relevant data on the applicant; and
(h) Continuing education requirements beginning with the first full educational year occurring after July 1, 2012, that specify that at least seven and one-half percent (7.5%) of the continuing education required of the licensed practitioner relate to the use of the electronic monitoring system established in KRS 218A.202, pain management, or addiction disorders.
(4) A state licensing board shall employ or obtain the services of a specialist in the treatment of pain and a specialist in drug addiction to evaluate information received regarding a licensee's prescribing or dispensing practices related to controlled substances if the board or its staff does not possess such expertise, to ascertain if the licensee under investigation is engaging in improper, inappropriate, or illegal practices.
(5) Any statute to the contrary notwithstanding, no state licensing board shall require that a grievance or complaint against a licensee relating to controlled substances be sworn to or notarized, but the grievance or complaint shall identify the name and address of the grievant or complainant, unless the board by administrative regulation authorizes the filing of anonymous complaints. Any such authorizing administrative regulation shall require that an anonymous complaint or grievance be accompanied by sufficient corroborating evidence as would allow the board to believe, based upon a totality of the circumstances, that a reasonable probability exists that the complaint or grievance is meritorious.
(6) Every state licensing board shall cooperate to the maximum extent permitted by law with all state, local, and federal law enforcement agencies, and all professional licensing boards and agencies, state and federal, in the United States or its territories in

the coordination of actions to deter the improper, inappropriate, or illegal prescribing or dispensing of a controlled substance.

(7) Each state licensing board shall require a fingerprint-supported criminal record check by the Department of Kentucky State Police and the Federal Bureau of Investigation of any applicant for initial licensure to practice any profession authorized to prescribe or dispense controlled substances.

Section 5. KRS 315.335 is amended to read as follows:

(1) A pharmacy located in Kentucky which has a robbery or theft of a controlled substance shall[~~:~~

~~(a)~~] immediately following the robbery or discovery of the theft report the incident to a law enforcement agency serving the geographic area in which the pharmacy is located[~~; and~~

~~(b) Within three (3) business days report that robbery or theft to the Department of Kentucky State Police~~].

(2) A pharmacy which has mailed or shipped a controlled substance to a location in Kentucky and learns that the mailing or shipment did not arrive shall within three (3) business days report that nonreceipt to:

(a) The Department of Kentucky State Police; and

(b) If applicable, the United States Postal Inspection Service.

(3) ***(a)*** The reports required pursuant to subsections (1) and (2) of this section shall contain at a minimum, if known and applicable:

1.[~~(a)~~] The name, National Drug Code, and quantity of each controlled substance involved;

2.[~~(b)~~] A description of the circumstances of the loss;

3.[~~(c)~~] The names and contact information of any witnesses; and

4.[~~(d)~~] The name and description of any person suspected of committing the offense or causing the loss.

(b) The Board of Pharmacy may by administrative regulation authorize a pharmacy to submit a completed DEA 106 form or a successor form in lieu of the data elements required by this subsection.

Section 6. Whereas the epidemic of prescription drug abuse represents a clear and present danger to the lives, safety, and health of Act all Kentuckians and no just cause exists for delay, an emergency is declared to exist and this takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

HOUSE BILL 222 CRIME VICTIM ADDRESS PROTECTION

SECTION 1. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:

KRS 14.300 Definitions for KRS 14.300 to 14.318.

As used in Sections 1 to 10 of this Act unless the context otherwise requires:

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the application of an individual to be a

program participant under this section;
(2) "Applicant" means a person applying for certification in the address confidentiality program under Sections 1 to 10 of this Act;
(3) "Criminal offense against a victim who is a minor" has the same meaning as in KRS 17.500;
(4) "Domestic violence and abuse" has the same meaning as in KRS 403.720;
(5) "Program participant" means a person certified as a program participant under Sections 1 to 10 of this Act;
(6) "Sex crime" means an offense or an attempt to commit an offense defined in:
(a) KRS Chapter 510;
(b) KRS 530.020;
(c) KRS 530.064(1)(a);
(d) KRS 531.310;
(e) KRS 531.320; or
(f) Any criminal attempt to commit an offense specified in this subsection, regardless of the penalty for the attempt;
(7) "Specified offense" means:
(a) Domestic violence and abuse;
(b) Stalking;
(c) A sex crime;
(d) A criminal offense against a victim who is a minor;
(e) A similar federal offense; or
(f) A similar offense from another state or territory; and
(8) "Stalking" means conduct prohibited under KRS 508.140 and 508.150.

SECTION 2. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.302 Crime victims' address protection program – Program open to victims of domestic vioclence and abuse, stalking, and felony sex offenses – Criminal history background check and fingerprinting of Department of State employees administering program.
(1) On or after July 1, 2013, the Secretary of State shall create a crime victim address protection program.
(2) The crime victim address protection program shall be open to victims of a specified offense who are United States citizens and residents of Kentucky, without any cost to the program participant.
(3) The Secretary of State shall require that each person employed in the Office of the Secretary of State directly responsible for the administration of the crime victim address protection program submit his or her fingerprints to the Department of State. The Department of State shall exchange fingerprint data with the Kentucky State Police and the Federal Bureau of Investigation in order to conduct a criminal history background check of each employee directly responsible for the administration of the program.

SECTION 3. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:

KRS 14.304 Permit crime victims to use for voting purposes an address provided by the Secretary of State rather than persn's actual physical address – Request to participate in program to include sworn statement of endangerment – Two (2) year certification period for program participants – Administrative regulation to govern renewal of certification – Penalty for providing false information – Addresses exempt from disclosure under Open Records Law.

(1) Upon the creation of the crime victim address protection program, an applicant, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of a person who is declared incompetent, or a designee of an applicant or a parent or guardian of a minor or a guardian of a person declared incompetent who cannot for any reason apply themselves, may apply to the Secretary of State to have an address designated by the Secretary of State serve for voting purposes as the address of the applicant, the minor, or the incompetent person. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State by administrative regulation and if it contains:

(a) A sworn statement by the applicant that:

1. The applicant or the minor or the incompetent person on whose behalf the application is made is a victim of a specified offense in an ongoing criminal case or in a criminal case that resulted in a conviction by a judge or jury or by a defendant's guilty plea; or

2. The applicant or the minor or the incompetent person on whose behalf the application is made has been granted an emergency protective order or a domestic violence order under KRS Chapter 403 by a court of competent jurisdiction within the Commonwealth of Kentucky and the order is in effect at the time of application;

(b) A sworn statement by the applicant that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant, or the minor or incompetent person on whose behalf the application is made.

(c) The mailing address and the phone number or numbers where the applicant can be contacted by the Secretary of State;

(d) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of a specified offense; and

(e) The signature of the applicant and of a representative of any office designated under Section 6 of this Act as a referring agency who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the Office of the Secretary of State.

(3) Upon the filing of a properly completed application, the Secretary of State shall certify the applicant as a program participant if the applicant is not required to register as a sex offender or is not otherwise prohibited from participating in the program.

(4) Applicants shall be certified for two (2) years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall promulgate an administrative regulation to establish a renewal

procedure.
(5) A person who falsely attests in an application that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant, or the minor or incompetent person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application may be found guilty of a violation of KRS 523.030.
(6) The addresses of individuals applying for entrance into the crime victim address confidentiality program and the addresses of those certified as program participants shall be exempt from disclosure under the Kentucky Open Records Act, KRS 61.870 to KRS 61.884.
(7) A program participant shall notify the Office of the Secretary of State of a change of address within seven (7) days of the change of address.

SECTION 4. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.306 Grounds for cancellation of a program participant's certification – Notice of cancellation – Appeal – Voluntary withdrawal from program – Procedure to ensure that request for withdrawal is legitimate – Administrative regulations.
(1) The Secretary of State may cancel certification of a program participant if within fourteen (14) days:
(a) From the date of the program participant changing his or her name, the program participant fails to notify the Secretary of State that he or she has obtained a name change; however, the program participant may reapply under his or her new name; or
(b) From the date of changing his or her address, the program participant fails to notify the Secretary of State of the change of address.
(2) The Secretary of State shall cancel certification of a program participant who applies using false information.
(3) The Secretary of State shall send notice of certification cancellation to the program participant. The notice of certification cancellation shall set out the reasons for cancellation. The program participant has the right to appeal the decision within thirty (30) days under procedures established by the Office of the Secretary of State by administrative regulation.
(4) The Secretary of State shall cancel certification of a program participant who is required to register as a sex offender.
(5) A program participant may withdraw from the program by providing the Secretary of State with notice of his or her intention to withdraw from the program. The Secretary of State shall promulgate by administrative regulations a secure procedure by which to ensure that the program participant's request for withdrawal is legitimate.

SECTION 5. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.308 Confidentiality of program participant's records – Exceptions authorizing disclosure.
The Secretary of the State shall not make available for inspection or copying any

records in a file of a program participant, other than the address designated by the Secretary of State, except under the following circumstances:
(1) If directed by a court order signed by a judge or justice of a court of competent jurisdiction within the Commonwealth of Kentucky; or
(2) Upon written request by the chief law enforcement officer of a city or county, or the commander of a Department of Kentucky State Police post or branch, if related to an ongoing official investigation. Requests shall include the reason the information is needed by the law enforcement agency.

SECTION 6. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.310 Secretary of State to establish list of state, local, and nonprofit agencies providing counsel and shelter to program participants – Assistance not to be deemed legal advice.
The Secretary of State shall establish a list of state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of a specified offense to assist persons applying to be program participants. Any assistance and counseling rendered to applicants by the Office of the Secretary of State or its designees shall in no way be construed as legal advice.

SECTION 7. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.312 Program participants to vote by mail-in absentee ballot – Modification of county clerk's system to safeguard confidentiality of participant 's voting records – No waiver or modification of legal qualifications to vote.
(1) A program participant who is otherwise qualified to vote may register to vote and apply for and submit a mail-in absentee ballot under this section.
(2) Using the authority granted under subsection (1) of Section 10 of this Act, the State Board of Elections shall design a system allowing a county clerk to shield from public view all voting records of a program participant, including the name and address of a program participant, and allowing a program participant to vote by mail-in absentee ballot. This authority may be used to modify statutory or regulatory requirements that would lead to disclosure of the program participant's name and address, but shall not include authority to waive or modify any other requirements relative to the program participant's qualifications to vote, including age and geographic residency.
(3) The program participant may receive mail-in absentee ballots for all elections in the jurisdiction in which that individual resides in the same manner as a person requesting an absentee ballot under subsection (1)(a) of Section 11 of this Act. The county clerk shall transmit a mail-in absentee ballot to the program participant at the address designated by the participant in his or her application.
(4) Neither the name nor the address of a program participant shall be included in any list of registered voters available to the public, including any list inspected under KRS 116.095.

SECTION 8. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.314 Prior custody or visitation orders not affected by program or by this chapter.
Nothing in this chapter, nor participation in the program created in this chapter, shall affect custody or visitation orders in effect prior to or during program participation.

SECTION 9. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.316 Limitation of liability for negligent disclosure of program participant's actual address.
No actionable duty or any right of action shall accrue against the state, a county, a municipality, an agency of the state or county or municipality, or an employee of the state or county or municipality in the event of negligent disclosure of a program participant's actual address.

SECTION 10. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO READ AS FOLLOWS:
KRS 14.318 Administrative regulations to be promulgated by State Board of Elections and Secretary of State to
(1) The State Board of Elections may promulgate administrative regulations to implement Sections 7 and 11 of this Act.
(2) The Secretary of State may promulgate administrative regulations to implement Sections 1 to 6, 8, and 9 of this Act.

Section 11. KRS 117.085 is amended to read as follows:
KRS 117.085 Application for mail-in absentee ballot – In-person absentee voting in the clerk's office – Supervision of and challengers for absentee voting – Form of ballot – Cancellation of absentee ballot – *Disclosure of information*.
(1) All requests for an application for an absentee ballot may be transmitted by telephone, facsimile machine, by mail, by electronic mail, or in person. Except as provided in paragraph (b) of this subsection, all applications for an absentee ballot shall be transmitted only by mail to the voter or in person at the option of the voter, except that the county clerk shall hand an application for an absentee ballot to a voter permitted to vote by absentee ballot who appears in person to request the application, or shall mail the application to a voter permitted to vote by absentee ballot who requests the application by telephone, facsimile machine, or mail. The absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter. Except for qualified voters who apply pursuant to the requirements of KRS 117.075 and 117.077, those who are incarcerated in jail but have yet to be convicted, military personnel confined to a military base on election day, and persons who qualify under paragraph (a)7. of this subsection, absentee ballots shall not be mailed to a voter's residential address located in the county in which the voter is registered. In the case of ballots returned by mail, the county clerk shall provide an absentee ballot, two (2) official envelopes for returning the ballot, and instructions for

voting to a voter who presents a completed application for an absentee ballot as provided in this section and who is properly registered as stated in his or her application.

(a) The following voters may apply to cast their votes by mail-in absentee ballot if the application is received not later than the close of business hours seven (7) days before the election:

1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;

2. Voters who are residents of Kentucky who are members of the Armed Forces, dependents of members of the Armed Forces, and citizens residing overseas;

3. Voters who are students who temporarily reside outside the county of their residence;

4. Voters who are incarcerated in jail who have been charged with a crime but have not been convicted of the crime;

5. Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, who shall be permitted to cast an absentee ballot for electors for President and Vice President of the United States only;

6. Voters who temporarily reside outside the state but who are still eligible to vote in this state;~~[and]~~

7. Voters who are prevented from voting in person at the polls on election day and from casting an absentee ballot in person in the county clerk's office on all days absentee voting is conducted prior to election day because their employment location requires them to be absent from the county all hours and all days absentee voting is conducted in the county clerk's office***; and***

8. Voters who are program participants in the Secretary of State's crime victim address confidentiality protection program as authorized by Section 7 of this Act.

* * * * *

HOUSE BILL 261 TAKEN WILDLIFE

SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

KRS 150.4113 Administrative regulations to allow sale and purchase of mounted wildlife specimens – Recording of sales.

(1) As used in this section, "mounted wildlife specimen" means:

(a) A legally taken animal, including the skin of the head, cape, or the entire skin, mounted in a lifelike representation of the animal or any part thereof; or

(b) A European mount in which the horns or antlers and the skull or a portion of the skull are mounted for display.

(2) Notwithstanding KRS 150.180 and no later than January 1, 2014, the department shall promulgate administrative regulations to allow any person or entity to sell or buy mounted wildlife specimens, except as prohibited by federal law.

(3) The administrative regulations promulgated under this section shall establish a means by which each transaction for the sale of mounted wildlife

specimens for white-tailed deer, elk, bears, turkeys, and bobcats shall be recorded by the department. The department shall make the recording of each transaction as reasonably convenient for all parties to the transaction as possible, which may include but not be limited to allowing telephone and Internet recording of sales.
(4) Mounted wildlife specimens purchased from or sold to a licensed taxidermist under KRS 150.4111 shall be exempt from the requirements of this section.

SECTION 2. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:
KRS 150.995 Violations for which additional restitution shall be paid to department.
(1) As used in this section, "gross score" means the Boone and Crockett score derived by calculating the measurements of the antlers of a white-tailed deer or elk in accordance with subsection (2) of this section.
(2) The gross score of an antlered white-tailed deer or elk shall be calculated in accordance with the Boone and Crockett Club's "Measuring and Scoring North American Big Game Trophies, Third Edition, 2009" and shall be taken by an official Boone and Crockett Club scorer. Measurements taken for the purpose of calculating the gross score may be taken at any time, with no drying time being required.
(3) A person found guilty of a violation of the provisions of this chapter regarding the taking, buying, selling, transporting, or possessing of an antlered white-tailed deer with a gross score of more than one hundred twenty-five (125) inches shall pay to the department an additional restitution value calculated by squaring the difference between the gross score and one hundred (100) and multiplying the resulting number by one dollar and sixty-five cents ($1.65).
(4) A person found guilty of a violation of the provisions of this chapter regarding the taking, buying, selling, transporting, or possessing of an antlered elk with a gross score of more than two hundred eighty (280) inches shall pay to the department an additional restitution value calculated by squaring the difference between the gross score and two hundred fifty-five (255) and multiplying the resulting number by one dollar and sixty-five cents ($1.65).
(5) A person found guilty of a violation of the provisions of this chapter regarding the taking, buying, selling, transporting, or possessing of a bear shall pay to the department an additional restitution value of one thousand dollars ($1,000).
(6) A person found guilty of a violation of the provisions of this chapter regarding the taking, buying, selling, transporting, or possessing of a turkey shall pay to the department an additional restitution value of five hundred dollars ($500).
(7) A person found guilty of a violation of the provisions of this chapter regarding the taking, buying, selling, transporting, or possessing of a bobcat shall pay to the department an additional restitution value of five hundred dollars ($500).
(8) The commissioner or designee may bring a civil action to recover the

restitution value owed to the department under subsections (3), (4), (5), (6), or (7) of this section. A person who owes restitution to the department under subsections (3), (4), (5), (6), or (7) of this section shall forfeit his or her hunting license or, if license-exempt, the privilege to perform the hunting acts authorized by the license until the restitution owed has been paid.
(9) The restitution required by this section shall be in addition to all other restitution, replacement costs, and civil or criminal penalties authorized by this chapter and the administrative regulations promulgated hereunder.

HOUSE BILL 273 MINI-TRUCKS

SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:
KRS 189.517 Mini-truck – Definition – Crititeria for operation – Permitted and prohibited uses.
(1) As used in this section, "mini-truck" means a lightweight Japanese kei class utility vehicle.
(2) Except as provided in subsection (5) of this section, a person shall not operate a mini-truck upon any public highway or roadway or upon the right-of-way of any public highway or roadway.
(3) A person shall not operate a mini-truck on private property without the consent of the landowner, tenant, or individual responsible for the property.
(4) A person shall not operate a mini-truck on public property unless the governmental agency responsible for the property has approved the use of mini-trucks.
(5) (a) A person may operate a mini-truck on any two (2) lane public highway in order to cross the highway. In crossing the highway under this paragraph, the operator shall cross the highway at as close to a ninety (90) degree angle as is practical and safe, and shall not travel on the highway for more than two-tenths (2/10) of a mile.
(b) A person may operate a mini-truck on any two (2) lane public highway if the operator is engaged in farm or agricultural-related activities, construction, road maintenance, or snow removal.
(c) The Transportation Cabinet may designate, and a city or county government may designate, those public highways, segments of public highways, and adjoining rights-of-way of public highways under its jurisdiction where mini-trucks that are prohibited may be operated.
(d) A person operating a mini-truck on a public highway under this subsection shall possess a valid operator's license.
(e) A person operating a mini-truck on a public highway under this subsection shall comply with all applicable traffic regulations.
(f) A person shall not operate a mini-truck under this subsection unless the mini-truck has at least two (2) headlights and two (2) taillights, which shall be illuminated at all times the mini-truck is in operation.
(g) A person operating a mini-truck under this subsection shall restrict the operation to daylight hours, except when engaged in snow removal or emergency

road maintenance.

HOUSE BILL 279 FREEDOM OF RELIGION

NOTE: This bill passed under veto and will be entered into law without the Governor's signature by the Secretary of State.

SECTION 1. A NEW SECTION OF KRS CHAPTER 446 IS CREATED TO READ AS FOLLOWS:
KRS 446.350 Prohibition upon government substantially burdening freedom of religion – Showing of compelling governmental interest – Description of "burden."
Government shall not substantially burden a person's freedom of religion. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be substantially burdened unless the government proves by clear and convincing evidence that it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A "burden" shall include indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities.

HOUSE BILL 290 EXTERNAL CHILD FATALITY / NEAR FATALITY REVIEW PANEL.

SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:
KRS 620.055 External child fatality and near fatality review panel – Creation – Members – Meetings – Duties – Responsibilities – Information required to be provided to members – Confidentiality – Destruction of information following conclusion of panel's examination – Application of open records and open meetings law – Limitation of liability – Annual evaluation of panel's work.
(1) An external child fatality and near fatality review panel is hereby created and established for the purpose of conducting comprehensive reviews of child fatalities and near fatalities, reported to the Cabinet for Health and Family Services, suspected to be a result of abuse or neglect. The panel shall be attached to the Justice and Public Safety Cabinet for staff and administrative purposes.
(2) The external child fatality and near fatality review panel shall be composed of the following five (5) ex officio nonvoting members and fifteen (15) voting members:
(a) The chairperson of the House Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
(b) The chairperson of the Senate Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
(c) The commissioner of the Department for Community Based Services, who shall be an ex officio nonvoting member;

(d) The commissioner of the Department for Public Health, who shall be an ex officio nonvoting member;
(e) A family court judge selected by the Chief Justice of the Kentucky Supreme Court, who shall be an ex officio nonvoting member;
(f) A pediatrician from the University of Kentucky's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Kentucky School of Medicine;
(g) A pediatrician from the University of Louisville's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the Dean of the University of Louisville School of Medicine;
(h) The State Medical Examiner or designee;
(i) A court-appointed special advocate (CASA) program director to be selected by the Attorney General from a list of three (3) names provided by the Kentucky CASA Association;
(j) A peace officer with experience investigating child abuse and neglect fatalities and near fatalities to be selected by the Attorney General from a list of three (3) names provided by the commissioner of the Kentucky State Police;
(k) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by the Attorney General from a list of three (3) names provided by the president of the Prevent Child Abuse Kentucky, Inc. Board of Directors;
(l) A practicing local prosecutor to be selected by the Attorney General;
(m) The executive director of the Kentucky Domestic Violence Association or the executive director's designee;
(n) The chairperson of the State Child Fatality Review Team established in accordance with KRS 211.684 or the chairperson's designee;
(o) A practicing social work clinician to be selected by the Attorney General from a list of three (3) names provided by the Board of Social Work;
(p) A practicing addiction counselor to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Addiction Professionals;
(q) A representative from the Family Resource and Youth Service Centers to be selected by the Attorney General from a list of three (3) names submitted by the Cabinet for Health and Family Services;
(r) A representative of a Community Mental Health Center to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Regional Mental Health and Mental Retardation Programs, Inc.;
(s) A member of a Citizen Foster Care Review Board selected by the Chief Justice of the Kentucky Supreme Court; and
(t) An at-large representative who shall serve as chairperson to be selected by the Secretary of State.
(3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as the case may be, shall have appointed panel members. Initial terms of members, other than those serving ex officio, shall be staggered to provide continuity. Initial appointments shall be: five (5) members for terms of

one (1) year, five (5) members for terms of two (2) years, and five (5) members for terms of three (3) years, these terms to expire, in each instance, on June 30 and thereafter until a successor is appointed and accepts appointment.

(b) Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities, for terms of two (2) years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment. Vacancies in the membership of the panel shall be filled in the same manner as the original appointments.

(c) At any time, a panel member shall recuse himself or herself from the review of a case if the panel member believes he or she has a personal or private conflict of interest.

(d) If a voting panel member is absent from two (2) or more consecutive, regularly scheduled meetings, the member shall be considered to have resigned and shall be replaced with a new member in the same manner as the original appointment.

(e) If a voting panel member is proven to have violated subsection (13) of this section, the member shall be removed from the panel, and the member shall be replaced with a new member in the same manner as the original appointment.

(4) The panel shall meet at least quarterly and may meet upon the call of the chairperson of the panel.

(5) Members of the panel shall receive no compensation for their duties related to the panel, but may be reimbursed for expenses incurred in accordance with state guidelines and administrative regulations.

(6) Each panel member shall be provided copies of all information set out in this subsection, including but not limited to records and information, upon request, to be gathered, unredacted, and submitted to the panel within thirty (30) days by the Cabinet for Health and Family Services, from the Department for Community Based Services or any agency, organization, or entity involved with a child subject to a fatality or near fatality:

(a) Cabinet for Health and Family Services records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home and or persons supervising the child at the time of the incident that include all records and documentation set out in this paragraph:

1. All prior and ongoing investigations, services or contacts;

2. Any and all records of services to the family provided by agencies or individuals contracted by the Cabinet for Health and Family Services; and

3. All documentation of and actions taken as a result of child fatality internal reviews conducted pursuant to KRS 620.050(12)(b);

(b) Licensing reports from the Cabinet for Health and Family Services, Office of Inspector General, if an incident occurred in a licensed facility;

(c) All available records regarding protective services provided out of state;

(d) All records of services provided by the Department for Juvenile Justice regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident;

(e) Autopsy reports;

(f) Emergency medical service, fire department, law enforcement, coroner, and

other first responder reports, including but not limited to photos and interviews with family members and witnesses;
(g) Medical records regarding the deceased or injured child, including but not limited to all records and documentation set out in this paragraph:
1. Primary care records, including progress notes; developmental milestones; growth charts that include head circumference; all laboratory and X-ray requests and results; and birth record that includes record of delivery type, complications, and initial physical exam of baby;
2. In-home provider care notes about observations of the family, bonding, others in home, and concerns;
3. Hospitalization and emergency department records;
4. Dental records;
5. Specialist records; and
6. All photographs of injuries of the child that are available;
(h) Educational records of the deceased or injured child, or other children residing in the home where the incident occurred, including but not limited to the records and documents set out in this paragraph:
1. Attendance records;
2. Special education services;
3. School based health records; and
4. Documentation of any interaction and services provided to the children and family.
The release of educational records shall be in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its implementing regulations;
(i) Head Start records or records from any other child care or early child care provider;
(j) Records of any family, Circuit, or District court involvement with the deceased or injured child and his or her caregivers, residents of the home and persons involved with the child at the time of the incident that include but are not limited to the juvenile and family court records and orders set out in this paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:
1. Petitions;
2. Court reports by the Department for Community Based Services, Guardian Ad Litem, court-appointed special advocate, and the Citizen Foster Care Review Board;
3. All orders of the court, including temporary, dispositional, or adjudicatory; and
4. Documentation of annual or any other review by the court;
(k) Home visit records from the Department for Public Health or other services;
(l) All information on prior allegations of abuse or neglect and deaths of children of adults residing in the household;
(m) All law enforcement records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident; and
(n) Mental Health records regarding the deceased or injured child and his or her

caregivers, residents of the home, and persons involved with the child at the time of the incident.
(7) The panel may seek the advice of experts, such as persons specializing in the fields of psychiatric and forensic medicine, nursing, psychology, social work, education, law enforcement, family law, or other related fields, if the facts of a case warrant additional expertise.
(8) The panel shall post updates after each meeting to the Web site of the Justice and Public Safety Cabinet regarding case reviews, findings, and recommendations.
(9) The panel chairperson, or other requested persons, shall report a summary of the panel's discussions and proposed or actual recommendations to the Interim Joint Committee on Health and Welfare of the Kentucky General Assembly monthly or at the request of a committee co-chair. The goal of the committee shall be to ensure impartiality regarding the operations of the panel during its review process.
(10) The panel shall publish an annual report by December 1 of each year consisting of case reviews, findings, and recommendations for system and process improvements to help prevent child fatalities and near fatalities that are due to abuse and neglect. The report shall be submitted to the Governor, the secretary of the Cabinet for Health and Family Services, the Chief Justice of the Supreme Court, the Attorney General, the and the director of the Legislative Research Commission for distribution to the Health and Welfare Committee and the Judiciary Committee.
(11) Information and record copies that are confidential under state or federal law and are provided to the external child fatality and near fatality review panel by the Cabinet for Health and Family Services, the Department for Community Based Services, or any agency, organization, or entity for review shall not become the information and records of the panel and shall not lose their confidentiality by virtue of the panel's access to the information and records. The original information and records, used to generate information and record copies provided to the panel in accordance with subsection (6) of this section, shall be maintained by the appropriate agency in accordance with state and federal law and shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests shall be made to the appropriate agency, not to the external child fatality and near fatality review panel or any of the panel members. Information and record copies provided to the panel for review shall be exempt from the Kentucky Open Records Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies of information and records provided to the panel involving an individual case shall be destroyed by the Justice and Public Safety Cabinet.
(12) Notwithstanding any provision of law to the contrary, the portions of the external child fatality and near fatality review panel meetings during which an individual child fatality or near fatality case is reviewed or discussed by panel members may be a closed session and subject to the provisions of KRS 61.815(1) and shall only occur following the conclusion of an open session. At the conclusion of the closed session, the panel shall immediately convene an open

session and give a summary of what occurred during the closed session.
(13) Each member of the external child fatality and near fatality review panel, any person attending a closed panel session, and any person presenting information or records on an individual child fatality or near fatality shall not release information or records not available under the Kentucky Open Records Act, KRS 61.870 to 61.884 to the public.
(14) A member of the external child fatality and near fatality review panel shall not be prohibited from making a good faith report to any state or federal agency of any information or issue that the panel member believes should be reported or disclosed in an effort to facilitate effectiveness and transparency in Kentucky's child protective services.
(15) A member of the external child fatality and near fatality review panel shall not be held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as a result of any action taken or omitted in the performance of the member's duties pursuant to this section and Section 2 of this Act, except for violations of subsection (11), (12), or (13) of this section.
(16) Beginning in 2014 the Legislative Program Review and Investigations Committee of the Kentucky General Assembly shall conduct an annual evaluation of the external child fatality and near fatality review panel established pursuant to this section to monitor the operations, procedures, and recommendations of the panel and shall report its findings to the General Assembly.

Section 2. KRS 620.050 is amended to read as follows:
(1) Anyone acting upon reasonable cause in the making of a report or acting under KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action. However, any person who knowingly makes a false report and does so with malice shall be guilty of a Class A misdemeanor.
(2) Any employee or designated agent of a children's advocacy center shall be immune from any civil liability arising from performance within the scope of the person's duties as provided in KRS 620.030 to 620.050. Any such person shall have the same immunity with respect to participation in any judicial proceeding. Nothing in this subsection shall limit liability for negligence. Upon the request of an employee or designated agent of a children's advocacy center, the Attorney General shall provide for the defense of any civil action brought against the employee or designated agent as provided under KRS 12.211 to 12.215.
(3) 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.
(4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this chapter, the cabinet as the designated agency or its delegated representative shall initiate a prompt investigation or assessment of family needs, take necessary action,

and shall offer protective services toward safeguarding the welfare of the child. The cabinet shall work toward preventing further dependency, neglect, or abuse of the child or any other child under the same care, and preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care.

(5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except:

(a) Persons suspected of causing dependency, neglect, or abuse;

(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;

(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;

(d) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;

(e) A noncustodial parent when the dependency, neglect, or abuse is substantiated;

(f) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;

(g) Employees or designated agents of a children's advocacy center;~~[or]~~

(h) Those persons so authorized by court order***; or***

(i) The external child fatality and near fatality review panel established by Section 1 of this Act.

(6) (a) Files, reports, notes, photographs, records, electronic and other communications, and working papers used or developed by a children's advocacy center in providing services under this chapter are confidential and shall not be disclosed except to the following persons:

1. Staff employed by the cabinet, law enforcement officers, and Commonwealth's and county attorneys who are directly involved in the investigation or prosecution of the case;

2. Medical and mental health professionals listed by name in a release of information signed by the guardian of the child, provided that the information shared is limited to that necessary to promote the physical or psychological health of the child or to treat the child for abuse-related symptoms;~~[and]~~

3. The court and those persons so authorized by a court order***; and***

4. The external child fatality and near fatality review panel established by Section 1 of this Act.

(b) The provisions of this subsection shall not be construed as to contravene the Rules of Criminal Procedure relating to discovery.

(7) Nothing in this section shall prohibit a parent or guardian from accessing records for his or her child providing that the parent or guardian is not currently under investigation by a law enforcement agency or the cabinet relating to the abuse of a child.

(8) Nothing in this section shall prohibit employees or designated agents of a children's advocacy center from disclosing information during a multidisciplinary team

review of a child sexual abuse case as set forth under KRS 620.040. Persons receiving this information shall sign a confidentiality statement consistent with statutory prohibitions on disclosure of this information.
(9) Employees or designated agents of a children's advocacy center may confirm to another children's advocacy center that a child has been seen for services. If an information release has been signed by the guardian of the child, a children's advocacy center may disclose relevant information to another children's advocacy center.
(10) (a) An interview of a child recorded at a children's advocacy center shall not be duplicated, except that the Commonwealth's or county attorney prosecuting the case may:
1. Make and retain one (1) copy of the interview; and
2. Make one (1) copy for the defendant's counsel that the defendant's counsel shall not duplicate.
(b) The defendant's counsel shall file the copy with the court clerk at the close of the case.
(c) Unless objected to by the victim or victims, the court, on its own motion, or on motion of the attorney for the Commonwealth shall order all recorded interviews that are introduced into evidence or are in the possession of the children's advocacy center, law enforcement, the prosecution, or the court to be sealed.
(d) The provisions of this subsection shall not be construed as to contravene the Rules of Criminal Procedure relating to discovery.
(11) Identifying information concerning the individual initiating the report under KRS 620.030 shall not be disclosed except:
(a) To law enforcement officials that have a legitimate interest in the case;
(b) To the agency designated by the cabinet to investigate or assess the report;
(c) To members of multidisciplinary teams as defined by KRS 620.020 that operated under KRS 431.600~~[; or]~~
(d) Under a court order, after the court has conducted an in camera review of the record of the state related to the report and has found reasonable cause to believe that the reporter knowingly made a false report***; or***
(e) The external child fatality and near fatality review panel established by Section 1 of this Act.
(12) (a) Information may be publicly disclosed by the cabinet in a case where child abuse or neglect has resulted in a child fatality or near fatality.
(b) The cabinet shall conduct an internal review of any case where child abuse or neglect has resulted in a child fatality or near fatality and the cabinet had prior involvement with the child or family. The cabinet shall prepare a summary that includes an account of:
1. The cabinet's actions and any policy or personnel changes taken or to be taken, including the results of appeals, as a result of the findings from the internal review; and
2. Any cooperation, assistance, or information from any agency of the state or any other agency, institution, or facility providing services to the child or family that were requested and received by the cabinet during the investigation of a child fatality or near fatality.
(c) The cabinet shall submit a report by September 1 of each year containing an analysis of all summaries of internal reviews occurring during the previous year and an

analysis of historical trends to the Governor, the General Assembly, and the state child fatality review team created under KRS 211.684.
(13) When an adult who is the subject of information made confidential by subsection (5) of this section publicly reveals or causes to be revealed any significant part of the confidential matter or information, the confidentiality afforded by subsection (5) of this section is presumed voluntarily waived, and confidential information and records about the person making or causing the public disclosure, not already disclosed but related to the information made public, may be disclosed if disclosure is in the best interest of the child or is necessary for the administration of the cabinet's duties under this chapter.
(14) As a result of any report of suspected child abuse or neglect, photographs and X-rays or other appropriate medical diagnostic procedures may be taken or caused to be taken, without the consent of the parent or other person exercising custodial control or supervision of the child, as a part of the medical evaluation or investigation of these reports. These photographs and X-rays or results of other medical diagnostic procedures may be introduced into evidence in any subsequent judicial proceedings. The person performing the diagnostic procedures or taking photographs or X-rays shall be immune from criminal or civil liability for having performed the act. Nothing herein shall limit liability for negligence.

SECTION 3. A NEW SECTION OF KRS 6.900 TO 6.935 IS CREATED TO READ AS FOLLOWS:
KRS 6.922 Annual evaluation of external child fatality and near fatality review panel -- Report to General Assembly.
Beginning in 2014 the Legislative Program Review and Investigations Committee of the Kentucky General Assembly shall conduct an annual evaluation of the external child fatality and near fatality review panel established pursuant to Section 1 of this Act to monitor the operations, procedures, and recommendations of the panel and shall report its findings to the General Assembly.

HOUSE BILL 441 TOLL ADMINISTRATION

Section 1. KRS 175B.015 is amended to read as follows:
(1) The Kentucky Public Transportation Infrastructure Authority is hereby established as an independent de jure municipal corporation and political subdivision of the Commonwealth constituting a governmental agency and instrumentality of the Commonwealth. The General Assembly hereby finds and declares that in carrying out its functions, powers, and duties as prescribed in this chapter, the state authority will be performing essential public and government functions that improve the public welfare and prosperity of the people of the Commonwealth by promoting the availability of and enhancing accessibility to improved transportation services within the Commonwealth.

*** * * * ***

Section 2. KRS 175B.040 is amended to read as follows:
KRS 175B.040 Tolls and other revenues to be derived from projects – Sinking

fund – Pledges of sinking fund – Use and disposition of money – *Penalties – Project users to pay appropriate toll – Confidentiality of toll collection customer account information.*

(1) If imposed as part of the financing plan, tolls shall be fixed and adjusted by the developing authority to provide a fund sufficient with other revenues, if any, to:

(a) Pay the cost of maintaining, repairing, and operating the project, unless the cost or any part thereof is being paid by the Commonwealth as authorized by this chapter;

(b) Pay the principal of and interest on the project revenue bonds; and

(c) Create reserves not to exceed amounts specified in the development agreement.

(2) Unless a transfer of ownership of a project occurs pursuant to KRS 175B.095, the developing authority shall at all times maintain ownership and control of all tolls and other revenues generated by the project. Tolls shall not be subject to supervision or regulation by any other department, division, authority, board, bureau, or agency of a local government or the Commonwealth.

(3) (a) The tolls and all other revenues derived from the project, except those revenues necessary to pay the cost of maintenance, repair, and operation and to establish and maintain reserves as may be provided for in the authorization of the issuance of the project revenue bonds or in the trust indenture securing the project revenue bonds, shall be set aside in a sinking fund which shall be pledged to, and charged with, the payment of principal and interest on the project revenue bonds as they become due, and the redemption price or the purchase price of project revenue bonds retired by call or purchase as provided in the authorization of issuance.

(b) The pledge of the sinking fund shall be valid and binding from the time when the pledge is made.

(c) The tolls or other revenues received and pledged by the developing authority shall immediately be subject to the lien of the pledge without any physical delivery or further action, and the lien on any pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the developing authority, whether the parties have received notice or not.

(d) Neither the proceedings nor any trust indenture by which a pledge is created need be filed or recorded, except in the records of the issuing authority.

(e) The use and disposition of moneys to the credit of the sinking fund shall be subject to the provisions of the proceedings authorizing the issuance of the project revenue bonds or the trust indenture.

(4) (a) Every person utilizing a project developed and tolled under this chapter shall pay the appropriate toll.

***(b) Any person who violates the provisions of this subsection shall be subject to the provisions of administrative regulations promulgated pursuant to* KRS *175B.015*(12).**

(5) Upon receiving notice, the cabinet shall suspend or withhold the annual registration of a vehicle used in the commission of a toll violation until:

(a) The fine, charge, or assessment has been paid; or

(b) The violation of subsection (4) of this section has been determined not to have occurred.

(6) (a) Toll collection customer account information shall be confidential and not subject to disclosure under KRS 61.870 to 61.884. Contracts relating to toll

collection for a project developed and tolled under this chapter shall ensure the confidentiality of all toll collection customer account information.
(b) For the purposes of this section, "toll collection customer account information" means any information collected or received from or about any person who is assessed a toll, including contact information, payment information, trip data, and any other relevant data.

* * * * *