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DEPARTMENT OF

CRIMINAL JUSTICE TRAINING

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Kentucky Legal Handbook for Patrol

LEADERSHIP INSTITUTE BRANCH

LEGAL TRAINING SECTION

John W. Bizzack, Ph.D. / Commissioner

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Notice

This handbook is NOT intended to replace the Kentucky Criminal Law Manual. It is designed for use by field officers as a supplemental "quick reference" guide to specified offenses. Offenses are listed alphabetically by section for ease of use.

This handbook does not list all criminal offenses, but lists those offenses, along with the corresponding Violation Codes, likely to be encountered by patrol officers and deputies while in the field. Offenses which are not listed can be found in the Kentucky Criminal Law Manual. Officers should also consult the Kentucky Criminal Law Manual and their local Commonwealth's or County Attorney if there is any question concerning the proper statutory charge.

This handbook is provided by the Legal Training Section of the Leadership Development Branch of the Department of Criminal Justice Training. Questions regarding this handbook should be addressed to the Legal Training Section by phone at 859-622-3801; or by email at docjt.legal@ky.gov.

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CRIMINAL OFFENSES

ALCOHOL INTOXICATION - KRS 222.202 Offenses of Alcohol Intoxication or Drinking Alcoholic Beverages in a Public Place

02304 Alcohol Intoxication in a Public Place – 1st & 2nd Offenses
02301 Alcohol Intoxication in a Public Place - 3rd or > w/i 12 Mos.
02305 Drinking Alcoholic Bev in Public Place – 1st & 2nd Offenses
02302 Drinking Alcoholic Bev in Public Place -3rd or > w/i 12 mos.

(1) A person is guilty of alcohol intoxication when he appears in a public place manifestly under the influence of alcohol to the degree that he may endanger himself or other persons or property, or unreasonably annoy persons in his vicinity.
(2) A person is guilty of drinking alcoholic beverages in a public place when he drinks an alcoholic beverage in a public place, or in or upon any passenger coach, or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting room.

ASSAULT 1ST DEGREE - KRS 508.010 Assault in the First Degree

13150 Assault, 1st Degree
13151 Assault, 1st Degree – Domestic Violence
13152 Assault, 1st Degree – Police Officer

(1) A person is guilty of assault in the first degree when:
(a) He intentionally causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or
(b) Under circumstances manifesting extreme indifference to the value of human life he wantonly engages in conduct which creates a grave risk of death to another and thereby causes serious physical injury to another person.
(2) Assault in the first degree is a Class B felony.

ASSAULT 2ND DEGREE - KRS 508.020 Assault in the Second Degree

13160 Assault, 2nd Degree
13161 Assault, 2nd Degree – Domestic Violence
13162 Assault, 2nd Degree – Police Officer

(1) A person is guilty of assault in the second degree when:

(a) He intentionally causes serious physical injury to another person; or
(b) He intentionally causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or
(c) He wantonly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.

(2) Assault in the second degree is a Class C felony.

ASSAULT 3RD DEGREE - KRS 508.025 Assault in the Third Degree

13124 Assault, 3rd Degree (Officer Transporting Inmates)
13120 Assault, 3rd Degree (EMS, Fire, Rescue Squad)
13113 Assault, 3rd Degree – Police/Probation Officer – Identify Weapon
13123 Assault, 3rd Degree (School Employee or School Volunteer)
13115 Assault, 3rd Degree – Dept. Social Services Worker
13114 Assault, 3rd Degree – Inmate Assault on Corrections Employee

(1) A person is guilty of assault in the third degree when the actor:
(a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to:
1. A state, county, city, or federal peace officer;
2. An employee of a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender;
3. An employee of the Department for Community Based Services employed as a social worker to provide direct client services, if the event occurs while the worker is performing job related duties.
4. Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A, if the event occurs while personnel are performing job-related duties;
5. A paid or volunteer member of an organized fire department, if the event occurs while the member is performing job-related duties;
6. Paid or volunteer rescue squad personnel affiliated with the Division of Emergency Management of the Department of Military Affairs or a local disaster and emergency services organization pursuant to KRS Chapter 39F, if the event occurs while personnel are performing job-related duties;
7. A probation and parole officer;
8. A transportation officer appointed by a county fiscal court or legislative body of a consolidated local government, urban-county government, or charter government to transport inmates when the county jail or county correctional facility is closed while the transportation officer is performing job related duties.

9. A public or private elementary or secondary school or school district classified or certified employee, school bus driver, or other school employee acting in the course and scope of the employee's employment; or
10. A public or private elementary or secondary school or school district volunteer acting in the course and scope of that person's volunteer service for the school or school district.

(b) Being a person confined in a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender, inflicts physical injury upon or throws or causes feces, urine, or other bodily fluid to be thrown upon an employee of the facility.

(2) Assault in the third degree is a Class D felony.

ASSAULT 4TH DEGREE - KRS 508.030 Assault in the Fourth Degree

00795 Assault, 4th Degree (No visible injury)
00799 Assault, 4th Degree (Child abuse)
00797 Assault, 4th Degree (Domestic violence) No visible injury
00796 Assault, 4th Degree (Minor injury)
00798 Assault, 4th Degree (Domestic violence) Minor injury
00790 Assault, 4th Degree (Domestic) 3rd or > within 5 years

(1) A person is guilty of assault in the fourth degree when:
(a) He intentionally or wantonly causes physical injury to another person; or
(b) With recklessness he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

(2) Assault in the fourth degree is a Class A misdemeanor.

BURGLARY 1ST DEGREE - 511.020 Burglary in the First Degree

22060 Burglary, 1st Degree

(1) A person is guilty of burglary in the first degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in a building, and when in effecting entry or while in the building or in the immediate flight therefrom, he or another participant in the crime:
(a) Is armed with explosives or a deadly weapon; or
(b) Causes physical injury to any person who is not a participant in the crime; or
(c) Uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.

(2) Burglary in the first degree is a Class B felony,

BURGLARY 2ND DEGREE - KRS 511.030 Burglary in the Second Degree

22061 Burglary, 2nd Degree

(1) A person is guilty of burglary in the second degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in a dwelling.
(2) Burglary in the second degree is a Class C felony.

BURGLARY 3RD DEGREE - KRS 511.040 Burglary in the Third Degree

22062 Burglary, 3rd Degree

(1) A person is guilty of burglary in the third degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in a building.
(2) Burglary in the third degree is a Class D felony.

CARRYING CONCEALED DEADLY WEAPON – KRS 527.020 Carrying Concealed Deadly Weapon

01501 Carrying a Concealed Deadly Weapon
01506 Carry Concealed Weapon by Prior Deadly Weapon Felony Offender

(1) A person is guilty of carrying a concealed weapon when he carries concealed a firearm or other deadly weapon on or about his person.
(2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.
(3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, conservation officers of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.
(4) Persons, except those specified in subsection (5) of this section, licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of that section. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon with a permit at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried.

No person or organization, public or private shall prohibit a person licensed to carry a concealed deadly weapon from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.

(5) (a) The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without limitation other than as provided in this subsection:

1. A Commonwealth's attorney or assistant Commonwealth's attorney;
2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
3. A county attorney or assistant county attorney;
4. A retired county attorney or retired assistant county attorney;
5. A justice or judge of the Court of Justice;
6. A retired or senior status justice or judge of the Court of Justice; and
7. A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Kentucky State Police.

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

1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;
2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer;
3. The department head or any employee of a corrections department in any

jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, “detention facility” does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(7) (a) A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, “detention facility” does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(8) A loaded or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction. This subsection shall not apply to any person prohibited from possessing a firearm pursuant to KRS 527.040.

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

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

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

(c) If he or she is the sole proprietor of the business, on real property owned or leased by the business.

(10) Carrying a concealed weapon is a Class A misdemeanor unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used or displayed in which case it is a Class D felony.

CRIM. MISCHIEF 1ST DEGREE - KRS 512.020 Criminal Mischief in the First Degree

01401 Criminal Mischief - 1st Degree

(1) A person is guilty of criminal mischief in the first degree when having no right to do so or any reasonable ground to believe that he has such right, he intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of $1,000 or more.

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

CRIM. MISCHIEF 2ND DEGREE - KRS 512.030 Criminal Mischief in the Second Degree

01402 Criminal Mischief – 2nd Degree

(1) A person is guilty of criminal mischief in the second degree when having no right to do so or any reasonable ground to believe that he has such right, he intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of $500 or more.

(2) Criminal mischief in the second degree is a Class A misdemeanor.

CRIM. MISCHIEF 3RD DEGREE - KRS 512.040 Criminal Mischief in the Third Degree

01403 Criminal Mischief – 3rd Degree

(1) A person is guilty of criminal mischief in the third degree when:

(a) Having no right to do so or any reasonable ground to believe that he has such right, he intentionally or wantonly defaces, destroys or damages any property; or
(b) He tampers with property so as knowingly to endanger the person or property of another.

(2) Criminal mischief in the third degree is a Class B misdemeanor.

CRIM. POSS. FORGED INSTRUMENT 2ND DEGREE - KRS 516.060 Criminal Possession of Forged Instrument in the Second Degree

25062 Criminal Possession Forged Instrument-2nd Degree-Identify

(1) A person guilty of criminal possession of a forged instrument in the second degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he utters or possesses a forged instrument.
(2) Criminal possession of a forged instrument in the second degree is a Class D felony.

DISORDERLY CONDUCT 1ST DEGREE - KRS 525.055 Disorderly Conduct in the First Degree

02370 Disorderly Conduct – 1st Degree

(1) A person is guilty of disorderly conduct in the first degree when he or she:
(a) In a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof:
1. Engages in fighting or in violent, tumultuous, or threatening behavior;
2. Makes unreasonable noise; or
3. Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; and
(b) Acts in a way described in paragraph (a) of this subsection within three hundred (300) feet of a:
1. Cemetery during a funeral or burial;
2. Funeral home during the viewing of a deceased person;
3. Funeral procession;
4. Funeral or memorial service; or
5. Building in which a funeral or memorial service is being conducted; and
(c) Acts in a way described in paragraph (a) of this subsection at any point in time between one (1) hour prior to the commencement of an event specified in paragraph (b) of this subsection and one (1) hour following its conclusion; and
(d) Knows that he or she is within three hundred (300) feet of an occasion described in paragraph (b) of this subsection.

(2) Disorderly conduct in the first degree is a Class A misdemeanor.

DISORDERLY CONDUCT 2ND DEGREE - 525.060 Disorderly Conduct in the Second Degree

02371 Disorderly Conduct – 2nd Degree

(1) A person is guilty of disorderly conduct in the second degree when in a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof, he:
   (a) Engages in fighting or in violent, tumultuous, or threatening behavior;
   (b) Makes unreasonable noise;
   (c) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
   (d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.
(2) Disorderly conduct in the second degree is a Class B misdemeanor.

FLEEING/EVADING 1ST DEGREE - KRS 520.095 Fleeing or Evading Police in the First Degree

00196 Fleeing or Evading Police, 1st Degree (Motor Vehicle)
00197 Fleeing or Evading Police, 1st Degree (On Foot)

(1) A person is guilty of fleeing or evading police in the first degree when, while operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a direction to stop his or her motor vehicle, given by a person recognized to be a police officer, and at least one (1) of the following conditions exists:
   (a) The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720;
   (b) The person is driving under the influence of alcohol or any other substance or combination of substances in violation of KRS 189A.010;
   (c) The person is driving while his or her driver's license is suspended for violating KRS 189A.010; or
   (d) By fleeing or eluding, the person is the cause, or creates substantial risk, of serious physical injury or death to any person or property; or
(2) When, as a pedestrian, and with intent to elude or flee, the person knowingly or wantonly disobeys an order to stop, given by a person recognized to be a peace officer, and at least on e(1) of the following conditions exists:
   (a) The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720; or
   (b) By fleeing or eluding, the person is the cause of, or creates a substantial risk of serious physical injury or death to any person or property.
(3) Fleeing or evading police in the first degree is a Class D felony.

FLEEING/EVADING 2ND DEGREE - KRS 520.100 Fleeing of Evading Police in the Second Degree

00198 Fleeing or Evading Police, 2nd Degree (Motor Vehicle)
00199 Fleeing or Evading Police, 2nd Degree (On Foot)

(1) A person is guilty of fleeing or evading police in the second degree when:
(a) As a pedestrian, and with intent to elude or flee, the person knowingly or wantonly disobeys a direction to stop, given by a person recognized to be a peace officer who has an articulable reasonable suspicion that a crime has been committed by the person fleeing, and in fleeing or eluding the person is the cause of, or creates a substantial risk of, physical injury to any person; or
(b) While operating a motor vehicle with intent to elude of flee, the person knowingly or wantonly disobeys a recognized direction to stop his vehicle, given by a person recognized to be a peace officer.
(2) No offense is committed under this section when the conduct involved constitutes a failure to comply with a directive of a traffic control officer.
(3) Fleeing or evading police in the second degree is a Class A misdemeanor.

FORGERY 2ND DEGREE - KRS 516.030 Forgery in the Second Degree

25019 Forgery – 2nd Degree

(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.

FRAUDULENT USE OF CREDIT CARD – KRS 434.650 Fraudulent Use – Presumption as to Knowledge of Revocation

71149 Fraudulent use of credit card u/$500 w/6 mo period
71150 Fraudulent use of credit card $500<$10,000
71151 Fraudulent use of credit card $10,000 or more

(1) A person who, with intent to defraud the issuer, a participating party, a person, or organization providing money, goods, services, or anything else of value, or any other person:
   (a) Uses for the purpose of obtaining money, goods, services, or anything else of value a credit or debit card obtained or retained in violation of KRS 434.570 to 434.650, or any of such sections, or a credit or debit card which he knows is forged, expired, or revoked; or
   (b) Obtains money, goods, services, or anything else of value by representing without consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued; or
   (c) Uses a credit or debit card obtained or retained in violation of KRS 434.570 to 434.650, or any of such sections, or a credit or debit card which he knows is forged, expired, or revoked, as authority or identification to cash or attempts to cash or otherwise negotiate or transfer a check or other order for payment of money, whether or not negotiable, if said negotiation or transfer or attempt to negotiate or transfer would constitute a crime under KRS 514.040 or 516.030; or
   (d) Deposits into his account or any account, via an automated banking device, a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other such document not his lawful or legal property,

   is guilty of a Class A misdemeanor, if the value of all money, goods, services, or other things of value obtained in violation of this section over a six (6) month period is less than five hundred dollars ($500), a Class D felony if such value is five hundred dollars ($500) or more but is less than ten thousand dollars ($10,000), or a Class C felony if such value is then thousand dollars ($10,000) or more.
(2) A person who receives money, goods, services, or anything else of value as a result of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other such document having been deposited into an account via an automated banking device, knowing at the time of receipt of the money, goods, services, or item of value that the document so deposited was false, fictitious, forged, altered, or counterfeit or that the above described deposited item was not his lawful or legal property, violates this subsection and is subject to the penalties set forth in subsection (1) of this section.
(3) Knowledge of revocation shall be presumed to have been received by a cardholder four (4) days after it has been mailed to him at the address set forth on the credit or debit card or at his last known address by registered or certified mail, return receipt requested, and, if the address is more than five hundred (500) miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Canada, notice shall be presumed to have been received ten (10) days after mailing by registered or certified mail.

MENACING - KRS 508.050 Menacing

00803 Menacing

(1) A person is guilty of menacing when he intentionally places another person in reasonable apprehension of imminent physical injury.
(2) Menacing is a Class B misdemeanor.

POSS. OF BURGLARY TOOLS - 511.050 Possession of burglar's tools.

02662 Possession of Burglary Tools

(1) A person is guilty of possession of burglar's tools when he possesses any tool, instrument or other thing adapted, designed or commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking under circumstances which leave no reasonable doubt as to his:
   (a) Intention to use the same in the commission of an offense of such character; or
   (b) Knowledge that some other person intends to use the same in the commission of an offense of such character.
(2) Possession of burglar's tools is a Class A misdemeanor.

RECEIVING STOLEN PROPERTY - KRS 514.110 Receiving Stolen Property

28020 Receiving Stolen Property (Firearm)
28021 Receiving Stolen Property (Anhydrous Ammonia)
28022 Rec. Stolen Prop. (Anhydrous Ammonia) w/Intent to Manufacture Math. 1st Off.
28023 Rec. Stolen Prop. (Anhydrous Ammonia) w/Intent to Manufacture Meth. 2nd > Offense
28032 Receiving Stolen Property U/$10,000
28031 Receiving Stolen Property - U/$500
28033 Receiving Stolen Property - $10,000 or More

(1) A person is guilty of receiving stolen property when he receives, retains, or disposes of movable property of another knowing that it has been stolen, or having reason to believe that it has been stolen, unless the property is received, retained, or disposed of with intent to restore it to the owner.
(2) The possession by any person of any recently stolen movable property shall be prima facie evidence that such person knew such property was stolen.
(3) Receiving stolen property is a Class A misdemeanor unless:
   (a) 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;

(b) The value of the property is ten thousand dollars ($10,000) or more, in which case it is a Class C felony;
(c) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony; or
(d) The property is anhydrous ammonia (regardless of 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 of each subsequent offense.

ROBBERY 1ST DEGREE - KRS 515.020 Robbery in the First Degree

12002 Robbery, 1st Degree

(1) A person is guilty of robbery in the first degree when, in the course of committing theft, he uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft when he:
(a) Causes physical injury to any person who is not a participant in the crime; or
(b) Is armed with a deadly weapon; or
(c) Uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.
(2) Robbery in the first degree is a Class B felony.

ROBBERY 2ND DEGREE - KRS 515.030 Robbery in the Second Degree

12003 Robbery, 2nd Degree

(1) A person is guilty of robbery in the second degree when, in the course of committing theft, he uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft.
(2) Robbery in the second degree is a Class C felony.

STALKING DEFINITIONS - KRS 508.130 Definitions for KRS 508.130 to 508.150

As used in KRS 508.130 to 508.150, unless the context requires otherwise:
(1)(a) To “stalk” means to engage in an intentional course of conduct;
1. Directed at a specific person or persons;
2. Which seriously alarms, annoys, intimidates, or harasses the person or persons; and
3. Which serves no legitimate purpose.
(b) The course of conduct shall be that which would cause a reasonable person to suffer substantial mental distress.

(2) "Course of conduct" means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose. Constitutionally-protected activity is not included within the meaning of "course of conduct." If the defendant claims that he was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.

(3) "Protective order" means:

(a) An emergency protective order or domestic violence order issued under KRS 403.715 to 403.785;

(b) A foreign protective order, as defined in KRS 403.7521(1);

(c) An order issued under KRS 431.064;

(d) A restraining order issued in accordance with KRS 508.155; and

(e) Any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender.

STALKING 1ST DEGREE - KRS 508.140 Stalking in the First Degree

13242 Stalking – 1st Degree

(1) A person is guilty of stalking in the first degree,

(a) When he intentionally:

1. Stalks another person; and
2. Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:
   a. Sexual contact as defined in KRS 510.010; or
   b. Serious physical injury; or
   c. Death; and

(b) 1. A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice; or

2. A criminal complaint is currently pending with a court, law enforcement agency, or prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice; or
3. The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or
4. The act or acts were committed while the defendant had a deadly weapon on or about his person.

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

STALKING 2ND DEGREE - KRS 508.150 Stalking in the Second Degree

13243 Stalking – 2nd Degree

(1) A person is guilty of stalking in the second degree when he intentionally;

(a) Stalks another person; and
(b) Makes an explicit or implicit threat with the intent to place that person in reasonable fear of;
1. Sexual contact as defined in KRS 510.010;
2. Physical injury; or
3. Death.

(2) Stalking in the second degree is a Class A misdemeanor.

TAMPERING WITH PHYSICAL EVIDENCE - KRS 524.100 Tampering With Physical Evidence

50230 Tampering With Physical Evidence

(1) A person is guilty of tampering with physical evidence when, believing that an official proceeding is pending or may be instituted, he:
(a) Destroys, mutilates, conceals, removes or alters physical evidence which he believes is about to be produced or used in the official proceeding with intent to impair its verity or availability in the official proceeding; or
(b) Fabricates any physical evidence, knowing it to be fabricated or altered.

(2) Tampering with physical evidence is a Class D felony.

TERRORISTIC THREATENING 1ST DEGREE – KRS 508.075 Terroristic threatening in the first degree.

00820 Terroristic Threatening – 1st Degree

(1) A person is guilty of terroristic threatening in the first degree when he or she:
(a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on:
1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;
2. A school bus or other vehicle owned, operated, or leased by a school;
3. The real property or any building public or private that is the site of an official school-sanctioned function; or
4. The real property or any building owned or leased by a government agency; or
(b) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection.

(2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed by a public servant, as defined in KRS 522.010.

(3) A person is not guilty of commission of an offense under this section if he or s she, innocently and believing the information to be true, communicates a

threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(4) Terroristic threatening in the first degree is a Class C felony.

TERRORISTIC THREATENING 2ND DEGREE – KRS 508.078 Terroristic threatening in the second degree

00821 Terroristic Threatening – 2nd Degree

(1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:
   (a) With respect to a school function, threatens to commit any act likely to result in death or serious physical injury to any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school-sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons or at a school does not need to identify a specific person or persons or school in order for a violation of this section to occur;
   (b) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or
   (c) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.

(2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.

(3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(4) Terroristic threatening in the second degree is a Class D felony.

TERRORISTIC THREATENING 3RD DEGREE - 508.080 Terroristic threatening in the third degree

00822 Terroristic Threatening – 3rd Degree
00805 Bomb Threats

(1) Except as provided in KRS 508.075 or 508.078, a person is guilty of terroristic threatening in the third degree when:

(a) He threatens to commit any crime likely to result in death or serious physical injury to another person or likely to result in substantial property damage to another person; or
(b) He intentionally makes false statements for the purpose of causing evacuation of a building, place of assembly, or facility of public transportation.

(2) Terroristic threatening in the third degree is a Class A misdemeanor.

THEFT BY DECEPTION - KRS 514.040 Theft by Deception

23301 Theft by Deception – Include Cold Checks U/$10,000
23300 Theft by Deception – Include Cold Checks U/$500
23302 Theft by Deception – Include Cold Checks $10,000 or More

(1) A person is guilty of theft by deception when the person obtains property or services of another by deception with intent to deprive the person thereof. A person deceives when the person intentionally:
(a) Creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind;
(b) Prevents another from acquiring information which would affect judgment of a transaction;
(c) Fails to correct a false impression which the deceiver previously created or reinforced or which the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship;
(d) Fails to disclose a known lien, adverse claim, or other legal impediment to the enjoyment of property which the person transfers or encumbers in consideration for the property obtained, whether the impediment is or is not valid or is or is not a matter of official record; or
(e) Issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.

(2) The term “deceive” does not, however, include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary person in the group addressed.

(3) Deception as to a person’s intention to perform a promise shall not be inferred from the fact alone that they did not subsequently perform the promise.

(4) For purposes of subsection (1) of this section, a maker of a check or a similar sight order for the payment of money is presumed to know that the check or order, other than a postdated check or order, would not be paid, if:
(a) The maker had no account with the drawee at the time the check or order was issued; or
(b) Payment was refused by the drawee for lack of funds, upon presentation within thirty (30) days after issue, and the maker failed of make good within ten (10) days after receiving notice of that refusal. Notice of the refusal may include a citation to this section and a description of this section’s criminal penalties and shall be deemed properly addressed when mailed to the address printed or written on the check or sight order or provided by the

drawer or maker upon issuance of the check or sight order. The notice, if mailed, shall be deemed received by the addressee seven (7) days after it is placed in the United States mail. The notice may be sent by first-class mail if supported by an affidavit of service setting out the contents of the notice, the address to which the notice was mailed, that correct postage was applied, and the date the notice was placed in the United States mail. A maker makes good on a check or similar sight order for the payment of money by paying to the holder the face amount of the instrument, together with any merchant's posted reasonable bad check handling fee not to exceed fifty dollars ($50) and any fee imposed pursuant to subsection (5) of this section.

(5) If a county attorney issues notice to a maker that a drawee has refused to honor an instrument due to a lack of funds as described in subsection (4)(b) of this section, the county attorney may charge a fee to the maker of fifty dollars ($50), if the instrument is paid. Money paid to the county attorney pursuant to this section shall be used only for payment of county attorney office operating expenses. Excess fees held by the county attorney on June 30 of each year shall be turned over to the county treasurer before the end of the next fiscal year for use by the fiscal court of the county.

(6) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of any tax payable to the Commonwealth knowing that I will not be honored by the drawee.

(7) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of a child support obligation knowing that it will not be honored by the drawee.

(8) Theft by deception is a class A misdemeanor unless the value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is:

(a) Five hundred dollars ($500) or more but less than ten thousand dollars ($10,000), in which case it is a Class D felony; or

(b) Ten thousand dollars ($10,000) or more, in which case it is a Class C felony.

THEFT BY UNLAWFUL TAKING/DISPOSITION - KRS 514.030 Theft by Unlawful Taking or Disposition

23921 TBUT or Disp All Others $1,000.00 or More
23919 TBUT or Disp All Others $10,000 or More But U/$1,000,000
23917 TBUT or Disp All Others $500 or More But U/$10,000
23941 TBUT or Disp Parts/Contents From Veh $1,000,000 or More
23915 TBUT or Disp All Others U/$500
24044 TBUT or Disp Auto - $10,000 or More But U/$1,000,000
24042 TBUT or Disp Auto - $500 or More But U/$10,000
23973 TBUT or Disp Bicycles $10,000 or More But U/$1,000,000
23971 TBUT or Disp Bicycles $500 or More But U/$10,000
23975 TBUT or Disp Bicycles U/$500
23953 TBUT or Disp Coin Machine U/$500

23913 TBUT or Disp Controlled Substance U/$10,000
23981 TBUT or Disp Farm Equip $1,000,000 or More
23979 TBUT or Disp Farm Equip $10,000 or More But U/$1,000,000
23977 TBUT or Disp Farm Equip $500 or More But U/$10,000
23983 TBUT or Disp Farm Equip U/$500
23955 TBUT or Disp From Building $500 or More But U/$10,000
23959 TBUT or Disp From Building $1,000,000 or More
23957 TBUT or Disp From Building $10,000 or More but U/$1,000,000
23961 TBUT or Disp From Building U/$500
23951 TBUT or Disp From Coin Machine $500 or More But U/$10,000
23949 TBUT or Disp From Shipment $1,000,000 or More
23947 TBUT or Disp From Shipment $10,000 or More But U/$1,000,000
23945 TBUT or Disp From Shipment $500 or More But U/$10,000
23993 TBUT or Disp From Shipment U/$500
23969 TBUT or Disp Gasoline $1,000,000 or More
23967 TBUT or Disp Gasoline $10,000 or More But U/$1,000,000
23965 TBUT or Disp Gasoline $500 or More But U/$10,000
23963 TBUT or Disp Gasoline U/$500
23987 TBUT or Disp Livestock $10,000 or More But U/$1,000,000
23989 TBUT or Disp Livestock $1,000,000 or More
23985 TBUT or Disp Livestock $500 or More But U/10,000
23991 TBUT or Disp Livestock U/$500
23937 TBUT or Disp Parts/Contents From Veh $500 or More But U/$10,000
23939 TBUT or Disp Parts/Contents From Veh $10,000 or More But U/$1,000,000
23943 TBUT or Disp Parts/Contents From Veh U/$500
23923 TBUT or Disp Pocketpicking $500 or More But U/$10,000
23925 TBUT or Disp Pocketpicking U/$500
23927 TBUT or Disp Pursesnatching $500 or More But U/$10,000
23929 TBUT or Disp Pursesnatching U/$500
23931 TBUT or Disp Shoplifting $500 or More But U/$10,000
23933 TBUT or Disp Shoplifting $10,000 or More But U/$1,000,000
23935 TBUT or Disp Shoplifting U/$500

(1) Except as otherwise provided in KRS 217.181, 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:
(a) The property is a firearm (regardless of the value of the firearm), in which

case it is a Class D felony;

(b) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense;

(c) The property is one (1) or more controlled substances valued collectively at less than ten thousand dollars ($10,000), in which case it is a Class D felony;

(d) The value of the property is five hundred dollars ($500) or more but less than 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.

THEFT OF IDENTITY – KRS 514.160 Theft of the identity of another.

23310 Theft of identity of another w/o consent

(1) A person is guilty of the theft of the identity of another when he or she knowingly possesses or uses any current or former identifying information of the other person or family member or ancestor of the other person, such as that person's or family member's or ancestor's name, address, telephone number, electronic mail address, Social Security number, driver's license number, birth date, personal identification number or code, and any other information which could be used to identify the person, including unique biometric data, with the intent to represent that he or she is the other person for the purpose of:

(a) Depriving the other person of property;

(b) Obtaining benefits or property to which he or she would otherwise not be entitled;

(c) Making financial or credit transactions using the other person's identity;

(d) Avoiding detection; or

(e) Commercial or political benefit.

(2) Theft of identity is a Class D felony. If the person violating this section is a business that has violated this section on more than one (1) occasion, then

that person also violates the Consumer Protection Act, KRS 367.110 to 367.300.

(3) This section shall not apply when a person obtains the identity of another to misrepresent his or her age for the purpose of obtaining alcoholic beverages, tobacco, or another privilege denied to minors.

(4) This section does not apply to credit or debit card fraud under KRS 434.550 to 434.730.

(5) Where the offense consists of theft by obtaining or trafficking in the personal identity of another person, the venue of the prosecution may be in either the county where the offense was committed or the county where the other person resides.

(6) A person found guilty of violating any provisions of this section shall forfeit any lawful claim to the identifying information, property, or other realized benefit of the other person as a result of such violation.

TRESPASS 1ST DEGREE – KRS 511.060 Criminal trespass in the first degree.

02616 Criminal Trespass – 1st Degree

(1) A person is guilty of criminal trespass in the first degree when he knowingly enters or remains unlawfully in a dwelling.

(2) Criminal trespass in the first degree is a Class A misdemeanor.

TRESPASS 2ND DEGREE - 511.070 Criminal trespass in the second degree.

02624 Criminal Trespass – 2nd Degree

(1) A person is guilty of criminal trespass in the second degree when he knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.

(2) Criminal trespass in the second degree is a Class B misdemeanor.

TRESPASS 3RD DEGREE - 511.080 Criminal trespass in the third degree.

02617 Criminal Trespass – 3rd Degree

(1) A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.

(2) Criminal trespass in the third degree is a violation.

UNLAWFUL ACTS RELATING TO ACQUIRING METALS - KRS 512.090 Unlawful acts relating to acquiring metals

02581 Unlawful Act Relating to Acq. Metals – Injury to Property < $3000 Class B Misdemeanor
02583 Unlawful Act Relating to Acq. Metals – Injury to Property ≥ $3000 Class D Felony

(1) A person is guilty of unlawful acts relating to acquiring metals when the person intentionally and without permission cuts, mutilates, defaces, or otherwise injures any personal or real property of another, including any fixtures or improvements, for the purpose of obtaining any restricted metal, nonferrous metal, or ferrous metal as defined in KRS 433.900, in any amount.
(2) Unlawful acts relating to acquiring metals is:
(a) A Class B misdemeanor with a fine of not more than two hundred fifty dollars ($250) or imprisonment in the county jail for less than ninety (90) days, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is less than three thousand dollars ($3,000); or
(b) A Class D felony with a fine of not less than one thousand dollars ($1,000) and not more than ten thousand dollars ($10,000) or double his or her gain from commission of the offense, whichever is the greater, or imprisonment for not less than one (1) year but not more than five (5) years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is three thousand dollars ($3,000) or more

WANTON ENDANGERMENT 1ST DEGREE - KRS 508.060 Wanton Endangerment in the First Degree

13201 Wanton endangerment – 1st Degree
13221 Wanton endangerment – 1st Degree – Police officer

(1) A person is guilty of wanton endangerment in the first degree when, under circumstances manifesting extreme indifference to the value of human life, he wantonly engages in conduct which creates a substantial danger of death or serious physical injury to another person.
(2) Wanton endangerment in the first degree is a Class D felony.

WANTON ENDANGERMENT 2ND DEGREE - KRS 508.070 Wanton Endangerment in the Second Degree

00444 Wanton endangerment – 2nd Degree – Police officer
00441 Wanton endangerment – 2nd Degree

(1) A person is guilty of wanton endangerment in the second degree when he wantonly engages in conduct which creates a substantial danger of physical injury to another person.
(2) Wanton endangerment in the second degree is a Class A misdemeanor.

MOTOR VEHICLE LICENSE OFFENSES

IMPROPER DISPLAY OF PLATES - KRS 186.170 Display of Registration Plates, Insignia – Decals to Cover Corporation Trademark

00425 Improper Display of License Plate
00424 No/Expired Registration Plates
05133 Display of Illegal/Altered Registration Plate
00207 Rear License Not Illuminated
00450 Improper Use of Prisoner of War Plate
00439 License Plate Not Legible
00449 Rim or Frame Obscuring Lettering or Decal on Plate
00407 No/Expired Kentucky Registration Receipt

(1) Except as provided in this subsection and in KRS 186.045, the owner shall have the receipt issued by the cabinet through the county clerk constantly in his possession, and shall display the registration plate conspicuously upon the rear of the motor vehicle, except that the registration plat upon a semitrailer-tractor shall be displayed upon the front of the tractor. The owner's copy, or a reproduced copy thereof, of the registration receipt of every motor vehicle, except motorcycles, licensed under KRS 186.050 shall be kept in the vehicle at all times and shall be illuminated when being operated during the hours designated in KRS 189.030. No rim, frame, or other covering around the plate shall in any way obscure or cover any lettering or decal on the plate . . .

IMPROPER REGISTRATION - KRS 186.020 Registration Requirements for Motor Vehicles

00405 Improper Registration Plate
00408 Permitting Operation of Motor Veh. w/ Improper Registration.

(1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration . . ., except that person who purchases a motor vehicle, or brings a motor vehicle into the Commonwealth from another state shall make application for registration within fifteen (15)

days. The bill of sale or assigned title must be in the motor vehicle during this fifteen (15) day period. . . .

OPERATOR'S LICENSE OFFENSES

LICENSE TO BE IN POSSESSION - KRS 186.510 License to Be In Possession and To Be Shown On Demand

00435 License to Be in Possession

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand to the circuit clerk or examiner, a peace officer, a member of the Kentucky State Police; or a field deputy or inspector of the Department of Vehicle Regulation or Transportation Cabinet or, pursuant to KRS 67A.075 or 83A.088, a safety officer who is in the process of securing information to complete an accident report. It shall be a defense to any charge under this section if the person so charged produces in court an operator's license, issued to him before his arrest and valid at the time of his arrest.

NO OPERATOR'S LICENSE - KRS 186.410 Operator's Licenses – Requirements and Issuance

00380 No Operators/Moped License (186.410(1))
00398 Operating Vehicle With Expired Operator's License (186.410(2))
00625 No Motorcycle Operators License (189.285(1))

(1) Every person except those exempted by KRS 186.420 and 186.430 shall before operating a motor vehicle, motorcycle, or moped upon a highway secure an operator's license as provided in this chapter.

* * * *

PERMITTING UNLICENSED OPERATOR TO OPERATE M.V. - KRS 186.620 Unlawful to Drive or Permit Another to Drive Without License – Display License on Request of Peace Officer

00404 Permit Unlicensed Operator to Operate Motor Vehicle
00403 Operating On Suspended/Revoked Operators License

(1) No person shall authorize or knowingly permit a motor vehicle owned or controlled by him to be driven by any person who has no legal right to drive it in violation of any of the provisions of KRS 186.400 to 186.640.
(2) No person who has not applied for an operator's license or whose operator's license has been denied, canceled, suspended or revoked, or whose privilege to operate a motor vehicle has been withdrawn, shall operate any motor vehicle upon the highways while the license is denied, canceled, suspended,

or revoked or his privilege to operate a motor vehicle is withdrawn, or the license has not been applied for.

EQUIPMENT OFFENSES

MOTORCYCLE EQUIPMENT VIOLATIONS - KRS 189.285 Regulations for operating and riding on motorcycles – Headgear requirements

00625 No Motorcycle Operators License
00624 No Footrest For Passenger (Motorcycle)
00623 No Permanent Seat for Passenger (motorcycle)
00622 No Rearview Mirror On Motorcycle
00621 Unapproved/No Eye Protective Device (Motorcycle)
00617 Failure to Comply w/Helmet Law Under 21 Y.O.A.
00618 Failure to Comply w/Helmet Law Over 21 Y.O.A.

(1) A person shall not operate a motorcycle on a highway:
- (a) Except when that person is in possession of a valid motorcycle operator's license; and
- (b) Unless that person uses an approved eye-protective device, in the manner prescribed by the secretary of the Transportation Cabinet, at all times such vehicle is in motion; and
- (c) Unless the motorcycle is equipped with a rear-view mirror as required under KRS 189.130.

(2) A person shall not operate or ride as a passenger on a motorcycle:
- (a) Except on a seat permanently attached to that vehicle and specifically designed to carry the operator or passenger in a safe manner; and
- (b) Except when using a footrest permanently attached to that vehicle and specifically designed to carry that person in a safe manner.

(3) The following persons shall be required to wear protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times the motorcycles they are riding are in motion on a public highway:
- (a) A person under the age of twenty-one (21) years who is operating a motorcycle or who is a passenger on a motorcycle or in a sidecar attachment;
- (b) A person who possesses a motorcycle instruction permit and who is operating a motorcycle; and
- (c) A person who has held a valid motorcycle operator's license, or combination motor vehicle-motorcycle operator's license, for less than one (1) year and who is operating a motorcycle.

(4) A motorcycle operator authorized to drive a motorcycle on an instruction permit shall not be authorized to carry passengers.

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(6) As used in this chapter:

(a) "Motorcycle" means any motor-driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab and excluding a moped as defined in this subsection; and

(b) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may

SEAT BELT VIOLATIONS - KRS 189.125 Requirements of Use of Seat Belts and Child Restraint Systems

00506 Failure to Use Child Restraint Device in Vehicle
00499 Failure to Wear Seat Belts
00498 Seat Belt Anchors, Child Restraints
00491 Booster Seat Violation

(1) Except as otherwise provided in this section, "motor vehicle" as used in this section means every vehicle designed to carry fifteen (15) or fewer passengers and used for the transportation of persons, but the term does not include:

(a) Motorcycles;

(b) Motor driven cycles; or

(c) Farm trucks registered for agricultural use only and having a gross weight of one (1) ton or more.

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(3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches in height or less in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child restraint system of a type meeting federal motor vehicle safety standards.

(b) Any driver of a motor vehicle, when transporting a child under the age of seven (7) years who is between forty (40) inches and fifty (50) inches in height in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child booster seat.

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(6) A person shall not operate a motor vehicle manufactured after 1981 on the public roadways of this state unless the driver and all passengers are wearing a properly adjusted and fastened seat belt, unless the passenger is a child who is secured as required in subsection (3) of this section. The provisions of this subsection shall not apply to:

(a) A person who has in his possession at the time of the conduct in question a written statement from a physician or licensed chiropractor that he is unable, for medical or physical reasons, to wear a seat belt; or

(b) A letter carrier of the United States postal service while engaged in the performance of his duties.

MOTOR VEHICLE INSURANCE OFFENSES

(NO) INSURANCE ON MOTOR VEHICLES - KRS 304.39-080 Security Covering Motor Vehicle

00484 Owner permit another to op mtr veh w/o required ins/sec, 1st offense
00485 Owner permit another to op mtr veh w/o required ins/sec, 2nd offense
00481 Fail of owner to maintain required ins/sec 2nd or > offense
00480 Fail of owner to maintain required ins/sec 1st offense

(1) "Security covering the vehicle" is the insurance or other security so provided. The vehicle for which the security is so provided is the "secured vehicle."
* * * * *
(5) Except for entities described in subsections (3) and (4), every owner or operator of a motor vehicle registered in this Commonwealth or operated in this Commonwealth with an owner's permission shall continuously provide with respect to the motor vehicle while it is either present or registered in this Commonwealth, and any other person may provide with respect to any motor vehicle, by a contract of insurance or by qualifying as a self-insurer, security for the payment of basic reparation benefits in accordance with this subtitle and security for payment of tort liabilities, arising from maintenance or use of the motor vehicle. The owner of a motor vehicle who fails to maintain security on a motor vehicle in accordance with this subsection shall have his or her motor vehicle registration revoked in accordance with KRS 186A.040
(6) Security may be provided by a contract of insurance or by qualifying as a self-insurer or obligated government in compliance with this subtitle.

INSURANCE CARD - KRS 304.39-117 Motor Vehicle Insurance Card

00519 Failure to produce insurance card

(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) If an owner enters into an insurance contract on a newly acquired motor vehicle, or changes insurance carriers on an existing motor vehicle, the owner

shall keep the paper insurance card or a portable electronic device to download the insurance card in his or her motor vehicle for forty-five (45) days from the date the coverage took effect as prima facie evidence . . . that the required security is currently in full force and effect, and shall show the card to a peace officer upon request.

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MOVING HAZARDOUS OFFENSES

DISREGARDING STOP SIGN & IMPROPER TURNING - KRS 189.330

Turning and Right-Of-Way At Intersections

00111 Disregarding Stop Sign
00109 Improper Turning
00270 Improper Lane Usage/Vehicles Keep Right Except to Pass

(1) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
(2) The right-of-way rule declared in subsection (1) is modified at highways and through intersections and as otherwise stated in this chapter.
(3) Preferential right-of-way may be indicated by stop signs or yield signs. The state highway commissioner with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one (1) or more entrances to such intersections.
(4) Except when directed to proceed by a police officer, every operator of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has view of approaching traffic on the intersecting roadway before entering it. After having stopped the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such operator is moving across or within the intersection or junction of roadways.
(5) The operator of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it. After slowing and stopping, the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such operator is moving across or within the intersection or junction of roadways. Provided, however,

that if such an operator is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

(6) The operator of a vehicle intending to turn shall do so as follows:
   (a) Right turns – both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway;
   (b) Left turns – the operator of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme right-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(7) The Transportation Cabinet and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when such devices are so placed no operator shall turn a vehicle other than as directed and required by such devices.

(8) The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety without interfering with other traffic.

(9) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(10) The operator of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

(11) On highways with a center lane restricted for left turns off the highway by vehicles proceeding in both directions:
   (a) A left turn shall not be make from any other lane; and
   (b) A vehicle shall not be driven in a center lane as described in this subsection except when preparing for or making a left turn off the highway or merging onto the highway after making a left turn from a side road or other entrance.

DUI OF MOTOR VEHICLE - KRS 189A.010 Operating Motor Vehicle . . . While Under the Influence of Alcohol or Other Substance Which Impairs Driving Ability Prohibited

02119 Operating motor vehicle u/influ of alcohol .02/drugs etc <21 YOA

02108 Operating motor vehicle u/influ of alcohol/drugs/etc. .08 – 1st Offense

02109 Operating motor vehicle u/influ of alcohol/drugs/etc.08 (aggravating circumstances)1st
02111 Operating motor vehicle u/influ of alcohol/drugs/etc.08 (aggravating circumstances) 2nd
02113 Operating motor vehicle u/influ of alcohol/drugs/etc. (aggravating circumstances) 3rd
02115 Operating motor vehicle u/influ of alcohol/drugs/etc. (aggravating circumstances) 4th
02110 Operating motor vehicle u/influ of alcohol/drugs/etc.08 – 2nd
02112 Operating motor vehicle u/influ of alcohol/drugs/etc.08 – 3rd Offense
02114 Operating motor vehicle u/influ of alcohol/drugs/etc.08 – 4th Offense

(1) A person shall not operate or be in physical control of a motor vehicle anywhere in this state:
(a) Having an alcohol concentration of 0.08 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle;
(b) While under the influence of alcohol;
(c) While under the influence of any other substance or combination of substances which impairs one's driving ability;
(d) While under the combined influence of alcohol and other substance which impairs one's driving ability;
(e) While the presence of a controlled substance listed in subsection (12) of this section is detected in the blood, as measured by a scientifically reliable test, or tests, taken within two (2) hours of cessation of operation or physical control of a motor vehicle; or
(f) Having an alcohol concentration of 0.02 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two hours of cessation of operation or physical control of a motor vehicle, if the person is under the age of twenty-one (21).

* * *

(11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:
(a) Operating a motor vehicle in excess of thirty (30) miles per hour above the speed limit;
(b) Operating a motor vehicle in the wrong direction on a limited access highway;
(c) Operating a motor vehicle that causes an accident resulting in death or serious physical injury as defined in KRS 500.080;
(d) Operating a motor vehicle while the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a

sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle;

(e) Refusing to submit to any test or tests of one's blood, breath, or urine requested by an officer having reasonable grounds to believe the person was operating or in physical control of a motor vehicle in violation of subsection (1) of this section; and

(f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.

D.U.I. OF NON-MOTOR VEHICLE - KRS 189.520 Operating Vehicle Not a Motor Vehicle Not a Motor Vehicle While Under the Influence of Intoxicants or Substance Which May Impair Driving Ability Prohibited – Presumptions Concerning Intoxication

00158 Operating non-motor vehicle under the influence of intoxicants

(1) No person under the influence of intoxicating beverages or any substance which may impair one's driving ability shall operate a vehicle that is not a motor vehicle anywhere in this state.

(2) No peace officer or State Police officer shall fail to enforce rigidly this section.

(3) In any criminal prosecution for a violation of subsection (1) of this section, wherein the defendant is charged with having operated a vehicle which is not a motor vehicle while under the influence of intoxicating beverages, the alcohol concentration, as defined in KRS 189A.005, in the defendant's blood as determined at the time of making an analysis of his blood, urine, or breath, shall give rise to the following presumptions:

(a) If there was an alcohol concentration of less than 0.05, it shall be presumed that the defendant was not under the influence of alcohol;

(b) If there was an alcohol concentration of 0.05 or greater but less than 0.08, such fact shall not constitute a presumption that the defendant either was or was not under the influence of alcohol, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant; and

(c) If there was an alcohol concentration of 0.08 or more, it shall be presumed that the defendant was under the influence of alcohol.

(4) The provisions of subsection (3) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating beverages.

IMPROPER TURNING & DISREGARDING STOP SIGN - KRS 189.330 Turning and Right-Of-Way At Intersections

00111 Disregarding Stop Sign
00109 Improper Turning
00270 Improper Lane Usage/Vehicles Keep Right Except to Pass

(1) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
(2) The right-of-way rule declared in subsection (1) is modified at highways and through intersections and as otherwise stated in this chapter.
(3) Preferential right-of-way may be indicated by stop signs or yield signs. The state highway commissioner with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one (1) or more entrances to such intersections.
(4) Except when directed to proceed by a police officer, every operator of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has view of approaching traffic on the intersecting roadway before entering it. After having stopped the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such operator is moving across or within the intersection or junction of roadways.
(5) The operator of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it. After slowing and stopping, the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such operator is moving across or within the intersection or junction of roadways. Provided, however, that if such an operator is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.
(6) The operator of a vehicle intending to turn shall do so as follows:
    (a) Right turns – both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway;
    (b) Left turns – the operator of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme right-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(7) The Transportation Cabinet and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when such devices are so placed no operator shall turn a vehicle other than as directed and required by such devices.
(8) The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety without interfering with other traffic.
(9) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
(10) The operator of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.
(11) On highways with a center lane restricted for left turns off the highway by vehicles proceeding in both directions:
   (a) A left turn shall not be make from any other lane; and
   (b) A vehicle shall not be driven in a center lane as described in this subsection except when preparing for or making a left turn off the highway or merging onto the highway after making a left turn from a side road or other entrance.

PERSONAL COMMUNICATION DEVICE – KRS 189.292 Use of Personal Communication Device Prohibited While Operating Motor Vehicle In Motion on Traveled Portion of Roadway – Exclusions

00266 Communications Device Violation, 1st
00267 Communications Device Violation, 2nd

(1) As used in this section, “personal communication device” means a device capable of two (2) way audio or text communication that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers communication to the possessor, including but not limited to a paging device and a cellular telephone.
(2) Except as otherwise provided in subsection (3) of this section, no person shall, while operating a motor vehicle that is in motion on the traveled portion of the roadway, write, send, or read text-based communication using a personal communication device to manually communicate with any person using text-based communication, including but not limited to communications referred to as a text message, instant message, or electronic mail.
(3) Subsection 92) of this section shall not apply to:
   (a) The use of a global positioning system feature of a personal communication device;
   (b) The use of a global positioning or navigation system that is physically or electronically integrated into the motor vehicle;

(c) The reading, selecting, or entering of a telephone number or name in a personal communication device for the purpose of making a phone call;
(d) An operator of an emergency or public safety vehicle, when the use of a personal communication device is an essential function of the operator's official duties; or
(e) The operator of a motor vehicle who writes a text message on a personal communication device to:
    1. Report illegal activity;
    2. Summon medical help;
    3. Summon a law enforcement or public safety agency; or
    4. Prevent injury to a person or property.

PERSONAL COMMUNICATION DEVICE – JUVENILES – KRS 189.294 Use of Personal Communication Device By a Minor Prohibited While Operating Motor Vehicle, Motorcycle, or Moped in Motion on Traveled Portion of Roadway – Exclusions

00268 Communication Device Violation, <18 yoa, 1st
00269 Communication Device Violation, <18 yoa, 2nd or sub.

(1) As used in this section, "personal communication device" shall have the same meaning as defined in KRS 189.292.
(2) Any person under the age of eighteen (18) who has been issued an instruction permit, intermediate license, or operator's license shall not operate a motor vehicle, motorcycle, or moped that is in motion on the traveled portion of a roadway while using a personal communication device, except to summon medical help or a law enforcement or public safety agency in an emergency situation.
(3) Use of a personal communication device does not include a stand-alone global positioning system, a global positioning or navigation system that is physically or electronically integrated into the motor vehicle, or in-vehicle security, diagnostics, and communications system, but does include manually entering information into the global positioning system feature of a personal communication device.
(4) This section shall not apply to the use of a citizens band radio or an amateur radio by a motor vehicle operator.
(5) The secretary of the Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section, including but not limited to updates or advances in the automotive and information technology industries.

RECKLESS (OR CARELESS) DRIVING - KRS 189.290 Operator of a Vehicle to Drive Carefully

00115 Reckless Driving
00136 Careless Driving

00137 Changing Drivers – Car in Motion (Reckless Driving)

(1) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.
(2) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

SPEED VIOLATIONS - KRS 189.390 Speed

00295 Driving too fast for traffic conditions
00320 Driving too slow for traffic conditions/minimum speed
00102 Speeding, freight carrying vehicle
00150 Speeding in a restricted zone
00146 Speeding in a school zone

00001 Speeding, 1 MPH over limit	**00014 Speeding, 14 MPH over limit**
00002 Speeding, 2 MPH over limit	**00015 Speeding, 15 MPH over limit**
00003 Speeding, 3 MPH over limit	**00016 Speeding, 16 MPH over limit**
00004 Speeding, 4 MPH over limit	**00017 Speeding, 17 MPH over limit**
00005 Speeding, 5 MPH over limit	**00018 Speeding, 18 MPH over limit**
00006 Speeding, 6 MPH over limit	**00019 Speeding, 19 MPH over limit**
00007 Speeding, 7 MPH over limit	**00020 Speeding, 20 MPH over limit**
00008 Speeding, 8 MPH over limit	**00021 Speeding, 21 MPH over limit**
00009 Speeding, 9 MPH over limit	**00022 Speeding, 22 MPH over limit**
00010 Speeding, 10 MPH over limit	**00023 Speeding, 23 MPH over limit**
00011 Speeding, 11 MPH over limit	**00024 Speeding, 24 MPH over limit**
00012 Speeding, 12 MPH over limit	**00025 Speeding, 25 MPH over limit**
00013 Speeding, 13 MPH over limit	**00026 Speeding, 26 MPH or > over limit**

(1) As used in this section, unless the context requires otherwise:
   (a) "Business district" means the territory contiguous to and including a highway if, within six hundred (600) feet along the highway, there are buildings in use for business or industrial purposes that occupy three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;
   (b) "Residential district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is improved with residences or residences and buildings in use for business; and
   (c) "State highway" means a highway or street maintained by the Kentucky Department of Highways.
(2) An operator of a vehicle upon a highway shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(3) The speed limit for motor vehicles on state highways shall be as follows, unless conditions exist that require lower speed for compliance with subsection (2) of this section, or the secretary of the Transportation Cabinet establishes a different speed limit in accordance with subsection (4) of this section:

(a) Sixty-five (65) miles per hour on interstate highways and parkways;

(b) Fifty-five (55) miles per hour on all other state highways; and

(c) Thirty-five (35) miles per hour in a business or residential district.

(4) (a) ***… the secretary may increase the speed limit on any of the following segments of highway to seventy (70) miles per hour:

1. Interstate 24 (entire length);
2. Interstate 64 from Interstate 264 to the West Virginia state line;
3. Interstate 65 from Interstate 264 to the Tennessee state line;
4. Interstate 69 (entire length);
5. Interstate 71 from Interstate 264 to Interstate 275;
6. Interstate 75 from the Tennessee state line to Interstate 275;
7. The Audubon Parkway (entire length);
8. The Julian M. Carroll Purchase Parkway (entire length);
9. The Bert T. Combs Mountain Parkway from Interstate 64 to the beginning of the Mountain Parkway Extension (KY 9009) in Wolfe County;
10. The Edward T. Breathitt Pennyrile Parkway (entire length);
11. The Wendell H. Ford Western Kentucky Parkway (entire length);
12. The Louie B. Nunn Cumberland Parkway (entire length);
13. The Martha Layne Collins Bluegrass Parkway (entire length); and
14. The William H. Natcher Parkway (entire length).

(b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and where posted. The Transportation Cabinet shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this paragraph shall be construed to prevent the Transportation Cabinet from using moveable or portable speed limit signs in highway work zones.

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(6) The speed limit for motor vehicles in an off-street parking facility offered for public use, whether publicly or privately owned, shall be fifteen (15) miles per hour.

(7) A person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(8) In every charge for a violation of any speed limit specified in this section, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, and the lawful speed limit applicable at the location where the violation is charged to have occurred.

SUSPENDED DUI LICENSE - KRS 189A.090 Operating Motor Vehicle While License Is Revoked or Suspended For Driving Under the Influence Prohibited

02619 Driving DUI suspended license – 1st offense (Agg circum)
02628 Driving on DUI suspended license – 1st offense
02620 Driving DUI suspended license – 2nd offense (Agg circum)
02629 Driving DUI suspended license – 2nd offense
49010 Driving DUI suspended license – 3rd offense
49009 Driving DUI suspended license – 3rd offense (Agg circum)

(1) No person shall operate or be in physical control of a motor vehicle while his license is revoked or suspended under KRS 189A.010(6), 189A.070, 189A.107, 189A.200, or 189A.220, or operate or be in physical control of a motor vehicle without a functioning ignition interlock device in violation of KRS 189A.345(1).
(2) In addition to any other penalty imposed by the court, any person who violates subsection (1) of this section shall:
   (a) For a first offense within a five (5) year period, be guilty of a Class B misdemeanor and have his license revoked by the court for six (6) months, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), or (d), in which event he shall be guilty of a Class A misdemeanor and have his license revoked by the court by the court for a period of one (1) year;
   (b) For a second offense within a five (5) year period, be guilty of a Class A misdemeanor and have his license revoked by the court for one (1) year, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), or (d), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of two (2) years;
   (c) For a third or subsequent offense within a five (5) year period, be guilty of a Class D felony and have his license revoked by the court for two (2) years, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of five (5) years.
(3) The five (5) year period under this section shall be measured in the same manner as in KRS 189A.070.

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CONTROLLED SUBSTANCES OFFENSES

DRUG PARAPHERNALIA OFFENSES - KRS 218A.500 Definitions of KRS 218A.500 and 218A.510 – Unlawful Practices – Penalties

42081 Drug paraphernalia – Buy/Possess
42082 Drug paraphernalia – Deliver/Manufacture
42083 Drug paraphernalia - Advertisement

As used in this section and KRS 218A.510:

(1) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use implanting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(k) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: metal, wooden, acrylic,

glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips which mean objects used to hold burning material, such as marijuana cigarettes, that have become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers.

(2) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter.

(3) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(5) Any person who violates any provision of this section shall be guilty of a Class A misdemeanor.

POSSESSION OF MARIJUANA - KRS 218A.1422 Possession of Marijuana – Penalty

42330 Possession of Marijuana

(1) A person is guilty of possession of marijuana when he or she knowingly and unlawfully possesses marijuana.

(2) Possession of marijuana is a Class B misdemeanor, except that, KRS Chapter 532 to the contrary notwithstanding, the maximum term of incarceration shall be no greater than forty-five (45) days..

POSSESSION CONT. SUBST. 1ST DEGREE - KRS 218A.1415 Possession of Controlled Substance in the First Degree – Penalties

42185 Poss of Cont Sub – 1st Degree – 2nd Offense – Date Rape Drug

42186 Poss of Cont Sub – 1st Degree – 3rd or > Offense – Date Rape Drug

42209 Poss of Cont Sub – 1st Degree – 1st Offense – Opiates
42188 Poss of Cont Sub – 1st Degree – 3rd or > Offense - Methamphetamine
42187 Poss of Cont Sub – 1st Degree – 2nd Offense – Methamphetamine
42190 Poss of Cont Sub – 1st Degree – 3rd or > Offense - PCP
42189 Poss of Cont Sub – 1st Degree – 2nd Offense – PCP
42211 Poss of Cont Sub – 1st Degree – 1st Offense – PCP
42210 Poss of Cont Sub – 1st Degree – 2nd Offense – Opiates
42198 Poss of Cont Sub – 1st Degree – 3rd or > - Opiates
42215 Poss of Cont Sub – 1st Degree – 1st Offense – Methamphetamine
42200 Poss of Cont Sub – 1st Degree – 3rd or > Offense - LSD
42199 Poss of Cont Sub – 1st Degree – 2nd Offense – LSD
42207 Poss of Cont Sub – 1st Degree – 1st Offense – LSD
42195 Poss of Cont Sub – 1st Degree – 2nd Offense – Heroin
42196 Poss of Cont Sub – 1st Degree – 3rd or > - Heroin
42205 Poss of Cont Sub – 1st Degree – 1st Offense – Heroin
42194 Poss of Cont Sub – 1st Degree – 3rd or > Offense - Cocaine
42193 Poss of Cont Sub – 1st Degree – 2nd Offense – Cocaine
42203 Poss of Cont Sub – 1st Degree – 1st Offense – Cocaine
42201 Poss of Cont Sub – 1st Degree – 1st Offense – Drug Unspecified
42191 Poss of Cont Sub – 1st Degree – 2nd Offense – Drug Unspecified
42192 Poss of Cont Sub – 1st Degree – 3rd or > - Drug Unspecified
42213 Poss of Cont Sub – 1st Degree – 1st Offense – Date Rape Drug

(1) A person is guilty of possession of a controlled substance in the first degree when he or she knowingly and unlawfully possesses:
(a) A controlled substance that is classified in Schedules I or II and is a narcotic drug;
(b) A controlled substance analogue:
(c) Methamphetamine;
(d) Lysergic acid diethylamide;
(e) Phencyclidine;
(f) Gamma hydroxybutyric acid (GHB), including its salts, isomers, salts of isomers and analogues; or
(g) Flunitrazepam, including its salts, isomers, and salts of isomers.
(2) Possession of a controlled substance in the first degree is a class D felony subject to the following provisions:
(a) The maximum term of incarceration shall be no greater than three (3) years, notwithstanding KRS Chapter 532;
(b) For a person's first or second offense under this section, he or she may be subject to a period of:
1. Deferred prosecution pursuant to KRS 218A.14151; or
2. Presumptive probation;

(c) Deferred prosecution under paragraph (b) of this subsection shall be the preferred alternative for a first offense; and
(d) If a person does not enter a deferred prosecution program for his or her first or second offense, he or she shall be subject to a period of presumptive probation, unless a court determines the defendant is not eligible for presumptive probation as defined in KRS 218A.010.

POSSESSION CONT. SUBST. 2ND DEGREE - KRS 218A.1416 Possession of Controlled Substance in Second Degree – Penalties

42244 Poss Cont Sub – 2nd Degree – Anabolic Steroid
42245 Poss Cont Sub – 2nd Degree – Drug Unspecified
42246 Poss Cont Sub – 2nd Degree – Codeine
42242 Poss Cont Sub – 2nd Degree – Barbituate
42241 Poss Cont Sub – 2nd Degree – Amphetamine
42243 Poss Cont Sub – 2nd Degree - Hallucinogen

(1) A person is guilty of possession of a controlled substance in the second degree when he or she knowingly and unlawfully possesses: a controlled substance classified in Schedules I or II which is not a narcotic drug; or specified in KRS 218A.1415; or, a controlled substance classified in Schedule III; but not synthetic drugs, salvia, or marijuana.
(2) Possession of a controlled substance in the second degree is a Class A misdemeanor.

POSSESSION CONT. SUBST. 3RD DEGREE - KRS 218A.1417 Possession of a Controlled Substance in a Third Degree – Penalties

42263 Poss Cont Sub – 3rd Degree – Drug Unspecified

(1) A person is guilty of possession of a controlled substance in the third degree when he or she knowingly and unlawfully possesses a controlled substance classified in Schedules IV or V.
(2) Possession of a controlled substance in the third degree is a Class A misdemeanor.

POSSESSION OF SALVIA – KRS 218A.1451 Possession of Salvia – Penalty

42270 Possession of Salvia

(1) A person is guilty of possession of salvia when he or she knowingly and unlawfully possesses salvia for human consumption.
(2) Possession of salvia is a Class B misdemeanor, except that, KRS Chapter 532 to the contrary notwithstanding, the maximum term of incarceration shall be no greater than thirty (30) days.

TRAFFICKING IN AND POSSESSION OF SYNTHETIC DRUGS – KRS 218A.1430 Trafficking in and Possession of Synthetic Drugs

42386 Trafficking in Synthetic Drugs 1st off – Class A Misdemeanor
42387 Trafficking in Synthetic Drugs 2nd or subs – Class D Felony
42390 Possession of Synthetic Drugs – Class B Misdemeanor

(1) (a) A person is guilty of trafficking in synthetic drugs when he or she knowingly and unlawfully traffics in synthetic drugs.
(b) Trafficking in synthetic drugs is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.
(c) In lieu of the fine amounts otherwise allowed under KRS Chapter 534, for any offense under this subsection the court may impose a maximum fine of double the defendant's gain from the commission of the offense, in which case any fine money collected shall be divided between the same parties, in the same ratio, and for the same purposes as established for forfeited property under KRS 218A.420.
(d) It shall be an affirmative defense to an offense under this subsection that the defendant committed the offense during the course of the defendant's employment as an employee of a retail store and that the defendant did not know and should not have known that the trafficked substance was a synthetic drug.
(2) (a) A person is guilty of possession of synthetic drugs when he or she knowingly and unlawfully possesses synthetic drugs.
(b) Possession of synthetic drugs is a Class B misdemeanor, except that, KRS Chapter 532 to the contrary notwithstanding, the maximum term of incarceration shall be no greater than thirty (30) days.

SELLING CONT. SUBST. TO MINOR - KRS 218A.1401 Selling Controlled Substances to Minor

42000 Sell cont sub to minor – 1st offense
42001 Sell cont sub to minor – 2nd or > offense

(1) A person is guilty of selling controlled substances to a minor when he or she, being eighteen (18) years of age or older, knowingly and unlawfully sells or transfers any quantity of a controlled substance other than synthetic drugs, or salvia to any person under eighteen (18) years of age.
(2) Selling controlled substances to a minor is a Class C felony for a first offense, and a Class B felony for each subsequent offense, unless a more severe penalty for trafficking in controlled substances is applicable, in which case the higher penalty shall apply.

TRAFFICKING IN MARIJUANA - KRS 218A.1421 Trafficking in Marijuana – Penalties

42301 Traf in Marijuana - < 8 oz – 1st Offense
42302 Traf in Marijuana - < 8 oz – 2nd or > Offense
42311 Traf in Marijuana – 8 oz to < 5 lbs – 1st Offense
42312 Traf in Marijuana – 8 oz to < 5 lbs – 2nd or > Offense
42321 Traf in Marijuana – 5 lbs – 1st Offense
42322 Traf in Marijuana – 5 lbs – 2nd or > Offense

(1) A person is guilty of trafficking in marijuana when he knowingly and unlawfully traffics in marijuana.
(2) Trafficking in less than eight (8) ounces of marijuana is:
  (a) For a fist offense a Class A misdemeanor.
  (b) For a second of subsequent offense a Class D felony.
(3) Trafficking in eight (8) or more ounces but less than five (5) pounds of marijuana is:
  (a) For a first offense a Class D felony.
  (b) For a second or subsequent offense a Class C felony.
(4) Trafficking in five (5) or more pounds of marijuana is:
  (a) For a first offense a Class C felony.
  (b) For a second or subsequent offense a Class B felony.
(5) The unlawful possession of any person of eight (8) or more ounces of marijuana shall be prima facie evidence that the person possessed the marijuana with the intent to sell or transfer it.

TRAFFICKING IN CONT. SUBS. NEAR SCHOOL - KRS 218A.1411

Trafficking in Controlled Substance In or Near School – Penalty

42091 Trafficking cont sub within 1000 feet of school

(1) Any person who unlawfully traffics in a controlled substance classified in Schedules I, II, III, IV or V, or a controlled substance analogue in any building used primarily for classroom instruction in a school or on any premises located within one thousand (1,000) feet of any school building used primarily for classroom instruction shall be guilty of a Class D felony, unless a more severe penalty is set forth in this chapter, in which case the higher penalty shall apply. The measurement shall be taken in a straight line from the nearest wall of the school to the place of violation.
(2) The provisions of subsection (1) of this section shall not apply to any misdemeanor offense relating to salvia.

TRAFFICKING IN CONT. SUBS 1ST DEGREE - KRS 218A.1412

Trafficking in Controlled Substance in First Degree – Penalties

42362 Traf Cont Sub 1st Degree – 1st Offense (<10 DU DateRapeDrug)
42368 Traf Cont Sub 1st Degree – 1st Offense(4 or > gms cocaine)
42367 Traf Cont Sub 1st Degree – 2nd or > Offense(<2 gms meth)
42360 Traf Cont Sub 1st Degree – 2nd or > Offense(10 or > D.U. DRD)

42381 Traf Cont Sub 1st Degree – 1st Offense (10 or > D.U. Drug unspecified)
42366 Traf Cont Sub 1st Degree – 1st Offense (<2 gms meth)
42365 Traf Cont Sub 1st Degree – 1st Offense (2 or > gms meth)
42369 Traf Cont Sub 1st Degree – 2nd or > Offense (4 or > gms cocaine)
42361 Traf Cont Sub 1st Degree – 1st Offense (10 or > D.U. DRD)
42370 Traf Cont Sub 1st Degree – 1st Offense (<4 gms Cocaine)
42107 Traf Cont Sub 1st Degree – 1st Offense LSD
42108 Traf Cont Sub 1st Degree – 2nd or > Offense LSD
42111 Traf Cont Sub 1st Degree – 1st Offense PCP
42112 Traf Cont Sub 1st Degree – 2nd or > Offense PCP
42364 Traf Cont Sub 1st Degree – 2nd or > Offense (2 or > gms. Meth)
42383 Traf Cont Sub 1st Degree – 2nd or > Offense (<10 D.U. unspecified Schedule I or II)
42373 Traf Cont Sub 1st Degree – 2nd or > Offense (10 or > D.U. Opiates)
42380 Traf Cont Sub 1st Degree – 2nd or > Offense (10 or > D.U. unspecified)
42363 Traf Cont Sub 1st Degree – 2nd or > Offense (<10 D.U. of DRD)
42379 Traf Cont Sub 1st Degree – 2nd or > Offense (<2 gms. Heroin)
42378 Traf Cont Sub 1st Degree – 1st Offense (<2 gms. Heroin)
42377 Traf Cont Sub 1st Degree – 1st Offense (2 or > gms. Heroin)
42376 Traf Cont Sub 1st Degree – 2nd or > Offense (2 or > gms Heroin)
42382 Traf Cont Sub 1st Degree – 1st Offense (<10 D.U. Drug Unspecified Schedule I & 2)
42374 Traf Cont Sub 1st Degree – 1st Offense (<10 D.U. Opiates)
42372 Traf Cont Sub 1st Degree – 1st Offense (10 or > D.U. Opiates)
42371 Traf Cont Sub 1st Degree – 2nd or > Offense (< 4 gms. Cocaine)
42375 Traf Cont Sub 1st Degree – 2nd or > Offense (<10 D.U. Opiates)

(1) A person is guilty of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:
(a) Four (4) grams or more of cocaine;
(b) Two (2) grams or more of heroin or methamphetamine;
(c) Ten (10) or more dosage units of a controlled substance that is classified in Schedules I or II and is a narcotic drug, or a controlled substance analogue;
(d)Any quantity of lysergic acid diethylamide; phencyclidine; gamma hydroxybutyric acid (GHB), including its salts, isomers, salts of isomers and analogues; or flunitrazepam, including its salts, isomers, and salts of isomers; or
(e) Any quantity of a controlled substance specified in paragraph (a), (b), or (c) of this subsection in an amount less than the amounts specified in those paragraphs.

(2) The amounts specified in subsection (1) of this section may occur in a single transaction or may occur in a series of transactions over a period of time not to exceed ninety (90) days that cumulatively result in the quantities specified in this section.

(3)(a) Except as provided in paragraph (b) of this subsection, any person who violates the provisions of this section shall be guilty of a Class C felony for the first offense and a Class B felony for a second or subsequent offense.

(b) Any person who violates the provisions of subsection (1)(e) of this section shall be guilty of a Class D felony for the first offense and a Class C felony for a second offense or subsequent offense.

TRAFFICKING IN CONT. SUBS 2ND DEGREE - KRS 218A.1413

Trafficking in Controlled Substance in Second Degree – Penalties

42550 Traf Cont Sub 2nd Degree – 2nd or > Offense (10 or > D.U. Amphetamine
42436 Traf Cont Sub 2nd Degree – 1st Offense (10 or > D. U. Codeine)
42437 Traf Cont Sub 2nd Degree – 1st Offense (<10 D.U. Codeine)
42438 Traf Cont Sub 2nd Degree – 2nd or > Offense (<10 D.U. Codeine)
42439 Traf Cont Sub 2nd Degree – 1st Offense (10 or > D.U. Amphetamine)
42456 Traf Cont Sub 2nd Degree – 2nd Offense (20 or > D.U. Drug Unspecified Schedule III)
42446 Traf Cont Sub 2nd Degree – 2nd or > Offense (<20 D.U. Barbituate)
42458 Traf Cont Sub 2nd Degree – 2nd Offense (<20 D.U. Drug Unspecified Schedule III)
42457 Traf Cont Sub 2nd Degree – 1st Offense (<20 D.U. Drug Unspecified Schedule III)
42551 Traf Cont Sub 2nd Degree – 1st Offense (<10 D.U. Amphetamine)
42552 Traf Cont Sub 2nd Degree – 1st Offense (<10 D.U. Amphetamine)
42553 Traf Cont Sub 2nd Degree – 1st Offense (20 or > D.U. Barbituate)
42435 Traf Cont Sub 2nd Degree – 2nd or > Offense (10 or > D.U. Codeine)
42445 Traf Cont Sub 2nd Degree – 1st Offense (<20 D.U. Barbituate)
42455 Traf Cont Sub 2nd Degree – 1st Offense (20 or > D.U. Drugs Unspecified Schedule III)
42447 Traf Cont Sub 2nd Degree – 1st Offense (10 or > D.U. Hallucinogen)
42448 Traf Cont Sub 2nd Degree – 2nd or > Offense (10 or > D.U. Hallucinogen)
42449 Traf Cont Sub 2nd Degree – 1st Offense (<10 D.U. Hallucinogen)
42560 Traf Cont Sub 2nd Degree – 2nd or > Offense (<10 D.U. Hallucinogen)
42444 Traf Cont Sub 2nd Degree – 2nd or > Offense (20 or > D.U. Barbituate)

42561 Traf Cont Sub 2nd Degree – 1st Offense (10 or > D.U. Schedule I & II Non-narcotics)
42562 Traf Cont Sub 2nd Degree – 2nd or > Offense (10 or > D.U. Schedule I & II Non-narcotics)
42563 Traf Cont Sub 2nd Degree – 1st Offense (<10 D.U. Schedule I & II Non-narcotics)
42454 Traf Cont Sub 2nd Degree – 2nd or > Offense (<10 D.U. Schedule I & II Non-narcotics)
42155 Traf Cont Sub 2nd Degree- 1st Offense-Anabolic Steroid
42156 Traf Cont Sub 2nd Degree – 2nd or > Offense Anabolic Steroid

(1) A person is guilty of trafficking in a controlled substance in the second degree when:
(a) He or she knowingly and unlawfully traffics in:
1. Ten (10) or more dosage units of a controlled substance classified in Schedules I and II that is not a narcotic drug; or specified in KRS 218A.1412, and which is not a synthetic drug, salvia, or marijuana; or
2. Twenty (20) or more dosage units of a controlled substance classified in Schedule III;
(b) He or she knowingly and unlawfully prescribes, distributes, supplies, or sells an anabolic steroid for:
1. Enhancing human performance in an exercise, sport, or game; or
2. Hormonal manipulation intended to increase muscle mass, strength, or weight in the human species without a medical necessity; or
(c) He or she knowingly traffics in any quantity of a controlled substance specified in paragraph (a) of this subsection in an amount less than the amounts specified in that paragraph.
(2) (a) Except as provided in paragraph (b) of this subsection, any person who violates the provisions of subsection (1) of this section shall be guilty of a Class D felony for the first offense and a Class C felony for a second or subsequent offense.
(b) Any person who violates the provisions of subsection (1)(c) of this section shall be guilty of:
1. A Class D felony for the first offense, except that KRS Chapter 532 to the contrary notwithstanding, the maximum sentence to be imposed shall be no greater than three (3) years; and
2. A Class D felony for a second offense or subsequent offense.

TRAFFICKING IN CONT. SUBS 3RD DEGREE - KRS 218A.1414

Trafficking in Controlled Substance in Third Degree – Penalties

42570 Traf Cont Sub – 3rd Degree – 1st Offense (20 or > D.U. Drug Unspecified
42571 Traf Cont Sub – 3rd Degree – 2nd or > Offense (20 or > D.U. Drug Unspecified

42572 Traf Cont Sub – 3rd Degree – 1st Offense (<20 D.U. Drug Unspecified
42573 Traf Cont Sub – 3rd Degree – 2nd Offense (<20 D.U. Drug Unspecified

(1) A person is guilty of trafficking in a controlled substance in the third degree when he or she knowingly and unlawfully traffics in:
(a) Twenty (20) or more dosage units of a controlled substance classified in Schedules IV or V; or
(b) Any quantity of a controlled substance specified in paragraph (a) of this subsection in an amount less than the amount specified in that paragraph.
(2) (a) Any person who violates the provisions of subsection (1)(a) of this section shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for a second or subsequent offense.
(b) Any person who violates the provisions of subsection (1) (b) of this section shall be guilty of :
1. A Class A misdemeanor for the first offense, subject to the imposition of presumptive probation; and
2. A Class D felony for a second or subsequent offense, except that KRS Chapter 532 to the contrary notwithstanding, the maximum sentence imposed shall be no greater than three (3) years.

TRAFFICKING IN SALVIA - KRS 218A.1450 Trafficking in Salvia – Penalty

42141 Trafficking in Salvia

(1) A person is guilty of trafficking in salvia when he or she knowingly and unlawfully traffics in salvia for human consumption.
(2) Trafficking in salvia is a Class A misdemeanor.

DOMESTIC VIOLENCE OFFENSES

EMERGENCY PROTECTIVE ORDERS – PROCEDURES – KRS 403.740 Emergency Protective Orders

(1) If, upon review of the petition, as provided for in KRS 403.735, the court determines that the allegations contained therein indicate the presence of an immediate and present danger of domestic violence and abuse, the court shall issue, upon proper motion, ex parte, an emergency protective order:
(a) Restraining the adverse party from any contact or communication with the petitioner except as directed by the court;
(b) Restraining the adverse party from committing further acts of domestic violence and abuse;

(c) Restraining the adverse party from disposing of or damaging any of the property of the parties;
(d) Directing the adverse party to vacate the residence shared by the parties to the action;
(e) Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.420, grant temporary custody; or
(f) Enter other orders the court believes will be of assistance in eliminating future acts of domestic violence and abuse; or any combination thereof.

(2) Except as provided in KRS 403.036, if the court issues an emergency protective order pursuant to subsection (1) of this section, the court shall not order or refer the parties to mediation for resolution of the issues alleged in the petition filed pursuant to KRS 403.735.

(3) An emergency protective order issued in accordance with this section shall be issued without bond being required of the petitioner.

(4) An emergency protective order issued in accordance with this section shall be effective for a period of time fixed in the order, but not to exceed fourteen (14) days. Upon the issuance of an emergency protective order, a date for a full hearing, as provided for in KRS 403.745, shall be fixed not later than the expiration date of the emergency protective order. An emergency protective order shall be reissued for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the fixed court date and time or as the court determines is necessary for the protection of the petitioner.

(5) The adverse party shall be personally served with a copy of the emergency protective order, a copy of the notice setting the full hearing, and a copy of the petition. Service may be made in the manner and by the persons authorized to serve subpoenas under the provisions of Rule 45.03 of the Rules of Civil Procedure. No service fee shall be assessed to the petitioner.

VIOLATION OF FOREIGN PROTECTIVE ORDER - KRS 403.7529

Presumption of Validity – Enforcement by Peace Officers

02762 Violation of Foreign E.P.O./D.V.O.

(1) All foreign protective orders shall have the rebuttable presumption of validity. The validity of a foreign protective order shall only be determined by a court of competent jurisdiction. Until a foreign protective order is declared to be invalid by a court of competent jurisdiction, it shall be given full faith and credit by all peace officers in the Commonwealth.

(2) All peace officers shall treat a foreign protective order as a legal document, valid in Kentucky, and shall make arrests for a violation thereof in the same manner as for a violation of an emergency protective order or domestic violence order issued in Kentucky.

(3) The fact that a foreign protective order has not been entered into the Law Information Network of Kentucky shall not be grounds for a peace officer not to enforce the provisions of the order unless it is readily apparent to the peace officer to whom the order is presented that the order has either expired

according to a date shown on the order, or that the order's provisions clearly do not prohibit the conduct being complained of. Officers acting in good faith shall be immune from criminal and civil liability.

(4) In the event that the order has expired or its provisions do not prohibit the conduct being complained of, the officer shall not make an arrest unless the provisions of a Kentucky statute have been violated, in which case the peace officer shall take the action required by Kentucky law.

VIOLATION OF KY PROTECTIVE ORDER KRS 403.763 Criminal Penalty for Violation of Protective Order

02763 Violation of Kentucky E.P.O./D.V.O.

(1) A person is guilty of a violation of a protective order when he intentionally violates the provisions of an order issued pursuant to KRS 403.715 to 403.785 with which he has been served or has been given notice.

(2) Violation of a protective order is a Class A misdemeanor.

KENTUCKY JUVENILE CODE & OFFENSES

GENERAL PROVISIONS

ARREST PROCEDURES - KRS 610.190 Arrest Laws Applicable to Child Taken Into Custody – Applicability of Bail Laws – Custody by Person Other Than Peace Officer

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest until the court has made the decision to try the child in Circuit or District Court as an adult. The law relating to bail shall not be applicable to children detained in accordance with this chapter unless the child is subject to being tried in Circuit or District Court as an adult.

(2) When a child is taken into custody by a person other than a peace officer, such person shall as soon as possible place the child in the custody of a peace officer.

DUTIES OF PEACE OFFICERS TAKING JUVENILES INTO CUSTODY - KRS 610.200 Duties of Peace Officer

(1) When a peace officer has taken or received a child into custody on a charge of committing an offense, the officer shall immediately inform the child of his constitutional rights and afford him the protections required thereunder, notify the parent, of if the child is committed, the Department of Juvenile Justice or the cabinet, as appropriate, and if the parent is not available, then a relative,

guardian, person exercising custodial control or supervision of the child, that the child has been taken into custody, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for taking the child into custody.

(2) Unless the child is subject to trial as an adult or unless the nature of the offense of other circumstances are such as to indicate the necessity of retaining the child in custody, the officer shall release the child to the custody of his parent of if the child is committed, the Department of Juvenile Justice or the cabinet, as appropriate; or if the parent is not available, then a relative, guardian, person exercising custodial control or supervision or other responsible person or agency approved by the court upon the written promise, signed by such person or agency, to bring the child to the court at a stated time or at such time as the court may order. The written promise, accompanied by a written report by the officer, shall be submitted forthwith to the court or court-designated worker and shall detail the reasons for having taken custody of the child, release of the child, the person to whom the child was released, and the reasons for the release.

(3) If the person fails to produce the child as agreed or upon notice from the court, a summons, warrant, or custody order may be issued for the apprehension of the person or of the child, or both.

(4) The release of a child pursuant to this section shall not preclude a peace officer from proceeding with a complaint against a child or any other person.

(5) Unless the child is subject to trial as an adult, if the child is not released, the peace officer shall contact the court-designated worker who may:

(a) Release the child to his parents;

(b) Release the child to such other persons or organizations as are authorized by law;

(c) Release the child to either of the above subject to stated conditions; or

(d) Except as provided in subsection (6) of this section, authorize the peace officer to retain custody of the child for an additional period not to exceed twelve (12) hours during which the peace officer may transport the child to a secure juvenile detention facility, a juvenile holding facility, or a nonsecure facility. If the child is retained in custody, the court-designated worker shall give notice to the child's parents or person exercising custodial control or supervision of the fact that the child is being retained in custody.

(6) (a) Except as provided in paragraph (b) of this subsection, no child ten (10) years of age or under shall be taken to or placed in juvenile detention facility.

(b) Any child ten (10) years of age or under who has been charged with the commission of a capital offense or with an offense designated as a Class A or Class B felony may be taken to or place in a secure juvenile detention facility or youth alternative center when there is no available less restrictive alternative.

TIME LIMITS FOR HOLDING JUVENILES - KRS 610.220 Permitted Purposes for Holding Child in Custody – Time Limitation – Extension Separation From Adult Prisoners

(1) Except as otherwise provided by statute, if an officer takes or receives a child into custody, the child may be held at a police station, secure juvenile detention facility, juvenile holding facility, intermittent holding facility, youth alternative center, a nonsecure facility, or, as necessary, in a hospital or clinic for the following purposes:
   (a) Identification and booking'
   (b) Attempting to notify the parents or person exercising custodial control or supervision of the child, a relative, guardian, or other responsible person;
   (c) Photographing;
   (d) Fingerprinting;
   (e) Physical examinations, including examinations for evidence;
   (f) Evidence collection, including scientific tests;
   (g) Records checks;
   (h) Determining whether the child is subject to trail as an adult; and
   (i) Other inquiries of a preliminary nature.

(2) A child may be held in custody pursuant to this section for a period of time not to exceed two (2) hours, unless an extension of time is granted. Permission for an extension of time may be granted by the court, trail commissioner, or court-designated worker pursuant to KRS 610.200(5)(d) and the child may be retained in custody for up to an additional ten (10) hours at a facility of the type listed in subsection (1) of this section except for an intermittent holding facility for the period of retention.

(3) Any child held in custody pursuant to this section shall be sight and sound separated from any adult prisoners held in secure custody at the same location, and shall not be handcuffed to or otherwise securely attached to any stationary object.

RELEASE OF JUVENILES IN CUSTODY - KRS 610.255 Peace Officer May Take Child to Court Approved Center – Release of Child Without Formal Charges Filed

The peace officer may divert the child from the formal court process and take the child to a court-approved center offering voluntary services to children and release the child without formal charges being filed, if:

(1) The offense the child has allegedly committed under the provisions of KRS 610.010(1) is not a felony offense;

(2) The peace officer has received the permission of the parent or other responsible adult; and

(3) The peace officer has followed guidelines which the court has established for such release.

DEPENDENCY, NEGLECT & ABUSE

DUTIES DEPENDENCY, NEGLECT & ABUSE CASES - KRS 620.040

Duties of Prosecutor, Police, and Cabinet – Prohibition as to School Personnel – Multidisciplinary Teams

(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 KRS 620.030, the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or 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 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 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. Base 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 the human trafficking of a child shall be considered high risk and shall be referred to any other community agency.

(c) The cabinet need not notify the local law enforcement agency or 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 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 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 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 is returned to the persons having custody of him, 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 (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 Families and Children 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 review 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.

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(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

(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.

TAKING JUVENILES INTO CUSTODY - KRS 630.030 Circumstances Under Which Child May Be Taken Into Custody by Peace Officer

Under the provisions of this chapter a child may be taken into custody by any peace officer:

(1) Pursuant to an order of the court for failure to appear before the court for a previous status offense; or

(2) If there are reasonable grounds to believe that the child has been an habitual runaway from his parent or person exercising custodial control or supervision of the child.

DUTIES OF OFFICERS TAKING JUVENILES INTO CUSTODY - KRS 630.040 Duties of Person Taking Child Into Custody

Any person taking a child into custody, with all reasonable speed, shall in this sequence:

(1) Deliver the child suffering from a physical condition or illness which requires prompt medical treatment to a medical facility or physician. Children suspected of having a mental or emotional illness shall be evaluated in accordance with the provisions of KRS Chapter 645;
(2) Contact a court designated worker who shall have the responsibility for determining appropriate placement pursuant to KRS 610.200(5);
(3) If the court designated worker determines that the placements designated in KRS 610.200(5) and subsection (1) of this section have been exhausted or are not appropriate, a child may be delivered to a secure juvenile detention facility, a juvenile holding facility, or a nonsecure setting approved by the Department of Juvenile Justice pending the detention hearing;
(4) When the child has not been released to his parents or person exercising custodial control or supervision, the person taking the child into custody shall make a reasonable effort promptly to give oral notice to the parent or person exercising custodial control or supervision of the child;
(5) In all instances the peace officer taking a child into custody shall provide a written statement to the court designated worker of the reasons for taking the child into custody;
(6) If the child is placed in an emergency shelter or medical facility, during the adjudication and disposition of his case, the court may order his parents to be responsible for the expense of his care; and
(7) The peace officer taking the child into custody shall within three (3) hours of taking a child into custody file a complaint with the court, stating the basis for taking the child into custody and the reason why the child was not released to the parent or other adult exercising custodial control or supervision of the child, relative or other responsible adult, a court designated agency, an emergency shelter or medical facility. Pending further disposition of the case, the court or the court designated worker may release the child to the custody of any responsible adult who can provide adequate care and supervision.

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IMPLIED CONSENT WARNING

I will be requesting that you submit to a test of your breath, blood or urine or any combination of these tests. If you refuse to submit to any test which I request, your refusal may be used against you in court as evidence of your violation of KRS 189A.010 and your driver's license will be revoked. If you are convicted of KRS 189A.010, your refusal will subject you to a mandatory minimum jail sentence which is twice as long as the mandatory minimum jail sentence that would be imposed if you submit to all requested tests. You will also be unable to obtain a hardship license.

The results of any tests taken may be used against you in court as evidence of your violation of KRS 189A.010. If the results are 0.15 or above and you are convicted of violating KRS 189A.010, you will be subject to a jail sentence that is twice as long as the mandatory minimum jail sentence that would be imposed if the results are less than 0.15.

If you submit to all tests which I request, you have the right to obtain a test or tests of your blood performed at your expense by a qualified person of your choosing within a reasonable time of your arrest.

[*NOTE: Once the implied consent has been read, you must read the following.*]

You have at least 10 minutes, but not more than 15 minutes to attempt to contact and communicate with an attorney. Do you wish to attempt to contact an attorney at this time?

[*NOTE: After the person attempts to contact and communicate with an attorney or declines your offer, you must request the test as follows.*]

Based upon the information which was previously read to you, I am now requesting you to submit to a test of your _____ (Insert breath, blood or urine as appropriate).
WILL YOU NOW SUBMIT TO THE TEST?

[*NOTE: If the person takes all the tests you requested, you must read the following.*]

Since you have submitted to all requested tests, you now have the right to have a test or tests of your blood, performed at your expense by a physician, registered nurse, phlebotomist, medical technician or medical technologist of your choosing within a reasonable time of your arrest.
DO YOU WANT SUCH A TEST?

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DO YOU WANT SUCH A TEST?

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment XIV

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

MIRANDA WARNING

1. You have the right to remain silent.
2. Anything you say can and will be used against you in court.
3. You have the right to an attorney before making any statement and may have your attorney with you during questioning.
4. If you cannot afford an attorney and desire one, the court will appoint one for you.
5. You may stop the questioning at any time by refusing to answer further or by requesting to consult with your attorney.

WAIVER

To secure a waiver, the following questions should be asked and an affirmative answer secured to each:

1. Do you understand each of these rights I have explained to you?
2. With these rights in mind, do you wish to talk to us now?

Advanced Individual Training and Leadership Institute Branch

J. R. Brown, Director of Training

859-622-6591 **JamesR.Brown@ky.gov**

Legal Training Section

Main Number	**859-622-3801**
General E-Mail Address	**docjt.legal@ky.gov**
Gerald Ross, Section Supervisor	**Gerald.Ross@ky.gov**
Carissa Brown, Administrative Specialist	**Carissa.Brown@ky.gov**
Kelley Calk, Staff Attorney	**Kelley.Calk@ky.gov**
Thomas Fitzgerald, Staff Attorney	**Tom. Fitzgerald@ky.gov**
Shawn Herron, Staff Attorney	**Shawn.Herron@ky.gov**
Kevin McBride, Staff Attorney	**Kevin.McBride@ky.gov**
Michael Schwendeman, Staff Attorney	**Mike.Schwendeman@ky.gov**

NOTE:

General Information concerning the Department of Criminal Justice Training may be found at http://docjt.ky.gov. Agency publications may be found at http://docjt.ky.gov/publications.asp.

In addition to our legal inquiry email, The Legal Training Section of the Department of Criminal Justice Training now offers many of the frequently used legal publications electronically and free of charge on our website.

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

http://docjt.ky.gov/legal

Among the publications available are:

- *The Kentucky Criminal Law Manual*
- *Kentucky Law Enforcement Discipline Manual*
- *Kentucky Legal Handbook for Patrol*
- *Statutory Updates*
- *Case Law Updates (summary)*
- *Open Records Decisions*
- *U.S. Supreme Court (summary)*

Check out our website for a full list of available materials, plus links to other sites of interest.

Our legal inquiry email is available for officers and agencies with specific legal question concerning state and federal statutes, current case law and general issues related to law enforcement by contacting us at:

docjt.legal@ky.gov

Please remember to include your name, rank, agency and a contact number should we need further information regarding your inquiry.

Questions concerning the Kentucky Law Enforcement Council policies and KLEFPF will be forwarded to the DOCJT General Counsel for consideration.

Please allow two to three business days for us to review and respond to your inquiry.

ACCREDITED BY IACET INTERNATIONAL ASSOCIATION OF CONTINUING EDUCATION AND TRAINING

ACCREDITED BY