

1 AN ACT relating to criminal justice data and making an appropriation therefor.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 **→** Section 1. KRS 15.280 is amended to read as follows:

4 (1) **As used in this section, "criminal justice agency" means:**

5 **(a) Any agency within the Justice and Public Safety Cabinet except for the**  
6 **Department of Public Advocacy;**

7 **(b) Commonwealth's attorneys;**

8 **(c) County attorneys;**

9 **(d) Any federal, state, or local law enforcement agency; and**

10 **(e) The Court of Justice.**

11 **(2)** A Criminal Justice Statistical Analysis Center is hereby created as part of the  
12 Kentucky Justice and Public Safety Cabinet.

13 ~~**(3)**~~ ~~**(2)**~~ The Criminal Justice Statistical Analysis Center shall provide its reports and  
14 recommendations to the Governor and the General Assembly through the secretary  
15 of the Justice and Public Safety Cabinet.

16 ~~**(4)**~~ ~~**(3)**~~ The Criminal Justice Statistical Analysis Center shall:

17 (a) Improve the quality and usefulness of criminal justice statistics and research  
18 results that are disseminated to citizens, public agencies, and private agencies  
19 in Kentucky through the collection, analysis, assimilation, and analysis of  
20 research and statistical data, **information, and records** ~~from within the~~  
21 ~~cabinet, from other executive, judicial, and legislative agencies, and from~~  
22 ~~private sources~~];

23 (b) **Receive, process, and preserve any criminal justice and public safety data,**  
24 **information, and records within the possession, custody, or control of any**  
25 **agency of the federal, state, or local government, or from a private entity;**

26 **(c)** Publish research results and statistical data ~~that are requested by criminal~~  
27 ~~justice agencies~~];

1        ~~(d)~~~~(e)~~     Improve the relationship between citizens and criminal justice agencies  
 2                    of Kentucky by conducting citizen surveys of the needs, attitudes, and  
 3                    behavior relating to crime and justice;~~and~~

4        ~~(e)~~~~(d)~~     Strengthen the relationship between Kentucky criminal justice agencies  
 5                    and the Bureau of Justice Statistics, United States Department of Justice, by:

6                    1.    Providing justice statistics to the Bureau of Justice Statistics as required;  
 7                           and

8                    2.    Serving as a clearinghouse for Bureau of Justice Statistics materials;  
 9                           and

10        (f)    *Design, implement, and maintain a Criminal Justice Statistical Analysis*  
 11                    *Center records information system.*

12        ~~(5)~~~~(4)~~     The Kentucky Justice and Public Safety Cabinet may expend any general,  
 13                    restricted,~~federal grants~~ or federal funds provided for carrying out the functions  
 14                    and authority as assigned in this section. Further, the Kentucky Justice and Public  
 15                    Safety Cabinet may employ such employees as may be necessary to fulfill the  
 16                    duties, responsibilities, and functions assigned by this section.

17        ~~(6)~~~~(5)~~     Information and record copies that are confidential under state or federal law  
 18                    and are provided to the Criminal Justice Statistical Analysis Center shall not  
 19                    become the information and records of the center and shall not lose their  
 20                    confidentiality by virtue of the center's access to the information and records. The  
 21                    original information and records used to generate information and record copies  
 22                    provided to the center shall be maintained by the appropriate agency in accordance  
 23                    with state and federal law and shall be subject to the Kentucky Open Records Act,  
 24                    KRS 61.870 to 61.884. All open records requests shall be made to the appropriate  
 25                    agency, not to the Criminal Justice Statistical Analysis Center. Information and  
 26                    record copies provided to the Criminal Justice Statistical Analysis Center for review  
 27                    shall be exempt from the Kentucky Open Records Act, KRS 61.870 to 61.884.

1           ➔ Section 2. KRS 15A.190 is amended to read as follows:

2   ~~[(1)]~~ The Justice and Public Safety Cabinet, in consultation with the Cabinet for Health  
3   and Family Services, the Kentucky Commission on Women, and any other agency  
4   concerned with particular acts of criminal activity, shall:

5   ~~(1)~~~~(a)~~ Design, print, and distribute to all law enforcement agencies in the  
6   Commonwealth, *an electronic or paper*~~[a]~~ uniform reporting form, *to be known as*  
7   *the JC-3*, which provides statistical information relating to the crimes involving  
8   domestic violence, child abuse, victimization of the elderly, including but not  
9   limited to elder abuse, neglect, and exploitation and other crimes against the  
10   elderly, or any other particular area of criminal activity deemed by the secretary of  
11   justice and public safety to require research as to its frequency; and

12   ~~(2)~~~~(b)~~ *Promulgate administrative regulations, in accordance with KRS Chapter*  
13   *13A, to* provide that the information required in *Section 3 of this Act*~~[KRS~~  
14   ~~209A.122]~~ be *provided to the Criminal Justice Statistical Analysis*  
15   *Center*~~[included in the uniform reporting form].~~

16   ~~[(2)]~~ ~~The provision of subsection (1) of this section concerning the distribution of forms~~  
17   ~~shall become effective on January 1, 2006.]~~

18           ➔ Section 3. KRS 209A.122 is amended to read as follows:

19   (1) As used in this section:

20       (a) "Center" means the Criminal Justice Statistical Analysis Center created in  
21       KRS 15.280;

22       (b) "Corollary victim" means an individual other than the victim who is directly  
23       impacted by domestic violence and abuse or dating violence and abuse, either  
24       through relationship or proximity;

25       (c) "Domestic violence fatalities" means deaths that occur as a result of domestic  
26       violence and abuse or dating violence and abuse, and includes but is not  
27       limited to homicides, related suicides, and corollary victims; and

1 (d) "Near fatality" means a crime where serious physical injury as defined in KRS  
2 500.080 occurs.

3 (2) The center shall:

4 (a) Collect information on domestic violence fatalities, domestic violence and  
5 abuse, and dating violence and abuse within the Commonwealth from  
6 subsections (3) to ~~(5)~~~~(8)~~ of this section; and

7 (b) Produce an annual report by July 1 of each year and submit the report to the:

- 8 1. Kentucky Coalition Against Domestic Violence;
- 9 2. Governor;
- 10 3. Cabinet for Health and Family Services;
- 11 4. Interim Joint Committee on Judiciary;
- 12 5. Interim Joint Committee on Health, Welfare, and Family Services; and
- 13 6. Legislative Research Commission.

14 The Kentucky Coalition Against Domestic Violence may provide the agencies  
15 listed in paragraph (b)1. to 6. of this subsection with best practices and any other  
16 recommendations for public policy by November 1 of each year.

17 (3) (a) The Department of Kentucky State Police shall provide the center with:

- 18 1. The number of domestic violence and abuse and dating violence and  
19 abuse calls for service to which the Kentucky State Police and  
20 associated law enforcement agencies responded;
- 21 2. The number of arrests by Kentucky State Police and associated agencies  
22 in response to calls of domestic violence and abuse or dating violence  
23 and abuse; and
- 24 3. If an arrest was made, the arresting offense charged by Kentucky State  
25 Police or associated law enforcement agencies.

26 (b) The Department of Kentucky State Police shall separately ***provide the center***  
27 ***with information reported to the Law Information Network of Kentucky***

1 *(LINK). The Department of Kentucky State Police shall provide the center*  
2 *with the:*

3 *1. Number of orders of protection received to be served by law*  
4 *enforcement agencies;*

5 *2. Number of orders of protection served by law enforcement agencies;*

6 *3. Number of orders of protection in LINK; and*

7 *4. Average time for actual service to be returned.*

8 [report:

9 ~~1. The number of domestic violence and abuse and dating violence and~~  
10 ~~abuse calls for service to which all other law enforcement agencies~~  
11 ~~responded, if known;~~

12 ~~2. The number of arrests by all other local law enforcement agencies in~~  
13 ~~response to calls of domestic violence and abuse and dating violence~~  
14 ~~and abuse; and~~

15 ~~3. If an arrest was made, the arresting offense listed by all other local law~~  
16 ~~enforcement agencies not reported under paragraph (a) of this~~  
17 ~~subsection.]~~

18 (4) The Administrative Office of the Courts shall provide the center with:

19 (a) The number and type of petitions for orders of protection filed and denied  
20 under KRS 403.725;

21 (b) The number and type of petitions for interpersonal violence orders filed and  
22 denied under KRS 456.030;

23 (c) The number of emergency protective orders granted under KRS 403.730 and  
24 temporary interpersonal protective orders granted under KRS 456.040;

25 (d) The number of domestic violence orders granted under KRS 403.740 and  
26 interpersonal protective orders granted under 456.060, excluding amended or  
27 corrected orders;

- 1 (e) The relationship between the petitioner and the respondent, if known;
- 2 (f) Demographics of the parties, including age, race, and gender;
- 3 (g) Information on whether the victim was or is pregnant, if indicated on the
- 4 petition; and
- 5 (h) The number of criminal charges for a violation of an order of protection.

6 ~~[(5) The Law Information Network of Kentucky (LINK) shall provide the center with~~

7 ~~the:~~

- 8 ~~(a) Number of orders of protection received to be served by law enforcement~~
- 9 ~~agencies;~~
- 10 ~~(b) Number of orders of protection served by law enforcement agencies;~~
- 11 ~~(c) Number of orders of protection in LINK; and~~
- 12 ~~(d) Average time for actual service to be returned.]~~

13 ~~(5)~~(6) The Cabinet for Health and Family Services shall provide the center with:

- 14 (a) The number of reports of alleged child abuse made to the cabinet through an
- 15 adult or child abuse hotline in which there were also allegations of domestic
- 16 violence; and
- 17 (b) Domestic violence and abuse and dating violence and abuse shelter statistics
- 18 reported to the cabinet, including but not limited to the:
- 19 1. ~~[1.] Number of beds;~~
- 20 2. ~~[2.]~~ Number of minors served in shelter;
- 21 2.~~[3.]~~ Number of minors served in non-shelter services;
- 22 3.~~[4.]~~ Number of adults served in shelter;
- 23 4.~~[5.]~~ Number of adults served in non-shelter services;
- 24 5.~~[6.]~~ Demographics, including age and race;
- 25 6.~~[7.]~~ Number of crisis or hotline calls;
- 26 7.~~[8.]~~ Number of minors receiving:
- 27 a. Crisis intervention;

- 1                   b.    Victim advocacy services; and
- 2                   c.    Individual or group counseling or support group; ***and***

3                   8.~~9.~~ Number of adult victims receiving:

- 4                   a.    Crisis intervention;
- 5                   b.    Victim advocacy services;
- 6                   c.    Individual or group counseling or support group;
- 7                   d.    Criminal or civil legal advocacy;
- 8                   e.    Medical accompaniment; and
- 9                   f.    Transportation services~~;~~ ~~and~~

10                  ~~10. Type of services provided.~~

11   ~~{(7) The Division of Kentucky State Medical Examiner's Office shall provide the center~~  
 12       ~~with the number of deaths in which domestic violence and abuse or dating violence~~  
 13       ~~and abuse was a contributing factor.~~

14   ~~{(8) Coroners shall provide the center with the number of deaths as a result of, or~~  
 15       ~~suspected to be a result of, domestic violence and abuse or dating violence and~~  
 16       ~~abuse.}~~