

CHAPTER 541 (HB 430)

AN ACT relating to the administration of justice and declaring an emergency.

WHEREAS, the 1998 General Assembly created nine (9) family court pilot projects and nine (9) new judgeships which were designated as family court judgeships; and

WHEREAS two (2) of these judgeships, one each in Floyd County (31st Judicial Circuit) and Christian County (3rd Judicial Circuit) were created in the 1998 Judicial Branch Conference Budget Report to 1998 Ky. Acts ch. 604; and

WHEREAS the Judicial Branch Conference Budget Report expires June 30, 2000; and

WHEREAS the Kentucky Supreme Court has certified the necessity for these two (2) judgeships;

NOW, THEREFORE,

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

Section 1. KRS 23A.040 is amended to read as follows:

The following judicial circuits are entitled to two (2) judges and shall have two (2) numbered divisions of the Circuit Court:

- (1) Second Judicial Circuit.
- (2) ~~Third Judicial Circuit.~~
- (3) ~~Sixth Judicial Circuit.~~
- (3) ~~(4) Ninth Judicial Circuit.~~
- (5) ~~Eleventh Judicial Circuit.~~
- (4) **Twelfth Judicial Circuit.**
- (5) ~~(6) Fourteenth Judicial Circuit.~~
- (6) ~~(7) Seventeenth Judicial Circuit.~~
- (7) **Twenty-first Judicial Circuit.**
- (8) Twenty-fourth Judicial Circuit.
- (9) Twenty-seventh Judicial Circuit.
- ~~(10) Thirty-first Judicial Circuit.~~
- (10) ~~(11) Thirty-second Judicial Circuit.~~
- (11) ~~(12) Thirty-fourth Judicial Circuit.~~
- (12) ~~(13) Forty-sixth Judicial Circuit.~~
- (13) ~~(14) Fifty-fourth Judicial Circuit.~~

Section 2. KRS 23A.045 is amended to read as follows:

The following judicial circuits are entitled to three (3) Circuit Judges and shall have three (3) numbered divisions of the Circuit Court:

- (1) **Third Judicial Circuit.**

- (2) Eighth Judicial Circuit.
- (3) *Ninth Judicial Circuit.*
- ~~(4){(2)}~~—Twenty-fifth Judicial Circuit.
- ~~(5){(3)}~~—Twenty-eighth Judicial Circuit.
- (6) *Thirty-first Judicial Circuit.*
- ~~(7){(4)}~~—Thirty-fifth Judicial Circuit.
- ~~(8){(5)}~~—Forty-eighth Judicial Circuit.

Section 3. KRS 24A.030 is amended to read as follows:

The state is divided into judicial districts, each to be composed of the following counties:

- (1) First Judicial District. Fulton and Hickman.
- (2) Second Judicial District. McCracken.
- (3) Third Judicial District. Christian.
- (4) Fourth Judicial District. Hopkins.
- (5) Fifth Judicial District. Crittenden, Union and Webster.
- (6) Sixth Judicial District. Daviess.
- (7) Seventh Judicial District. Logan and Todd.
- (8) Eighth Judicial District. Warren.
- (9) Ninth Judicial District. Hardin.
- (10) Tenth Judicial District. Hart and Larue.
- (11) Eleventh Judicial District. Green, Marion, Taylor and Washington.
- (12) Twelfth Judicial District. Henry, Oldham and Trimble.
- (13) Thirteenth Judicial District. Garrard, Jessamine and Lincoln.
- (14) Fourteenth Judicial District. Bourbon, Scott and Woodford.
- (15) Fifteenth Judicial District. Carroll, Grant and Owen.
- (16) Sixteenth Judicial District. Kenton.
- (17) Seventeenth Judicial District. Campbell.
- (18) Eighteenth Judicial District. Harrison, Nicholas, Pendleton and Robertson.
- (19) Nineteenth Judicial District. Bracken, Fleming and Mason.
- (20) Twentieth Judicial District. Greenup and Lewis.
- (21) Twenty-first Judicial District. Bath, Menifee, Montgomery and Rowan.
- (22) Twenty-second Judicial District. Fayette.
- (23) Twenty-third Judicial District. Estill, Lee and Owsley.
- (24) Twenty-fourth Judicial District. Lawrence, Johnson and Martin.
- (25) Twenty-fifth Judicial District. Clark and Madison.

- (26) Twenty-sixth Judicial District. Harlan.
- (27) Twenty-seventh Judicial District. Knox and Laurel.
- (28) Twenty-eighth Judicial District. Pulaski and Rockcastle.
- (29) Twenty-ninth Judicial District. Adair, *and* Casey~~[, Cumberland and Monroe]~~.
- (30) Thirtieth Judicial District. Jefferson.
- (31) Thirty-first Judicial District. Floyd.
- (32) Thirty-second Judicial District. Boyd.
- (33) Thirty-third Judicial District. Perry.
- (34) Thirty-fourth Judicial District. Whitley and McCreary.
- (35) Thirty-fifth Judicial District. Pike.
- (36) Thirty-sixth Judicial District. Magoffin and Knott.
- (37) Thirty-seventh Judicial District. Carter, Elliott and Morgan.
- (38) Thirty-eighth Judicial District. Butler, Edmonson, Ohio and Hancock.
- (39) Thirty-ninth Judicial District. Breathitt, Wolfe and Powell.
- (40) Fortieth Judicial District. Clinton, Russell and Wayne.
- (41) Forty-first Judicial District. Clay, Jackson and Leslie.
- (42) Forty-second Judicial District. Calloway.
- (43) Forty-third Judicial District. Barren and Metcalfe.
- (44) Forty-fourth Judicial District. Bell.
- (45) Forty-fifth Judicial District. Muhlenberg and McLean.
- (46) Forty-sixth Judicial District. Breckinridge, Grayson, and Meade.
- (47) Forty-seventh Judicial District. Letcher.
- (48) Forty-eighth Judicial District. Franklin.
- (49) Forty-ninth Judicial District. Allen and Simpson.
- (50) Fiftieth Judicial District. Boyle and Mercer.
- (51) Fifty-first Judicial District. Henderson.
- (52) Fifty-second Judicial District. Graves.
- (53) Fifty-third Judicial District. Shelby, Anderson and Spencer.
- (54) Fifty-fourth Judicial District. Boone and Gallatin.
- (55) Fifty-fifth Judicial District. Bullitt.
- (56) Fifty-sixth Judicial District. Caldwell, Livingston, Lyon and Trigg.
- (57) Fifty-seventh Judicial District. Nelson.
- (58) Fifty-eighth Judicial District. Marshall.
- (59) Fifty-ninth Judicial District. Ballard and Carlisle.

(60) *Sixtieth Judicial District. Cumberland and Monroe.*

Section 4. KRS 24A.050 is amended to read as follows:

The following judicial districts are entitled to two (2) District Judges and shall have two (2) numbered divisions of the District Court:

- (1) Third Judicial District.
- (2) Fourth Judicial District.
- (3) Ninth Judicial District.
- (4) Eleventh Judicial District.
- (5) Twelfth Judicial District.
- (6) Thirteenth Judicial District.
- (7) Fourteenth Judicial District.
- (8) Fifteenth Judicial District.
- (9) Eighteenth Judicial District.
- (10) Twenty-first Judicial District.
- (11) Twenty-fourth Judicial District.
- (12) Twenty-seventh Judicial District.
- (13) Twenty-eighth Judicial District.
- (14) ~~Twenty-ninth Judicial District.~~
- (15) ~~Thirty-first Judicial District.~~
- (16) ~~Thirty-second Judicial District.~~
- (17) ~~Thirty-fourth Judicial District.~~
- (18) ~~Thirty-fifth Judicial District.~~
- (19) ~~Thirty-eighth Judicial District.~~
- (20) ~~Fortieth Judicial District.~~
- (21) ~~Forty-first Judicial District.~~
- (22) ~~Forty-third Judicial District.~~
- (23) ~~Forty-sixth Judicial District.~~
- (24) ~~Forty-eighth Judicial District.~~
- (25) ~~Fiftieth Judicial District.~~
- (26) ~~Fifty-first Judicial District.~~
- (27) ~~Fifty-third Judicial District.~~
- (28) ~~Fifty-fourth Judicial District.~~
- (29) ~~Fifty-fifth Judicial District.~~
- (30) ~~Fifty-sixth Judicial District.~~

Section 5. (1) The present District Judge who resides in the Twenty-ninth Judicial District as amended by Section 3 of this Act shall remain the District Judge for the Twenty-ninth Judicial District.

(2) The present District Judge of the former Twenty-ninth Judicial District who resides in the Sixtieth Judicial District as created by Section 3 of this Act shall become the District Judge for the Sixtieth Judicial District.

(3) No new vacancy shall be created by Section 3 of this Act. Each present District Judge shall serve the district, as amended or created by Section 3 of this Act, in which he resides for the remainder of his present elected term.

Section 6. KRS 532.031 is amended to read as follows:

- (1) A person may be found by the sentencing judge to have committed an offense specified below as a result of a hate crime if the person intentionally because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals violates a provision of any one (1) of the following:
 - (a) KRS 508.010, 508.020, ~~or~~ 508.025, **or 508.030**;
 - (b) KRS 508.050 or 508.060;
 - (c) KRS 508.100 or 508.110;
 - (d) KRS 509.020;
 - (e) KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.100, or 510.110;
 - (f) KRS 512.020, 512.050, or 512.060;
 - (g) KRS 513.020, 513.030, or 513.040; or
 - (h) KRS 525.020, 525.050, 525.060, 525.070, or 525.080.
- (2) At sentencing, the sentencing judge shall determine if, by a preponderance of the evidence presented at the trial a hate crime was a primary factor in the commission of the crime by the defendant. If so, the judge shall make a written finding of fact and enter that in the court record and in the judgment rendered against the defendant.
- (3) The finding that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the sentencing judge as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration.
- (4) The finding by the sentencing judge that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the Parole Board in delaying or denying parole to a defendant.

Section 7. Whereas the action taken in this Act is necessary to effectuate provisions of the Judicial Branch budget for the 2000-2002 fiscal biennium, an emergency is declared to exist, and Sections 1 to 5 of this Act take effect July 1, 2000.

Approved April 26, 2000