

CHAPTER 135

(HB 105)

AN ACT relating to fees for fingerprinting and photography by law enforcement.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department of Kentucky State Police may charge a fee of ten dollars (\$10) per set of fingerprint impressions taken and five dollars (\$5) per photograph taken or copied when those services are requested by a person for professional, trade, or commercial purposes or for personal use.*
- (2) *If the actual cost of processing fingerprinting and photograph requests rises above the fee amounts set in this section, the Department of Kentucky State Police may set new fees through administrative regulations.*
- (3) *Nothing in this section shall change any other fee allocation allowed by statute.*

➔Section 2. KRS 64.090 is amended to read as follows:

- (1) Sheriffs may charge and collect the following fees from the Commonwealth and any of its agencies, including the Department of Kentucky State Police, when the source of payment is not otherwise specified, if the Commonwealth, any of its agencies, or the Department of Kentucky State Police makes a request that the sheriff perform any of the following:
 - (a) Executing and returning process\$20.00;
 - (b) Serving an order of court and return3.00;
 - (c) Summoning or subpoenaing each witness, fee to be paid by requester to sheriff before service10.00;
 - (d) Summoning an appraiser or reviewer2.00;
 - (e) Attending a surveyor, when ordered by a court, per deputy or sheriff assigned20.00;
 - (f) Taking any bond that he is authorized or required to take in any action5.00;
 - (g) Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, six percent (6%) on the first three hundred dollars (\$300) and three percent (3%) on the residue; when he or she levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case;
 - (h) Taking a recognizance of a witness3.00;
 - (i) Levying an attachment5.00;
 - (j) When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court;
 - (k) Summoning a garnishee3.00;
 - (l) Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted8.00;
 - (m) Serving process or arresting the party in misdemeanor cases, to be paid by the plaintiff30.00;

ACTS OF THE GENERAL ASSEMBLY

- (n) Serving an order or process of revivor3.00;
 - (o) Executing a writ of possession against each tenant or defendant7.00;
 - (p) Executing a *capias ad satisfaciendum*, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission;
 - (q) Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses8.00;
 - (r) Collecting militia fines and fee-bills, ten percent (10%), to be deducted out of the fee-bill or fine;
 - (s) Levying for a fee-bill3.00;
 - (t) Serving a notice2.00;
 - (u) Serving summons, warrants or process of arrest in cases of children born out of wedlock6.00;
 - (v) Serving a civil summons in a nonsupport case10.00;
 - (w) Serving each order appointing surveyors of roads, to be paid out of the county levy5.00;
 - (x) Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant5.00;
 - (y) Like services in cases of private passways to be paid by the applicant5.00;
 - (z) Executing each writ of habeas corpus, to be paid by the petitioner3.00;
 - (aa) All services under a writ issued under KRS 381.460 to 381.570 10.00;[~~and~~]
 - (bb) ***Fingerprinting persons for professional, trade, or commercial purposes, or for personal use, per set of impressions 10.00;***
 - (cc) ***Taking or copying photographs for professional, trade, or commercial purposes, or for personal use, per photograph..... 5.00;***
 - (dd) For services in summoning grand and petit jurors and performing his or her duties under KRS Chapter 29A the sheriff shall be allowed, for each person so summoned, and paid out of the State Treasury for constructive service the sum of \$1.50 and for personal service the sum of \$3.00.
- (2) Sheriffs may charge and collect a fee of forty dollars (\$40) from any person not requesting the service of the sheriff on behalf of the Commonwealth, any of its agencies, or the Department of Kentucky State Police for the services provided in subsection (1) of this section where a percentage, commission, or reasonable fee is not otherwise allowed. If a percentage, commission, or reasonable fee is allowed, that amount shall be paid. If payment is specified from a person other than the person who requested the service, then the person specified shall be responsible for payment.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

- (1) ***Sheriffs may charge a fee of ten dollars (\$10) per set of fingerprint impressions taken and five dollars (\$5) per photograph taken or copied when those services are requested by a person for professional, trade, or commercial purposes or for personal use.***
- (2) ***If the Department of Kentucky State Police sets new fingerprinting and photograph fees under the provisions of Section 1 of this Act, sheriffs may increase fingerprinting and photograph fees to equal those fees established by the Department of Kentucky State Police through administrative regulations.***

(3) *Nothing in this section shall change any other fee allocation allowed by statute.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) *Any city, county, charter county, urban-county government, consolidated local government, unified local government, or special district, or any agency or instrumentality thereof, may charge a fee of ten dollars (\$10) per set of fingerprint impressions taken and five dollars (\$5) per photograph taken or copied when those services are requested by a person for professional, trade, or commercial purposes or for personal use.*
- (2) *If the Department of Kentucky State Police sets new fingerprinting and photograph fees under the provisions of Section 1 of this Act, any city, county, charter county, urban-county government, consolidated local government, or special district, or any agency or instrumentality thereof, may increase fingerprinting and photograph fees to equal those fees established by the Department of Kentucky State Police through administrative regulations.*
- (3) *Nothing in this section shall change any other fee allocation allowed by statute.*

Signed by Governor April 25, 2014.