

CHAPTER 190**(HB 207)**

AN ACT relating to cell phones.

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

➔Section 1. KRS 520.010 is amended to read as follows:

The following definitions apply in this chapter, unless the context otherwise requires:

- (1) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, departmental regulation, or posted institutional rule or order;
- (2) "Custody" means restraint by a public servant pursuant to a lawful arrest, detention, or an order of court for law enforcement purposes, but does not include supervision of probation or parole or constraint incidental to release on bail;
- (3) "Dangerous contraband" means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080, any controlled substances, any quantity of an alcoholic beverage, and any quantity of marijuana, cell phones *not authorized under Section 2 of this Act*, and saws, files, and similar metal cutting instruments;
- (4) "Detention facility" means any building and its premises used for the confinement of a person:
 - (a) Charged with or convicted of an offense;
 - (b) Alleged or found to be delinquent;
 - (c) Held for extradition or as a material witness; or
 - (d) Otherwise confined pursuant to an order of court for law enforcement purposes;
- (5) "Escape" means departure from custody or the detention facility in which a person is held or detained when the departure is unpermitted, or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period; and
- (6) As used in this section and KRS 520.015, "penitentiary" includes any facility operated by the Department of Corrections and the confines of any work detail or other detail, whether under guard or not, under the custody and control of the Department of Corrections.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

Jailers in a county jail or regional jail shall create policies governing possession and use of cell phones within their jails by the jailer, deputy jailers, attorneys, and non-lawyer assistants as defined in KRS 31.100. These policies shall be clearly stated and posted in the entry of the jail and copies shall be made available to attorneys and non-lawyer assistants, upon request. These policies shall allow, but may provide reasonable conditions upon, attorneys to use cell phones in connection with their professional services in a detention facility.

Signed by Governor April 26, 2018.