

CHAPTER 89

(SB 161)

AN ACT relating to law enforcement programs for substance use treatment.

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

➔Section 1. KRS 15.525 is amended to read as follows:

- (1) A law enforcement agency may create a program to refer persons to treatment for substance use who voluntarily seek assistance from the law enforcement agency.
- (2) A person voluntarily seeking assistance through a program created pursuant to this section:
 - (a) Shall not be placed under arrest;
 - (b) Shall not be prosecuted for the possession of any controlled substance *or drug* ~~[,]~~ paraphernalia~~[, or other item]~~ surrendered to the law enforcement agency. Items surrendered pursuant to this paragraph shall be recorded by the law enforcement agency at the time of surrender and shall be destroyed; *and*
 - (c) ~~[Shall be paired immediately with a volunteer mentor to assist his or her recovery; and~~
 - ~~(d)]~~ Shall be *promptly* ~~[immediately]~~ referred to a community mental health center, medical provider, or other entity for substance use treatment.
- (3) A person is ineligible for placement through a program established pursuant to this section if the person:
 - (a) Has an outstanding arrest warrant *issued by a Kentucky court or an extraditable arrest warrant issued by a court of another state*;
 - (b) *Places law enforcement or its representatives in reasonable apprehension of physical injury* ~~[Has been convicted of three (3) or more drug-related offenses];~~ or
 - (c) Is under the age of eighteen (18) and does not have the consent of a parent or guardian.
- (4) *Information gathered by a program created pursuant to this section related to a person who has voluntarily sought assistance under this section is exempt from disclosure under the Kentucky Open Records Act pursuant to KRS 61.878(1)(a).*
- (5) *Except for intentional misconduct, any law enforcement agency or person that provides referrals or services in accordance with subsection (2) of this section shall be immune from criminal and civil liability* ~~[Programs created pursuant to this section may be called an Angel Initiative Program].~~

Signed by Governor March 25, 2019.