

CHAPTER 61

(HB 3)

AN ACT relating to human trafficking.

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

➔Section 1. KRS 529.110 is amended to read as follows:

- (1) A person is guilty of promoting human trafficking when the person intentionally:
 - (a) Benefits financially or receives anything of value from knowing participation in human trafficking; or
 - (b) Recruits, entices, harbors, transports, provides,~~[-or-]~~ obtains, **advertises, maintains, patronizes, or solicits** by any means, or attempts to recruit, entice, harbor, transport, provide,~~[-or-]~~ obtain, **advertise, maintain, patronize, or solicit** by any means, another person, knowing that the person will be subject to human trafficking.
- (2) Promoting human trafficking is a Class D felony unless a victim of the trafficking is under eighteen (18), in which case it is a Class C felony.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

- (1) *The Office of the Attorney General may establish a working group to address all aspects of human trafficking, including commercial sexual activity and forced labor or services.*
- (2) *If established, the working group shall be chaired by the Attorney General or his or her designee and may be composed of representatives from the following organizations:*
 - (a) *A Commonwealth's attorney or his or her designee appointed by the Attorney General;*
 - (b) *A county attorney or his or her designee appointed by the Attorney General;*
 - (c) *A United States Attorney or his or her designee from either federal district in Kentucky appointed by the Attorney General;*
 - (d) *The commissioner of the Department for Community Based Services or his or her designee;*
 - (e) *The commissioner of the Department of Juvenile Justice or his or her designee;*
 - (f) *The commissioner of the Department of Corrections or his or her designee;*
 - (g) *The commissioner of the Department of Criminal Justice Training or his or her designee;*
 - (h) *The commissioner of the Department of Kentucky State Police or his or her designee;*
 - (i) *A representative from the Kentucky Association of Chiefs of Police appointed by the Attorney General;*
 - (j) *A representative from the Kentucky Sheriffs' Association appointed by the Attorney General;*
 - (k) *A representative from a federal law enforcement agency that operates within the Commonwealth appointed by the Attorney General;*
 - (l) *The executive director of the Administrative Office of the Courts or his or her designee;*
 - (m) *Two (2) victim advocates, employed by a Commonwealth's attorney, county attorney, or law enforcement agency, appointed by the Attorney General;*
 - (n) *The following nongovernmental service providers who regularly provide services or advocacy to human trafficking victims, all appointed by the Attorney General:*
 1. *A community-based victim advocate;*
 2. *A community service provider;*
 3. *A health care professional;*
 4. *A mental health care professional; and*

5. *A juvenile runaway or homeless shelter provider;*
- (o) *The executive director of the Children's Advocacy Centers of Kentucky or his or her designee;*
- (p) *A victim of sex trafficking appointed by the Attorney General;*
- (q) *A victim of labor trafficking appointed by the Attorney General;*
- (r) *A representative from the Kentucky Coalition Against Domestic Violence appointed by the Attorney General;*
- (s) *A representative from the Kentucky Association of Sexual Assault Programs appointed by the Attorney General; and*
- (t) *A college or university professor specializing in human trafficking appointed by the Attorney General.*
- (3) *Any working group created by the Attorney General shall meet at the call of the chair and make recommendations regarding:*
- (a) *Identification of human trafficking victims;*
- (b) *Delivery of comprehensive services;*
- (c) *Identification, investigation, and successful prosecution of offenders;*
- (d) *Training criminal justice system professionals on trauma-informed practices;*
- (e) *Collection of data to assess barriers to assisting victims of human trafficking;*
- (f) *Facilitating collaborative decision making, coordinated planning, and cooperative implementation among agencies and relevant partners;*
- (g) *Supporting the fair, efficient, and effective operation of the criminal justice system to improve public safety and homeland security while respecting the privacy of citizens;*
- (h) *Allowing agencies to share appropriate information securely and efficiently; and*
- (i) *Identifying gaps in the ability of the Commonwealth to adequately respond to human trafficking.*

➔Section 3. KRS 15.706 is amended to read as follows:

- (1) The Prosecutors Advisory Council shall collect statistical data regarding the investigation, prosecution, dismissal, conviction, or acquittal of any person charged with committing, attempting to commit, or complicity to a sexual offense defined by KRS Chapter 510 involving a minor, human trafficking offenses involving a minor engaged in commercial sexual activity *or forced labor*, incest involving a minor, use of a minor in a sexual performance, or unlawful transaction with a minor.
- (2) Each Commonwealth's attorney, each county attorney, the secretary of the Cabinet for Health and Family Services, the commissioner of the Department of Kentucky State Police, each Circuit Court clerk, and the Administrative Office of the Courts shall provide any data requested by the council for this purpose, on a form prescribed by the council, at intervals as the council may direct.
- (3) The council may contract with any other public agency to collect the data in lieu of collecting the data itself.
- (4) The Prosecutors Advisory Council may promulgate administrative regulations to specify information to be reported.
- (5) The information required to be reported by this section shall be provided by each Commonwealth's attorney and county attorney at the end of each quarter of the calendar year or as otherwise directed by the Prosecutors Advisory Council.
- (6) The Prosecutors Advisory Council and the Office of the Attorney General shall compile the information by county and issue a public report at least annually.
- (7) The public report shall not contain the name or identifying information of a victim or person not formally charged with the commission of child sexual abuse or human trafficking of a child. Information collected by the Commonwealth's attorney or county attorney or by the Prosecutors Advisory Council containing data which cannot be published shall be excluded from inspection, unless by court order, from the Open Records Law.

- (8) Any Commonwealth's attorney or any county attorney who fails to report information as defined by this section or administrative regulation shall be subject to salary reduction as authorized by KRS 61.120.

➔Section 4. KRS 620.029 is amended to read as follows:

- (1) In order to provide the most effective treatment for children who are victims of human trafficking, as defined in KRS 529.010, **and to ensure that law enforcement and prosecutorial agencies have the resources and tools necessary to combat human trafficking**, the cabinet shall:
- (a) Investigate a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3);
 - (b) Provide or ensure the provision of appropriate treatment, housing, and services consistent with the status of the child as a victim of human trafficking; and
 - (c) Proceed in the case in accordance with applicable statutes governing cases involving dependency, neglect, or abuse regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision.
- (2) In order to effectuate the requirements of this section, the cabinet shall:
- (a) Consult with agencies serving victims of human trafficking to promulgate administrative regulations for the treatment of children who are reported to be victims of human trafficking as dependent, neglected, or abused children, including providing for appropriate screening, assessment, treatment, services, temporary and long-term placement of these children, training of staff, the designation of specific staff, and collaboration with service providers and law enforcement;~~and~~
 - (b) By November 1 of each year~~, beginning in 2013~~, submit to the Legislative Research Commission a comprehensive report detailing:
 1. The number of reports the cabinet has received regarding child victims of human trafficking;~~and~~
 2. The number of reports in which the cabinet has investigated and determined that a child is the victim of human trafficking;~~and~~ and
 3. The number of cases in which services were provided; **and**
 - (c) 1. ***Beginning in 2025, in addition to the information required under paragraph (b) of this subsection, include in its annual report to the Legislative Research Commission for referral to the Interim Joint Committee on Families and Children and the Interim Joint Committee on Judiciary to the extent possible:***
 - a. ***Information related to state enforcement of human trafficking involving children in the Commonwealth, including the number of:***
 - i. ***Arrests as compiled by the Kentucky State Police; and***
 - ii. ***Criminal charges and convictions, delineated by county or district, as compiled by the Administrative Office of the Courts;***
 - b. ***The frequency at which services were made available to child victims of human trafficking;***
 - c. ***Recommendations for improving data collection so that information may be obtained and analyzed in a larger percentage of cases;***
 - d. ***Recommendations for improving data sharing among service providers, nongovernmental organizations, and government agencies; and***
 - e. ***Any other information that may assist in understanding the causation of human trafficking of children in Kentucky and stakeholders' abilities to provide services to victims.***
 2. ***If, after making reasonably diligent efforts to obtain the information described in subparagraph 1. of this paragraph, the cabinet is unable to obtain any of the information, the cabinet may submit an annual report omitting that information, but shall provide an explanation for the omission in the annual report.***

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 219 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, and includes motels.*
- (2) *Every hotel shall post:*
- (a) *In its lobby, stairwells, elevators, or on or beside exit doors, a printed sign in English and Spanish at least eight and one-half (8-1/2) by eleven (11) inches in size, with letters in at least sixteen (16) point font; and*
- (b) *In all of its publicly accessible restrooms, either:*
1. *A printed sign in English and Spanish at least eight and one-half (8-1/2) by eleven (11) inches in size, with letters in at least sixteen (16) point font; or*
 2. *A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;*
- displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.*
- (3) *The sign or window cling shall be:*
- (a) *Created using gender-neutral language supplied by the Office of the Attorney General, the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign; and*
- (b) *Posted in a prominent place easily seen by patrons.*
- (4) *A hotel in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.*

➔Section 6. KRS 176.415 is amended to read as follows:

- (1) The Department of Highways shall display the following flags at each rest area along the Commonwealth's interstate and turnpike system:
- (a) The flag of the United States of America, to honor our country and the democratic ideals of our forefathers;
 - (b) The flag of the Commonwealth of Kentucky, as specified by KRS 2.030, to honor the Commonwealth and its citizens; and
 - (c) The flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia, the black and white banner commonly known as the POW/MIA flag, which symbolizes America's missing service members and our unwavering determination to account for them.
- (2) The Department of Highways shall post in every restroom located on the premises of each rest area in the Commonwealth *either:*
- (a) A printed sign in English and Spanish at least *eight and one-half (8-1/2) inches by eleven (11) inches* ~~by fourteen (14) inches~~ in size, with letters *in at least sixteen (16) point font; or* ~~one (1) inch high,~~
- (b) *A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;*

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (3) The sign *or window cling* shall be:
- (a) Created using gender-neutral language supplied to the Department of Highways by the *Office of the Attorney General, the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign* ~~Cabinet for Health and Family Services~~; and
- (b) Posted in a prominent place easily seen by patrons.

➔Section 7. KRS 183.075 is amended to read as follows:

- (1) As used in this section, "airport" has the same meaning as in KRS 183.011.

- (2) An airport shall post in all of its publicly accessible restrooms *either*:
- (a) A printed sign in English and Spanish at least ***eight and one-half (8-1/2) inches*** by eleven (11) inches ~~by fourteen (14) inches~~ in size, with letters *in* at least ***sixteen (16) point font***; ~~or one (1) inch high,~~
 - (b) ***A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;***

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (3) The sign *or window cling* shall be:
- (a) Created using gender-neutral language supplied by the Office of the Attorney General, ***the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign***; and
 - (b) Posted in a prominent place easily seen by patrons.
- (4) ***An airport in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.***

➔Section 8. KRS 277.410 is amended to read as follows:

- (1) Every passenger train station shall post in all of its restrooms *either*:
- (a) A printed sign in English and Spanish at least ***eight and one-half (8-1/2) inches*** by eleven (11) inches ~~by fourteen (14) inches~~ in size, with letters *in* at least ***sixteen (16) point font***; ~~or one (1) inch high,~~
 - (b) ***A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;***

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (2) The sign *or window cling* shall be:
- (a)~~(1)~~ Created using gender-neutral language supplied by the Office of the Attorney General, ***the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign***; and
 - (b)~~(2)~~ Posted in a prominent place easily seen by patrons.
- (3) ***A passenger train station in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.***

➔Section 9. KRS 281.767 is amended to read as follows:

- (1) As used in this section:
- (a) "Truck stop" means a privately owned and operated facility that provides services, including but not limited to:
 1. Food;
 2. Fuel;
 3. Showers or other sanitary facilities; and
 4. Lawful overnight parking for motor carriers; and
 - (b) "Bus station" means a fixed structure where a bus delivers and receives passengers that has a restroom.
- (2) Every truck stop and bus station shall post in all of its restrooms *either*:

- (a) A printed sign in English and Spanish at least *eight and one-half (8-1/2) by* eleven (11) inches ~~by fourteen (14) inches~~ in size, with letters *in* at least *sixteen (16) point font; or* ~~one (1) inch high.~~
- (b) *A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;*

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (3) The sign *or window cling* shall be:
 - (a) Created using gender-neutral language supplied by the Office of the Attorney General, *the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign*; and
 - (b) Posted in a prominent place easily seen by patrons.
- (4) *A truck stop or bus station in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.*

➔Section 10. KRS 529.140 is amended to read as follows:

- (1) The "human trafficking victims fund," referred to in this section as the "fund," is created as a separate revolving fund within the Office of the Attorney General.
- (2) The fund shall consist of proceeds from assets seized and forfeited pursuant to KRS 529.150; ~~proceeds from the fee in KRS 529.130;~~ *proceeds from penalties collected under Sections 5, 7, 8, and 9 of this Act;* grants; ~~contributions;~~ appropriations; ~~and~~ any other moneys that may be made available for purposes of the fund.
- (3) Moneys in the fund shall be distributed to agencies serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies. The Office of the Attorney General shall promulgate administrative regulations to develop procedures for distributing funds pursuant to this section. The administrative regulations shall require that:
 - (a) The Office of the Attorney General use funds received to maintain programs for the prevention of human trafficking, provide education, training, or public outreach programs about human trafficking, and conduct human trafficking investigations. The Office of the Attorney General may recoup costs for conducting any programs or trainings; and
 - (b) The Cabinet for Health and Family Services use funds received to serve minor victims of human trafficking under KRS 620.029.
- (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section.
- (5) Any interest earnings on moneys in the fund shall become a part of the fund and shall not lapse to the general fund.
- (6) Moneys in the fund are hereby appropriated for the purposes set forth in this section.

Signed by Governor April 4, 2024.