CHAPTER 123

(HB 399)

AN ACT relating to interference with a legislative proceeding.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 519 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 3 of this Act:

(1) "Conspire" means to engage in activity constituting a criminal conspiracy as defined in KRS 506.040;

(2) "Facilitates" means to engage in activity constituting criminal facilitation as defined in KRS 506.080;

(3) "General Assembly" means the Legislative Research Commission, House of Representatives, Senate, or any committee, subcommittee, interim joint committee, working group, or task force thereof;

(4) "Legislative building" means the Capitol, Capitol Annex, or other structure used by the General Assembly for conducting its business; and

(5) "Person" means any person other than a legislator, legislative staff member, or legislative officer of the House of Representatives or Senate.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 519 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of interference with a legislative proceeding in the first degree when, with the intent to disrupt, impede, or prevent the General Assembly from conducting business, he or she:

(a) Knowingly engages in, conspires to engage in, or facilitates another person engaging in disorderly or disruptive conduct in any legislative building; and

(b) The conduct disrupts, impedes, or prevents the General Assembly from conducting business.

(2) Interference with a legislative proceeding in the first degree is:

(a) A Class A misdemeanor; and

(b) A Class D felony for a third or subsequent offense.

(3) Nothing in this section shall be construed to prohibit:

(a) Assembly in traditional public forums, including but not limited to the Capitol rotunda and outdoor areas of the Capitol grounds; or

(b) Attendance at legislative meetings.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 519 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of interference with a legislative proceeding in the second degree when, with the intent to disrupt, impede, or prevent the General Assembly from conducting business, he or she knowingly:

(a) Enters into or remains inside, conspires to enter into or remain inside, or facilitates another person entering into or remaining inside a chamber or gallery of the General Assembly, or another room inside a legislative building that is set aside or designated for the use of the members of the General Assembly; or

(b) Obstructs or impedes, conspires to obstruct or impede, or facilitates another person obstructing or impeding a legislator, legislative officer, or legislative staff member's ingress, egress, or movement within a legislative building.

(2) Interference with a legislative proceeding in the second degree is a Class B misdemeanor for the first offense and a Class A misdemeanor for a second or subsequent offense.

(3) Nothing in this section shall be construed to prohibit:

(a) Assembly in traditional public forums, including but not limited to the Capitol rotunda and outdoor areas of the Capitol grounds; or

(b) Attendance at legislative meetings.

➔Section 4. KRS 431.015 is amended to read as follows:

(1) (a) KRS 431.005 to the contrary notwithstanding, and except as provided in paragraphs (b), (c),~~[and]~~ (d)***, and (e)*** of this subsection, a peace officer shall issue a citation instead of making an arrest for a misdemeanor committed in his or her presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. The citation shall provide that the defendant shall appear within a designated time.

(b) A peace officer may make an arrest instead of issuing a citation for a misdemeanor committed in his or her presence if the misdemeanor is:

1. A violation of KRS Chapter 508, 510, or 527, or KRS 189A.010, 511.050, 511.085, 514.110, or 523.110;

2. An offense in which the defendant poses a risk of danger to himself, herself, or another person; or

3. An offense in which the defendant refuses to follow the peace officer's reasonable instructions.

(c) A peace officer shall make an arrest for violations of protective orders issued pursuant to KRS 403.715 to 403.785 or an order of protection as defined in KRS 456.010.

(d) A peace officer may make an arrest or may issue a citation for a violation of KRS 508.030 which occurs in a hospital pursuant to KRS 431.005(1)(f).

(e) A peace officer:

1. May make an arrest for a violation of Section 2 or 3 of this Act; and

2. Shall remove a person who violates Section 2 or 3 of this Act from a legislative building as defined in Section 1 of this Act when the removal is requested by the:

a. Speaker of the House of Representatives;

b. Sergeant-at-Arms of the House of Representatives;

c. President of the Senate;

d. Sergeant-at-Arms of the Senate; or

e. Chair of a committee of the General Assembly.

(2) A peace officer may issue a citation instead of making an arrest for a violation committed in his or her presence but may not make a physical arrest unless there are reasonable grounds to believe that the defendant, if a citation is issued, will not appear at the designated time or unless the offense charged is a violation of KRS 189.223, 189.290, 189.393, 189.520, 189.580, 235.240, 281.600, 511.080, or 525.070 committed in his or her presence or a violation of KRS 189A.010, not committed in his or her presence, for which an arrest without a warrant is permitted under KRS 431.005(1)(e).

(3) A peace officer may issue a citation when he or she has probable cause to believe that the person being issued the citation has committed a misdemeanor outside of his or her presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. The citation shall provide that the defendant shall appear within a designated time.

(4) If the defendant fails to appear in response to the citation, or if there are reasonable grounds to believe that he or she will not appear, a complaint may be made before a judge and a warrant shall issue.

(5) When a physical arrest is made and a citation is issued in relation to the same offense the officer shall mark on the citation, in the place specified for court appearance date, the word "ARRESTED" in lieu of the date of court appearance.

Veto Overridden March 27, 2025.