

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police.
(Amendment)

502 KAR 35:010. Definitions.

RELATES TO: KRS 17.450, 17.460

STATUTORY AUTHORITY: KRS 15A.160, 17.080, 17.450

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 and 17.080 provide that the Secretary of the Justice and Public Safety Cabinet may adopt [~~such~~] administrative regulations that are necessary to properly administer the laws and functions vested in the cabinet. KRS 17.450 establishes the Kentucky Missing Child Information Center. This administrative regulation establishes the definitions to be used in the administration of the Kentucky Missing Child Information Center.

Section 1. As employed in 502 KAR 35:010 through 502 KAR 35:050, unless the context requires otherwise:

(1) "Kentucky Missing Child Information Center" means a system including equipment, facilities, procedures, agreements and organizations thereof, for the collection, processing, and subsequent dissemination of information related to missing children.

(2) "Missing child information," hereafter referred to as MCI, is reported to and preserved in the Kentucky Missing Child Information Center. MCI shall include [~~be inclusive of~~], but not be limited to, all information as listed on the KSP Form 261, Kentucky Missing Person's Report[~~Form~~].

~~(3) "Kentucky Missing Persons Report Form" means the form furnished to all requesters by the Kentucky State Police for the purpose of obtaining personal identifiers, characteristics, habits and actions for use in the entry of information in the Kentucky Missing Child Information Center.~~

~~(3)~~[(4)] "Law enforcement agency" means a full-time governmental agency or any subunit thereof which is charged with the responsibility of the detection and prevention of crime, apprehension of criminals, the maintaining of law and order throughout the respective jurisdiction, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce laws within that respective governmental jurisdiction.

~~(4)~~[(5)] "Child" means any person under eighteen (18) years of age or any persons certified or known to be mentally incompetent or disabled.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 11:00 a.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed

administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email amy.barker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the definitions to be used in the administration of the Kentucky Missing Child Information Center.

(b) The necessity of this administrative regulation: This regulation ensures compliance with KRS 17.450, while similarly confirming the agency is operating and complying with the applicable federal and state regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation works provides the definitions necessary to administer the Kentucky Missing Child Information Center.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides guidance to law enforcement by updating the defined terms in the Chapter.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will clarify the existing language of the administrative regulation by providing the proper terms and definitions.

(b) The necessity of the amendment to this administrative regulation: The previous language was unclear and not completely defined within the relevant sections of the text.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment further clarifies the language of the regulation and the Chapter.

(d) How the amendment will assist in the effective administration of the statutes: The clarified language allows for the relevant agencies to have clear guidance on the administration of the Chapter.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of the Kentucky State Police, and all law enforcement and criminal justice agencies which submit or receive information through the Kentucky Missing Children Information Center.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: The amendment does not require the regulated entities to take any action separate and apart from the previous language of the regulation, instead, the amendment clearly defines the scope of the audit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The regulated agencies will have more clearly defined guidance on the scope of the audit, and can more effectively ensure compliance with the applicable regulations and procedures.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this administrative regulation does not establish any new fees or increase fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of the Kentucky State Police, and all law enforcement and criminal justice agencies which submit or receive information through the Kentucky Missing Children Information Center.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15A.160, 17.080, 17.450

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.