

JUSTICE AND PUBLIC SAFETY CABINET

Department of Kentucky State Police

(Amended at ARRS Committee)

502 KAR 40:010. Law Information Network of Kentucky.

RELATES TO: KRS 16.060, 17.110

STATUTORY AUTHORITY: KRS 16.060, 16.080~~[, 17.080]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.060 ~~requires~~mandates that the Commissioner of the Department of ~~Kentucky~~ State Police ~~to~~shall collect, classify, and maintain information useful for the detection of crime and the identification, apprehension, and conviction of criminals. KRS 17.110 ~~requires~~provides that city and county police ~~to~~shall file felony arrest reports with the Justice Cabinet, Department of ~~Kentucky~~ State Police. ~~[KRS 17.080 provides that the Secretary of Justice may adopt rules and administrative regulations necessary to carry out the functions vested in the cabinet by KRS Chapter 17.]~~ KRS 16.080 ~~authorizes~~provides that the Commissioner of the Department of ~~Kentucky~~ State Police ~~to promulgate~~may adopt such rules and administrative regulations necessary to carry out the responsibilities of the ~~department~~Department of State Police as outlined in KRS 16.010 to 16.170. This administrative regulation establishes the definitions to be used in the administration of the Law Information Network of Kentucky.

Section 1. Definitions. ~~[As employed in 502 KAR 40:010 through 502 KAR 40:040, unless the context requires otherwise:]~~

(1) "Administration of criminal justice" means the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of Criminal History Record Information (CHRI). ~~["Law Information Network of Kentucky," hereafter referred to as LINK, shall be defined as the system, including hardware, software, equipment, facilities, procedures, agreements and organizations thereof responsible for the timely acceptance, processing, and subsequent dissemination of criminal justice information.]~~

(2) "Criminal justice agency" means a governmental agency, or a subunit thereof, which performs administration of criminal justice pursuant to a statute, regulation, ordinance, or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. Criminal justice agency includes the Office of Attorney General, sheriff departments, law enforcement agencies of a county or municipality, coroner, jailer, prosecuting attorney, probation officer, parole officer, warden or superintendent of a prison, reformatory, or correctional school, State Police, State Fire Marshal, Board of Alcohol Beverage Control, Justice and Public Safety Cabinet, and any other criminal justice agency engaged in the administration of criminal justice. ~~["Criminal justice information," hereafter referred to as CJI, shall be defined as information collected by criminal justice agencies that is needed for performance of their legally authorized, required function. This includes: wanted person information; stolen property information; criminal history information; information compiled in the course of investigation of crimes that are known or believed on reasonable grounds to have occurred, including information on identifiable individuals; and information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity.]~~

(3) "Criminal justice information" or "CJI" means information collected by criminal justice agencies that is needed for performance of their legally authorized, required

~~function. Criminal justice information includes wanted person information, stolen property information, criminal history information, information compiled in the course of investigation of crimes that are known or believed on reasonable grounds to have occurred including the information on identifiable individuals, and information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity. ["Criminal justice agency" shall be defined as: a governmental agency or a subunit thereof which performs administration of criminal justice pursuant to a statute, regulation, ordinance, or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. The term criminal justice agency shall be inclusive of but not limited to: the Attorney General, sheriff departments, law enforcement agencies of a county or municipality, coroner, jailer, prosecuting attorney, probation officer, parole officer, warden or superintendent of a prison, reformatory, correctional school, State Police, State Fire Marshal, fire department, Board of Alcohol Beverage Control, Justice and Public Safety Cabinet and every other criminal justice agency engaged in the administration of criminal justice.]~~

~~(4) "Law Information Network of Kentucky" or "LINK" means the system, including hardware, software, equipment, facilities, procedures, agreements, and organizations thereof, responsible for the timely acceptance, processing, and subsequent dissemination of criminal justice information. ["Administration of criminal justice" shall be defined as the performance of any of the following activities: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage and dissemination of Criminal History Record Information (CHRI).]~~

~~(5) "Satellite agency" means~~~~shall be defined as~~ a nonterminal agency accessing the LINK System through a terminal agency.

~~(6) "Terminal agency" means~~~~shall be defined as~~ an agency that has direct access to the LINK System via automated means.

(12 Ky.R. 1565; eff. 4-17-1986; 48 Ky.R.1325, 2044; eff. 4-5-2022.)

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