

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of Kentucky State Police**  
**(Amended at ARRS Committee)**

**502 KAR 30:010. Definitions for 502 KAR Chapter 30.**

RELATES TO: KRS 15A.160, 17.140

STATUTORY AUTHORITY: KRS 15A.160, 17.140(1), 17.150(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.140 (1) requires a centralized criminal history record information system to be established in the Justice and Public Safety Cabinet under the direction, control, and supervision of the commissioner of the Department of Kentucky State Police. KRS 15A.160 authorizes the secretary of the Justice and Public Safety Cabinet to adopt administrative regulations to administer the cabinet. KRS 17.150(6) requires the secretary of the Justice and Public Safety Cabinet to adopt administrative regulations necessary to carry out the provisions of the centralized criminal history record information system and insure the accuracy of criminal history record information being reported to the system. This administrative regulation establishes the definitions to be used in the administration of the centralized criminal history record information system.

Section 1. Definitions.

(1) "Administration of criminal justice":

(a) Means performance of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders; and

(b) Includes criminal identification activities and dissemination of CHRI.

(2) "Criminal history record information" or "CHRI" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrest, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision, and release.

(3) "Criminal History Record Information System" means a system including equipment, facilities, procedures, agreements, and organization thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

(4) "Criminal justice agency" means:

(a) The persons and entities listed in KRS 17.150(1);

(b) The Court of Justice and the Administrative Office of the Courts to the extent and for purposes agreed upon between the secretary and Chief Justice; or

(c) A government agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and allocates a substantial part of its annual budget to the administration of criminal justice.

(5) "Disposition":

(a) Means information disclosing that criminal proceedings have been:

1. Concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings, and also disclosing the nature of the termination of proceedings; or

2. Indefinitely postponed and also disclosing the reason for the postponement; and

(b) Includes: Acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, conviction, youthful offender determination, death,

deferred disposition, dismissed-civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial-defendant discharged, executive clemency, placed on probation, paroled or released from correctional supervision, or any other disposition deemed appropriate by the court.

(6) "Nonconviction data" means information obtained from the date of arrest to the date of disposition, in matters that do not result in a conviction, including information disclosing that the police have elected not to refer a matter to a prosecutor, or that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed, including all acquittals and dismissals.

(11 Ky.R. 1714; eff. 6-4-1985; 48 Ky.R. 1306, 2250; 49 Ky.R. 36; eff. 10-4-2022.)

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