

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 218A.1422 is amended to read as follows:

- (1) A person is guilty of possession of marijuana when he or she knowingly and unlawfully possesses marijuana.
- (2) **Any person who violates this section shall be fined one hundred dollars (\$100) for each offense**~~[Possession of marijuana is a Class B misdemeanor, except that, KRS Chapter 532 to the contrary notwithstanding, the maximum term of incarceration shall be no greater than forty five (45) days].~~

➔Section 2. KRS 218A.210 is amended to read as follows:

- (1) A person to whom or for whose use any controlled substance has been prescribed, sold, or dispensed, by a practitioner or other person authorized under this chapter, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.
- (2) **Any person who violates this section shall be fined two hundred dollars (\$200) for each offense**~~[Violation of subsection (1) of this section is a Class B misdemeanor for the first offense and a Class A misdemeanor for subsequent offenses].~~

➔Section 3. KRS 218A.500 is amended to read as follows:

As used in this section and KRS 218A.510:

- (1) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes but is not limited to:
 - (a) Kits used, intended for use, or designed for use in planting, propagating,

- cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 - (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
 - (d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 - (e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 - (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
 - (g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
 - (h) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
 - (i) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
 - (j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
 - (k) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and
 - (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or

otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips which mean objects used to hold burning material, such as marijuana cigarettes, that have become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers.

- (2) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter.
- (3) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.
- (4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- (5) Any person who violates any provision of this section shall be ***fined two hundred***

dollars (\$200) for each offense~~[guilty of a Class A misdemeanor].~~

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO READ AS FOLLOWS:

(1) All offenses classified as violations under this chapter shall be prepayable except:

(a) Any offense which could result in license suspension or revocation by the court;

(b) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;

(c) If the offense is cited with another offense that is not prepayable; or

(d) If an arrest is made under KRS 431.015.

(2) If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.

➔Section 5. KRS 434.851 is amended to read as follows:

(1) A person is guilty of unlawful access in the third degree when he or she, without the effective consent of the owner, knowingly and willfully, directly or indirectly accesses, causes to be accessed, or attempts to access any computer software, computer program, data, computer, computer system, computer network, or any part thereof, which results in the loss or damage of less than three hundred dollars (\$300).

(2) Any person who violates any provision of this section shall be fined two hundred fifty dollars (\$250) for each offense~~[Unlawful access to a computer in the third degree is a Class A misdemeanor].~~

➔Section 6. KRS 434.853 is amended to read as follows:

(1) A person is guilty of unlawful access in the fourth degree when he or she, without the effective consent of the owner, knowingly and willfully, directly or indirectly

accesses, causes to be accessed, or attempts to access any computer software, computer program, data, computer, computer system, computer network, or any part thereof, which does not result in loss or damage.

- (2) **Any person who violates any provision of this section shall be fined one hundred dollars (\$100) for each offense**~~[Unlawful access to a computer in the fourth degree is a Class B misdemeanor].~~

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 434 IS CREATED TO READ AS FOLLOWS:

- (1) All offenses classified as violations under this chapter shall be prepayable except:**
- (a) Any offense which could result in license suspension or revocation by the court;**
- (b) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;**
- (c) If the offense is cited with another offense that is not prepayable; or**
- (d) If an arrest is made under KRS 431.015.**
- (2) If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.**

➔Section 8. KRS 511.070 is amended to read as follows:

- (1) A person is guilty of criminal trespass in the second degree when he knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.
- (2) Criminal trespass in the second degree is a **violation and shall carry a fine of one hundred dollars (\$100) for each offense**~~[Class B misdemeanor].~~

➔Section 9. KRS 511.080 is amended to read as follows:

- (1) A person is guilty of criminal trespass in the third degree when he knowingly enters

or remains unlawfully in or upon premises.

- (2) Criminal trespass in the third degree is a violation **and shall carry a fine of fifty dollars (\$50) for each offense.**

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 511 IS CREATED TO READ AS FOLLOWS:

(1) All offenses classified as violations under this chapter shall be prepayable except:

(a) Any offense which could result in license suspension or revocation by the court;

(b) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;

(c) If the offense is cited with another offense that is not prepayable; or

(d) If an arrest is made under KRS 431.015.

(2) If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.

➔Section 11. KRS 512.060 is amended to read as follows:

- (1) A person is guilty of criminal possession of a noxious substance when he possesses such substance under circumstances evincing an intent unlawfully to use or cause it to be used to inflict injury upon or to cause annoyance to a person, or to damage property of another, or to disturb the public peace.
- (2) Criminal possession of a noxious substance is a **violation and shall carry a fine of one hundred dollars (\$100) for each offense**~~[Class B misdemeanor]~~.

➔Section 12. KRS 512.070 is amended to read as follows:

- (1) A person is guilty of criminal littering when he:
- (a) Drops or permits to drop on a highway any destructive or injurious material and does not immediately remove it; or

- (b) Knowingly places or throws litter on any public or private property or in any public or private water without permission; or
 - (c) Negligently places or throws glass or other dangerous pointed or edged substances on or adjacent to water to which the public has access for swimming or wading or on or within fifty (50) feet of a public highway; or
 - (d) Discharges sewage, minerals, oil products, or litter into any public waters or lakes within the state.
- (2) Criminal littering is a *violation and shall carry a fine of one hundred dollars (\$100) for each offense* [~~Class A misdemeanor~~].
- (3) Violators may prepay to the Circuit Court clerk if prepayment is so noted on the citation and if the littering offense is not combined with an offense that is not prepayable.
- (4) Notwithstanding any language or provision of this section or KRS 65.8808(3) to the contrary, the legislative body of a local government may, by ordinance, choose to classify the offenses proscribed in subsection (1) of this section as civil offenses in accordance with KRS 65.8808.

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 512 IS CREATED TO READ AS FOLLOWS:

- (1) All offenses classified as violations under this chapter shall be prepayable except:*
- (a) Any offense which could result in license suspension or revocation by the court;*
 - (b) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;*
 - (c) If the offense is cited with another offense that is not prepayable; or*
 - (d) If an arrest is made under KRS 431.015.*
- (2) If a prepayable offense is cited with another offense that is not prepayable, a*

court appearance shall be required on all of the offenses as required by KRS 431.452.

➔Section 14. KRS 516.130 is amended to read as follows:

- (1) A person is guilty of unlawfully using slugs in the second degree when:
 - (a) With intent to defraud the owner, licensee or lessee of a coin machine, he inserts, deposits or uses a slug in such machine; or
 - (b) He makes, possesses or disposes of a slug with intent to enable a person to insert, deposit or use it in a coin machine.
- (2) Unlawfully using slugs in the second degree is a **violation and shall carry a fine of one hundred dollars (\$100) for each offense**~~[Class B misdemeanor]~~.

The offense shall be prepayable except:

- (a) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;**
- (b) If the offense is cited with another offense that is not prepayable; or**
- (c) If an arrest is made under KRS 431.015.**

If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.

➔Section 15. KRS 517.030 is amended to read as follows:

- (1) A person is guilty of false advertising when, in connection with the promotion of the sale of or to increase the consumption of property or services, he knowingly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.
- (2) False advertising is a **violation and shall carry a fine of two hundred dollars (\$200) for each offense**~~[Class A misdemeanor]~~.

➔Section 16. KRS 517.040 is amended to read as follows:

- (1) A person is guilty of bait advertising when in any manner, including advertising or other means of communication, he offers to the public or a substantial number of persons property or services as part of a scheme or plan with the intent not to sell or provide the advertised property or services:
 - (a) At the price at which he offered them; or
 - (b) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
 - (c) At all.
- (2) Bait advertising is a **violation and shall carry a fine of two hundred dollars (\$200) for each offense**~~[Class A misdemeanor]~~.

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 517 IS CREATED TO READ AS FOLLOWS:

- (1) All offenses classified as violations under this chapter shall be prepayable except:**
 - (a) Any offense which could result in license suspension or revocation by the court;**
 - (b) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;**
 - (c) If the offense is cited with another offense that is not prepayable; or**
 - (d) If an arrest is made under KRS 431.015.**
- (2) If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.**

➔Section 18. KRS 519.030 is amended to read as follows:

- (1) A person is guilty of compounding a crime when:
 - (a) He solicits, accepts or agrees to accept any benefit upon an agreement or understanding that he will refrain from initiating a prosecution for a crime; or

- (b) He confers, offers, or agrees to confer any benefit upon another person upon agreement or understanding that such other person will refrain from initiating a prosecution for a crime.
- (2) In any prosecution under this section, it is a defense that the benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the offense.
- (3) Compounding a crime is a **violation and shall carry a fine of two hundred dollars (\$200) for each offense**~~[Class A misdemeanor]~~. **The offense shall be prepayable except:**
- (a) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;**
- (b) If the offense is cited with another offense that is not prepayable; or**
- (c) If an arrest is made under KRS 431.015.**
- If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.**

➔Section 19. KRS 525.050 is amended to read as follows:

- (1) A person is guilty of unlawful assembly when:
- (a) He assembles with five (5) or more persons for the purpose of engaging or preparing to engage with them in a riot; or
- (b) Being present at an assembly which either has or develops such a purpose, he remains there with intent to advance that purpose.
- (2) Unlawful assembly is a **violation and shall carry a fine of one hundred dollars (\$100) for each offense**~~[Class B misdemeanor]~~.

➔Section 20. KRS 525.080 is amended to read as follows:

- (1) A person is guilty of harassing communications when, with intent to intimidate,

harass, annoy, or alarm another person, he or she:

- (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;
 - (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or
 - (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.
- (2) Harassing communications is a **violation and shall carry a fine of one hundred dollars (\$100) for each offense**~~[Class B misdemeanor]~~.

➔Section 21. KRS 525.060 is amended to read as follows:

- (1) A person is guilty of disorderly conduct in the second degree when in a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof, he:
 - (a) Engages in fighting or in violent, tumultuous, or threatening behavior;
 - (b) Makes unreasonable noise;
 - (c) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
 - (d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- (2) Disorderly conduct in the second degree is a **violation and shall carry a fine of one**

hundred dollars (\$100) for each offense~~[Class B misdemeanor]~~.

➔Section 22. KRS 525.100 is amended to read as follows:

- (1) A person is guilty of public intoxication when he appears in a public place manifestly under the influence of a controlled substance, or other intoxicating substance, excluding alcohol (unless the alcohol is present in combination with any of the above), not therapeutically administered, to the degree that he may endanger himself or other persons or property, or unreasonably annoy persons in his vicinity.
- (2) Public intoxication is a **violation and shall carry a fine of one hundred dollars (\$100) for each offense**~~[Class B misdemeanor]~~.

➔Section 23. KRS 525.150 is amended to read as follows:

- (1) A person is guilty of disrupting meetings and processions in the second degree when, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he or she does any act tending to obstruct or interfere with it physically or makes any utterance, gesture, or display designed to outrage the sensibilities of the group.
- (2) Disrupting meetings and processions in the second degree is a **violation and shall carry a fine of one hundred dollars (\$100) for each offense**~~[Class B misdemeanor]~~.

➔SECTION 24. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

- (1) **All offenses classified as violations under this chapter shall be prepayable except:**
 - (a) **Any offense which could result in license suspension or revocation by the court;**
 - (b) **An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;**
 - (c) **If the offense is cited with another offense that is not prepayable; or**
 - (d) **If an arrest is made under KRS 431.015.**

(2) If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.

→Section 25. KRS 530.070 is amended to read as follows:

- (1) A person is guilty of unlawful transaction with a minor in the third degree when:
- (a) Acting other than as a retail licensee, he knowingly sells, gives, purchases or procures any alcoholic or malt beverage in any form to or for a minor. The defendant may prove in exculpation that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. This subsection does not apply to a parent or guardian of the minor;
 - (b) He knowingly induces, assists, or causes a minor to engage in any other criminal activity;
 - (c) He knowingly induces, assists or causes a minor to become a habitual truant; or
 - (d) He persistently and knowingly induces, assists or causes a minor to disobey his parent or guardian.
- (2) Unlawful transaction with a minor in the third degree, **other than a violation of subsection (1)(c) of this section,** is a Class A misdemeanor. **A violation of subsection (1)(c) of this section is a violation and shall carry a fine of one hundred dollars (\$100) for each offense. A violation of subsection (1)(c) of this section shall be prepayable, except:**
- (a) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date**

set;

(b) If the offense is cited with another offense that is not prepayable; or

(c) If an arrest is made under KRS 431.015.

If a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.