

1 AN ACT relating to cell phones.

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

3 ➔Section 1. KRS 520.010 is amended to read as follows:

4 The following definitions apply in this chapter, unless the context otherwise requires:

5 (1) "Contraband" means any article or thing which a person confined in a detention
6 facility is prohibited from obtaining or possessing by statute, departmental
7 regulation, or posted institutional rule or order;

8 (2) "Custody" means restraint by a public servant pursuant to a lawful arrest, detention,
9 or an order of court for law enforcement purposes, but does not include supervision
10 of probation or parole or constraint incidental to release on bail;

11 (3) "Dangerous contraband":

12 **(a)** Means contraband which is capable of use to endanger the safety or security of
13 a detention facility or persons therein, including, but not limited to, dangerous
14 instruments as defined in KRS 500.080, any controlled substances, any
15 quantity of an alcoholic beverage,~~and~~ any quantity of marijuana, cell phones
16 **not exempted in paragraph (b) of this subsection,** and saws, files, and similar
17 metal cutting instruments; **and**

18 **(b) Does not include cell phones if the person possessing a cell phone:**

19 **1. Is not detained within the detention facility;**

20 **2. Is present at the detention facility in a professional capacity; and**

21 **3. Maintains possession of the device at all times and does not permit**
22 **anyone detained within the detention facility to use the device;**

23 (4) "Detention facility" means any building and its premises used for the confinement
24 of a person:

25 (a) Charged with or convicted of an offense;

26 (b) Alleged or found to be delinquent;

27 (c) Held for extradition or as a material witness; or

1 (d) Otherwise confined pursuant to an order of court for law enforcement
2 purposes;

3 (5) "Escape" means departure from custody or the detention facility in which a person
4 is held or detained when the departure is unpermitted, or failure to return to custody
5 or detention following a temporary leave granted for a specific purpose or for a
6 limited period; and

7 (6) As used in this section and KRS 520.015, "penitentiary" includes any facility
8 operated by the Department of Corrections and the confines of any work detail or
9 other detail, whether under guard or not, under the custody and control of the
10 Department of Corrections.

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
12 READ AS FOLLOWS:

13 *Jailers shall create policies in conformity with Section 1 of this Act governing*
14 *possession and use of cell phones within their jails by the jailer, deputy jailers,*
15 *attorneys, and those acting on their behalf. These policies shall be clearly stated and*
16 *posted in the entry of the jail and copies shall be made available to attorneys and those*
17 *acting on their behalf, upon request. These policies shall allow, but may provide*
18 *reasonable conditions upon, attorneys to use cell phones in connection with their*
19 *professional services in a detention facility.*