

1 AN ACT relating to child abuse and declaring an emergency.

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

3 ➔Section 1. KRS 500.050 is amended to read as follows:

- 4 (1) Except as otherwise expressly provided, the prosecution of a felony is not subject to  
5 a period of limitation and may be commenced at any time.
- 6 (2) Except as otherwise expressly provided, the prosecution of an offense other than a  
7 felony must be commenced within one (1) year after it is committed.
- 8 (3) **(a)** For a misdemeanor **sex** offense~~[under KRS Chapter 510]~~ when the victim is **a**  
9 **minor**~~[under the age of eighteen (18)]~~ at the time of the offense, the  
10 prosecution of the offense **is not subject to a period of limitation and may be**  
11 **commenced at any time**~~[shall be commenced within five (5) years after the~~  
12 ~~victim attains the age of eighteen (18) years]~~.

13 **(b) As used in paragraph (a) of this subsection, "misdemeanor sex offense"**  
14 **means a misdemeanor offense in:**

15 **1. KRS Chapter 510;**

16 **2. KRS Chapter 531 involving a minor or depiction of a minor; or**

17 **3. KRS 506.010 or 506.030 for attempt to commit or solicitation to**  
18 **commit:**

19 **a. Any of the offenses described in subparagraphs 1. and 2. of this**  
20 **paragraph;**

21 **b. Promoting prostitution under KRS 529.040 when the defendant**  
22 **advances or profits from the prostitution of a minor;**

23 **c. Human trafficking involving commercial sexual activity under**  
24 **KRS 529.100;**

25 **d. Promoting human trafficking involving commercial sexual**  
26 **activity under KRS 529.110; or**

27 **e. Unlawful transaction with a minor in the first degree under KRS**

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**530.064(1)(a).**

(4) For purposes of this section, an offense is committed either when every element occurs, or if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated.

➔Section 2. KRS 413.249 is amended to read as follows:

(1) As used in this section:

(a) "Childhood sexual assault ***or abuse***" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a ***misdemeanor or felony in:***

- 1. KRS Chapter 510;**
- 2. KRS 529.040 when the defendant advances or profits from the prostitution of a minor**~~[in KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110,];~~
- 3. KRS 529.100 when**~~[where]~~ the offense involves commercial sexual activity;~~;~~
- 4. KRS 529.110 when**~~[where]~~ the offense involves commercial sexual activity;
- 5. KRS 530.020 or**~~;~~ **530.064(1)(a);**~~;~~ ~~531.310, or 531.320.~~
- 6. KRS Chapter 531 involving a minor or depiction of a minor; or**
- 7. KRS 506.010 or 506.030 for attempt to commit or solicitation to commit any of the offenses described in subparagraphs 1. to 6. of this paragraph.**

No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual assault ***or abuse; and***

(b) ~~["Childhood sexual abuse" means an act or series of acts against a person less~~

1 ~~than eighteen (18) years old and which meets the criteria defining a~~  
2 ~~misdemeanor in KRS 510.120, KRS 510.130, KRS 510.140, or KRS 510.150.~~  
3 ~~No prior criminal prosecution or conviction of the civil defendant for the act~~  
4 ~~or series of acts shall be required to bring a civil action for redress of~~  
5 ~~childhood sexual abuse;~~

6 (c) ~~"Child" means a person less than eighteen (18) years old; and~~

7 (d) ~~"Injury or illness" means either a physical or psychological injury or illness.~~

8 (2) A civil action for recovery of damages for injury or illness suffered as a result of  
9 childhood sexual assault or abuse~~[or childhood sexual assault]~~ is not subject to a  
10 period of limitation and may be commenced at any time~~[shall be brought before~~  
11 ~~whichever of the following periods last expires:~~

12 (a) ~~Within ten (10) years of the commission of the act or the last of a series of~~  
13 ~~acts by the same perpetrator;~~

14 (b) ~~Within ten (10) years of the date the victim knew, or should have known, of~~  
15 ~~the act;~~

16 (c) ~~Within ten (10) years after the victim attains the age of eighteen (18) years; or~~

17 (d) ~~Within ten (10) years of the conviction of a civil defendant for an offense~~  
18 ~~included in the definition of childhood sexual abuse or childhood sexual~~  
19 ~~assault.~~

20 (3) ~~If a complaint is filed alleging that an act of childhood sexual assault or childhood~~  
21 ~~sexual abuse occurred more than ten (10) years prior to the date that the action is~~  
22 ~~commenced, the complaint shall be accompanied by a motion to seal the record and~~  
23 ~~the complaint shall immediately be sealed by the clerk of the court. The complaint~~  
24 ~~shall remain sealed until:~~

25 (a) ~~The court rules upon the motion to seal;~~

26 (b) ~~Any motion to dismiss under CR 12.02 is ruled upon, and if the complaint is~~  
27 ~~dismissed, the complaint and any related papers or pleadings shall remain~~

1           ~~sealed unless opened by a higher court; or~~  
2           ~~(c) The defendant files an answer and a motion to seal the record upon grounds~~  
3           ~~that a valid factual defense exists, to be raised in a motion for summary~~  
4           ~~judgment pursuant to CR 56. The record shall remain sealed by the clerk until~~  
5           ~~the court rules upon the defendant's motion to close the record. If the court~~  
6           ~~grants the motion to close, the record shall remain sealed until the defendant's~~  
7           ~~motion for summary judgment is granted. The complaint, motions, and other~~  
8           ~~related papers or pleadings shall remain sealed unless opened by a higher~~  
9           ~~court].~~

10           ➔Section 3. KRS 620.030 is amended to read as follows:

11           (1) Any person who knows or has reasonable cause to believe that a child is dependent,  
12           neglected, or abused shall immediately cause an oral or written report to be made to  
13           a local law enforcement agency or the Department of Kentucky State Police; the  
14           cabinet or its designated representative; the Commonwealth's attorney or the county  
15           attorney; by telephone or otherwise. Any supervisor who receives from an employee  
16           a report of suspected dependency, neglect, or abuse shall promptly make a report to  
17           the proper authorities for investigation. If the cabinet receives a report of abuse or  
18           neglect allegedly committed by a person other than a parent, guardian, or person  
19           exercising custodial control or supervision, the cabinet shall refer the matter to the  
20           Commonwealth's attorney or the county attorney and the local law enforcement  
21           agency or the Department of Kentucky State Police. Nothing in this section shall  
22           relieve individuals of their obligations to report.

23           (2) Any person, including but not limited to a physician, osteopathic physician, nurse,  
24           teacher, school personnel, social worker, coroner, medical examiner, child-caring  
25           personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical  
26           technician, paramedic, health professional, mental health professional, peace  
27           officer, or any organization or agency for any of the above, who knows or has

1 reasonable cause to believe that a child is dependent, neglected, or abused,  
2 regardless of whether the person believed to have caused the dependency, neglect,  
3 or abuse is a parent, guardian, person exercising custodial control or supervision, or  
4 another person, or who has attended such child as a part of his or her professional  
5 duties shall, if requested, in addition to the report required in subsection (1) or (3) of  
6 this section, file with the local law enforcement agency or the Department of  
7 Kentucky State Police or the Commonwealth's or county attorney, the cabinet or its  
8 designated representative within forty-eight (48) hours of the original report a  
9 written report containing:

10 (a) The names and addresses of the child and his or her parents or other persons  
11 exercising custodial control or supervision;

12 (b) The child's age;

13 (c) The nature and extent of the child's alleged dependency, neglect, or abuse,  
14 including any previous charges of dependency, neglect, or abuse, to this child  
15 or his or her siblings;

16 (d) The name and address of the person allegedly responsible for the abuse or  
17 neglect; and

18 (e) Any other information that the person making the report believes may be  
19 helpful in the furtherance of the purpose of this section.

20 (3) Any person who knows or has reasonable cause to believe that a child is a victim of  
21 human trafficking as defined in KRS 529.010 shall immediately cause an oral or  
22 written report to be made to a local law enforcement agency or the Department of  
23 Kentucky State Police; or the cabinet or its designated representative; or the  
24 Commonwealth's attorney or the county attorney; by telephone or otherwise. This  
25 subsection shall apply regardless of whether the person believed to have caused the  
26 human trafficking of the child is a parent, guardian, or person exercising custodial  
27 control or supervision.

1 (4) Neither the husband-wife nor any professional-client/patient privilege, except the  
 2 attorney-client ~~and clergy penitent~~ privilege, shall be a ground for refusing to  
 3 report under this section or for excluding evidence regarding a dependent,  
 4 neglected, or abused child or the cause thereof, in any judicial proceedings resulting  
 5 from a report pursuant to this section. This subsection shall also apply in any  
 6 criminal proceeding in District or Circuit Court regarding a dependent, neglected, or  
 7 abused child.

8 (5) The cabinet upon request shall receive from any agency of the state or any other  
 9 agency, institution, or facility providing services to the child or his or her family,  
 10 such cooperation, assistance, and information as will enable the cabinet to fulfill its  
 11 responsibilities under KRS 620.030, 620.040, and 620.050.

12 (6) Any person who intentionally violates the provisions of this section shall be guilty  
 13 of a

14 ~~(a) Class B misdemeanor for the first offense;~~

15 ~~(b) Class A misdemeanor for the second offense; and~~

16 ~~(c) Class D felony for each subsequent offense].~~

17 ➔Section 4. KRS 620.050 is amended to read as follows:

18 (1) Anyone acting upon reasonable cause in the making of a report or acting under KRS  
 19 620.030 to 620.050 in good faith shall have immunity from any liability, civil or  
 20 criminal, that might otherwise be incurred or imposed. Any such participant shall  
 21 have the same immunity with respect to participation in any judicial proceeding  
 22 resulting from such report or action. However, any person who knowingly makes a  
 23 false report and does so with malice shall be guilty of a Class A misdemeanor.

24 (2) Any employee or designated agent of a children's advocacy center shall be immune  
 25 from any civil liability arising from performance within the scope of the person's  
 26 duties as provided in KRS 620.030 to 620.050. Any such person shall have the  
 27 same immunity with respect to participation in any judicial proceeding. Nothing in

1 this subsection shall limit liability for negligence. Upon the request of an employee  
2 or designated agent of a children's advocacy center, the Attorney General shall  
3 provide for the defense of any civil action brought against the employee or  
4 designated agent as provided under KRS 12.211 to 12.215.

5 (3) Neither the husband-wife nor any professional-client/patient privilege, except the  
6 attorney-client ~~and clergy penitent~~ privilege, shall be a ground for refusing to  
7 report under this section or for excluding evidence regarding a dependent,  
8 neglected, or abused child or the cause thereof, in any judicial proceedings resulting  
9 from a report pursuant to this section. This subsection shall also apply in any  
10 criminal proceeding in District or Circuit Court regarding a dependent, neglected, or  
11 abused child.

12 (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this  
13 chapter, the cabinet as the designated agency or its delegated representative shall  
14 initiate a prompt investigation or assessment of family needs, take necessary action,  
15 and shall offer protective services toward safeguarding the welfare of the child. The  
16 cabinet shall work toward preventing further dependency, neglect, or abuse of the  
17 child or any other child under the same care, and preserve and strengthen family  
18 life, where possible, by enhancing parental capacity for adequate child care.

19 (5) The report of suspected child abuse, neglect, or dependency and all information  
20 obtained by the cabinet or its delegated representative, as a result of an investigation  
21 or assessment made pursuant to this chapter, except for those records provided for  
22 in subsection (6) of this section, shall not be divulged to anyone except:

- 23 (a) Persons suspected of causing dependency, neglect, or abuse;
- 24 (b) The custodial parent or legal guardian of the child alleged to be dependent,  
25 neglected, or abused;
- 26 (c) Persons within the cabinet with a legitimate interest or responsibility related to  
27 the case;

- 1 (d) A licensed child-caring facility or child-placing agency evaluating placement  
2 for or serving a child who is believed to be the victim of an abuse, neglect, or  
3 dependency report;
- 4 (e) Other medical, psychological, educational, or social service agencies, child  
5 care administrators, corrections personnel, or law enforcement agencies,  
6 including the county attorney's office, the coroner, and the local child fatality  
7 response team, that have a legitimate interest in the case;
- 8 (f) A noncustodial parent when the dependency, neglect, or abuse is  
9 substantiated;
- 10 (g) Members of multidisciplinary teams as defined by KRS 620.020 and which  
11 operate pursuant to KRS 431.600;
- 12 (h) Employees or designated agents of a children's advocacy center;
- 13 (i) Those persons so authorized by court order; or
- 14 (j) The external child fatality and near fatality review panel established by KRS  
15 620.055.
- 16 (6) (a) Files, reports, notes, photographs, records, electronic and other  
17 communications, and working papers used or developed by a children's  
18 advocacy center in providing services under this chapter are confidential and  
19 shall not be disclosed except to the following persons:
- 20 1. Staff employed by the cabinet, law enforcement officers, and  
21 Commonwealth's and county attorneys who are directly involved in the  
22 investigation or prosecution of the case, including a cabinet investigation  
23 or assessment of child abuse, neglect, and dependency in accordance  
24 with this chapter;
- 25 2. Medical and mental health professionals listed by name in a release of  
26 information signed by the guardian of the child, provided that the  
27 information shared is limited to that necessary to promote the physical or



1                   psychological health of the child or to treat the child for abuse-related  
2                   symptoms;

- 3                   3. The court and those persons so authorized by a court order;
- 4                   4. The external child fatality and near fatality review panel established by  
5                   KRS 620.055; and
- 6                   5. The parties to an administrative hearing conducted by the cabinet or its  
7                   designee in accordance with KRS Chapter 13B in an appeal of a cabinet-  
8                   substantiated finding of abuse or neglect. The children's advocacy center  
9                   may, in its sole discretion, provide testimony in lieu of files, reports,  
10                  notes, photographs, records, electronic and other communications, and  
11                  working papers used or developed by the center if the center determines  
12                  that the release poses a threat to the safety or well-being of the child, or  
13                  would be in the best interests of the child. Following the administrative  
14                  hearing and any judicial review, the parties to the administrative hearing  
15                  shall return all files, reports, notes, photographs, records, electronic and  
16                  other communications, and working papers used or developed by the  
17                  children's advocacy center to the center.

18                  (b) The provisions of this subsection shall not be construed as to contravene the  
19                  Rules of Criminal Procedure relating to discovery.

20                  (7) Nothing in this section shall prohibit a parent or guardian from accessing records for  
21                  his or her child providing that the parent or guardian is not currently under  
22                  investigation by a law enforcement agency or the cabinet relating to the abuse or  
23                  neglect of a child.

24                  (8) Nothing in this section shall prohibit employees or designated agents of a children's  
25                  advocacy center from disclosing information during a multidisciplinary team review  
26                  of a child sexual abuse case as set forth under KRS 620.040. Persons receiving this  
27                  information shall sign a confidentiality statement consistent with statutory

1 prohibitions on disclosure of this information.

2 (9) Employees or designated agents of a children's advocacy center may confirm to  
3 another children's advocacy center that a child has been seen for services. If an  
4 information release has been signed by the guardian of the child, a children's  
5 advocacy center may disclose relevant information to another children's advocacy  
6 center.

7 (10) (a) An interview of a child recorded at a children's advocacy center shall not be  
8 duplicated, except that the Commonwealth's or county attorney prosecuting  
9 the case may:

- 10 1. Make and retain one (1) copy of the interview; and
- 11 2. Make one (1) copy for the defendant's or respondent's counsel that the  
12 defendant's or respondent's counsel shall not duplicate.

13 (b) The defendant's or respondent's counsel shall file the copy with the court clerk  
14 at the close of the case.

15 (c) Unless objected to by the victim or victims, the court, on its own motion, or  
16 on motion of the attorney for the Commonwealth shall order all recorded  
17 interviews that are introduced into evidence or are in the possession of the  
18 children's advocacy center, law enforcement, the prosecution, or the court to  
19 be sealed.

20 (d) The provisions of this subsection shall not be construed as to contravene the  
21 Rules of Criminal Procedure relating to discovery.

22 (11) Identifying information concerning the individual initiating the report under KRS  
23 620.030 shall not be disclosed except:

- 24 (a) To law enforcement officials that have a legitimate interest in the case;
- 25 (b) To the agency designated by the cabinet to investigate or assess the report;
- 26 (c) To members of multidisciplinary teams as defined by KRS 620.020 that  
27 operated under KRS 431.600

- 1 (d) Under a court order, after the court has conducted an in camera review of the  
2 record of the state related to the report and has found reasonable cause to  
3 believe that the reporter knowingly made a false report; or
- 4 (e) The external child fatality and near fatality review panel established by KRS  
5 620.055.
- 6 (12) (a) Information may be publicly disclosed by the cabinet in a case where child  
7 abuse or neglect has resulted in a child fatality or near fatality.
- 8 (b) The cabinet shall conduct an internal review of any case where child abuse or  
9 neglect has resulted in a child fatality or near fatality and the cabinet had prior  
10 involvement with the child or family. The cabinet shall prepare a summary  
11 that includes an account of:
- 12 1. The cabinet's actions and any policy or personnel changes taken or to be  
13 taken, including the results of appeals, as a result of the findings from  
14 the internal review; and
- 15 2. Any cooperation, assistance, or information from any agency of the state  
16 or any other agency, institution, or facility providing services to the child  
17 or family that were requested and received by the cabinet during the  
18 investigation of a child fatality or near fatality.
- 19 (c) The cabinet shall submit a report by September 1 of each year containing an  
20 analysis of all summaries of internal reviews occurring during the previous  
21 year and an analysis of historical trends to the Governor, the General  
22 Assembly, and the state child fatality review team created under KRS  
23 211.684.
- 24 (13) When an adult who is the subject of information made confidential by subsection  
25 (5) of this section publicly reveals or causes to be revealed any significant part of  
26 the confidential matter or information, the confidentiality afforded by subsection (5)  
27 of this section is presumed voluntarily waived, and confidential information and

1 records about the person making or causing the public disclosure, not already  
 2 disclosed but related to the information made public, may be disclosed if disclosure  
 3 is in the best interest of the child or is necessary for the administration of the  
 4 cabinet's duties under this chapter.

5 (14) As a result of any report of suspected child abuse or neglect, photographs and X-  
 6 rays or other appropriate medical diagnostic procedures may be taken or caused to  
 7 be taken, without the consent of the parent or other person exercising custodial  
 8 control or supervision of the child, as a part of the medical evaluation or  
 9 investigation of these reports. These photographs and X-rays or results of other  
 10 medical diagnostic procedures may be introduced into evidence in any subsequent  
 11 judicial proceedings or an administrative hearing conducted by the cabinet or its  
 12 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-  
 13 substantiated finding of child abuse or neglect. The person performing the  
 14 diagnostic procedures or taking photographs or X-rays shall be immune from  
 15 criminal or civil liability for having performed the act. Nothing herein shall limit  
 16 liability for negligence.

17 (15) In accordance with 42 U.S.C. sec. 671, the cabinet shall share information about a  
 18 child in the custody of the cabinet with a relative or a parent of the child's sibling for  
 19 the purposes of:

- 20 (a) Evaluating or arranging a placement for the child;
- 21 (b) Arranging appropriate treatment services for the child; or
- 22 (c) Establishing visitation between the child and a relative, including a sibling of  
 23 the child.

24 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 510 IS CREATED TO  
 25 READ AS FOLLOWS:

26 (1) As used in the section, "childhood sexual assault or abuse" means an act or  
 27 series of acts against a person less than eighteen (18) years old and which meets

1 the criteria defining a misdemeanor or felony in:

2 (a) This chapter;

3 (b) KRS 529.040 when the defendant advances or profits from the prostitution  
4 of a minor;

5 (c) KRS 529.100 when the offense involves commercial sexual activity;

6 (d) KRS 529.110 when the offense involves commercial sexual activity;

7 (e) KRS 530.020 or 530.064(1)(a);

8 (f) KRS Chapter 531 involving a minor or depiction of a minor; or

9 (g) KRS 506.010 or 506.030 for attempt to commit or solicitation to commit any  
10 of the offenses described in paragraphs (a) to (f) of this subsection.

11 (2) A person is guilty of sexual endangerment of a child when he or she wantonly:

12 (a) Engages in conduct that creates a substantial risk of childhood sexual  
13 assault or abuse; or

14 (b) Fails to take reasonable steps to alleviate the substantial risk of childhood  
15 sexual assault or abuse where there is a duty to act.

16 (3) Sexual endangerment of a child is a Class D felony.

17 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO  
18 READ AS FOLLOWS:

19 (1) As used in this section, "childhood sexual assault or abuse" means an act or  
20 series of acts against a person less than eighteen (18) years old and which meets  
21 the criteria defining a misdemeanor or felony in:

22 (a) KRS Chapter 510;

23 (b) KRS 529.040 when the defendant advances or profits from the prostitution  
24 of a minor;

25 (c) KRS 529.100 when the offense involves commercial sexual activity;

26 (d) KRS 529.110 when the offense involves commercial sexual activity;

27 (e) KRS 530.020 or 530.064(1)(a);

- 1        (f) KRS Chapter 531 involving a minor or depiction of a minor; or  
2        (g) KRS 506.010 or 506.030 for attempt to commit or solicitation to commit any  
3        of the offenses described in paragraphs (a) to (f) of this subsection.
- 4        (2) (a) When in the Attorney General's judgment a special grand jury is needed to  
5        investigate childhood sexual assault or abuse that crosses multiple judicial  
6        circuits, he or she may petition the Supreme Court to convene a special  
7        grand jury in accordance with Section 8 of this Act.
- 8        (b) In the petition, the Attorney General shall specify:
- 9            1. The nature of the alleged childhood sexual assault or abuse;  
10          2. Why the investigation cannot be adequately performed by a grand jury  
11          convened in accordance with KRS 29A.210; and  
12          3. The counties in which the childhood sexual assault or abuse is alleged  
13          to have occurred.
- 14        (c) Within fourteen (14) days of receipt of the petition, the Supreme Court shall  
15        decide whether or not to approve the petition. If the Supreme Court fails to  
16        act within those fourteen (14) days, the petition shall be automatically  
17        approved.
- 18        (d) If the petition is approved, the Attorney General shall direct any  
19        investigation or criminal action regarding the alleged childhood sexual  
20        assault or abuse.
- 21        (e) If, during the course of the investigation or criminal action, the Attorney  
22        General discovers alleged childhood sexual assault or abuse, or counties in  
23        which the crimes are alleged to have occurred, that were not included in the  
24        original petition, he or she may amend the petition to include the new  
25        allegations or counties.
- 26        (3) The Attorney General may subpoena witnesses, secure testimony under oath for  
27        use in civil or criminal trials, investigations, or hearings affecting the

1            **Commonwealth or its departments or political subdivisions.**

2            ➔Section 7. KRS 15.205 is amended to read as follows:

3            When the Attorney General has been requested to participate in a given case pursuant to  
 4            KRS 15.200 **or the Supreme Court has approved the Attorney General's petition to**  
 5            **convene a special grand jury pursuant to Section 6 of this Act**, the Attorney General  
 6            may, at his **or her** own discretion, direct that a Commonwealth's attorney or county  
 7            attorney from another circuit or district participate in the case as a special prosecutor for  
 8            the Commonwealth.

9            ➔Section 8. KRS 29A.220 is amended to read as follows:

10          (1) **(a)** Any Chief Circuit Judge may summon for cause a special grand jury to deal  
 11                  with a situation requiring lengthy investigation which cannot be adequately  
 12                  handled during the term of the regular grand jury.

13          ~~**(b)(2)**~~ A special grand jury **convened pursuant to paragraph (a) of this**  
 14                  **subsection** shall remain in session until discharged by the court, but shall not  
 15                  remain in session longer than ninety (90) days, provided, however, that a  
 16                  special grand jury may be extended for additional ninety (90) day periods on  
 17                  the written order of the Chief Circuit Judge.

18          **(2) (a) If the Supreme Court has approved the Attorney General's petition to**  
 19                  **convene a special grand jury pursuant to Section 6 of this Act, the Chief**  
 20                  **Justice shall:**

21                  **1. Convene a special grand jury to investigate the childhood sexual**  
 22                  **assault or abuse outlined in the Attorney General's petition. If**  
 23                  **requested by the Attorney General, the Department of Kentucky State**  
 24                  **Police as well as any local law enforcement agencies from counties**  
 25                  **specified in the Attorney General's petition shall aid the special grand**  
 26                  **jury with its investigation;**

27                  **2. Determine whether the special grand jury has statewide jurisdiction or**

1                   jurisdiction only over the counties specified in the Attorney General's  
2                   petition;

3                   3. Appoint a Circuit Judge from one (1) of the counties included in the  
4                   Attorney General's petition as the supervising judge over the special  
5                   grand jury. With respect to investigations, presentments, reports, and  
6                   all other proper activities of the special grand jury, the supervising  
7                   judge shall have jurisdiction over all the counties named pursuant to  
8                   subparagraph 2. of this paragraph;

9                   4. Designate the counties that shall supply jurors and in what ratios.  
10                  Jurors shall come from all counties specified in the Attorney  
11                  General's petition; and

12                  5. Designate a location or locations for the special grand jury  
13                  proceedings.

14                  (b) If the Attorney General amends the petition pursuant to Section 6 of this  
15                  Act, the Chief Justice shall instruct the special grand jury convened  
16                  pursuant to paragraph (a) of this subsection to also investigate the new  
17                  childhood sexual assault or abuse allegations outlined in the Attorney  
18                  General's amended petition and, if additional counties were named in the  
19                  Attorney General's amended petition, to expand the special grand jury's  
20                  jurisdiction over those additional counties, if needed.

21                  (c) A special grand jury convened pursuant to paragraph (a) of this subsection  
22                  shall remain in session until discharged by the Chief Justice, but shall not  
23                  remain in session longer than ninety (90) days, except that a special grand  
24                  jury convened pursuant to paragraph (a) of this subsection may be extended  
25                  for additional ninety (90) day periods if requested by the supervising judge  
26                  and approved by written order of the Chief Justice.

27                  (d) A special grand jury convened pursuant to paragraph (a) of this subsection



1 shall issue a report that may be received as substantive evidence in any  
2 subsequent grand jury presentation. The special grand jury shall release the  
3 report to the public. However, the report released to the public shall redact  
4 the names of victims and the names of alleged offenders the special grand  
5 jury did not indict for reasons other than the expiration of any applicable  
6 statute of limitations.

7 (e) When the special grand jury convened pursuant to paragraph (a) of this  
8 subsection concludes its investigation, the Attorney General may participate  
9 in the case as a special prosecutor pursuant to Section 6 of this Act or may  
10 direct that a Commonwealth's attorney participate in accordance with  
11 Section 7 of this Act. If the Attorney General does not participate in the case  
12 or direct a Commonwealth's attorney to participate within thirty (30) days of  
13 the conclusion of the special grand jury's investigation, the Attorney  
14 General shall send the special grand jury's report, under seal, to each  
15 Commonwealth's attorney from a county implicated by the investigation.

16 (f) The convening of a special grand jury pursuant to paragraph (a) of this  
17 subsection shall in no way diminish the responsibility and authority of  
18 Commonwealth's attorneys or county attorneys within their jurisdictions to  
19 investigate and prosecute crimes or criminal conspiracies.

20 ➔Section 9. The restrictions of KRS 6.945(1) shall not apply to Sections 1 to 8 of  
21 this Act.

22 ➔Section 10. If any provision of this Act or the application thereof to any person  
23 or circumstance is held invalid, the invalidity shall not affect other provisions or  
24 applications of the Act that can be given effect without the invalid provision or  
25 application, and to this end the provisions of this Act are severable.

26 ➔Section 11. Whereas one in ten children experience child sexual abuse before  
27 their eighteenth birthday, an emergency is declared to exist, and this Act takes effect upon

- 1 its passage and approval by the Governor or upon its otherwise becoming a law.