

1 AN ACT relating to childhood sexual assault or abuse and creating an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
4 READ AS FOLLOWS:

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

8 *(a) KRS Chapter 510;*

9 *(b) KRS 529.040 when the defendant advances or profits from the prostitution*
10 *of a minor;*

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

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

13 *(e) KRS 530.020 or 530.064(1)(a);*

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

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

17 *(2) (a) When in the Attorney General's judgment a special grand jury is needed to*
18 *investigate childhood sexual assault or abuse that crosses multiple judicial*
19 *circuits, he or she may petition the Supreme Court to convene a special*
20 *grand jury in accordance with Section 3 of this Act.*

21 *(b) In the petition, the Attorney General shall specify:*

22 *1. The nature of the alleged childhood sexual assault or abuse;*

23 *2. Why the investigation cannot be adequately performed by a grand jury*
24 *convened in accordance with KRS 29A.210; and*

25 *3. The counties in which the childhood sexual assault or abuse is alleged*
26 *to have occurred.*

27 *(c) Within fourteen (14) days of receipt of the petition, the Supreme Court shall*

1 decide whether or not to approve the petition. If the Supreme Court fails to
 2 act within those fourteen (14) days, the petition shall be automatically
 3 approved.

4 (d) If the petition is approved, the Attorney General shall direct any
 5 investigation or criminal action regarding the alleged childhood sexual
 6 assault or abuse.

7 (e) If, during the course of the investigation or criminal action, the Attorney
 8 General discovers alleged childhood sexual assault or abuse, or counties in
 9 which the crimes are alleged to have occurred, that were not included in the
 10 original petition, he or she may amend the petition to include the new
 11 allegations or counties.

12 (3) The Attorney General may subpoena witnesses, secure testimony under oath for
 13 use in civil or criminal trials, investigations, or hearings affecting the
 14 Commonwealth or its departments or political subdivisions.

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

16 When the Attorney General has been requested to participate in a given case pursuant to
 17 KRS 15.200 or the Supreme Court has approved the Attorney General's petition to
 18 convene a special grand jury pursuant to Section 1 of this Act, the Attorney General
 19 may, at his or her own discretion, direct that a Commonwealth's attorney or county
 20 attorney from another circuit or district participate in the case as a special prosecutor for
 21 the Commonwealth.

22 ➔Section 3. KRS 29A.220 is amended to read as follows:

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

26 ~~(b)(2)~~ A special grand jury convened pursuant to paragraph (a) of this
 27 subsection shall remain in session until discharged by the court, but shall not

1 remain in session longer than ninety (90) days, provided, however, that a
2 special grand jury may be extended for additional ninety (90) day periods on
3 the written order of the Chief Circuit Judge.

4 (2) (a) If the Supreme Court has approved the Attorney General's petition to
5 convene a special grand jury pursuant to Section 1 of this Act, the Chief
6 Justice shall:

7 1. Convene a special grand jury to investigate the childhood sexual
8 assault or abuse outlined in the Attorney General's petition. If
9 requested by the Attorney General, the Department of Kentucky State
10 Police as well as any local law enforcement agencies from counties
11 specified in the Attorney General's petition shall aid the special grand
12 jury with its investigation;

13 2. Determine whether the special grand jury has statewide jurisdiction or
14 jurisdiction only over the counties specified in the Attorney General's
15 petition;

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

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

25 5. Designate a location or locations for the special grand jury
26 proceedings.

27 (b) If the Attorney General amends the petition pursuant to Section 1 of this

1 Act, the Chief Justice shall instruct the special grand jury convened
2 pursuant to paragraph (a) of this subsection to also investigate the new
3 childhood sexual assault or abuse allegations outlined in the Attorney
4 General's amended petition and, if additional counties were named in the
5 Attorney General's amended petition, to expand the special grand jury's
6 jurisdiction over those additional counties, if needed.

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

13 (d) A special grand jury convened pursuant to paragraph (a) of this subsection
14 shall issue a report that may be received as substantive evidence in any
15 subsequent grand jury presentation. The special grand jury shall release the
16 report to the public. However, the report released to the public shall redact
17 the names of victims and the names of alleged offenders the special grand
18 jury did not indict for reasons other than the expiration of any applicable
19 statute of limitations.

20 (e) When the special grand jury convened pursuant to paragraph (a) of this
21 subsection concludes its investigation, the Attorney General may participate
22 in the case as a special prosecutor pursuant to Section 1 of this Act or may
23 direct that a Commonwealth's attorney participate in accordance with
24 Section 2 of this Act. If the Attorney General does not participate in the case
25 or direct a Commonwealth's attorney to participate within thirty (30) days of
26 the conclusion of the special grand jury's investigation, the Attorney
27 General shall send the special grand jury's report, under seal, to each

1 *Commonwealth's attorney from a county implicated by the investigation.*
2 *(f) The convening of a special grand jury pursuant to paragraph (a) of this*
3 *subsection shall in no way diminish the responsibility and authority of*
4 *Commonwealth's attorneys or county attorneys within their jurisdictions to*
5 *investigate and prosecute crimes or criminal conspiracies.*

6 ➔Section 4. The restrictions of KRS 6.945(1) shall not apply to Sections 1 to 3 of
7 this Act.

8 ➔Section 5. If any provision of this Act or the application thereof to any person or
9 circumstance is held invalid, the invalidity shall not affect other provisions or
10 applications of the Act that can be given effect without the invalid provision or
11 application, and to this end the provisions of this Act are severable.

12 ➔Section 6. Whereas one in ten children experience child sexual abuse before
13 their eighteenth birthday, an emergency is declared to exist, and this Act takes effect upon
14 its passage and approval by the Governor or upon its otherwise becoming a law.