

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2021 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **HB 327/SCS 1**

Beginning on page 1, line 3, through page 12, line 23, delete in its entirety and insert in lieu thereof the following:

"➔Section 1. KRS 23A.040 (Effective January 2, 2023) is amended to read as follows:

The following judicial circuits are entitled to two (2) judges and shall have two (2) numbered divisions of the Circuit Court:

- (1) Fourth Judicial Circuit.
- (2) Fifth Judicial Circuit.
- (3) Tenth Judicial Circuit.
- (4) Eleventh Judicial Circuit.
- (5) Twelfth Judicial Circuit.
- (6) Thirteenth Judicial Circuit.
- (7) **Fifteenth Judicial Circuit.**
- (8)** Eighteenth Judicial Circuit.
- (9)**~~(8)~~ Twentieth Judicial Circuit.
- (10)**~~(9)~~ Twenty-first Judicial Circuit.
- (11)**~~(10)~~ Twenty-fourth Judicial Circuit.
- (12)**~~(11)~~ Thirty-first Judicial Circuit.
- (13)**~~(12)~~ Thirty-second Judicial Circuit.

Amendment No. SFA 1

Rep. Sen. Matt Castlen

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRC Drafter: \_\_\_\_\_

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXX

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~~(14)~~~~(13)~~ Thirty-fourth Judicial Circuit.

~~(15)~~~~(14)~~ Thirty-seventh Judicial Circuit.

~~(16)~~~~(15)~~ Thirty-eighth Judicial Circuit.

~~(17)~~~~(16)~~ Thirty-ninth Judicial Circuit.

~~(18)~~~~(17)~~ Forty-first Judicial Circuit.

~~(19)~~~~(18)~~ Forty-second Judicial Circuit.

~~(20)~~~~(19)~~ Forty-third Judicial Circuit.

~~(21)~~~~(20)~~ Forty-sixth Judicial Circuit.

~~(22)~~~~(21)~~ Forty-ninth Judicial Circuit.

~~(23)~~~~(22)~~ Fiftieth Judicial Circuit.

~~(24)~~~~(23)~~ Fifty-first Judicial Circuit.

~~(25)~~~~(24)~~ Fifty-third Judicial Circuit.

**(26) Fifty-sixth Judicial Circuit.**

~~(27)~~~~(25)~~ Fifty-seventh Judicial Circuit.

➔Section 2. KRS 23A.045 (Effective January 2, 2023) is amended to read as follows:

The following judicial circuits are entitled to three (3) Circuit Judges and shall have three (3) numbered divisions of the Circuit Court:

(1) Second Judicial Circuit.

(2) Third Judicial Circuit.

(3) ~~{Sixth Judicial Circuit.~~

(4) ~~Fourteenth Judicial Circuit.~~

(5) ~~}Seventeenth Judicial Circuit.~~

~~{(6) Twenty-seventh Judicial Circuit.}~~

~~(4)~~~~(7)~~ Thirty-fifth Judicial Circuit.

~~(5)~~~~(8)~~ Forty-eighth Judicial Circuit.

~~(6)~~~~(9)~~ Fifty-fifth Judicial Circuit.

→ Section 3. KRS 23A.050 is amended to read as follows:

The following judicial circuits are entitled to four (4) judges and shall have four (4) numbered divisions of the Circuit Court:

(1) **Sixth Judicial Circuit.**

~~(2)~~ Eighth Judicial Circuit.

~~(3)~~~~(2)~~ Ninth Judicial Circuit.

~~(4)~~ **Fourteenth Judicial Circuit.**

~~(5)~~~~(3)~~ Twenty-fifth Judicial Circuit.

~~(6)~~ **Twenty-seventh Judicial Circuit.**

~~(7)~~~~(4)~~ Twenty-eighth Judicial Circuit.

~~(8)~~~~(5)~~ Fifty-fourth Judicial Circuit.

→ Section 4. KRS 24A.050 is amended to read as follows:

The following judicial districts are entitled to two (2) District Judges and shall have two (2) numbered divisions of the District Court:

(1) Second Judicial District.

(2) Third Judicial District.

(3) Fourth Judicial District.

(4) Ninth Judicial District.

(5) Eleventh Judicial District.

(6) Twelfth Judicial District.

(7) Thirteenth Judicial District.

(8) Fourteenth Judicial District.

(9) ~~Fifteenth Judicial District.~~

~~(10)~~ ~~Seventeenth Judicial District.~~

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- ~~(10)~~~~(11)~~ Twenty-first Judicial District.
- ~~(11)~~~~(12)~~ Twenty-fourth Judicial District.
- ~~(12)~~~~(13)~~ Twenty-seventh Judicial District.
- ~~(13)~~~~(14)~~ Twenty-eighth Judicial District.
- ~~(14)~~~~(15)~~ Thirty-first Judicial District.
- ~~(15)~~~~(16)~~ Thirty-second Judicial District.
- ~~(16)~~~~(17)~~ Thirty-fourth Judicial District.
- ~~(17)~~~~(18)~~ Thirty-fifth Judicial District.
- ~~(18)~~~~(19)~~ Thirty-eighth Judicial District.
- ~~(19)~~~~(20)~~ Fortieth Judicial District.
- ~~(20)~~~~(21)~~ Forty-first Judicial District.
- ~~(21)~~~~(22)~~ Forty-sixth Judicial District.
- ~~(22)~~~~(23)~~ Forty-eighth Judicial District.
- ~~(23)~~~~(24)~~ Fifty-first Judicial District.
- ~~(24)~~~~(25)~~ Fifty-third Judicial District.
- ~~(25)~~~~(26)~~ Fifty-fourth Judicial District.
- ~~(26)~~~~(27)~~ Fifty-sixth Judicial District.

→Section 5. KRS 202A.051 is amended to read as follows:

- (1) Proceedings for sixty (60) days or three hundred sixty (360) days of involuntary hospitalization of an individual shall be initiated by the filing of a verified petition in District Court.
- (2) The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)."
- (3) The petition shall be filed by a qualified mental health professional, peace officer, county attorney, Commonwealth's attorney, spouse, relative, friend, or guardian of the individual

concerning whom the petition is filed, or any other interested person.

- (4) The petition shall set forth:
  - (a) Petitioner's relationship to the respondent;
  - (b) Respondent's name, residence, and current location, if known;
  - (c) The name and residence of respondent's parents, if living and if known, or respondent's legal guardian, if any and if known;
  - (d) The name and residence of respondent's husband or wife, if any and if known;
  - (e) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or that the person is unknown;
  - (f) Petitioner's belief, including the factual basis therefor, that the respondent is mentally ill and presents a danger or threat of danger to self, family or others if not restrained; and
  - (g) If the petition seeks a three hundred sixty (360) day involuntary hospitalization of the respondent, the petition shall further set forth that the respondent has been hospitalized in a hospital or a forensic psychiatric facility for a period of thirty (30) days under the provisions of this chapter or KRS Chapter 504 within the preceding six (6) months.
- (5) Upon receipt of the petition, the court shall examine the petitioner under oath as to the contents of the petition. If the petitioner is a qualified mental health professional, the court may dispense with the examination.
- (6) If after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the court that there is probable cause to believe the respondent should be involuntarily hospitalized, the court shall, unless either the court or one (1) of the parties objects, implement the procedures provided in KRS 202A.028 and order the

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individual to be examined without unnecessary delay by a qualified mental health professional. If the person is not being held under the provisions of this chapter, the court may order that the sheriff of the county or other peace officer transport the person to a hospital or psychiatric facility designated by the cabinet for the purpose of the evaluation. The sheriff or other peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the person to a hospital or psychiatric facility. Following that, the procedures as set forth in KRS 202A.028 shall be carried out. Otherwise, the court shall:

- (a) Set a date for a preliminary hearing within six (6) days from the date of holding the person under the provisions of this section (excluding holidays and weekends) to determine if there is probable cause to believe the person should be involuntarily hospitalized;
  - (b) Notify the respondent, the legal guardian, if any, and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and the date and purpose of the preliminary hearing; and the name, address, and telephone number of the attorney appointed to represent the respondent; and
  - (c) Cause the respondent to be examined without unnecessary delay by two (2) qualified mental health professionals, at least one (1) of whom is a physician. The qualified mental health professionals shall certify within twenty-four (24) hours (excluding weekends and holidays) their findings.
- (7) (a) If the respondent is being presently held under the provisions of this chapter, the court may order further holding of the respondent to accomplish the examination ordered by the court.

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- (b) If the respondent is not being presently held under the provisions of this chapter, the court may order that the sheriff of the county or a peace officer transport the respondent to a hospital or a psychiatric facility designated by the cabinet so that the respondent shall be examined without unnecessary delay by two (2) qualified mental health professionals, at least one (1) of whom is a physician. The sheriff or other peace officer may authorize, upon agreement of a person authorized by the peace officer, the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the person to a hospital or psychiatric facility.
- (8) When the court is authorized to issue an order that the respondent be transported to a hospital or psychiatric facility, the court may, in its discretion, issue a summons. A summons so issued shall be directed to the respondent, shall command the respondent to appear at a time and place therein specified where the respondent shall be there examined by two (2) qualified mental health professionals, at least one (1) of whom is a physician, and shall command the respondent's appearance at the preliminary hearing. If a respondent who has been summoned fails to appear for such examination or at the preliminary hearing, the court may order that the sheriff of the county or a peace officer transport the respondent to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation.
- (9) **(a) The Court of Justice shall provide a protocol in each county for twenty-four (24) hour access to orders for involuntary hospitalization requested pursuant to this section or KRS 202A.028.**
- (b) All protocols and any subsequent amendments shall be subject to Supreme Court review and approval.**
- (10)** If upon completion of the preliminary hearing, the court finds there is probable cause to

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believe the respondent should be involuntarily hospitalized, the court shall order a final hearing within twenty-one (21) days from the date of holding the respondent under the provisions of this section to determine if the respondent should be involuntarily hospitalized.

~~(11)~~~~(10)~~ If the court finds there is no probable cause, the proceedings against the respondent shall be dismissed, and the respondent shall be released from any holding.

~~(12)~~~~(11)~~ If upon completion of the final hearing, the court finds the respondent should be involuntarily hospitalized, the court shall order the respondent hospitalized in a hospital for a period not to exceed sixty (60) consecutive days from the date of the court order or a period not to exceed three hundred sixty (360) consecutive days from the date of the court order, whatever was the period of time that was requested in the petition.

➔Section 6. Sections 1 to 4 of this Act take effect January 2, 2023.

➔Section 7. The terms of the new circuit judgeships created by Sections 1 and 3 of this Act shall begin January 2, 2023, and elections to fill the judgeships shall be placed on the ballot for the regular election held in November 2022.

➔Section 8. The General Assembly requests that the additional Circuit Court judgeships added in the Sixth, Fourteenth, Fifteenth, and Twenty-Seventh Judicial Circuits be designated by the Supreme Court as family court divisions.

➔Section 9. The General Assembly requests that when the District Court divisions of the Fifteenth Judicial District are reduced to one District Court division in Section 4 of this Act, the division eliminated should be the division currently numbered as "Division Two." The division that is eliminated shall not appear on the ballot for the November 2022 regular election."