

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 508.025 is amended to read as follows:

- 4 (1) A person is guilty of assault in the third degree when the actor:
- 5 (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally
- 6 causes or attempts to cause physical injury to:
- 7 1. A state, county, city, or federal peace officer;
- 8 2. An employee of a detention facility, or state residential treatment facility
- 9 or state staff secure facility for residential treatment which provides for
- 10 the care, treatment, or detention of a juvenile charged with or
- 11 adjudicated delinquent because of a public offense or as a youthful
- 12 offender;
- 13 3. An employee of the Department for Community Based Services
- 14 employed as a social worker to provide direct client services, if the event
- 15 occurs while the worker is performing job-related duties;
- 16 4. Paid or volunteer emergency medical services personnel certified or
- 17 licensed pursuant to KRS Chapter 311A, if the event occurs while
- 18 personnel are performing job-related duties;
- 19 5. A paid or volunteer member of an organized fire department, if the event
- 20 occurs while the member is performing job-related duties;
- 21 6. Paid or volunteer rescue squad personnel affiliated with the Division of
- 22 Emergency Management of the Department of Military Affairs or a local
- 23 disaster and emergency services organization pursuant to KRS Chapter
- 24 39F, if the event occurs while personnel are performing job-related
- 25 duties;
- 26 7. A probation and parole officer;
- 27 8. A transportation officer appointed by a county fiscal court or legislative

- 1 body of a consolidated local government, urban-county government, or
2 charter government to transport inmates when the county jail or county
3 correctional facility is closed while the transportation officer is
4 performing job-related duties;
- 5 9. A public or private elementary or secondary school or school district
6 classified or certified employee, school bus driver, or other school
7 employee acting in the course and scope of the employee's employment;
8 or
- 9 10. A public or private elementary or secondary school or school district
10 volunteer acting in the course and scope of that person's volunteer
11 service for the school or school district;
- 12 (b) Being a person confined in a detention facility, or a juvenile in a state
13 residential treatment facility or state staff secure facility for residential
14 treatment which provides for the care, treatment, or detention of a juvenile
15 charged with or adjudicated delinquent because of a public offense or as a
16 youthful offender, inflicts physical injury upon or throws or causes feces, or
17 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 18 (c) Intentionally causes a person, whom the actor knows or reasonably should
19 know to be a peace officer discharging official duties, to come into contact
20 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the
21 consent of the peace officer.
- 22 (2) (a) For violations of subsection (1)(a) and (b) of this section, assault in the third
23 degree is a Class D felony.
- 24 (b) For violations of subsection (1)(c) of this section, assault in the third degree is
25 a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood,
26 seminal fluid, urine, or feces from an adult who knows that he or she has a
27 serious communicable disease and competent medical or epidemiological

1 evidence demonstrates that the specific type of contact caused by the actor is
2 likely to cause transmission of the disease or condition, in which case it is a
3 Class A misdemeanor. Notwithstanding KRS 534.040, a violation of
4 subsection (1)(c) of this section shall be punishable by a fine of five
5 thousand dollars (\$5,000).

6 (c) As used in paragraph (b) of this subsection, "serious communicable disease"
7 means a non-airborne disease that is transmitted from person to person and
8 determined to have significant, long-term consequences on the physical health
9 or life activities of the person infected.

10 (d) Any person convicted under subsection (1)(a)1., 4., 5., 6., or (1)(c) of this
11 section shall be imprisoned for no less than thirty (30) days and shall not be
12 released on probation, shock probation, parole, conditional discharge, or
13 any other form of early release.

14 ➔Section 2. KRS 508.010 is amended to read as follows:

15 (1) A person is guilty of assault in the first degree when:

16 (a) He intentionally causes serious physical injury to another person by means of
17 a deadly weapon or a dangerous instrument; or

18 (b) Under circumstances manifesting extreme indifference to the value of human
19 life he wantonly engages in conduct which creates a grave risk of death to
20 another and thereby causes serious physical injury to another person.

21 (2) Assault in the first degree is a Class B felony.

22 (3) Notwithstanding KRS 534.030, a violation of this section shall be punishable by a
23 fine of fifteen thousand dollars (\$15,000).

24 (4) Any person convicted of assault in the first degree shall be imprisoned for no less
25 than ninety (90) days and shall not be released on probation, shock probation,
26 parole, conditional discharge, or any other form of early release.

27 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 512 IS CREATED TO

1 READ AS FOLLOWS:

2 **In any conviction for a violation of KRS 512.020, 512.030, or 512.040, the court shall**
 3 **order full restitution for any pecuniary loss.**

4 ➔Section 4. KRS 525.020 is amended to read as follows:

5 (1) A person is guilty of riot in the first degree when:

6 (a) He **or she** knowingly participates in a riot; and

7 (b) In the course of and as a result of such riot a person other than one (1) of the
 8 participants suffers physical injury or substantial property damage occurs.

9 (2) Riot in the first degree is a Class D felony.

10 **(3) Any person convicted of riot in the first degree shall be imprisoned for no less**
 11 **than forty-five (45) days and shall not be released on probation, shock probation,**
 12 **parole, conditional discharge, or any other form of early release.**

13 ➔Section 5. KRS 525.030 is amended to read as follows:

14 (1) A person is guilty of riot in the second degree when he **or she** knowingly
 15 participates in a riot.

16 (2) Riot in the second degree is a Class A misdemeanor.

17 **(3) Any person convicted of riot in the second degree shall be imprisoned for no less**
 18 **than thirty (30) days and shall not be released on probation, shock probation,**
 19 **parole, conditional discharge, or any other form of early release.**

20 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
 21 READ AS FOLLOWS:

22 **In any conviction for a violation of Section 4 or 5 of this Act or KRS 525.040, the court**
 23 **shall order full restitution for any pecuniary loss.**

24 ➔Section 7. KRS 525.150 is amended to read as follows:

25 (1) A person is guilty of disrupting meetings and processions ~~in the second degree~~
 26 ~~when,~~ with intent to prevent or disrupt a lawful meeting, procession, or gathering,
 27 he or she does any act tending to obstruct or interfere with it physically or makes

1 any utterance, gesture, or display designed to outrage the sensibilities of the group.

2 (2) Disrupting meetings and processions~~[in the second degree]~~ is a Class ~~A~~~~[B]~~
3 misdemeanor.

4 ➔Section 8. KRS 525.140 is amended to read as follows:

5 (1) A person is guilty of obstructing a highway or other public passage when having no
6 legal privilege to do so he, alone or with other persons, intentionally or wantonly
7 renders any highway or public passage impassable without unreasonable
8 inconvenience or hazard.

9 (2) No person shall be convicted under this section solely because of a gathering of
10 persons to hear him speak or otherwise communicate or solely because of being a
11 member of such a gathering.

12 (3) An order to disperse issued by a peace officer or other public servant engaged in
13 executing or enforcing the law and addressed to a person whose speech or other
14 lawful behavior attracts an obstructing audience shall not be deemed lawful if the
15 obstruction can be readily remedied by police control of the size or location of the
16 gathering.

17 (4) (a) Obstructing a highway or other public passage is a Class ~~A~~~~[B]~~ misdemeanor,
18 *unless the obstruction prevents:*

19 *1. An emergency vehicle from accessing a highway or street;*

20 *2. An emergency responder from responding to an emergency; or*

21 *3. Access to an emergency exit;*

22 *in which case it is a Class D felony.*

23 (b) For purposes of this subsection:

24 *1. "Emergency vehicle" means any vehicle of a governmental*
25 *department or public service corporation when responding to an*
26 *emergency, any vehicle of a police or fire department, and any*
27 *ambulance;*

1 2. "Emergency exit" means a doorway in a building or facility used for
2 egress to the outdoors only when there is an immediate threat to the
3 health or safety of an individual; and

4 3. "Emergency responder" has the same meaning definition as in KRS
5 525.015.

6 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 511 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) A person is guilty of unlawful camping on property owned by the Commonwealth
9 when he or she knowingly camps on an area which is not specifically designated
10 for use as a camping area by the department or agency responsible for the land.
11 A person shall not be guilty of a violation of this section unless the person
12 received a warning not to engage in camping from an official responsible for the
13 protection of the property in question and continued to engage in camping or
14 returned within twenty-four (24) hours of the warning to continue to engage in
15 camping.

16 (2) As used in this section, "camping" means, at any time between 10 p.m. and 7
17 a.m.:

18 (a) Erecting, placing, maintaining, leaving, allowing to remain, or using a
19 piece of furniture, tent, raised tarp, or other temporary shelter, structure, or
20 furniture;

21 (b) Sleeping or making preparation to sleep, including laying down a sleeping
22 bag, blanket, or other material used for bedding;

23 (c) Placing or storing personal belongings for future use, including storing
24 food for consumption;

25 (d) Carrying on cooking activities, whether by fire or use of artificial means,
26 such as a propane stove or other heat-producing portable cooking
27 equipment;

1 (e) Making a fire or preparing to make a fire; or

2 (f) Doing any digging or earth breaking.

3 (3) Any items used to commit a violation of this section, including items abandoned
4 at the location of the offense, are subject to confiscation, seizure, and claiming in
5 accordance with subsection (4) of this section.

6 (4) (a) Any property subject to confiscation or seizure under subsection (3) of this
7 section, or left unattended after arrest or issuance of a citation for camping
8 in violation of subsection (1) of this section, and taken into custody shall be
9 held in a secure location for a period of ninety (90) days.

10 (b) Notice containing the contact information of the state agency or agent
11 holding the property shall be posted at the nearest reasonable location to the
12 place from which the property was removed.

13 (c) If the property is not claimed within ninety (90) days of being taken into
14 custody, the property is deemed abandoned and the agency or agent may
15 dispose of the property, unless the property is needed as evidence in a
16 criminal proceeding.

17 (d) If a person claiming any such property within ninety (90) days of the
18 property being taken into custody produces identification and signs a
19 release form providing such person's name and contact information and
20 swearing under oath that the property belongs to the person, the state
21 agency or agent shall return the property to the person, unless the property
22 is needed for evidence in a criminal proceeding, in which case it shall be
23 returned following the conclusion of that proceeding.

24 (e) The state agency or agent may charge such persons a reasonable storage fee
25 for storing the property. The state and state employees, agents, and
26 contractors are immune from liability for confiscation of property in
27 compliance with this subsection.

1 (5) (a) Unlawful camping on property owned by the Commonwealth is a Class D
 2 felony.

3 (b) In any conviction for a violation of this section, the court shall order full
 4 restitution for any pecuniary loss.

5 (c) Any person convicted of unlawful camping on property owned by the
 6 Commonwealth shall be imprisoned for no less than thirty (30) days and
 7 shall not be released on probation, shock probation, parole, conditional
 8 discharge, or any other form of early release.

9 ➔Section 10. KRS 511.060 is amended to read as follows:

10 (1) A person is guilty of criminal trespass in the first degree when he knowingly enters
 11 or remains unlawfully in a dwelling.

12 (2) Criminal trespass in the first degree is a Class A misdemeanor, unless:

13 (a) The dwelling belongs to or is occupied by a law enforcement officer, active
 14 duty member of the military, judge, or elected or appointed federal, state, or
 15 local official; and

16 (b) The person acts with intent to harass a person who owns or occupies the
 17 residence due to the person's status as a law enforcement officer, active duty
 18 member of the military, judge, or elected or appointed federal, state, or local
 19 official;

20 in which case it is a Class D felony.

21 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
 22 READ AS FOLLOWS:

23 (1) Notwithstanding KRS 431.066 and 431.520, no person shall be released within
 24 twelve (12) hours of the time of arrest who has been charged with violation of
 25 Section 4, 5, 7, 8, or 9 of this Act or KRS 512.020, 512.030, 512.040, or 525.040.

26 (2) The court may, however, release the defendant in less than twelve (12) hours if
 27 the official finds that the defendant is not likely to immediately resume the

1 *criminal behavior based on the circumstances of the arrest and the defendant's*
2 *prior criminal history.*

3 *(3) The findings of the court shall be reduced to writing. The written findings shall*
4 *be preserved as a permanent part of the record. The arresting officer shall make*
5 *official note of the time of the arrest in order to establish the beginning of the*
6 *twelve (12) hour period required by this section.*

7 ➔Section 12. The following KRS section is repealed:

8 525.145 Disrupting meetings and processions in the first degree.