

1 AN ACT relating to public safety.

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

3 ➔Section 1. KRS 500.080 is amended to read as follows:

4 As used in the Kentucky Penal Code, unless the context otherwise requires:

5 (1) "Actor" means any natural person and, where relevant, a corporation or an  
6 unincorporated association;

7 (2) "Crime" means a misdemeanor or a felony;

8 (3) "Dangerous instrument" means any instrument, including parts of the human body  
9 when a serious physical injury is a direct result of the use of that part of the human  
10 body, article, or substance which, under the circumstances in which it is used,  
11 attempted to be used, or threatened to be used, is readily capable of causing death or  
12 serious physical injury;

13 (4) "Deadly weapon" means any of the following:

14 (a) A weapon of mass destruction;

15 (b) Any weapon from which a shot, readily capable of producing death or other  
16 serious physical injury, may be discharged;

17 (c) Any knife other than an ordinary pocket knife or hunting knife;

18 (d) Billy, nightstick, or club;

19 (e) Blackjack or slapjack;

20 (f) Nunchaku karate sticks;

21 (g) Shuriken or death star; or

22 (h) Artificial knuckles made from metal, plastic, or other similar hard material;

23 **(5) "Emergency services personnel" means any person who is a paid or volunteer**  
24 **emergency medical services personnel certified or licensed pursuant to KRS**  
25 **Chapter 311A or a paid or volunteer member of an organized fire department;**

26 **(6) [(5)]** "Felony" means an offense for which a sentence to a term of imprisonment of  
27 at least one (1) year in the custody of the Department of Corrections may be

1 imposed;

2 **(7) "Firework" means any composition or device for the purpose of producing a**  
3 **visible or an audible effect by combustion, deflagration, or detonation, including**  
4 **but not limited to bottle rockets, Roman candles, and firecrackers;**

5 ~~(8)~~~~(6)~~ "Government" means the United States, any state, county, municipality, or  
6 other political unit, or any department, agency, or subdivision of any of the  
7 foregoing, or any corporation or other association carrying out the functions of  
8 government;

9 ~~(9)~~~~(7)~~ "He" means any natural person and, where relevant, a corporation or an  
10 unincorporated association;

11 ~~(10)~~~~(8)~~ "Law" includes statutes, ordinances, and properly adopted regulatory  
12 provisions. Unless the context otherwise clearly requires, "law" also includes the  
13 common law;

14 ~~(11)~~~~(9)~~ "Minor" means any person who has not reached the age of majority as defined  
15 in KRS 2.015;

16 ~~(12)~~~~(10)~~ "Misdemeanor" means an offense, other than a traffic infraction, for which a  
17 sentence to a term of imprisonment of not more than twelve (12) months can be  
18 imposed;

19 ~~(13)~~~~(11)~~ "Offense" means conduct for which a sentence to a term of imprisonment or to  
20 a fine is provided by any law of this state or by any law, local law, or ordinance of a  
21 political subdivision of this state or by any law, order, rule, or regulation of any  
22 governmental instrumentality authorized by law to adopt the same;

23 ~~(14)~~~~(12)~~ "Person" means a human being, and where appropriate, a public or private  
24 corporation, an unincorporated association, a partnership, a government, or a  
25 governmental authority;

26 ~~(15)~~~~(13)~~ "Physical injury" means substantial physical pain or any impairment of  
27 physical condition;

1 ~~(16)~~~~(14)~~ "Possession" means to have actual physical possession or otherwise to  
2 exercise actual dominion or control over a tangible object;

3 **(17) "Public assistance benefits" means cash assistance received via an electronic**  
4 **benefit transfer card or any other form of cash assistance under Title IV of the**  
5 **federal Social Security Act, the Supplemental Nutrition Assistance Program, or**  
6 **any other public assistance program administered by the Cabinet for Health and**  
7 **Family Services;**

8 **(18) "Riot" means a public disturbance involving an assemblage of five (5) or more**  
9 **persons which by tumultuous and violent conduct creates grave danger of**  
10 **damage or injury to property or persons or substantially obstructs law**  
11 **enforcement or other government function;**

12 ~~(19)~~~~(15)~~ "Serious physical injury" means physical injury which creates a substantial  
13 risk of death, or which causes serious and prolonged disfigurement, prolonged  
14 impairment of health, or prolonged loss or impairment of the function of any bodily  
15 organ. For a child twelve (12) years of age or less at the time of the injury, a serious  
16 physical injury includes but is not limited to the following:

- 17 (a) Bruising near the eyes, or on the head, neck, or lower back overlying the  
18 kidneys;
- 19 (b) Any bruising severe enough to cause underlying muscle damage as  
20 determined by elevated creatine kinase levels in the blood;
- 21 (c) Any bruising or soft tissue injury to the genitals that affects the ability to  
22 urinate or defecate;
- 23 (d) Any testicular injury sufficient to put fertility at risk;
- 24 (e) Any burn near the eyes or involving the mouth, airway, or esophagus;
- 25 (f) Any burn deep enough to leave scarring or dysfunction of the body;
- 26 (g) Any burn requiring hospitalization, debridement in the operating room, IV  
27 fluids, intubation, or admission to a hospital's intensive care unit;

- 1 (h) Rib fracture;
- 2 (i) Scapula or sternum fractures;
- 3 (j) Any broken bone that requires surgery;
- 4 (k) Head injuries that result in intracranial bleeding, skull fracture, or brain injury;
- 5 (l) A concussion that results in the child becoming limp, unresponsive, or results
- 6 in seizure activity;
- 7 (m) Abdominal injuries that indicate internal organ damage regardless of whether
- 8 surgery is required;
- 9 (n) Any injury requiring surgery;
- 10 (o) Any injury that requires a blood transfusion; and
- 11 (p) Any injury requiring admission to a hospital's critical care unit;
- 12 ~~(20)~~~~(16)~~ "Unlawful" means contrary to law or, where the context so requires, not
- 13 permitted by law. It does not mean wrongful or immoral;
- 14 ~~(21)~~~~(17)~~ "Violation" means an offense, other than a traffic infraction, for which a
- 15 sentence to a fine only can be imposed; and
- 16 ~~(22)~~~~(18)~~ "Weapon of mass destruction" means:
- 17 (a) Any destructive device as defined in KRS 237.030, but not fireworks as
- 18 defined in KRS 227.700;
- 19 (b) Any weapon that is designed or intended to cause death or serious physical
- 20 injury through the release, dissemination, or impact of toxic or poisonous
- 21 chemicals or their precursors;
- 22 (c) Any weapon involving a disease organism; or
- 23 (d) Any weapon that is designed to release radiation or radioactivity at a level
- 24 dangerous to human life.
- 25 ➔Section 2. KRS 503.055 is amended to read as follows:
- 26 (1) A person is presumed to have held a reasonable fear of imminent peril of death or
- 27 great bodily harm to himself or herself or another when using defensive force that is

1 intended or likely to cause death or great bodily harm to another if:

2 (a) 1. The person against whom the defensive force was used was in the  
3 process of unlawfully and forcibly entering or had unlawfully and  
4 forcibly entered a dwelling, residence, or occupied vehicle, or if that  
5 person had removed or was attempting to remove another against that  
6 person's will from the dwelling, residence, or occupied vehicle; and

7 ~~2.[(b)]~~ The person who uses defensive force knew or had reason to  
8 believe that an unlawful and forcible entry or unlawful and forcible act  
9 was occurring or had occurred; or

10 (b) 1. The person who uses defensive force does so during the course of a  
11 riot;

12 2. The person who uses the defensive force would be justified in a use of  
13 defensive force under paragraph (a) of this subsection;

14 3. The person who uses defensive force does so in an attempt to escape  
15 the immediate vicinity of the unlawful and forcible entry; and

16 4. The person against whom the defensive force was used was  
17 intentionally blocking or preventing the person from escape.

18 (2) The presumption set forth in subsection (1) of this section does not apply if:

19 (a) The person against whom the defensive force is used has the right to be in or  
20 is a lawful resident of the dwelling, residence, or vehicle, such as an owner,  
21 lessee, or titleholder, and there is not an injunction for protection from  
22 domestic violence or a written pretrial supervision order of no contact against  
23 that person;

24 (b) The person sought to be removed is a child or grandchild, or is otherwise in  
25 the lawful custody or under the lawful guardianship of the person against  
26 whom the defensive force is used;

27 (c) The person who uses defensive force is engaged in an unlawful activity or is

1 using the dwelling, residence, or occupied vehicle to further an unlawful  
2 activity; or

3 (d) The person against whom the defensive force is used is a peace officer, as  
4 defined in KRS 446.010, who enters or attempts to enter a dwelling,  
5 residence, or vehicle in the performance of his or her official duties, and the  
6 officer identified himself or herself in accordance with any applicable law or  
7 the person using force knew or reasonably should have known that the person  
8 entering or attempting to enter was a peace officer.

9 (3) A person who is not engaged in an unlawful activity and who is attacked in any  
10 other place where he or she has a right to be has no duty to retreat and has the right  
11 to stand his or her ground and meet force with force, including deadly force, if he or  
12 she reasonably believes it is necessary to do so to prevent death or great bodily harm  
13 to himself or herself or another or to prevent the commission of a felony involving  
14 the use of force.

15 (4) A person who unlawfully and by force enters or attempts to enter a person's  
16 dwelling, residence, or occupied vehicle is presumed to be doing so with the intent  
17 to commit an unlawful act involving force or violence.

18 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO  
19 READ AS FOLLOWS:

20 **In any conviction for a violation of Section 4, 5, 6, or 7 of this Act, the court shall**  
21 **order full restitution for any pecuniary loss.**

22 ➔Section 4. KRS 508.010 is amended to read as follows:

- 23 (1) A person is guilty of assault in the first degree when:  
24 (a) He intentionally causes serious physical injury to another person by means of  
25 a deadly weapon or a dangerous instrument; or  
26 (b) Under circumstances manifesting extreme indifference to the value of human  
27 life he wantonly engages in conduct which creates a grave risk of death to

1 another and thereby causes serious physical injury to another person.

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

3 **(3) If the offense is committed during the course of a riot:**

4 **(a) The minimum term of imprisonment shall be fifteen (15) years,**  
5 **notwithstanding KRS Chapter 532; and**

6 **(b) A fine of ten thousand dollars (\$10,000) shall be assessed, notwithstanding**  
7 **KRS 534.040.**

8 ➔Section 5. KRS 508.020 is amended to read as follows:

9 (1) A person is guilty of assault in the second degree when:

10 (a) He intentionally causes serious physical injury to another person; or

11 (b) He intentionally causes physical injury to another person by means of a deadly  
12 weapon or a dangerous instrument; or

13 (c) He wantonly causes serious physical injury to another person by means of a  
14 deadly weapon or a dangerous instrument.

15 (2) Assault in the second degree is a Class C felony.

16 **(3) If the offense is committed during the course of a riot:**

17 **(a) The minimum term of imprisonment shall be seven and one-half (7-1/2)**  
18 **years, notwithstanding KRS Chapter 532; and**

19 **(b) A fine of seven thousand five hundred dollars (\$7,500) shall be assessed,**  
20 **notwithstanding KRS 534.040.**

21 ➔Section 6. KRS 508.025 is amended to read as follows:

22 (1) A person is guilty of assault in the third degree when the actor:

23 (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally  
24 causes or attempts to cause physical injury to:

25 1. A state, county, city, or federal peace officer;

26 2. An employee of a detention facility, or state residential treatment facility  
27 or state staff secure facility for residential treatment which provides for

- 1 the care, treatment, or detention of a juvenile charged with or  
2 adjudicated delinquent because of a public offense or as a youthful  
3 offender;
- 4 3. An employee of the Department for Community Based Services  
5 employed as a social worker to provide direct client services, if the event  
6 occurs while the worker is performing job-related duties;
- 7 4. Paid or volunteer emergency medical services personnel certified or  
8 licensed pursuant to KRS Chapter 311A, if the event occurs while  
9 personnel are performing job-related duties;
- 10 5. A paid or volunteer member of an organized fire department, if the event  
11 occurs while the member is performing job-related duties;
- 12 6. Paid or volunteer rescue squad personnel affiliated with the Division of  
13 Emergency Management of the Department of Military Affairs or a local  
14 disaster and emergency services organization pursuant to KRS Chapter  
15 39F, if the event occurs while personnel are performing job-related  
16 duties;
- 17 7. A probation and parole officer;
- 18 8. A transportation officer appointed by a county fiscal court or legislative  
19 body of a consolidated local government, urban-county government, or  
20 charter government to transport inmates when the county jail or county  
21 correctional facility is closed while the transportation officer is  
22 performing job-related duties;
- 23 9. A public or private elementary or secondary school or school district  
24 classified or certified employee, school bus driver, or other school  
25 employee acting in the course and scope of the employee's employment;  
26 or
- 27 10. A public or private elementary or secondary school or school district



1 volunteer acting in the course and scope of that person's volunteer  
2 service for the school or school district;

3 (b) Being a person confined in a detention facility, or a juvenile in a state  
4 residential treatment facility or state staff secure facility for residential  
5 treatment which provides for the care, treatment, or detention of a juvenile  
6 charged with or adjudicated delinquent because of a public offense or as a  
7 youthful offender, inflicts physical injury upon or throws or causes feces, or  
8 urine, or other bodily fluid to be thrown upon an employee of the facility;~~or~~

9 (c) Intentionally causes a person, whom the actor knows or reasonably should  
10 know to be a peace officer discharging official duties, to come into contact  
11 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the  
12 consent of the peace officer; or

13 (d) Intentionally causes physical injury to a law enforcement officer or  
14 emergency services personnel by means of chemical agents or fireworks.

15 (2) (a) For violations of subsection (1)(a),~~and~~ (b), and (d) of this section, assault in  
16 the third degree is a Class D felony. If the offense is committed during the  
17 course of a riot:

18 1. The minimum term of imprisonment shall be four (4) years,  
19 notwithstanding KRS Chapter 532;

20 2. A fine of five thousand dollars (\$5,000) shall be assessed,  
21 notwithstanding KRS 534.040; and

22 3. Any person convicted under this subsection shall be disqualified from  
23 receiving public assistance benefits by means of a direct cash payment  
24 or an electronic benefits transfer access card for one (1) year.

25 (b) 1. For violations of subsection (1)(c) of this section, assault in the third  
26 degree is a Class B misdemeanor, unless committed during the course  
27 of a riot, in which case it is a Class A misdemeanor, subject to the

1 following conditions:

2 a. The minimum term of imprisonment shall be six (6) months,  
 3 notwithstanding KRS Chapter 532, and the person shall not be  
 4 released on probation, shock probation, parole, conditional  
 5 discharge, or any other form of early release prior to the  
 6 expiration of three (3) months;

7 b. A fine of five hundred dollars (\$500) shall be assessed,  
 8 notwithstanding KRS 534.040; and

9 c. Any person convicted under this subparagraph shall be  
 10 disqualified from receiving public assistance benefits by means  
 11 of direct cash payment or an electronic benefits transfer access  
 12 card for six (6) months.

13 2. If the assault is with saliva, vomit, mucus, blood, seminal fluid, urine, or  
 14 feces from an adult who knows that he or she has a serious  
 15 communicable disease and competent medical or epidemiological  
 16 evidence demonstrates that the specific type of contact caused by the  
 17 actor is likely to cause transmission of the disease or condition~~, in~~  
 18 ~~which case~~ it is a Class A misdemeanor, unless committed during the  
 19 course of a riot, in which case it is a Class D felony, subject to the  
 20 following provisions:

21 a. The minimum term of imprisonment shall be four (4) years,  
 22 notwithstanding KRS Chapter 532;

23 b. A fine of five thousand dollars (\$5,000) shall be assessed,  
 24 notwithstanding KRS 534.040; and

25 c. Any person convicted under this subparagraph shall be  
 26 disqualified from receiving public assistance benefits by means  
 27 of direct case payment or an electronic benefits transfer access

1 card for one (1) year.

2 (c) As used in subparagraph~~[paragraph]~~ 2~~.(b)~~ of paragraph (b)~~[this~~  
3 ~~subsection]~~, "serious communicable disease" means a non-airborne disease  
4 that is transmitted from person to person and determined to have significant,  
5 long-term consequences on the physical health or life activities of the person  
6 infected.

7 ➔Section 7. KRS 508.030 is amended to read as follows:

- 8 (1) A person is guilty of assault in the fourth degree when:
- 9 (a) He or she intentionally or wantonly causes physical injury to another person;~~;~~  
10 ~~or~~
- 11 (b) With recklessness he or she causes physical injury to another person by means  
12 of a deadly weapon or a dangerous instrument; or
- 13 (c) He or she knowingly shines or aims a light, laser, or activated horn or other  
14 noise-making device towards the head of a law enforcement officer or  
15 emergency services personnel with the intent to affect their ability to safely  
16 and adequately perform their duties.
- 17 (2) Assault in the fourth degree is a Class A misdemeanor.
- 18 (3) If the offense is committed during the course of a riot:
- 19 (a) The minimum term of imprisonment shall be six (6) months,  
20 notwithstanding KRS Chapter 532, and the person shall not be released on  
21 probation, shock probation, parole, conditional discharge, or any other  
22 form of early release prior to the expiration of three (3) months;
- 23 (b) A fine of five hundred dollars (\$500) shall be assessed, notwithstanding  
24 KRS 534.040; and
- 25 (c) Any person convicted under this subsection shall be disqualified from  
26 receiving public assistance benefits by means of a direct cash payment or an  
27 electronic benefits transfer access card for six (6) months.

1           ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 511 IS CREATED TO  
2 READ AS FOLLOWS:

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

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

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

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

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

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

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

24 (f) Doing any digging or earth breaking.

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

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

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

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

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

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

23 (5) (a) Unlawful camping on property owned by the Commonwealth is a Class A  
24 misdemeanor. If the offense is committed during a riot:

25 1. The minimum term of imprisonment shall be six (6) months,  
26 notwithstanding KRS Chapter 532, and the person shall not be  
27 released on probation, shock probation, parole, conditional discharge,

1 or any other form of early release prior to the expiration of three (3)  
 2 months;

3 2. A fine of five hundred dollars (\$500) shall be assessed,  
 4 notwithstanding KRS 534.040; and

5 3. Any person convicted under this subsection shall be disqualified from  
 6 receiving public assistance benefits by means of a direct cash payment  
 7 or an electronic benefits transfer access card for six (6) months.

8 (b) Upon a second or subsequent offense, unlawful camping is a Class D  
 9 felony. If the offense is committed during a riot:

10 1. The minimum term of imprisonment shall be four (4) years,  
 11 notwithstanding KRS Chapter 532, and the person shall not be  
 12 released on probation, shock probation, parole, conditional discharge,  
 13 or any other form of early release prior to the person's initial parole  
 14 eligibility date consistent with administrative regulations promulgated  
 15 pursuant to KRS 439.340;

16 2. A fine of five thousand dollars (\$5,000) shall be assessed,  
 17 notwithstanding KRS 534.040; and

18 3. Any person convicted under this subsection shall be disqualified from  
 19 receiving public assistance benefits by means of a direct cash payment  
 20 or an electronic benefits transfer access card for one (1) year.

21 (c) In any conviction for a violation of this section, the court shall order full  
 22 restitution for any pecuniary loss.

23 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 512 IS CREATED TO  
 24 READ AS FOLLOWS:

25 In any conviction for a violation of Sections 10, 11, and 12 of this Act, the court shall  
 26 order full restitution for any pecuniary loss.

27 ➔Section 10. KRS 512.020 is amended to read as follows:

- 1 (1) A person is guilty of criminal mischief in the first degree when, having no right to  
2 do so or any reasonable ground to believe that he or she has such right, he or she  
3 intentionally or wantonly:
- 4 (a) Defaces, destroys, or damages any property causing pecuniary loss of \$1,000  
5 or more; or
- 6 (b) Tamper with the operations of a key infrastructure asset, as defined in KRS  
7 511.100, in a manner that renders the operations harmful or dangerous.
- 8 (2) Criminal mischief in the first degree is a Class D felony.

9 **(3) If the offense is committed during the course of a riot:**

- 10 **(a) The minimum term of imprisonment shall be four (4) years,**  
11 **notwithstanding KRS Chapter 532, and the person shall not be released on**  
12 **probation, shock probation, parole, conditional discharge, or any other**  
13 **form of early release prior to the person's initial parole eligibility date**  
14 **consistent with administrative regulations promulgated pursuant to KRS**  
15 **439.340;**
- 16 **(b) A fine of five thousand dollars (\$5,000) shall be assessed, notwithstanding**  
17 **KRS 534.040; and**
- 18 **(c) Any person convicted under this subsection shall be disqualified from**  
19 **receiving public assistance benefits by means of a direct cash payment or an**  
20 **electronic benefits transfer access card for one (1) year.**

21 ➔Section 11. KRS 512.030 is amended to read as follows:

- 22 (1) A person is guilty of criminal mischief in the second degree when, having no right  
23 to do so or any reasonable ground to believe that he has such right, he intentionally  
24 or wantonly defaces, destroys or damages any property causing pecuniary loss of  
25 \$500 or more.
- 26 (2) Criminal mischief in the second degree is a Class A misdemeanor.
- 27 **(3) If the offense is committed during the course of a riot:**

1        (a) The minimum term of imprisonment shall be six (6) months,  
2        notwithstanding KRS Chapter 532, and the person shall not be released on  
3        probation, shock probation, parole, conditional discharge, or any other  
4        form of early release prior to the expiration of three (3) months;

5        (b) A fine of five hundred dollars (\$500) shall be assessed, notwithstanding  
6        KRS 534.040; and

7        (c) Any person convicted under this subsection shall be disqualified from  
8        receiving public assistance benefits by means of a direct cash payment or an  
9        electronic benefits transfer access card for six (6) months.

10       ➔ Section 12. KRS 512.040 is amended to read as follows:

11       (1) A person is guilty of criminal mischief in the third degree when:

12       (a) Having no right to do so or any reasonable ground to believe that he has such  
13       right, he intentionally or wantonly defaces, destroys or damages any property;  
14       or

15       (b) He tampers with property so as knowingly to endanger the person or property  
16       of another.

17       (2) Criminal mischief in the third degree is a Class B misdemeanor.

18       (3) If the offense is committed during the course of a riot:

19       (a) The minimum term of imprisonment shall be three (3) months,  
20       notwithstanding KRS Chapter 532, and the person shall not be released on  
21       probation, shock probation, parole, conditional discharge, or any other  
22       form of early release prior to the expiration of forty five (45) days;

23       (b) A fine of two hundred fifty dollars (\$250) shall be assessed, notwithstanding  
24       KRS 534.040; and

25       (c) Any person convicted under this subsection shall be disqualified from  
26       receiving public assistance benefits by means of a direct cash payment or an  
27       electronic benefits transfer access card for three (3) months.



1       ➔Section 13. KRS 520.090 is amended to read as follows:

- 2       (1) A person is guilty of resisting arrest when he intentionally prevents or attempts to  
3       prevent a peace officer, recognized to be acting under color of his official authority,  
4       from effecting an arrest of the actor or another by:
- 5       (a) Using or threatening to use physical force or violence against the peace officer  
6       or another; or
- 7       (b) Using any other means creating a substantial risk of causing physical injury to  
8       the peace officer or another.
- 9       (2) Resisting arrest is a Class A misdemeanor unless committed during the course of a  
10       riot, in which case it is a Class D felony, subject to the following provisions:
- 11       (a) The minimum term of imprisonment shall be four (4) years,  
12       notwithstanding KRS Chapter 532, and the person shall not be released on  
13       probation, shock probation, parole, conditional discharge, or any other  
14       form of early release prior to the person's initial parole eligibility date  
15       consistent with administrative regulations promulgated pursuant to KRS  
16       439.340;
- 17       (b) A fine of five thousand dollars (\$5,000) shall be assessed, notwithstanding  
18       KRS 534.040; and
- 19       (c) Any person convicted under this subsection shall be disqualified from  
20       receiving public assistance benefits by means of a direct cash payment or an  
21       electronic benefits transfer access card for one (1) year.

22       ➔Section 14. KRS 525.015 is amended to read as follows:

- 23       (1) As used in this section, "emergency responder" means state or local law  
24       enforcement personnel, fire department personnel, corrections officers, and  
25       emergency medical personnel and those contracted for official use by emergency  
26       responders.
- 27       (2) No person shall intentionally obstruct or disrupt an emergency responder from

1 performing his or her official duties.

2 (3) Obstructing an emergency responder is a violation for a first offense, and a Class B  
3 misdemeanor for a second or subsequent offense unless committed during the  
4 course of a riot, in which case it is a Class D felony, subject to the following  
5 provisions:

6 (a) The minimum term of imprisonment shall be four (4) years,  
7 notwithstanding KRS Chapter 532, and the person shall not be released on  
8 probation, shock probation, parole, conditional discharge, or any other  
9 form of early release prior to the person's initial parole eligibility date  
10 consistent with administrative regulations promulgated pursuant to KRS  
11 439.340;

12 (b) A fine of five thousand dollars (\$5,000) shall be assessed, notwithstanding  
13 KRS 534.040; and

14 (c) Any person convicted under this subsection shall be disqualified from  
15 receiving public assistance benefits by means of a direct cash payment or an  
16 electronic benefits transfer access card for one (1) year.

17 ➔Section 15. KRS 525.020 is amended to read as follows:

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

19 (a) 1. He or she knowingly participates in a riot

20 2. He or she knowingly provides supplies to a riot that can be used as  
21 weapons or dangerous instruments; and

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

24 (2) Riot in the first degree is a Class D felony subject to the following provisions:

25 (a) The minimum term of imprisonment shall be four (4) years,  
26 notwithstanding KRS Chapter 532, and the person shall not be released on  
27 probation, shock probation, parole, conditional discharge, or any other

1 form of early release prior to the person's initial parole eligibility date  
 2 consistent with administrative regulations promulgated pursuant to KRS  
 3 439.340;

4 (b) A fine of five thousand dollars (\$5,000) shall be assessed, notwithstanding  
 5 KRS 534.040; and

6 (c) Any person convicted under this subsection shall be disqualified from  
 7 receiving public assistance benefits by means of a direct cash payment or an  
 8 electronic benefits transfer access card for one (1) year.

9 ➔Section 16. KRS 525.030 is amended to read as follows:

10 (1) A person is guilty of riot in the second degree when:

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

12 (b) *He or she knowingly provides supplies to a riot that can be used as weapons*  
 13 *or dangerous instruments.*

14 (2) Riot in the second degree is a Class A misdemeanor subject to the following  
 15 provisions:

16 (a) The minimum term of imprisonment shall be six (6) months,  
 17 notwithstanding KRS Chapter 532, and the person shall not be released on  
 18 probation, shock probation, parole, conditional discharge, or any other  
 19 form of early release prior to the expiration of three (3) months;

20 (b) A fine of five hundred dollars (\$500) shall be assessed, notwithstanding  
 21 KRS 534.040; and

22 (c) Any person convicted under this subsection shall be disqualified from  
 23 receiving public assistance benefits by means of a direct cash payment or an  
 24 electronic benefits transfer access card for six (6) months.

25 ➔Section 17. KRS 525.040 is amended to read as follows:

26 (1) A person is guilty of inciting to riot when he incites or urges five (5) or more  
 27 persons to create or engage in a riot.

- 1 (2) Inciting to riot is a Class A misdemeanor subject to the following provisions:  
 2 (a) The minimum term of imprisonment shall be six (6) months,  
 3 notwithstanding KRS Chapter 532, and the person shall not be released on  
 4 probation, shock probation, parole, conditional discharge, or any other  
 5 form of early release prior to the expiration of three (3) months;  
 6 (b) A fine of five hundred dollars (\$500) shall be assessed, notwithstanding  
 7 KRS 534.040; and  
 8 (c) Any person convicted under this subsection shall be disqualified from  
 9 receiving public assistance benefits by means of a direct cash payment or an  
 10 electronic benefits transfer access card for six (6) months.

11 ➔Section 18. KRS 525.060 is amended to read as follows:

- 12 (1) A person is guilty of disorderly conduct in the second degree when in a public place  
 13 and with intent to cause public inconvenience, annoyance, or alarm, or wantonly  
 14 creating a risk thereof, he:  
 15 (a) Engages in fighting or in violent, tumultuous, or threatening behavior;  
 16 (b) Makes unreasonable noise;  
 17 (c) Refuses to obey an official order to disperse issued to maintain public safety  
 18 in dangerous proximity to a fire, hazard, or other emergency;~~[- or]~~  
 19 (d) Creates a hazardous or physically offensive condition by any act that serves no  
 20 legitimate purpose; or  
 21 (e) Accosts, insults, taunts, or challenges a law enforcement officer with  
 22 offensive or derisive words, or by gestures or other physical contact, that  
 23 would have a direct tendency to provoke a violent response from the  
 24 perspective of a reasonable and prudent person.  
 25 (2) Disorderly conduct in the second degree is a Class B misdemeanor.  
 26 (3) If the offense is committed during the course of a riot:  
 27 (a) The minimum term of imprisonment shall be three (3) months,

1           notwithstanding KRS Chapter 532, and the person shall not be released on  
 2           probation, shock probation, parole, conditional discharge, or any other  
 3           form of early release prior to the expiration of forty five (45) days;

4           **(b) A fine of two hundred fifty dollars (\$250) shall be assessed, notwithstanding**  
 5           **KRS 534.040; and**

6           **(c) Any person convicted under this subsection shall be disqualified from**  
 7           **receiving public assistance benefits by means of a direct cash payment or an**  
 8           **electronic benefits transfer access card for three (3) months.**

9           ➔Section 19. KRS 525.140 is amended to read as follows:

10          (1) A person is guilty of obstructing a highway or other public passage;

11           **(a)** When having no legal privilege to do so he, alone or with other persons,  
 12           intentionally or wantonly renders any highway or public passage impassable  
 13           without unreasonable inconvenience or hazard; **or**

14           **(b) Alone or with other persons, intentionally or wantonly prevents law**  
 15           **enforcement officers from accessing an assembly, protest, demonstration, or**  
 16           **other gathering of people on a highway or public passage.**

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

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

25          (4) Obstructing a highway or other public passage is a Class B misdemeanor **unless**  
 26          **committed during the course of a riot, in which case it is a Class D felony, subject**  
 27          **to the following provisions:**

1 (a) The minimum term of imprisonment shall be four (4) years,  
 2 notwithstanding KRS Chapter 532, and the person shall not be released on  
 3 probation, shock probation, parole, conditional discharge, or any other  
 4 form of early release prior to the person's initial parole eligibility date  
 5 consistent with administrative regulations promulgated pursuant to KRS  
 6 439.340;

7 (b) A fine of five thousand dollars (\$5,000) shall be assessed, notwithstanding  
 8 KRS 534.040; and

9 (c) Any person convicted under this subsection shall be disqualified from  
 10 receiving public assistance benefits by means of a direct cash payment or an  
 11 electronic benefits transfer access card for one (1) year.

12 ➔Section 20. KRS 525.160 is amended to read as follows:

13 (1) A person is guilty of failure to disperse if he participates with two (2) or more  
 14 persons in a course of disorderly conduct likely to cause substantial harm or serious  
 15 inconvenience, annoyance or alarm, and intentionally refuses to disperse when  
 16 ordered to do so by a peace officer or other public servant engaged in executing or  
 17 enforcing the law.

18 (2) Failure to disperse is a Class B misdemeanor.

19 (3) If the offense is committed during the course of a riot:

20 (a) The minimum term of imprisonment shall be three (3) months,  
 21 notwithstanding KRS Chapter 532, and the person shall not be released on  
 22 probation, shock probation, parole, conditional discharge, or any other  
 23 form of early release prior to the expiration of forty five (45) days;

24 (b) A fine of two hundred fifty dollars (\$250) shall be assessed, notwithstanding  
 25 KRS 534.040; and

26 (c) Any person convicted under this subsection shall be disqualified from  
 27 receiving public assistance benefits by means of a direct cash payment or an

1                   electronic benefits transfer access card for three (3) months.

2           ➔SECTION 21. A NEW SECTION OF KRS 205.010 TO 205.350 IS CREATED  
3 TO READ AS FOLLOWS:

4   (1) As used in this section, "public assistance benefits" means cash assistance  
5   received via an electronic benefit transfer card or any other form of cash  
6   assistance under Title IV of the federal Social Security Act, the Supplemental  
7   Nutrition Assistance Program, or any other public assistance program  
8   administered by the Cabinet for Health and Family Services.

9   (2) Any person disqualified under Section 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18,  
10   19, or 20 of this Act from receiving public assistance benefits by means of a direct  
11   cash payment or an electronic benefits transfer access card shall lose one  
12   hundred percent (100%) of those benefits unless:

13   (a) The person can establish that he or she is married, in which case he or she  
14   shall lose fifty percent (50%) of those benefits; or

15   (b) The person can establish that he or she provides primary support to one (1)  
16   or more dependent children, in which case he or she shall lose twenty-five  
17   percent (25%) of those benefits.

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

20   Notwithstanding KRS 431.066 and 431.520, a person who has been charged with a  
21   violation of Section 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, or 20 of this Act committed  
22   during the course of a riot or Section 15, 16, or 17 of this Act shall not be released  
23   until forty-eight (48) hours have passed since the time of arrest and the person appears  
24   before a judge.

25   ➔Section 23. KRS 439.3401 is amended to read as follows:

26   (1) As used in this section, "violent offender" means any person who has been  
27 convicted of or pled guilty to the commission of:

- 1 (a) A capital offense;
- 2 (b) A Class A felony;
- 3 (c) A Class B felony involving the death of the victim or serious physical injury  
4 to a victim;
- 5 (d) An offense described in KRS 507.040 or 507.050 where the offense involves  
6 the killing of a peace officer, firefighter, or emergency medical services  
7 personnel while the peace officer, firefighter, or emergency medical services  
8 personnel was acting in the line of duty;
- 9 (e) A Class B felony involving criminal attempt to commit murder under KRS  
10 506.010 if the victim of the offense is a clearly identifiable peace officer,  
11 firefighter, or emergency medical services personnel acting in the line of duty,  
12 regardless of whether an injury results;
- 13 (f) The commission or attempted commission of a felony sexual offense  
14 described in KRS Chapter 510;
- 15 (g) Use of a minor in a sexual performance as described in KRS 531.310;
- 16 (h) Promoting a sexual performance by a minor as described in KRS 531.320;
- 17 (i) Unlawful transaction with a minor in the first degree as described in KRS  
18 530.064(1)(a);
- 19 (j) Human trafficking under KRS 529.100 involving commercial sexual activity  
20 where the victim is a minor;
- 21 (k) Criminal abuse in the first degree as described in KRS 508.100;
- 22 (l) Burglary in the first degree accompanied by the commission or attempted  
23 commission of an assault described in KRS 508.010, 508.020, 508.032, or  
24 508.060;
- 25 (m) Burglary in the first degree accompanied by commission or attempted  
26 commission of kidnapping as prohibited by KRS 509.040;~~[-or]~~
- 27 (n) Robbery in the first degree;



1        (o) Assault in the second degree committed during the course of a riot as  
2        described in Section 5 of this Act; or

3        (p) A Class D felony violation of assault in the third degree committed during  
4        the course of a riot as described in Section 6 of this Act.

5        The court shall designate in its judgment if the victim suffered death or serious  
6        physical injury.

7        (2) A violent offender who has been convicted of a capital offense and who has  
8        received a life sentence (and has not been sentenced to twenty-five (25) years  
9        without parole or imprisonment for life without benefit of probation or parole), or a  
10       Class A felony and receives a life sentence, or to death and his or her sentence is  
11       commuted to a life sentence shall not be released on probation or parole until he or  
12       she has served at least twenty (20) years in the penitentiary. Violent offenders may  
13       have a greater minimum parole eligibility date than other offenders who receive  
14       longer sentences, including a sentence of life imprisonment.

15       (3) (a) A violent offender who has been convicted of a capital offense or Class A  
16       felony with a sentence of a term of years or Class B felony shall not be  
17       released on probation or parole until he has served at least eighty-five percent  
18       (85%) of the sentence imposed.

19       (b) A violent offender who has been convicted of a violation of KRS 507.040  
20       where the victim of the offense was clearly identifiable as a peace officer, a  
21       firefighter, or emergency medical services personnel, and the victim was  
22       acting in the line of duty shall not be released on probation or parole until he  
23       or she has served at least eighty-five percent (85%) of the sentence imposed.

24       (c) A violent offender who has been convicted of a violation of KRS 507.040 or  
25       507.050 where the victim of the offense was a peace officer, a firefighter, or  
26       emergency medical services personnel, and the victim was acting in the line of  
27       duty shall not be released on probation or parole until he or she has served at

1 least fifty percent (50%) of the sentence imposed.

2 (d) Any offender who has been convicted of a homicide or fetal homicide offense  
3 under KRS Chapter 507 or 507A in which the victim of the offense died as the  
4 result of an overdose of a Schedule I controlled substance and who is not  
5 otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be  
6 released on probation, shock probation, parole, conditional discharge, or other  
7 form of early release until he or she has served at least fifty percent (50%) of  
8 the sentence imposed.

9 **(e) A violent offender who has been convicted of a violation of Section 5 of this**  
10 **Act or a Class D felony violation of Section 6 of this Act during the course**  
11 **of a riot shall not be released on probation or parole until he or she has**  
12 **served at least eighty-five percent (85%) of the sentence imposed.**

13 (4) A violent offender shall not be awarded any credit on his sentence authorized by  
14 KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his or  
15 her sentence if the credit reduces the term of imprisonment to less than eighty-five  
16 percent (85%) of the sentence.

17 (5) This section shall not apply to a person who has been determined by a court to have  
18 been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard  
19 to the offenses involving the death of the victim or serious physical injury to the  
20 victim. The provisions of this subsection shall not extend to rape in the first degree  
21 or sodomy in the first degree by the defendant.

22 (6) This section shall apply only to those persons who commit offenses after July 15,  
23 1998.

24 (7) For offenses committed prior to July 15, 1998, the version of this statute in effect  
25 immediately prior to that date shall continue to apply.

26 (8) The provisions of subsection (1) of this section extending the definition of "violent  
27 offender" to persons convicted of or pleading guilty to robbery in the first degree

1 shall apply only to persons whose crime was committed after July 15, 2002.

2 ➔SECTION 24. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO  
3 READ AS FOLLOWS:

4 *The General Assembly of the Commonwealth of Kentucky hereby finds and declares*  
5 *that:*

6 *(1) Adequate and substantial investment in law enforcement is essential to protect*  
7 *and promote the quality of life of all citizens in the Commonwealth;*

8 *(2) Governmental entities responsible for the funding of the various law enforcement*  
9 *agencies shall maintain and improve their respective financial support to the*  
10 *Commonwealth's law enforcement agencies; and*

11 *(3) The General Assembly expressly reserves the right to enact future legislation that*  
12 *would implement specific procedural requirements to ensure adequate funding*  
13 *and support of law enforcement agencies.*

14 ➔Section 25. KRS 411.100 is amended to read as follows:

15 *(1) As used in this section, "local government" means any city, county, charter*  
16 *county, urban-county government, consolidated local government, or unified*  
17 *local government.*

18 *(2)* If, within any city, any church, convent, chapel, dwelling house, house used or  
19 designed for the transaction of lawful business, vessel or shipyard, railroad or  
20 property of any kind belonging to any street or other railroad company, or any  
21 article of personal property is damaged, or if any property is taken away or damaged  
22 by any riotous or tumultuous assemblage of people, the full amount of the damage  
23 done may be recovered by the person injured by action against the *local*  
24 *government*~~[city]~~, if the *local government*~~[city authorities themselves, or with the~~  
25 ~~aid of their own citizens, ]~~could have prevented the damage.

26 *(3)* However, no such liability shall be incurred by the *local government*~~[city]~~ unless  
27 the *local government*~~[city]~~ authorities had notice or good reason to believe that a

1 riot or tumultuous assemblage was about to take place **and were grossly negligent**  
 2 in[ time to] **preventing** [prevent ]the destruction[, either by their own force or by the  
 3 aid of the citizens of the city].

4 **(4)** No person may maintain an action under this section if he has unlawfully  
 5 contributed by word or deed toward exciting or inflaming the tumult or riot, or if he  
 6 failed to do what he reasonably could toward preventing, allaying or suppressing it.

7 **(5) It is the intention of the General Assembly to provide the means to enable a**  
 8 **person injured by the Commonwealth; its cabinets, departments, bureaus, or**  
 9 **agencies; its officers, agents, or employees while acting within the scope of their**  
 10 **employment; its political or civil subdivisions; or the officers, agents, or**  
 11 **employees of its political or civil subdivisions while acting within the scope of**  
 12 **their employment to be able to bring an action under this section. The**  
 13 **Commonwealth thereby waives the sovereign immunity defense only in the**  
 14 **limited situations as set forth in this section.**

15 ➔Section 26. KRS 61.912 is amended to read as follows:

16 Any duly commissioned special law enforcement officer shall, while performing law  
 17 enforcement duties upon the public property he is hired to protect, be empowered to  
 18 arrest:

19 (1) Persons committing, in his presence and upon the public property he is hired to  
 20 protect, any misdemeanor, any traffic violation, or any other violation as defined by  
 21 KRS 500.080~~{(17)}~~;

22 (2) Provided there exists probable cause to believe a felony has been committed upon  
 23 the premises he is hired to protect, any person whom the officer reasonably and  
 24 actually believes to have committed such felony upon the public property.

25 ➔Section 27. KRS 61.914 is amended to read as follows:

26 Duly commissioned special law enforcement officers shall have the power to issue tickets  
 27 for parking violations committed upon the public property in their presence and the power

1 of peace officers under KRS 431.015 to issue citations for misdemeanors, and other  
2 violations as defined by KRS 500.080~~[(17),]~~ committed in their presence upon the public  
3 property.

4 ➔Section 28. KRS 61.168 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Body-worn camera" means a video or audio electronic recording device that  
7 is carried by or worn on the body of a public safety officer. This definition  
8 does not include a dashboard mounted camera or recording device used in the  
9 course of clandestine investigations;

10 (b) "Body-worn camera recording" or "recording" means a video or audio  
11 recording, or both, that is made by a body-worn camera during the course of a  
12 public safety officer's official duties;

13 (c) "Personal representative" means a court-appointed guardian, attorney, or agent  
14 possessing written authorization to act on behalf of a person that is involved in  
15 an incident contained in a body-worn camera recording, a person holding a  
16 power of attorney for a person that is involved in an incident contained in a  
17 body-worn camera recording, or the parent or guardian of a minor child  
18 depicted in a body-worn camera recording. If a person depicted in the  
19 recording is deceased, the term also means the personal representative of the  
20 estate of the deceased person, the deceased person's surviving spouse, parent,  
21 or adult child, the deceased person's attorney, or the parent or guardian of a  
22 surviving minor child of the deceased;

23 (d) "Public agency" has the same meaning as in KRS 61.870(1);

24 (e) "Public safety officer" means any individual that is an employee of a public  
25 agency who is certified as a first responder under KRS Chapter 311A or  
26 whose employment duties include law enforcement or firefighting activities;  
27 and

- 1 (f) "Use of force" means any action by a public safety officer that results in death,  
2 physical injury as defined in KRS 500.080(15)~~[(13)]~~, discharge of a personal  
3 body weapon, chemical agent, impact weapon, extended range impact  
4 weapon, sonic weapon, sensory weapon, conducted energy weapon, or a  
5 firearm, or involves the intentional pointing of a public safety officer's firearm  
6 at a member of the public.
- 7 (2) Except as provided in this section, the disclosure of body-worn camera recordings  
8 shall be governed by the Kentucky Open Records Act, as set forth in KRS 61.870 to  
9 61.884.
- 10 (3) The retention of body-worn camera video recordings shall be governed by KRS  
11 171.410 to 171.740, and the administrative regulations promulgated by the  
12 Kentucky Department of Libraries and Archives.
- 13 (4) Notwithstanding KRS 61.878(4), unless the request meets the criteria provided  
14 under subsection (5) of this section, a public agency may elect not to disclose body-  
15 worn camera recordings containing video or audio footage that:
- 16 (a) Includes the interior of a place of a private residence where there is a  
17 reasonable expectation of privacy, unless the legal owner or lessee with legal  
18 possession of the residence requests in writing that the release be governed  
19 solely under the provisions of KRS 61.870 to 61.884;
- 20 (b) Includes the areas inside of a medical facility, counseling, or therapeutic  
21 program office where a patient is registered to receive treatment, receiving  
22 treatment, waiting for treatment, or being transported in the course of  
23 treatment;
- 24 (c) Would disclose health care information shared with patients, their families, or  
25 with a patient's care team or that is considered protected health information  
26 under the Health Insurance Portability and Accountability Act of 1996;
- 27 (d) Includes the areas inside of a correctional facility when disclosure would

- 1 reveal details of the facility that would jeopardize the safety, security, or well-  
2 being of those in custody, the staff of the correctional facility, or law  
3 enforcement officers;
- 4 (e) Is of a sexual nature or video footage that contains nude images of an  
5 individual's genitals, pubic area, anus, or the female nipple;
- 6 (f) Is of a minor child, including but not limited to footage involving juvenile  
7 custody matters;
- 8 (g) Includes the body of a deceased individual;
- 9 (h) Would reveal the identity of witnesses, confidential law enforcement  
10 informants, or undercover law enforcement officers, or if the release could  
11 jeopardize the safety, security, or well-being of a witness or confidential  
12 informant;
- 13 (i) Would reveal the location information of a domestic violence program or  
14 emergency shelter;
- 15 (j) Would reveal information related to schools, colleges, and universities that is  
16 protected by the federal Family Educational Rights and Privacy Act;
- 17 (k) Would result in the disclosure of nonpublic or confidential data classified as  
18 Criminal Justice Information Services data by the Federal Bureau of  
19 Investigation;
- 20 (l) Includes a public safety officer carrying out duties directly related to the  
21 hospitalization of persons considered mentally ill;
- 22 (m) Includes the depiction of the serious injury or death of a public safety officer;  
23 or
- 24 (n) Includes footage made in conjunction with a law enforcement exercise that  
25 includes special response team actions, hostage negotiations, or training  
26 events, but only where the public release of tactics, operational protocol, or  
27 methodology would disadvantage the capability of public safety officers to

1           successfully respond in emergency or other dangerous situations.

2   (5) If the recording contains video or audio footage that:

3       (a) Depicts an encounter between a public safety officer where there is a use of  
4       force, the disclosure of the record shall be governed solely by the provisions  
5       of KRS 61.870 to 61.884, including all of the exceptions contained therein;

6       (b) Depicts an incident which leads to the detention or arrest of an individual or  
7       individuals, the disclosure of the record shall be governed solely by the  
8       provisions of KRS 61.870 to 61.884, including all of the exceptions contained  
9       therein;

10      (c) Depicts an incident which is the subject of a formal complaint submitted  
11      against a public safety officer under KRS 15.520, 67C.326, or 95.450, or  
12      depicts an incident which is the subject of a formal legal or administrative  
13      complaint against the agency employing the public safety officer, the release  
14      of the record shall be governed by the provisions of KRS 61.870 to 61.884,  
15      including all of the exceptions contained therein; or

16      (d) Is requested by a person or other entity or the personal representative of a  
17      person or entity that is directly involved in the incident contained in the body-  
18      worn camera recording, it shall be made available by the public agency to the  
19      requesting party for viewing on the premises of the public agency, but the  
20      public agency shall not be required to make a copy of the recording except as  
21      provided in KRS 61.169. The requesting parties shall not be limited in the  
22      number of times they may view the recording under this paragraph.

23   (6) Nothing in this section or KRS 61.169 shall be interpreted to override any provision  
24   related to:

25      (a) Reports by law enforcement officers and criminal justice agencies under KRS  
26      17.150;

27      (b) The law and rules governing discovery or the submission and display of



1 evidence in any court proceeding, whether criminal or civil, or any  
2 administrative proceeding; or

3 (c) The provisions of KRS 189A.100.

4 ➔Section 29. KRS 525.010 is amended to read as follows:

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

- 6 (1) "Desecrate" means defacing, damaging, polluting, or otherwise physically  
7 mistreating in a way that the actor knows will outrage the sensibilities of persons  
8 likely to observe or discover his action.
- 9 (2) "Public" means affecting or likely to affect a substantial group of persons.
- 10 (3) "Public place" means a place to which the public or a substantial group of persons  
11 has access and includes but is not limited to highways, transportation facilities,  
12 schools, places of amusements, parks, places of business, playgrounds, and  
13 hallways, lobbies, and other portions of apartment houses and hotels not  
14 constituting rooms or apartments designed for actual residence. An act is deemed to  
15 occur in a public place if it produces its offensive or proscribed consequences in a  
16 public place.
- 17 (4) "Transportation facility" means any conveyance, premises, or place used for or in  
18 connection with public passenger transportation by air, railroad, motor vehicle, or  
19 any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat,  
20 railroad, and bus terminals and stations and all appurtenances thereto.
- 21 ~~(5) ["Riot" means a public disturbance involving an assemblage of five (5) or more~~  
22 ~~persons which by tumultuous and violent conduct creates grave danger of damage~~  
23 ~~or injury to property or persons or substantially obstructs law enforcement or other~~  
24 ~~government function.~~
- 25 ~~(6)~~ "Service animal" includes a:
- 26 (a) "Bomb detection dog," which means a dog that is trained to locate bombs or  
27 explosives by scent;

- 1 (b) "Narcotic detection dog," which means a dog that is trained to locate narcotics  
2 by scent;
- 3 (c) "Patrol dog," which means a dog that is trained to protect a peace officer and  
4 to apprehend a person;
- 5 (d) "Tracking dog," which means a dog that is trained to track and find a missing  
6 person, escaped inmate, or fleeing felon;
- 7 (e) "Search and rescue dog," which means a dog that is trained to locate lost or  
8 missing persons, victims of natural or man-made disasters, and human bodies;
- 9 (f) "Accelerant detection dog," which means a dog that is trained for accelerant  
10 detection, commonly referred to as arson canines;
- 11 (g) "Cadaver dog," which means a dog that is trained to find human remains;
- 12 (h) "Assistance dog," which means any dog that is trained to meet the  
13 requirements of KRS 258.500;
- 14 (i) Any dog that is trained in more than one (1) of the disciplines specified in  
15 paragraphs (a) to (h) of this subsection; or
- 16 (j) "Police horse," which means any horse that is owned, or the service of which  
17 is employed, by a law enforcement agency for the principal purpose of aiding  
18 in detection of criminal activity, enforcement of laws, and apprehension of  
19 offenders.

20 ➔Section 30. KRS 532.100 is amended to read as follows:

- 21 (1) As used in this section, "jail" means a "jail" or "regional jail" as defined in KRS  
22 441.005.
- 23 (2) When an indeterminate term of imprisonment is imposed, the court shall commit  
24 the defendant to the custody of the Department of Corrections for the term of his or  
25 her sentence and until released in accordance with the law.
- 26 (3) When a definite term of imprisonment is imposed, the court shall commit the  
27 defendant to a jail for the term of his or her sentence and until released in

1 accordance with the law.

2 (4) When a sentence of death is imposed, the court shall commit the defendant to the  
3 custody of the Department of Corrections with directions that the sentence be  
4 carried out according to law.

5 (5) (a) The provisions of KRS 500.080(~~6~~)(~~5~~) notwithstanding, if a Class D felon is  
6 sentenced to an indeterminate term of imprisonment of five (5) years or less,  
7 he or she shall serve that term in a jail in a county in which the fiscal court has  
8 agreed to house state prisoners; except that, when an indeterminate sentence  
9 of two (2) years or more is imposed on a Class D felon convicted of a sexual  
10 offense enumerated in KRS 197.410(1), or a crime under KRS 17.510(11) or  
11 (12), the sentence shall be served in a state institution. Counties choosing not  
12 to comply with the provisions of this paragraph shall be granted a waiver by  
13 the commissioner of the Department of Corrections.

14 (b) The provisions of KRS 500.080(~~6~~)(~~5~~) notwithstanding, a Class D felon who  
15 received a sentence of more than five (5) years for nonviolent, nonsexual  
16 offenses, but who currently has less than five (5) years remaining to be served,  
17 may serve the remainder of his or her term in a jail in a county in which the  
18 fiscal court has agreed to house state prisoners.

19 (c) 1. The provisions of KRS 500.080(~~6~~)(~~5~~) notwithstanding, and except as  
20 provided in subparagraph 2. of this paragraph, a Class C or D felon with  
21 a sentence of more than five (5) years who is classified by the  
22 Department of Corrections as community custody shall serve that term  
23 in a jail in a county in which the fiscal court has agreed to house state  
24 prisoners if:

- 25 a. Beds are available in the jail;
- 26 b. State facilities are at capacity; and
- 27 c. Halfway house beds are being utilized at the contract level as of

1                                July 15, 2000.

2                                2.    When an indeterminate sentence of two (2) years or more is imposed on  
3                                a felon convicted of a sex crime, as defined in KRS 17.500, or any  
4                                similar offense in another jurisdiction, the sentence shall be served in a  
5                                state institution.

6                                3.    Counties choosing not to comply with the provisions of this paragraph  
7                                shall be granted a waiver by the commissioner of the Department of  
8                                Corrections.

9                                (d)   Any jail that houses state inmates under this subsection shall offer programs  
10                                as recommended by the Jail Standards Commission. The Department of  
11                                Corrections shall adopt the recommendations of the Jail Standards  
12                                Commission and promulgate administrative regulations establishing required  
13                                programs for a jail that houses state inmates under this subsection. The  
14                                Department of Corrections shall approve programming offered by jails to state  
15                                inmates for sentencing credits in accordance with KRS 197.045.

16                                (e)   Before housing any female state inmate, a jail shall be certified pursuant to  
17                                KRS 197.020.

18                                (f)   1.    a.    If a jail is at or over one hundred fifty percent (150%) capacity, the  
19                                Department of Corrections may direct the jail to transfer a  
20                                specified number of state prisoners to vacant beds at other  
21                                designated jails or state institutions. As used in this paragraph,  
22                                "capacity" means the capacity listed on the certificate of occupancy  
23                                issued each year to the jail by the Department of Corrections.

24                                b.    The Department of Corrections shall choose which state prisoners  
25                                are eligible for transfer based on the security level of the vacant  
26                                bed at the receiving jail or state institution.

27                                c.    State prisoners who are approved for transfer to a Department of

- 1 Corrections facility for necessary medical treatment and care  
2 pursuant to KRS 441.560 shall not be transferred to another jail.
- 3 d. State prisoners enrolled in a Department of Corrections approved  
4 program pursuant to KRS 197.045 shall not be transferred.
- 5 e. State prisoners awaiting trial in the county they are being housed  
6 shall not be transferred.
- 7 f. Jails that receive state prisoners pursuant to this subparagraph shall  
8 be responsible for the transportation of those prisoners to the jail.
- 9 2. If the Department of Corrections directs the transfer of a state prisoner  
10 pursuant to subparagraph 1. of this paragraph, the jailer has fourteen (14)  
11 days to transfer the state prisoner. If the jailer refuses to release custody  
12 of the state prisoner to the receiving jail within fourteen (14) days, the  
13 department shall reduce the per diem for the jail for an amount equal to  
14 the per diem of that prisoner for each day the jailer refuses to comply  
15 with the direction.
- 16 3. If the Department of Corrections directs the transfer of a state prisoner  
17 pursuant to subparagraph 1. of this paragraph, the jailer of the receiving  
18 jail shall accept the transfer and transport the state prisoner in  
19 accordance with subparagraph 1.f. of this paragraph. If, after receiving a  
20 copy of the direction, the jailer refuses to accept and transport the state  
21 prisoner, the Department of Corrections shall reduce the per diem for the  
22 receiving jail for an amount equal to the per diem of that prisoner for  
23 each day the jailer refuses to comply with the direction.
- 24 4. If a jail has a vacant bed and has a Class C or Class D felon who, based  
25 on the Department of Corrections classification system, is eligible to be  
26 housed in that vacant bed, the department may direct the jail to transfer  
27 the state prisoner to that bed. If the jailer refuses to transfer the state

1 prisoner to the vacant bed, the Department of Corrections shall reduce  
2 the per diem for the jail for an amount equal to the per diem of that  
3 prisoner for each day the jailer refuses to comply with the direction.

4 5. The per diem reduced pursuant to subparagraph 2., 3., or 4. of this  
5 paragraph shall be enforced by withholding the amount from the per  
6 diem paid to the jail pursuant to KRS 431.215(2).

7 6. If a jail that is at or over one hundred fifty percent (150%) capacity  
8 requests the transfer of a specified number of state prisoners, the  
9 Department of Corrections may, if vacant beds are available at other  
10 jails, direct the transfer in accordance with subparagraph 1. of this  
11 paragraph.

12 (g) If a jail has vacant beds in an area of the jail usually reserved for state  
13 prisoners, the jail may house county prisoners in that area.

14 (6) The jailer of a county in which a Class D felon or a Class C felon is incarcerated  
15 may request the commissioner of the Department of Corrections to incarcerate the  
16 felon in a state corrections institution if the jailer has reasons to believe that the  
17 felon is an escape risk, a danger to himself or herself or other inmates, an extreme  
18 security risk, or needs protective custody beyond that which can be provided in a  
19 jail. The commissioner of the Department of Corrections shall evaluate the request  
20 and transfer the inmate if he or she deems it necessary. If the commissioner refuses  
21 to accept the felon inmate, and the Circuit Judge of the county that has jurisdiction  
22 of the offense charged is of the opinion that the felon cannot be safely kept in a jail,  
23 the Circuit Judge, with the consent of the Governor, may order the felon transferred  
24 to the custody of the Department of Corrections.

25 (7) Class D felons and Class C felons serving their time in a jail shall be considered  
26 state prisoners, and, except as provided in subsection (5)(f) of this section, the  
27 Department of Corrections shall pay the jail in which the prisoner is incarcerated a

1 per diem amount determined according to KRS 431.215(2). For other state  
2 prisoners and parole violator prisoners, the per diem payments shall also begin on  
3 the date prescribed in KRS 431.215(2), except as provided in subsection (5)(f) of  
4 this section.

5 (8) State prisoners, excluding the Class D felons and Class C felons qualifying to serve  
6 time in jails, shall be transferred to the state institution within forty-five (45) days of  
7 final sentencing.

8 (9) (a) Class D felons eligible for placement in a jail may be permitted by the warden  
9 or jailer to participate in any approved community work program or other  
10 form of work release with the approval of the commissioner of the  
11 Department of Corrections.

12 (b) The authority to release an inmate to work under this subsection may be  
13 exercised at any time during the inmate's sentence, including the period when  
14 the court has concurrent authority to permit work release pursuant to KRS  
15 439.265.

16 (c) The warden or jailer may require an inmate participating in the program to pay  
17 a fee to reimburse the warden or jailer for the cost of operating the community  
18 work program or any other work release program. The fee shall not exceed the  
19 lesser of fifty-five dollars (\$55) per week or twenty percent (20%) of the  
20 prisoner's weekly net pay earned from the community work program or work  
21 release participation. In addition, the inmate may be required to pay for any  
22 drug testing performed on the inmate as a requirement of the community work  
23 program or work release participation.

24 (d) This subsection shall not apply to an inmate who:

- 25 1. Is not eligible for work release pursuant to KRS 197.140;
- 26 2. Has a maximum or close security classification as defined by  
27 administrative regulations promulgated by the Department of

1                    Corrections;

2                    3.    Is subject to the provisions of KRS 532.043; or

3                    4.    Is in a reentry center as defined in KRS 441.005.

4                    ➔Section 31.   KRS 525.200 is amended to read as follows:

5    (1)   A person is guilty of assault on a service animal in the first degree when, without  
6           legal justification or lawful authority:

7           (a)   He or she intentionally kills or causes serious physical injury to a service  
8           animal;

9           (b)   He or she intentionally causes physical injury to a service animal by means of  
10           a deadly weapon or dangerous instrument; or

11           (c)   He or she wantonly causes serious physical injury to a service animal by  
12           means of a deadly weapon or dangerous instrument.

13    (2)   For the purposes of this section, "service animal" has the same meaning as in KRS  
14           525.010, except that "service animal" does not include assistance dogs as in KRS  
15           525.010~~(5)~~~~(6)~~(h).

16    (3)   Assault on a service animal in the first degree is a Class D felony.

17           ➔Section 32.   This Act may be cited as the Community and First Responder  
18    Protection Act.