

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 519.010 is amended to read as follows:

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

5 (1) **"Benefit" means gain or advantage to the beneficiary or to a third person**  
6 **pursuant to the desire or consent of the beneficiary;**

7 (2) **"Emergency response" means a response by two (2) or more first responders to a**  
8 **reported incident and the response jeopardizes or could jeopardize public safety;**

9 (3) **"First responder" means:**

10 (a) **Peace officer;**

11 (b) **Fire personnel;**

12 (c) **Paid or volunteer emergency medical services personnel certified or**  
13 **licensed pursuant to KRS Chapter 311A; or**

14 (d) **Private not-for-profit organization personnel providing fire, rescue, or**  
15 **emergency medical services;**

16 (4) "Governmental function" means any activity which a public servant is legally  
17 authorized to undertake on behalf of the governmental unit which he **or she** serves;

18 (5)~~(2)~~ "Public record" includes all books, papers, maps, photographs, cards, tapes,  
19 discs, diskettes, recordings, magnetic or electronic images, optical images or other  
20 documentary materials regardless of physical form or characteristics, which are  
21 prepared, owned, used, in the possession of, received or retained by a public agency.

22 "Public record" shall not include any records owned by a private person or  
23 corporation that are not related to functions, activities, programs, or operations  
24 funded by state or local authority;

25 (6)~~(3)~~ "Public servant" means:

26 (a) Any public officer or employee of the state or of any political subdivision  
27 thereof or of any governmental instrumentality within the state;

- 1 (b) Any person exercising the functions of any~~[-such]~~ public officer or employee;
- 2 (c) Any person participating as advisor, consultant, or otherwise in performing a
- 3 governmental function, but not including witnesses; or
- 4 (d) Any person elected, appointed or designated to become a public servant
- 5 although not yet occupying that position~~[-];~~

6 ~~(4) As used in this chapter, "benefit" means gain or advantage to the beneficiary or to a~~

7 ~~third person pursuant to the desire or consent of the beneficiary].~~

8 ➔Section 2. KRS 519.040 is amended to read as follows:

- 9 (1) A person is guilty of falsely reporting an incident when *the person*~~[he]~~:
- 10 (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to
- 11 or within any organization, official or volunteer, that deals with emergencies
- 12 involving danger to life or property, *and the false report results in an*
- 13 *emergency response*; or
- 14 (b) Reports to law enforcement authorities an offense or incident within their
- 15 official concern knowing that it did not occur; or
- 16 (c) Furnishes law enforcement authorities with information allegedly relating to
- 17 an offense or incident within their official concern when *the person*~~[he]~~
- 18 knows he *or she* has no information relating to such offense or incident; or
- 19 (d) Knowingly gives false information to any law enforcement officer with intent
- 20 to implicate another; or
- 21 (e) Initiates or circulates a report or warning of an alleged occurrence or
- 22 impending occurrence of a fire or other emergency under circumstances likely
- 23 to cause public inconvenience or alarm when *the person*~~[he]~~ knows the
- 24 information reported, conveyed, or circulated is false or baseless, *and the*
- 25 *false report results in an emergency response*.
- 26 (2) *(a)* Falsely reporting an incident *under subsection (1)(b), (c), or (d) of this*
- 27 *section* is a Class A misdemeanor.

1        (b) Falsely reporting an incident under subsection (1)(a) or (e) of this section is  
 2                    a Class D felony.

3        (3) Any violation under this section may be prosecuted in any county where:

4            (a) The defendant resides;

5            (b) The false report was communicated; or

6            (c) There was an emergency response to the false report.

7        (4) (a) The court, in imposing a sentence on a defendant who has been convicted  
 8                    of any offense under this section, shall order restitution to:

9            1. Any agency or organization for the reasonable costs of the emergency  
 10                    response incurred by that agency or organization resulting from the  
 11                    false report; and

12            2. Any person who suffered damages caused by the agency or  
 13                    organization that provided an emergency response.

14        (b) An order of restitution under this subsection shall, for the purpose of  
 15                    enforcement, be treated as a civil judgment.

16        ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO  
 17 READ AS FOLLOWS:

18        (1) In addition to any restitution ordered by the court under subsection (4) of Section  
 19                    2 of this Act, any person who suffers harm as a result of a violation of subsection  
 20                    (1)(a) or (e) of Section 2 of this Act may recover damages in a civil cause of  
 21                    action against the alleged perpetrator, including but not limited to damages for  
 22                    infliction of emotional distress, compensatory and punitive damages, court costs,  
 23                    and reasonable attorney's fees.

24        (2) The action may be filed in a court of competent jurisdiction for the county in  
 25                    which the alleged violation occurred or the plaintiff resides.

26        (3) An individual found liable under this section shall be jointly and severally liable  
 27                    with each other person, if any, found liable under this section for the damages

1           *arising from the same violation of Section 2 of this Act.*

2           ➔Section 4. KRS 134.127 is amended to read as follows:

3       (1) (a) The following persons may pay to the county clerk at any time the total  
4           amount due on a certificate of delinquency or personal property certificate of  
5           delinquency that is owned by the taxing jurisdictions and in the possession of  
6           the county clerk. It shall be the responsibility of the person seeking to pay the  
7           county clerk to provide sufficient proof to the county clerk that he or she  
8           meets the requirements to pay under this paragraph. The county clerk shall be  
9           held harmless if he or she relies upon information provided and accepts  
10          payment from a person not qualified to pay under this paragraph. The county  
11          clerk may also accept partial payments from these persons:

12           1. The person primarily liable on the certificate of delinquency or personal  
13           property certificate of delinquency, or a person paying on behalf of the  
14           person primarily liable on the certificate, provided that a person paying  
15           on behalf of the person primarily liable on the certificate under this  
16           paragraph shall, notwithstanding the provisions of KRS 134.126(5), be  
17           treated in the same manner as the person primarily liable on the  
18           certificate and shall not be treated as an assignee or a transferee under  
19           the provisions of this chapter; and

20           2. The following persons may pay a certificate of delinquency or personal  
21           property certificate of delinquency that relates to the specific property in  
22           which he or she has an interest, other than a person whose only interest  
23           in the property is an interest resulting from a prior year certificate of  
24           delinquency:

25           a. Any person having a legal or equitable estate in real property  
26           subject to a certificate of delinquency;

27           b. A tenant or lawful occupant of real property, or a bailee or person

1 in possession of any personal property; or

2 c. Any person having a mortgage on real property or a security  
3 interest in real or personal property.

4 Upon full payment of a certificate of delinquency under this  
5 subparagraph, KRS 134.126(5), (6), (7), and (8) shall apply regarding  
6 the rights and interests of the person making the payment.

7 (b) Any other person may pay the total amount due on a certificate of delinquency  
8 that is owned by the taxing jurisdictions and in the possession of the county  
9 clerk to the county clerk after ninety (90) days have passed from the filing of  
10 the tax claims with the county clerk in accordance with KRS 134.128.

11 (c) 1. Only the persons listed in paragraph (a) of this subsection may pay a  
12 personal property certificate of delinquency. Personal property  
13 certificates of delinquency shall not be included in any sale conducted  
14 under KRS 134.128, and may not be purchased by any third party not  
15 specifically listed in paragraph (a) of this subsection.

16 2. A certificate of delinquency on property of a public service company  
17 that is centrally assessed, and that includes personal property and real  
18 property on the same certificate of delinquency, shall be treated for all  
19 purposes as a certificate of delinquency on real property.

20 (2) The duties of the county clerk with regard to payment of a certificate of delinquency  
21 or personal property certificate of delinquency by a person other than the person  
22 primarily liable on the certificate, are set forth in KRS 134.126(5) and (6).

23 (3) (a) The delinquent taxpayer or any person having a legal or equitable estate in the  
24 property covered by a certificate of delinquency may, at any time, pay the total  
25 amount due to a third-party purchaser of a certificate of delinquency. The  
26 third-party purchaser may also accept payment from any other person at any  
27 time.

- 1 (b) When full payment for a certificate of delinquency is made to a third-party  
2 purchaser, the third-party purchaser shall execute a release of the lien in  
3 accordance with the provisions of KRS 382.365. The remedies included in  
4 KRS 382.365 shall apply if the third-party purchaser fails to release the lien as  
5 provided in KRS 382.365.
- 6 (c) Any person other than the person primarily liable on a certificate of  
7 delinquency who pays a certificate of delinquency to a third-party purchaser  
8 may, by paying a fee pursuant to KRS 64.012, have the county clerk record  
9 the payment, and the recordation shall constitute an assignment thereof, and  
10 KRS 134.126(6) and (8) shall apply. Failure of an assignee to record the  
11 assignment shall render the claim of such person to any real estate represented  
12 thereby inferior to the rights of other bona fide purchasers, payors, or  
13 creditors.
- 14 (d) If the third-party purchaser fails to release the lien in accordance with the  
15 provisions of KRS 382.365, or to surrender the certified copy of the certificate  
16 of delinquency to the person making full payment within thirty (30) days after  
17 payment has been tendered at the mailing address designated in the notice  
18 required by KRS 134.490 or the mailing address of record in the county clerk's  
19 office if no notice has been provided as required by KRS 134.490, the person  
20 making the payment shall have all of the remedies provided in KRS 382.365.
- 21 (e) 1. A person entitled to make payment under this section who is having  
22 difficulty locating the third-party purchaser of the certificate of  
23 delinquency to make payment may send a registered letter addressed to  
24 the third-party purchaser of record at the address reflected in the most  
25 recent notice received from the third-party purchaser pursuant to KRS  
26 134.490, or if no notice has been received, at the address reflected in the  
27 records of the county clerk, indicating a desire to make payment. If the

1 letter is returned by mail unclaimed, or if the third-party purchaser fails  
2 to respond in writing within thirty (30) days, the sender may take to the  
3 county clerk as proof of mailing the certified mail receipts stamped by  
4 the post office showing that the certified letter was mailed to the correct  
5 address and the date it was mailed. If the letter was returned, the sender  
6 shall also provide the returned letter to the clerk. The sender shall attest  
7 under oath that the letter was mailed to the correct address, and if the  
8 letter was not returned, the attestation shall also provide that the third-  
9 party purchaser did not respond in writing within thirty (30) days of the  
10 date the letter was mailed. The department shall develop attestation  
11 forms for distribution to the county clerks that include a notice that any  
12 false statement made in the attestation shall be punishable by law. The  
13 form shall be a public record as defined in ~~under~~ KRS 519.010~~(2)~~,  
14 subject to KRS 519.060(1)(a). The clerks' taking of such testimony shall  
15 be an official proceeding under KRS 523.010(3).

16 2. Upon the acceptance of proof and attestation by the county clerk that the  
17 person has failed in his or her attempt to contact the third-party  
18 purchaser about making payment, the person may pay the full amount  
19 due as reflected in the records maintained by the county clerk plus  
20 applicable interest, and the county clerk shall make the necessary  
21 assignment or release of the certificate of delinquency. The county clerk  
22 shall also discharge any notice filed pursuant to KRS 382.440 or  
23 382.450 as provided in KRS 382.470, except the county clerk shall  
24 prepare and record an in-house release executed by the county clerk  
25 along with the proof of payment, rather than requiring the signature or  
26 writing as required by KRS 382.470. The clerk shall receive a fee  
27 pursuant to KRS 64.012 for recording the release.

- 1           3.    The county clerk shall deposit the money paid in an escrow account for  
2                    this specific purpose in a bank having its deposits insured with the  
3                    Federal Deposit Insurance Corporation. The name of the bank in which  
4                    the money is deposited shall be noted on the certificate of delinquency.  
5                    The county clerk may maintain one (1) escrow account for all deposits  
6                    made pursuant to this subparagraph and shall maintain a record  
7                    reflecting the amount due each owner of a certificate of delinquency.
- 8           4.    The county clerk may deduct the sum of twenty dollars (\$20) as a fee for  
9                    such service.
- 10          5.    The county clerk shall mail a copy of the certificate of delinquency by  
11                    regular mail to the third-party purchaser of record at the address on the  
12                    certificate of delinquency.
- 13          6.    If any county clerk fails to pay to the person entitled thereto, upon  
14                    written demand clearly identified as a demand for payment, the money  
15                    received in payment of a certificate of delinquency, the county clerk and  
16                    the county clerk's sureties shall be liable for the amount of the payment  
17                    and twenty percent (20%) interest thereon annually from the fifteenth  
18                    day after the time the county clerk received the written demand until  
19                    paid.
- 20   (4)   Copies of the records provided for in this section and KRS 134.126, when certified  
21                    by the county clerk, shall be evidence of the facts stated in them in all the courts of  
22                    this state.