

1 AN ACT relating to privacy.

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

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

5 *(1) As used in this section, unless the context otherwise requires:*

6 *(a) "Officer" means any local, state, or federal official who is employed or*
7 *contracted by a governmental agency in Kentucky and includes:*

8 *1. "Law enforcement officer" as defined in KRS 15.310;*

9 *2. "Peace officer" as defined in KRS 446.010; and*

10 *3. "Police officer" as defined in KRS 15.420;*

11 *(b) "Private open land" means land, including open fields, but excluding any*
12 *homes or buildings and the curtilage around them, that is owned, leased,*
13 *used, or lawfully occupied by a person or a nongovernmental entity; and*

14 *(c) "Search warrant" means a warrant that is supported by individualized*
15 *probable cause and issued by a court of competent jurisdiction;*

16 *(2) An officer shall not enter or access private open land for any surveillance or*
17 *installation of surveillance devices without a search warrant unless the officer:*

18 *(a) Has received the permission of the property owner, lessee, or lawful*
19 *occupant;*

20 *(b) Upon probable cause, is responding to an exigent circumstance, including a*
21 *life-threatening emergency or another immediate threat to public safety that*
22 *was either reported to or personally observed by the officer; or*

23 *(c) Upon probable cause, is dispatching crippled or distressed wildlife that the*
24 *officer has personally observed.*

25 *(3) (a) Upon entering private open land, the officer shall immediately notify the*
26 *landowner, lessee, or lawful occupant, if notice can reasonably be made,*
27 *unless the officer is in possession of a search warrant allowing surveillance*

1 or surveillance-related activities.
2 (b) If an officer is equipped with a body-worn camera or other audio-visual or
3 audio recording device while entering private open land, the body-worn
4 camera or other audio visual or audio recording device shall be activated
5 and recording the entire time the officer is on the private open land.

6 ➔Section 2. If any provision of this Act or the application thereof to any person
7 or circumstances is held invalid, the invalidity shall not affect other provisions or
8 applications of the Act that can be given effect without the invalid provision or
9 application, and to this end the provisions of this Act are severable.